ABOUT THIS HANDBOOK / DISCLAIMER

These policies apply to all HART employees except to the extent that they are subject to a collective bargaining agreement which sets forth different terms and conditions of employment. In which case, the collective bargaining agreement will apply. HART complies with all federal, state or local laws applicable to the policies in this manual.

A policy is a statement of general objective, intent, or guideline. HART reserves the right to amend, supplement or rescind any policy or any provision contained in this manual as HART may deem appropriate in its sole and absolute discretion, whether or not in writing. In the event these policies conflict with HART Board policies, Board policies will apply. If the application of a policy contained herein is unclear, employees should contact the Human Resources Department for interpretation and assistance.

All employees of HART are employees at will unless subject to a specific signed written contract specifying employment for a particular term. Employment at will means an employee may be transferred, reassigned, demoted, or his or her employment may be terminated, with or without cause, and with or without notice. Either the employee or HART may terminate the employment relationship at will for any reason not prohibited by law or written Company policy in effect at the time of termination. Any practices that are or may appear to be at variance with this manual do not result in a waiver of the at-will status in any way, unless authorized in writing by the HART Chief Executive Officer. This handbook issued on September 12, 2016 supersedes all previous and prior handbooks.
Table of Contents

Mission, Vision, Core Values & Goals ........................................................................................................ 6
Welcome Statement ......................................................................................................................................... 6
Section 1 - Governing Principles of Employment .................................................................................... 7
  400 General Provisions (HART Board Policy Manual) ............................................................................. 7
  400.01 General Provisions ....................................................................................................................... 7
  400.02 Administration ............................................................................................................................. 7
  400.03 Application Process ..................................................................................................................... 7
  400.04 Prior Employment; Background Checks ..................................................................................... 7
  400.05 Reduction in Force Policy ........................................................................................................... 7
  410 Professionalism (HART Board Policy Manual) ............................................................................... 7
  410.01 Professionalism and Professional Conduct .................................................................................. 7
  410.02 Employee Ethics and Conflict of Interests .................................................................................. 7
  410.03 Workplace Threats and Violence ............................................................................................... 7
  410.04 Use, Threatening Use or Possession of Unauthorized Weapon or Firearm ......................... 7
  410.05 Workplace Discrimination and Harassment Prevention Policy .............................................. 7
  410.06 Employee Whistleblower Policy ................................................................................................. 7
  410.07 Appeals ........................................................................................................................................ 7
  420 Equal Opportunity (HART Board Policy Manual) ......................................................................... 7
  420.01 Equal Employment Opportunity ............................................................................................... 7
  420.02 Employees and Applicants – Americans with Disabilities Act (ADA) .................................... 7
  430 Substance Abuse Program Policy ................................................................................................... 7
  430.01 Drug and Alcohol Free Workplace ............................................................................................ 7
  430.02 Substance Abuse Program Policy ............................................................................................. 7

Section 2 - Employment Policies .................................................................................................................. 8
  2-1. Hiring Policy ..................................................................................................................................... 8
  2-2. Physical Examinations ..................................................................................................................... 8
  2-3. Types of Appointment ..................................................................................................................... 9
  2-3.1 Employment of Temporary Employees ....................................................................................... 9
  2-4. Probationary Period ......................................................................................................................... 10
  2-5. Changes to Appointments ............................................................................................................... 11
  2-6. Employment Records ..................................................................................................................... 12
  2-7. Duty to Report .................................................................................................................................. 13
  2-8. Working Hours and Schedule ......................................................................................................... 13
  2-9. Timekeeping ..................................................................................................................................... 15
  2-10. Safe Harbor Policy for Exempt Employees ................................................................................ 16
  2-11. Emergency Closing ....................................................................................................................... 17
  2-12. Paychecks and Direct Deposit ...................................................................................................... 18
  2-13. Performance Reviews ................................................................................................................... 18
  2-14. Employee Identification ............................................................................................................... 18
  2-15. Record Retention .......................................................................................................................... 19
  2-16. Termination of Employment ......................................................................................................... 19
  2-17. Rehire .............................................................................................................................................. 19
  2-18. Exit Interview ................................................................................................................................ 19
4-2. Punctuality and Attendance ................................................................. 50
4-3. Use of Communication and Computer Systems .................................. 50
4-4. Camera Phones/Recording Devices ...................................................... 53
4-5. Smoking .......................................................................................... 53
4-6. Solicitation and Distribution .............................................................. 54
4-7. Bulletin Boards ............................................................................. 56
4-8. Communication/Information ............................................................. 56
4-9. Confidential Company Information .................................................. 57
4-10. Blogging and Social Media ............................................................... 57
4-11. Use of Equipment and Facilities ....................................................... 61
4-12. Health and Safety ...................................................................... 62
4-13. Employee Dress and Personal Appearance .................................... 64
4-14. Public Information .................................................................. 67
4-15. Parking .................................................................................... 67
4-16. Trespass Policy ...................................................................... 67
4-17. Workplace Bullying .................................................................. 68

Attachment: Chapter 400 EMPLOYMENT POLICIES (HART Policy Manual)
Welcome

For those of you who are beginning employment with HART, we would like to extend a warm and sincere welcome to you. As part of the HART team, you are the driving force behind our community’s transit system. The work you do helps make life happen for tens of thousands of people each day in our community.

You are joining an innovative organization that is driven to be a:

- Change agent
- Transportation Agency of Choice, and
- Employer of Choice

We extend to you our best wishes for your success and happiness here at HART.

[Learn about the HART Leadership Team at http://www.gohart.org/Pages/about-hart-team.aspx]
Section 1 - Governing Principles of Employment

See references below to HART policies in Chapter 400 of the HART Board Policy Manual:

400 General Provisions (HART Board Policy Manual)
   400.01 General Provisions
   400.02 Administration
   400.03 Application Process
   400.04 Prior Employment; Background Checks
   400.05 Reduction in Force Policy

410 Professionalism (HART Board Policy Manual)
   410.01 Professionalism and Professional Conduct
   410.02 Employee Ethics and Conflict of Interests
   410.03 Workplace Threats and Violence
   410.04 Use, Threatening Use or Possession of Unauthorized Weapon or Firearm
   410.05 Workplace Discrimination and Harassment Prevention Policy
   410.06 Employee Whistleblower Policy
   410.07 Appeals

420 Equal Opportunity (HART Board Policy Manual)
   420.01 Equal Employment Opportunity
   420.02 Employees and Applicants – Americans with Disabilities Act (ADA)

430 Substance Abuse Program Policy
   430.01 Drug and Alcohol Free Workplace
   430.02 Substance Abuse Program Policy
Section 2 - Employment Policies

2-1. Hiring Policy

It is the policy of HART that all employment will be based on individual merit, qualifications, and competence of the applicant.

HART encourages employees to extend their knowledge and training, and thus improve their job performance through formal and informal educational programs made available by HART and otherwise. HART will not discriminate because of race, color, religion, gender, sexual preference, national origin, age, marital status, or disability/handicap (as defined by the Americans with Disabilities Act and Florida and Federal law).

Open positions will be filled by who HART deems as the most qualified individual available and HART’s decision regarding the filling of employment openings will be final. HART will ensure that all vacancies are filled based upon objective criteria, taking into consideration the job responsibilities, specific duties, education, and prior experience required to perform satisfactorily.

HART endeavors to promote from within when possible. Current employees will be considered in filling vacant positions consistent with sound personnel procedures and good management.

2-2. Physical Examinations

The safe and efficient operation of HART depends on the ability of its employees to perform the essential functions of the job and not cause a direct threat to the health or safety of themselves or others.

- All applicants being considered for employment (pre-employment, post-offer) must be able to successfully pass a pre-employment physical examination (where applicable).
- Any employee returning to work after work interruption due to illness of an extended or recurrent nature may be required to submit to a physical examination.
- Any employee returning to work after an absence due to a non-work related injury may be required to submit to a physical examination.
- Any employee returning from a lay off or a leave of absence without pay may be required to take a physical examination.
- Where a question of physical ability or mental or emotional fitness to perform the essential functions of the job, or when there is just cause for HART to suspect an employee has a problem of drug or alcohol abuse, the employee may be required to submit to a physical examination.
- Any employee involved in an accident with a HART vehicle may be required to submit to a drug screen and/or complete physical examination.

All physical examinations mandated by HART will be in accordance with set standards and administered by a HART authorized medical professional, at HART's expense.
2-3. Types of Appointment

**Regular Full-Time Employees** - Employees who regularly work more than 30 hours per week who were not hired on a temporary basis and have successfully completed their probationary period.

**Regular Part-Time Employees** - Employees who regularly work a maximum of 30 hours per week who were not hired on a temporary basis.

**Temporary Employees** - Employees who were hired for a specific short-term project, or on per diem or temporary basis. See **2-3.1 Employment of Temporary Employees** for information on Temporary, Limited Engagement and Consultant Employment.

**Probationary Employee** – Employees in their initial 90 (calendar) days of employment are subject to the probationary period provisions in section 2-4 of this manual.

**Interim Appointment Employee** – Employees who fill vacancies created by the extended leave (one month or more) of a regular employee or a vacancy.

An existing HART employee selected to serve in an “interim” position in a higher pay grade will be compensated in either of two ways:

a. If the selected employee is to handle the function of a vacant position while continuing in his or her own position, he or she will be compensated at a maximum of 15 percent above his or her current regular position’s rate of pay.*

b. If the selected employee completely vacates his or her regular position duties to function in an acting capacity only for the vacant position, then he or she will be compensated at a maximum 10 percent above his or her regular rate of pay.*

* Not to exceed the maximum of the interim position’s salary grade.

2-3.1 Employment of Temporary Employees

Temporary employees are individuals who are hired for a specific short-term project, or on per diem or temporary basis. Before temporary employees are hired, efforts should be made to allocate the work among present full-time and part-time staff.

HART expects that temporary employees will perform to the same standards of excellence as full- and part-time employees and in turn will receive the same level of respect for their contribution. To ensure that the temporary relationship is as successful as possible, the Hiring Manager and Human Resources will work together to define the nature of the job, the temporary employee's responsibilities, the duration of the job, and the appropriate compensation for the job. Hiring requirements for all temporary positions shall be approved by the Chief Executive Officer or his/her designee.

Temporary employees generally are not eligible for HART benefits, but are eligible to receive statutory benefits. Employees may become eligible for certain benefits prior to the completion of their temporary assignment. Please refer to the specific benefit policy. Temporary Employees are not granted preferential treatment based on their temporary engagement with HART if they apply for a regular position.

HART expects temporary employees to satisfy the same requirements and abide by the same rules as full- and part-time employees outlined in this Handbook. Temporary employment shall extend for no more than six months unless approved, in advance, by the employee’s respective Division Head, Human Resources and the Chief Executive Officer or his/her designee. The service of a temporary employee may be discontinued by the supervisor at any time.
Types of Temporary Employees

1. **Limited Engagement Temporary Employee:** This type of employment will: (1) have a duration of not more than 6 months, (2) be specific to the need to address a specific work flow, generally to meet an increased demand; (3) not represent a budgeted FTE vacancy; and, (4) not be benefits-eligible. These positions may be FLSA Exempt or Non-Exempt. In other words, this Consultant is to meet the needs of an increased work flow.

2. **Project-Specific Temporary Employee:** This type of employment will: (1) have a duration limited to the term of a specific project (e.g., if the project completion date is 9 months forward, then the term of engagement is 9 months); (2) have an agreement that is linked to the duration of the project; (3) not represent a budgeted FTE vacancy; and, (4) not be HART benefits eligible. [Statutory benefits are exempted.] These positions are FLSA Exempt. Note, this form of consultant may be required to be an allocated asset as part of the Independent Cost Estimate, or “ICE” for the project and should be determined at the outset of any project planning. This consultant will fill the role to meet the needs of a specific project.

3. **Interim Engagement Temporary Employee:** This type of employment will: (1) meet the needs of the department or unit until a vacant position has been staffed on a full-time basis; and only if the recruitment has been active for 45 days, such as with a hard-to-fill position; (2) represent a budgeted FTE vacancy; (3) fill a need caused by an original FTE being on leave or unavailable for an anticipated period over thirty days and not exceeding 12 weeks. (5) be an available talent acquisition model for positions that prove difficult to recruit, or are extended for a number of reasons, but the work persists; and, (6) not be benefits eligible. These positions may be FLSA Exempt or Non-Exempt.

As referenced in the temporary definition types above, employees are categorized as either “exempt” or “non-exempt” for purposes of federal and state wage and hour laws. Exempt employees do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. Temporary employees will be informed of their type of temporary employment upon hire and informed of any subsequent changes to their classifications.

NOTE: Employment of temporary employees is not an available staffing option if the 45-day period is attributable to scheduling conflicts with the current recruitment plan, or there is an internal Interim assignment in effect that may be extended to cover the vacancy, using available internal talent, special assignments [by collective bargaining agreement], or alternate or light duty staff.

2-4. Probationary Period

90-day Performance Review Period

A new employee’s first 90 (calendar) days of employment, or an existing employee’s initial 90 (calendar) days in a lateral transfer or promotion, is considered a probationary period. In the case of a demotion (as outlined in section 2-5 of this handbook), the probationary period is 6 months.

The probationary period is an opportunity for HART to evaluate an employee’s performance, judgment and attendance. HART may extend the probationary period if it desires. If the
probationary period is interrupted for one (1) continuous week [five (5) working days or more] the probation will be extended for a like period.

During the probationary period, employees will be evaluated on daily work habits including, but not limited to: teamwork and diversity; accountability; integrity, trust and honesty; cost effectiveness; being customer driven; and innovation in the performance of the essential duties of your function. Those employed in a supervisory or managerial function will be further evaluated on, but not limited to: knowledge of his/her area; planning; analytical skills; creativeness; as well as: judgment skills; implementation skills; interpersonal skills; and training skills. At any time during the probationary period, an employee may be terminated for any reason.

The probationary period may be extended beyond the end of the original initial probationary period by the department head with approval of the Human Resources Department.

Employees who successfully complete the probationary period shall be placed on regular status. Completion of the probationary period does not alter an employee’s at-will status.

2-5. Changes to Appointments

Conversion from Full-Time to Regular Part-Time Status

A full-time employee may voluntarily elect to permanently have their assigned hours reduced to a maximum of 30 hours per week or less, provided there is a part-time position available.

a. The employee’s rate of pay will be determined in accordance with the policy on Pay Plan Administration. The employee’s benefits would change at the end of the month following the change to part-time status.

b. The employee will receive a payout of all eligible annual and sick leave as allowed under the annual and sick leave payout policy pursuant to termination of full-time status. All amounts due the employee for annual leave (and/or casual sick leave bank, if eligible, per policy) will be computed as of the last day of full-time status and paid on the next regular pay day. Catastrophic sick leave is not paid out by HART.

c. The employee will be required to sign an election form which will outline the particular circumstances surrounding their situation and indicate their understanding and acceptance of the terms and conditions of their change in status.

Promotions

- A promotion is defined as the voluntary movement of an employee to a position with a higher pay range and advanced level of responsibility.
- It is the policy of HART to promote from within the organization whenever possible, taking into consideration attendance, demonstrated performance, overall qualifications and the requirements of HART. Following a promotion, employees will be required to serve a probationary period during which the employee's progress and performance will be evaluated.
- HART encourages qualified current employees to apply for vacant positions. Employees may apply for positions if they meet the minimum requirements for the position and have completed their probationary period in their current position.
- Employees who are promoted shall be placed on probation for 90 calendar days, in accordance with section 2-4 of this handbook.
• Any promoted employee not meeting all expectations of the position may be returned to his or her former position at any time prior to the completion of the probationary period, if the prior position is available.

Transfers
• A transfer is defined as the voluntary movement from one position to the same position in a different area or to a different position which could be in a higher, lower, or the same classification. This may occur within the employee's present department or involve a change to another department.
• It is the policy of HART to consider employees for transfers based upon demonstrated performance, overall qualifications and the requirements of HART. Employees transferring to a new position will have a 90-day probationary period, in accordance with section 2-4 of this handbook. This may be extended by the department head.

Reassignments
A reassignment is defined as the involuntary placement of an employee in another position, usually within a similar or lower pay range than his/her current job position. Reassignment may result from reorganization, the inability of an employee to satisfactorily perform his/her duties or responsibilities in a cooperative, productive or professional manner or for other appropriate reasons as determined by the Chief Executive Officer or his/her designee.

Demotions
Employees who are demoted at their own request, for inability to perform the duties of the position, or for disciplinary reasons, shall be placed on probation for six (6) months of uninterrupted service. If the probationary period is interrupted for one (1) continuous week (five (5) working days or more) the probation will be extended for a like period.

2-6. Employment Records
Personnel File
HART maintains a detailed record of employment for each employee in a separate personnel file. Any HART employee may have access to personnel information contained in his or her own personnel file, upon request, in the presence of a Human Resources representative. The personnel file may not be removed from the Human Resources office. Employees may request correction of inaccurate information and may express disagreement with material contained therein by filing a written statement for review by the Human Resources Department.

Under Florida law, certain employees of HART qualify for non-disclosure of limited information in response to a request to view or copy a public record related to such persons, such as a personnel file. Information that is protected from disclosure varies depending on the covered class. Employees who wish to exercise this qualification should contact the Human Resources Department to determine whether it is applicable.
Medical Records
Information relating to the medical condition or medical status of an employee is confidential information and exempt from disclosure. Medical information is maintained in a separate file and subject to HIPAA Regulations.

Change of Address/Telephone/Personal Status
Employees are required to maintain on file their current address and telephone number. Employees must provide this information and any other pertinent status changes (i.e., divorce, marriage, newborn child, etc.) to the Human Resources Department immediately after the event. This information is essential for the proper administration of the employee's benefit programs.

2-7. Duty to Report
HART promotes a safe work environment for its employees, for the public, and for its fiscal resources. All employees have a duty to report arrests or criminal convictions as well as pleas of no contest, nolo contendere or guilty to any crime.

A. Duty to report arrests: All employees are required to disclose to the supervisor, manager, or director of the department in which they work any arrest for any crime, and/or issuance of a notice to appear by a law enforcement officer. This disclosure must be made within forty eight (48) hours of the date of the arrest or issuance of the notice to appear or as soon as the employee returns to work on his or her next regularly scheduled work day.

B. Duty to report convictions, pleas of guilty, no contest, and nolo contendere: All employees are required to disclose to the supervisor, manager, or director of the department in which they work any conviction or plea of guilty, no contest or nolo contendere, whether or not adjudication was withheld, to any crime. This disclosure must be made within forty eight (48) hours of the date of the conviction or plea of no contest, nolo contendere or guilty.

C. The supervisor, manager, or director of the department will immediately notify the Human Resources Department of the disclosure. Human Resources will then offer guidance and a recommendation of what action, if any, should be taken relative to the employee's continued service with HART.

D. Failure to comply with these disclosure requirements may result in disciplinary action up to and including termination.

2-8. Working Hours and Schedule
HART’s normal hours of operation are as follows:
- 21st Avenue Facility is open 8:00 am to 5:00 pm, Monday through Friday.
- Ybor Administrative Office is open 8:00 am to 5:00 pm Monday through Friday.

Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of our business, at some point we may need to change individual work schedules on either a short-term or long-term basis.

Each HART employee shall be required to be present at their assigned job for the total hours established unless absence from duty is authorized in accordance with HART policies.
A. Flexible or Staggered Work Hours

Flextime Work Schedule Definition

Flextime refers to a range of flexible formats that permit employees to choose the times they will start and end work. A flextime work schedule is any alternative work schedule for staff members who normally work the traditional eight-hour, five-day work week, usually commencing at 8:00 a.m. and ending at 5:00 p.m.

HART supports the principles of flextime for its employees in order to provide for more efficient utilization of the abilities of its staff members, better service to the public, and improving working conditions for staff members. Departments are encouraged to accommodate the reasonable requests of employees for alternative work schedules when consistent with the needs of the departments to accomplish their objectives.

While staff members may request consideration of a flextime schedule allowing for a specific arrival and departure time, approval of the request will be granted only if all work schedule requirements are met.

Purpose of Flextime

Flextime scheduling permits staff members to select a work schedule that may assist with individual needs, especially commuting needs and family needs. It also provides staff members with a degree of flexibility that may improve employee morale, reduce tardiness, absences for personal business, turnover and overtime costs, and may increase staff as well as departmental productivity and service.

Flextime Work Scheduling Guidelines

- The main priority for each department is to accomplish its mission. Utilization of flextime should neither decrease a department's productivity nor reduce the consideration of activities between departments, the services provided for HART, staff, other constituents, or the general public.
- Flextime must not increase staffing costs including overtime compensation.
- Flextime is a voluntary option for staff members subject to the approval of management. It should be considered only when it can be managed successfully in helping to meet the needs of the staff member and the Authority.
- Any non-bargaining staff member that wishes to consider a flextime work arrangement must communicate this request with the supervisor of the department.
- All flextime staff members must meet the work schedule requirements (40 hours per week).
- Flextime schedules shall be established for a minimum of one calendar week. However, any approved flextime schedule is considered a trial schedule and may be canceled by the department supervisor if the schedule is found to be unsatisfactory or detrimental to the department.
- Employees who are on flextime will still be required to attend required training/meetings held outside their flextime.
- The department head is responsible for proper flextime scheduling and for ensuring that adequate supervision is provided for all staff members during work hours.
- Most offices shall be staffed and fully operational during normal business hours, between 8:00 a.m. and 5:00 p.m., Monday through Friday.
Requesting Flextime

- Employees requesting flextime shall submit a written proposal to their supervisors.
- Supervisor will respond and discuss the proposal and make the appropriate recommendation to their department head. When reviewing proposals, supervisors and/or managers should take into consideration:
  - External and internal customer service,
  - Coverage for standard business operating hours, and
  - Ability of management to adequately supervise.

HART reserves the right to change this program based on federal/state requirements or to meet HART business needs.

B. Break Periods

Employees may take one (1) fifteen (15) minute rest break per one-half (1/2) shift and one (1) lunch break per full shift provided that:

- The time of the employee’s break shall be as specified by the department head or the employees supervisor.
- Supervisors may adjust an employee’s break period on a day-by-day basis due to operational requirements.
- Combining two (2) break periods into one (1) break is not permitted.
- Accumulating breaks from day to day is not permitted.
- Using breaks to lengthen lunch hours, to cover tardiness, or to leave work early is not permitted; unless the employee is working a pre-approved variable or flexible work schedule.
- Rest breaks are a benefit and are not guaranteed. Employees may be required to work through their rest break.

2-9. Timekeeping

Non-Exempt Employees

All HART non-exempt employees are governed by the Fair Labor Standards Act (FLSA) and shall be paid in accordance with those regulations.

Overtime

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1½) his/her normal hourly wage for all time worked in excess of forty (40) hours each week.

Employees may work overtime only with prior management authorization. For purposes of calculating overtime for non-exempt employees, the workweek begins on Sunday and ends on Saturday.

Compensatory Time

HART non-exempt employees who are entitled to overtime compensation may also request compensatory time. Compensatory time is defined as paid time off in lieu of monetary overtime compensation. Compensatory time can be earned and accrued by any non-exempt employee for
work performed in excess of forty (40) hours per week. Compensatory time is earned at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked.

Any overtime work performed and taken as compensatory time may be done only with prior management authorization. Any requests for compensatory time in lieu of monetary compensation must be pre-approved by management. Employees performing unauthorized overtime work will be paid in accordance with the requirements of the FLSA, at a rate of one and one-half times (1½) their normal hourly wage. However, compensatory time is not authorized in this event. Further, employees performing unauthorized overtime work may be subject to disciplinary action.

All compensatory time must be recorded and tracked by management authorizing the overtime work. Compensatory time may not be accrued for more than thirty calendar (30) days. All accrued compensatory time that is not taken as paid time off in lieu of monetary overtime compensation in a thirty (30) day period will be paid at the overtime rate on the next payroll date.

**Work Schedules**

Employees should report to work at their regularly scheduled time unless otherwise authorized by their supervisor. Employees should conclude their workday at their regularly scheduled time, unless otherwise authorized by their supervisor.

Non-exempt employees must record their actual time worked for payroll and benefit purposes. It is the employee’s responsibility to verify the accuracy of time records through the submission of time cards or any other HART approved method of timekeeping. All time should be recorded in hours and minutes. Leave slips are required for all time off which includes sick, vacation, floating holiday, birthday holiday, and excused or unexcused leave.

Any errors in the employee’s time record should be reported immediately to the employee’s Supervisor, who will attempt to correct legitimate errors.

Falsification of time records or completion of any information on any other employee's time record will result in disciplinary action up to and including termination.

**Exempt Employees**

All HART exempt employees are governed by FLSA and shall be paid in accordance with those regulations.

Exempt employees are required to report full and partial days of absence from work for reasons such as leaves of absence, sick leave or personal business. Leave slips are required for all time off which includes sick, vacation, floating holiday, birthday holiday, and excused or unexcused leave.

Falsification of time sheets/time cards or completion of any information on any other employee's time sheet/time card will result in disciplinary action up to and including termination.

**2-10. Safe Harbor Policy for Exempt Employees**

It is HART’s practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. Exempt employees must review their pay stubs promptly to ensure that they are paid properly and that no improper deductions are made. If errors are identified, they need to be reported immediately.
Employees classified as being exempt will receive a salary which is intended to compensate the employee for all hours worked for HART. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, the exempt employee’s salary can be reduced for the following reasons:

- Full-day absences for personal reasons, including attending court for personal business.
- Full-day absences for sickness or disability.
- Full-day disciplinary suspensions for infractions of our written policies and procedures.
- Family and Medical Leave absences (either full or partial-day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- The first or last week of employment in the event the employee worked less than a full week.
- Any full work week in which the employee performs no work.

The exempt employee’s salary may also be reduced for certain types of deductions such as the employee portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which work was performed, the employee’s salary will not be reduced for any of the following reasons:

- Partial day absences (less than (4) hours in a workday, or less than half of normal work shift) for personal reasons, sickness or disability. (See paragraph below regarding use of available accrued leave)
- Absence on a day because the employer has decided to close a facility on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which any work was performed.
- Any other deductions prohibited by state or federal law.

However, exempt employees are expected to utilize their available accrued leave for anticipated absences. Deductions will be made to the employee’s accrued annual or sick leave for expected full or partial-day absences for personal reasons, sickness or disability. Deductions to accrued leave for unexpected partial-day absences will not be made unless the exempt employee works less than four (4) hours in a workday or less than half of their normal work shift. Exempt employees engaging in a pattern of abuse of their exempt status may be subject to disciplinary action.

Anyone believing that they have been subject to any improper deductions should immediately report the matter to their supervisor and to the Human Resources Department.

2-11. Emergency Closing

If in the sole discretion of HART, it is determined that a natural disaster or civil emergency conditions exist which adversely affect HART’s services including, but not limited to, riots, civil
disorders, natural disasters, hurricane conditions, or similar catastrophes or disorders, the Emergency Operating Procedures as provided by the Safety and Security Office shall become effective. Depending upon the nature and severity of the disaster, HART shall strive to maintain normal payroll dates. However, due to possible emergency circumstances, pay dates cannot be guaranteed.

Until notified by supervisory personnel of HART that HART's operations have been suspended, employees shall report for work at their regularly scheduled time and place. Employees already at work shall continue to perform their assigned duties until notified by supervisory personnel to do otherwise. In the event the offices are closed for some period due to an emergency, employees may be instructed to report to an alternate location. Employees should be prepared to perform assigned duties that are needed by HART during the period of emergency, which may not be reflected in their normal job description.

2-12. Paychecks and Direct Deposit

HART strongly encourages employees to use direct deposit. Paychecks are distributed to all employees on a bi-weekly basis. Questions regarding paychecks should be directed first to the employee's immediate supervisor. If the immediate supervisor is unable to answer the questions, the Payroll Department will provide assistance. Paychecks will be distributed only to the employee unless a Check Distribution Authorization Form is completed in advance. Authorization forms are available from the Payroll Department.

2-13. Performance Reviews

Depending on position and classification, HART endeavors to review each employee’s performance annually. All employees will be evaluated at the end of each fiscal year and employees on a probationary status will be evaluated during the probationary period. However, please note that a positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, HART encourages each employee and their Supervisor to discuss the employee’s job performance on a frequent and ongoing basis.

2-14. Employee Identification

Each employee is provided with an identification badge which includes the employee's photograph, name, employee number, job title, and hire date. Employees must be in possession of their badge at all times while on property.

The ID badge is also an access card which allows the employee access to authorized areas of the HART facility. The identification badge is valid only for the Authority employee to which it was issued and must be surrendered upon termination of employment. Employees must present their identification badge upon demand by security personnel whenever on Authority property. A fee will be charged to replace lost or stolen cards. Lost or stolen cards must be reported immediately to the Human Resources Department. Service award pins can be worn attached to the card protector, but not the card itself. Identification badges should not be changed or defaced in any way. Failure to follow this rule could result in disciplinary action.
2-15. Record Retention

HART acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against HART and its employees and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the Human Resources Department or a Staff Attorney to inform them of a potential or actual litigation, external audit, investigation or similar proceeding involving HART that may have an impact on record retention protocols.

2-16. Termination of Employment

All employees are required to provide written notification of resignation to their Supervisor at least two (2) weeks in advance. Resignation forms can be obtained from the Human Resources Department. The supervisor will notify the Human Resources Department so that exiting arrangements can be made. These arrangements will include: Return of all HART property, provision of forwarding addresses, the holding of an exit interview if applicable, arranging for benefits continuation or conversion, and final pay. If an employee is terminated by HART, the employee’s supervisor will immediately notify the Human Resources Department.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

Return of Property
Terminating employees must return all HART issued equipment, tools, uniforms, manuals, keys and ID/access cards, etc., to their immediate supervisor. All items should be returned immediately after termination or separation. Should specific items not be returned, the appropriate amount will be deducted from the employee's final pay. The employee shall also be responsible for repayment to HART of any improper charges made against any HART account (i.e. phone, toll charges, etc.)

Final Pay
Upon separation of employment, final wages owed to an employee will be paid on the next regular payday.

2-17. Rehire

See HART Board Policy 400.04 Prior Employment; Background Checks

Employees who are hired or rehired after September 12, 2016 will not be given credit for prior service for purposes of paid time off (vacation or sick leave) or for other benefits. Service at HART is the length of time that an individual has been continuously employed by HART on a full-time or part-time basis, including authorized leaves of absence.

2-18. Exit Interview

HART will conduct, or attempt to conduct, an exit interview with all employees who voluntarily leave the organization. It is our hope that the results of these findings can be used to implement changes in areas that consistently show a deficiency and to maintain and improve areas that perform well.
2-19. Employment Verifications

HART will respond to employment verification requests through the Human Resources Department. HART will provide date of hire, date of termination, positions held and last salary. Requests for employment information must be in writing, and responses will be in writing. Please refer all requests for employment verifications to the Human Resources Department. Only the Human Resources Department may provide employment verifications.

2-20. Immigration Reform and Control Act & E-Verify

HART seeks to fully comply with the Immigration Reform and Control Act, by employing only those persons who are legally eligible to work in the United States. HART seeks to fully comply with the Immigration Reform and Control Act of 1986 by employing only United States citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of employment to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (INS Form I-9). If an individual cannot verify his or her right to work within three days of hire, HART must terminate his or her employment.

Federal regulations require employers with federal contracts to verify the eligibility of staff to work in the United States. As such, HART must participate in the U.S. Department of Homeland Security and Social Security Administration’s E-Verify Program.

This program enables HART to use an online eligibility verification system for new hires. By using this program, HART is able to be fully compliant with the federal law, Federal Acquisition Regulation (FAR) 22.1800, which requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States. E-Verify is an Internet-based system that allows an employer, using information reported on an employee’s Form I-9, to determine the eligibility of that employee to work in the United States.

Please contact Human Resources with questions or concerns regarding Immigration Reform and Control Act.

2-21. Complaint Resolution Policy

A complaint may be defined as an allegation regarding a substantive violation of HART Board policies or an allegation of inappropriate treatment or conduct by management, supervisors or other employees.

A. Matters not covered by a collective bargaining agreement may be addressed through a complaint procedure. HART employees are encouraged to resolve work-related situations with other employees in a professional manner. If employees are unable to work collaboratively to resolve their issues amongst themselves, they are then encouraged to bring their complaints to the attention of management. Employees will be provided with an opportunity to present complaints which impact substantive employment rights to management. All complaints will be resolved equitably and in a timely manner. Examples of actions which may be causes of complaints include, but are not limited to:

1. Unfair application of policies, practices, rules, regulations and procedures which adversely impact employees;
2. Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation; and
3. Improper or unfair administration of employee benefits or conditions of employment such as vacations, fringe benefits, promotions, retirement, holidays, performance review, salary or seniority.

B. The employee should present a complaint in writing to his/her immediate supervisor unless the supervisor is implicated in the alleged misconduct or violation, in which case, the complaint may be submitted to the Department Head or Human Resources. Any complaint alleging a violation should be submitted in writing and reference the provision or provisions of HART policy, procedure, rule or regulation alleged to have been violated. The complaint should also contain a brief statement of facts which support the alleged violation.

If the complaint is not resolved by the immediate supervisor or the immediate supervisor is implicated in the complaint, the employee may forward the written complaint to the Department Head. The Department Head or his designee will review the underlying facts of the case within 15 working days of receipt of the forwarded complaint unless such time is extended in writing. The Department Head will notify the employee of his/her decision, in writing, within 15 working days of completing a review of the underlying allegations.

C. A complaint should be brought forward as soon as the facts supporting the complaint might reasonably be known to exist.

D. When submitting a complaint the employee shall submit a written statement which includes the following information:
   1. A complete statement of the complaint and facts upon which it is based;
   2. The section or sections of HART Policy claimed to have been violated; and
   3. The remedy or corrective action requested.

E. HART reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ and the level of disciplinary action may also vary, depending upon factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the organization.

HART has a zero tolerance policy against retaliation for filing a good faith complaint under this procedure.

2-22. Telephone and Web-based Reporting System

Employees may report alleged violations to HART’s Fraud and Ethics Hotline. The system allows anonymous complaints to be filed and may be accessed from any computer connected with the Internet at www.ethicspoint.com or by calling toll-free to 1-866-294-5574.

2-23. Fraternization and Employee Personal Relationships

The purpose of this policy is to establish requirements for the professional behavior and interaction of all HART employees in order to maintain the public trust, strengthen agency morale, and promote employee productivity and safety. All employees must avoid the appearance of a conflict between their professional responsibilities and any involvement they may have in a personal, close, or romantic relationship with another Agency employee. What
employees do on their own time away from work is private, unless it negatively impacts their performance in the workplace. The manner in which employees conduct themselves at work is subject to company policies and procedures. In order to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender-based discrimination, all employees are instructed to avoid situations which give rise to a conflict or an appearance of a conflict caused by close personal relationships. Issues pertaining to other potential conflicts are addressed in other HART policies and procedures.

Policy

(1) All employees must avoid the appearance of a conflict between their professional responsibilities and any involvement they may have in a personal, close, or romantic relationship with another Agency employee. Any and all use of company time, property, or position to engage in close personal relationships, whether within the same Department or chain of supervision or not, is prohibited.

(2) Close personal relationships between supervisors and subordinate employees within the same Department or chain of supervision are prohibited. Any prohibited relationship must be disclosed by both employees, in accordance with this policy, to each employee’s immediate supervisor and the head of Human Resources, so that immediate steps can be taken to resolve conflict with this policy.

(3) A supervisor shall not pursue a close personal relationship with a subordinate employee who is in the supervisor’s same Department or direct chain of command; likewise, a subordinate employee shall not pursue a close personal relationship with a supervisor in the same Department or direct chain of command.

(4) No employee shall select, influence, recommend or otherwise advocate for the promotion, hiring, or advancement of another employee with whom they have a close personal relationship.

Definitions

- “Close personal relationship or fraternization” includes dating, cohabitation, and/or having an intimate or sexual relationship, or recognizing another Agency employee as a paramour or significant other. This definition applies regardless of the sexual orientation of the employees involved, or the employee’s position in the Agency.

- “Dating” means one or more social meetings under circumstances that may lead to the exchange of personal affection, emotional attachment or physical intimacy. This definition also includes but is not limited to casual dating, serious dating, casual sexual involvement where the parties have no intention of carrying on a long-term relationship, cohabitation, and any other conduct or behavior normally associated with romantic or sexual relationships.

- “Supervisor” means employees who serve as or in the capacity of manager, supervisor, or lead employee regardless of title and has responsibility to supervise and/or evaluate, directly or indirectly, the work of other employees. This definition includes temporary, interim, and regular positions.
Disclosure and Enforcement

(1) It is the duty of the employees involved in a close personal relationship to immediately report and disclose the relationship to the employee’s immediate supervisor and the head of Human Resources. If the close personal relationship involves the supervisor or the responsible person in Human Resources, the relationship should be reported to the next responsible person up the chain of command from such individuals, or the Agency Ethics Officer. If no such person is available, disclosure should be made to HART’s CEO.

(2) Upon receiving the disclosure, the Agency will take immediate steps to resolve conflict with this policy. The agency will endeavor, but is not required, to find a solution to eliminate the conflict of interest so that one person is no longer able to unduly influence or favor the other where possible. If no accommodation can be found and a violation of the policy has been determined, the company may require one of the pair to resign or be terminated.

(3) Whether a prohibited relationship has been reported or not, the Agency reserves the right to reasonably investigate to determine whether a close personal relationship exists or is being pursued and therefore resolve conflict with this Policy. If the Agency determines that a violation does exist, remedial and/or disciplinary measures, up to and including termination, may be employed to resolve a violation of this Policy.

(4) The Agency shall give special consideration to requests for transfers to eliminate conflicts with this Policy that have been voluntarily disclosed by such employees, but cannot guarantee that a transfer will be authorized or that the affected employee will be able to retain a similar position within the Agency.

Section 3 – Benefits

3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is HART policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet your present and future requirements. The information presented here is intended to serve only as guidelines.

Further, HART (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement. While HART intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If you have any questions regarding your benefits, please contact the Human Resources Department.
3-2. Leaves of Absence

3-2.1. Holidays

All regular full-time employees shall observe board approved paid holidays each year. The specific holiday and calendar date for observing these holidays shall be designated by the Chief Executive Officer. Employees may be required to work on a designated holiday in order for HART to continue delivery of its normal transit service. The following are additional paid holidays for eligible employees.

- Floating Holiday
- Employee's Birthday

Full-time employees must be on some type of paid status the last scheduled workday before and the first scheduled workday after the designated holiday in order to receive the day off with pay.

Full-time employees not required to work on a designated holiday will receive pay equal to their normal work shift. Only work performed on holidays shall count as time worked when computing overtime.

Should a designated holiday occur while the employee is on authorized paid leave, the holiday will not be charged against the employee's accrued leave. Should a designated holiday fall during an employee's suspension period, the holiday shall be counted as part of the suspension period and the employee shall not be compensated for the holiday.

To take a floating holiday and/or the employee's birthday, these days must be requested 30-working days in advance and submitted to payroll on a leave slip.

3-2.2. Annual Leave

HART recognizes that in order for its employees to be able to perform at their peak, it is essential that they have some time off from their regular duties without loss of pay. To accomplish this, all regular full-time employees shall accrue annual leave time.

Annual leave shall be authorized paid time off for the purpose of vacation, personal business, or extended sickness in the event accumulated casual sick leave has been exhausted.

Management may direct the use of annual or sick leave for full or partial-day absences for personal reasons or sickness.

Annual leave will begin accruing at the end of the employee's first full payroll period and biweekly thereafter.

For purposes of annual leave accrual, continuous service shall include service with the City of Tampa for those employees who transferred from the City of Tampa to HART on March 1, 1980.

Use of this earned time shall be granted within the following guidelines:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Accrual per Pay Period</th>
<th>Accrual per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4 years</td>
<td>4 hours</td>
<td>13 days</td>
</tr>
<tr>
<td>5-9 years</td>
<td>4.5 hours</td>
<td>14.65 days</td>
</tr>
<tr>
<td>10-14 years</td>
<td>5 hours</td>
<td>16.25 days</td>
</tr>
<tr>
<td>15-19 years</td>
<td>5.5 hours</td>
<td>17.88 days</td>
</tr>
<tr>
<td>20 years and above</td>
<td>6.2 hours</td>
<td>20.15 days</td>
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</table>
• Employees with continuous service time up to five (5) years shall earn four (4) hours biweekly.
• Employees with continuous service time of five (5) years but less than ten (10) years shall earn four and one-half (4.5) hours biweekly.
• Employees with continuous service time of ten (10) years but less than fifteen (15) years shall earn five (5) hours biweekly.
• Employees with continuous service time of fifteen (15) years but less than twenty (20) years shall earn five and one-half (5.5) hours biweekly.
• Employees with over twenty (20) years of continuous service time shall earn six and two-tenths (6.2) hours biweekly.

No annual leave shall be accrued for any payroll period in which the employee is on leave without pay for suspension, AWOL, Workers’ Compensation, FMLA, excused absence without pay, or leave of absence without pay.

Maximum amount of earned annual leave that may be carried past the end of the fiscal year shall be 240 hours.

Any amount of annual leave accumulated over 240 hours at the end of the fiscal year shall be transferred to the employee's sick leave account at the end of the fiscal year. Three-quarters of the converted balance will go to the employee’s casual sick leave bank; the other one-quarter will go to the employee’s catastrophic leave bank.

There shall be no advancement of annual leave.

If the employee becomes sick while on authorized annual leave, such leave may be changed to sick leave provided the request includes a physician’s verification of illness. This provision applies only to the employee and does not extend to immediate family members.

Requests for annual leave are to be submitted to the immediate supervisor on the standard request form at least two weeks prior to the desired date.

When the leave request exceeds three (3) weeks at one time, the request must be submitted and approved at least three (3) weeks in advance by the appropriate department head.

When approved by the employee's supervisor, non-exempt employees may use emergency annual leave in increments of not more than three (3) days or less than one hour. Exempt employees may use emergency annual leave of not more than three (3) days or less than one (1) day.

During emergencies and/or when a critical work force shortage occurs, HART may alter or suspend any annual leave requested and previously approved. If an annual leave request is cancelled by the Authority, or cannot be scheduled due to workload or manpower demands, an employee may cash out up to 80 hours of accumulated annual leave when a minimum of 80 hours of accumulated annual leave remains at the end of the fiscal year. The employee will apply to their supervisor who will acknowledge the eligibility. The supervisor will submit it to the department head for approval and then it is forwarded to Payroll for processing.

If HART is required to use its option to suspend annual leave and the employee cannot reschedule the leave time off before the end of the fiscal year, the employee shall be allowed to accumulate annual leave in excess of 240 hours that fiscal year, or cash out the time at the employee’s option.
Leave request forms may be obtained from the Payroll Department or may be obtained from “Connect”, HART’s internal intranet site. Approved leave request forms must be submitted to the Payroll Department as far in advance as possible, but no later than the Monday following the end of the week in which the leave was taken.

Upon termination of employment, a regular employee shall be paid for unused annual leave at the rate of pay as of the date of termination. Terminated employees who have not completed their probationary period shall NOT receive payment for any accumulated annual leave.

Employees who are rehired will not be given credit for prior service for purposes of paid time off (vacation or sick leave) or for other benefits. (See 2-17 Rehire).

**Payout of Annual Leave**

- There is a benefit for those employees who do not utilize sick leave during the fiscal year. Employees will be eligible for a cash payout of all the cumulative annual leave over 80 hours. This is an option only if the employee has in excess 80 hours of total accumulated annual leave on October 1 of each year following the yearly period when no sick leave was used. The employee must apply in writing to Payroll on or about September 1 and can expect the payout on or about October 1.
- If an employee has used no more than two sick days during the fiscal year, the employee may cash out any annual leave accrual in excess of 120 hours.

**Annual Leave Donation**

HART recognizes that on occasion an employee who has an extremely serious and/or terminal illness can exhaust leave and face extended periods of unpaid leave of absence. Other HART employees who wish to assist a fellow employee in this situation may donate his/her annual leave under the following guidelines.

An employee who wishes to donate annual leave time must have a minimum balance of 40 hours of annual leave left in his/her leave bank after the donation is made. An employee wishing to donate accumulated annual leave hours should contact the Human Resources Department.

**Recipient Eligibility**

This policy is reserved for extreme cases only. In order for an employee to be eligible to receive donations, he/she must have exhausted all paid leave time, have a serious and/or terminal personal illness and will be unable to return to work for at least an additional 30 days beyond exhaustion of all leave. Should the recipient return to work prior to exhaustion of all donated leave, the remaining leave will be prorated back to the donor employee(s).

**3-2.3.1 Casual Sick Leave**

A. All regular full-time employees are eligible to accrue up to ten (10) days of casual sick leave per anniversary year.

B. Casual sick leave time off for doctor or dentist appointments and for illness of the employee or a serious health condition of a member of the employee's immediate family. Immediate family will be defined as child, spouse or parent.

1. Management may direct the use of sick or annual leave for full or partial-day absences for personal reasons or sickness for exempt and non-exempt employees.
2. Full-time employees shall accrue casual sick leave at the rate of 3.1 hours biweekly.
3. Leave accrual commences on the last calendar day of the employee's first full payroll period and biweekly thereafter.
4. Employees may be authorized to use casual sick leave as soon as it is accrued.
5. There are no limitations to the amount of sick leave accrued by an employee.
6. There will be no casual or catastrophic sick leave accrual for any payroll pay period in which the employee is on Workers’ Compensation, suspension or a no pay status for the entire pay period.
7. Employees must call their immediate supervisor to request sick leave within one hour after the start of their shift unless otherwise required by the position. In case of an emergency, this requirement may be waived by the supervisor.
8. Employees may be required to present acceptable medical substantiation from a licensed physician prior to or following the granting of sick leave.
9. If the employee becomes ill while on authorized annual leave, said leave may be changed to sick leave provided the employee presents a physician's certification. This provision applies only to the employee and does not extend to immediate family members.
10. When sick leave is paid, the employee's sick leave balance shall be reduced by the same number of hours as the employee was absent.
11. The use of sick leave is prohibited after the employee tenders his/her resignation.
12. Advancement or borrowing of sick leave is prohibited.
13. If you are out sick for three (3) or more consecutive days, you may be required to provide your supervisor with a doctor’s note on the day you return to work.

3-2.3.2 Catastrophic Sick Leave
A. All regular full-time employees are eligible to accrue up to 23.4 hours of catastrophic sick leave per anniversary year.
   1. Full-time employees shall accrue catastrophic sick leave at the rate of 0.9 hours biweekly.
   2. A catastrophic sick leave is defined as excused leave due to the employee being diagnosed with, recovering from, or receiving therapy for either a terminal illness; or for illness, injury, or pregnancy requiring a minimum hospital stay and subsequent convalescence period exceeding twenty-four (24) hours. Catastrophic sick leave is not eligible for family members. Accrued catastrophic leave is only available after all accumulated casual sick leave has been exhausted. It is designed to provide income protection for an employee meeting the above definitions. It is not available under any other circumstances. Catastrophic leave is not a benefit in which an employee vests. It is not paid out upon leaving HART.
   3. Employees who have exhausted their earned casual sick leave may use catastrophic leave for circumstances described in item 2, or they must use their accrued annual leave.
   4. Catastrophic leave may be used under circumstances described in item 2, only after exhausting all casual sick leave. Catastrophic leave may be used prior to exhausting all annual leave.
5. In case of prolonged illness where all casual and catastrophic sick leave is exhausted, leave without pay may be granted as a medical leave of absence without pay.

6. Leave accrual commences on the last calendar day of the employee's first full payroll period and biweekly thereafter.

7. There are no limitations to the amount of catastrophic sick leave accrued by an employee.

8. There will be no catastrophic sick leave accrual for any payroll pay period in which the employee is on Workers’ Compensation, suspension or a no pay status for the entire pay period.

9. Employees must call their immediate supervisor to request catastrophic sick leave within one hour after the start of their shift unless otherwise required by the position. In case of an emergency, this requirement may be waived by the supervisor.

10. Employees may be required to present acceptable medical substantiation from a licensed physician prior to or following the granting of catastrophic sick leave.

11. When sick leave is paid, the employee's catastrophic sick leave balance shall be reduced by the same number of hours as the employee was absent.

12. The use of catastrophic sick leave is prohibited after the employee tenders his/her resignation.

13. Advancement or borrowing of catastrophic sick leave is prohibited.

3-2.3.3 Cash out of Sick Leave

a. Employees who resign or retire and have at least ten (10) years of service with the Authority, including time with the City of Tampa for those who transitioned on March 1, 1980, shall be paid fifty (50) percent of their accumulated unused casual sick leave hours extended at the employees then current rate of pay. Employees who resign or retire and have at least twenty (20) years of service with HART, shall be paid one hundred (100) percent of their accumulated unused casual sick leave extended at the employees then current rate of pay.

b. Upon the death of an employee who has at least ten years of service with the Authority, payment will be made to the employee’s estate in accordance with paragraph a.

c. Employees who are involuntarily terminated by HART are ineligible for any payments of accumulated unused casual sick leave.

d. If an employee has used no sick leave during the fiscal year, they may cash out sick leave in excess of 480 hours in their casual sick leave accumulation. This is an option only if the employee has in excess of 480 hours of total accumulated sick leave on October 1st of each year following the yearly period when no sick leave was used. The employee must apply in writing to Payroll on or about September 1 and can expect the payout on or about October 1st.

e. Employees who are rehired will not be given credit for prior service for purposes of paid time off (vacation or sick leave) or for other benefits. (See 2-17. Rehire)
3-2.4. Bereavement Leave

HART provides its employees with time off to be used expressly for periods of bereavement and/or attending the funeral of a relative or immediate family member. Upon the death of a family member, full-time or part-time employees will be allowed paid time off for attending bereavement related obligations and commitments. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. You must inform your supervisor prior to commencing bereavement leave. In administering this policy, HART may require verification of death.

It shall be HART's policy to grant such leave within the following framework.

Employees shall register the names of their relatives and immediate family members at the new hire orientation and are responsible for keeping the list current by contacting the Human Resources Department. Only those names registered shall be recognized for the purpose of authorizing bereavement leave.

**Immediate family** shall be defined as spouse, child, sibling, parent, mother-in-law, and father-in-law, grandparent, grandchild, domestic partner or legal ward of the employee residing in the employee’s household.

**Relative** shall be defined as aunt, uncle, niece, nephew, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Employees may be authorized a maximum of five (5) days per incident of paid funeral leave for the death of an immediate family member, and such leave shall not be deducted from their earned sick or annual leave. For the death of an immediate family member, the employee may, depending on individual circumstances, be authorized additional time off by their department head. This time shall be deducted from the employee’s accrued annual leave.

Employees may be authorized a maximum of two (2) days per incident of paid funeral leave for the death of a relative. Such leave shall not be deducted from the employee’s accrued annual or sick leave.

- If the employee does not have sufficient accrued leave time, excused unpaid leave may be granted.
- Annual leave may be granted for other relatives or close friends at the sole discretion of the employee’s supervisor.

Documentation may be required by the Authority.

3-2.5. Military Leave

If you are called into active military service or you enlist in the uniformed services, you will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, you must provide management with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice. Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Please ask management for further information about your eligibility for Military Leave.

If you are required to attend yearly Reserves or National Guard duty, you can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law.
(including travel). You should give management as much advance notice of your need for military leave as possible so that we can maintain proper coverage while you are away.

3-2.6. Family and Medical Leave

The Leave Policy

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Human Resources Department.

I. Eligibility

FMLA leave is available to “eligible employees”. To be an “eligible employee” an employee must: 1) have been employed by HART for at least 12 months (which need not be consecutive); 2) have been employed by HART for at least 1250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

II. Entitlements

The FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

A. Basic FMLA Leave Entitlement:

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a 12-month period measured forward from the start date of the employee’s first FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee’s child after birth or placement for adoption or foster care. When both spouses work for the same employer, the aggregate amount of leave that can be taken by both spouses to care for the employee’s child after birth or placement for adoption or foster care is 12 weeks in a single 12-month period.
- To care for the employee’s spouse, son, daughter or parent (but not in-law) who has a serious health condition;
- For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job; and/or
- Because of any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the National Guard or Reserves in support of contingency operation.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be
met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

### B. Military Family Leave

There are two types of Military Family Leave available.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee’s spouse, son, daughter or parent, is on active duty or called to active duty status in support of a contingency operation.

   Qualifying exigencies may include:
   - Short-notice deployment (up to 7 days of leave)
   - Attending certain military events
   - Arranging for alternative childcare
   - Addressing certain financial and legal arrangements
   - Periods of rest and recuperation for the service member (up to 5 days of leave)
   - Attending certain counseling sessions
   - Attending post-deployment activities (available for up to 90 days after the termination of the covered service member’s active duty status)
   - Other activities arising out of the service member’s active duty or call to active duty and agreed upon by the company and the employee

2. **Leave to care for a covered service member and veterans.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. When both husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

### C. Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from HART telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) HART’s designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

The HART may retroactively designate leave as FMLA leave with appropriate written notice to
employees provided HART’s failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, HART and employee can mutually agree that leave be retroactively designated as FMLA leave.

III. Employee FMLA Leave Obligations

A. Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify HART of their need for FMLA leave. The following describes the content and timing of such employee notices.

1. Content of Employee Notice

To trigger FMLA leave protections, employees must inform the Human Resources Department of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow HART to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency cause by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to HART’s questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which HART has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

2. Timing of Employee Notice

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide HART notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with HART and make a reasonable effort to schedule treatment so as not to unduly disrupt HART’s operations, subject to the approval of an employee’s health care provider. Employees must consult with HART prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both HART
and the employees, subject to the approval of an employee’s health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, HART may require employees to attempt to make such arrangements, subject to the approval of the employee’s health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, HART may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise HART of the reason why such leave is medically necessary. In such instances, HART and employee shall attempt to work out a leave schedule that meets the employee’s needs without unduly disrupting HART’s operations, subject to the approval of the employee’s health care provider.

C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee’s responsibility to provide HART with timely, complete and sufficient medical certifications. Whenever HART requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after HART’s request, unless it is not practicable to do so despite an employee’s diligent, good faith efforts. HART shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. HART will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee’s permission, HART (through individuals other than an employee’s direct supervisor) may contact the employee’s health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide HART with authorization allowing it to clarify or authenticate certifications with health care providers, HART may deny FMLA leave if certifications are unclear.

Whenever HART deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation’s, serious health condition, or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting
beyond a single leave year.

If HART has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at HART’s expense. If the opinions of the initial and second health care providers differ, HART may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by HART and the employee.

2. Medical Recertification

Depending on the circumstances and duration of FMLA leave, HART may require employees to provide recertification of medical conditions giving rise to the need for leave. HART will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide HART medical certification confirming they are able to return to work and the employees’ ability to perform the essential functions of the employees’ position, with or without reasonable accommodation. HART may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

D. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, HART may require employees to provide: 1) a copy of the covered military member’s active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member’s active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, HART may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, HART may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

E. Substitute Paid Leave for Unpaid FMLA Leave

Employees must use any accrued paid time while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee’s FMLA entitlement.

Leave of absence taken in connection with a disability leave plan or workers’ compensation injury/illness shall run concurrently with any FMLA leave entitlement.
Upon written request, HART will allow employees to use accrued paid time to supplement any paid disability benefits.

**F. Pay Employee’s Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless HART notifies employees of other arrangements, whenever employees are receiving pay from HART during FMLA leave, HART will deduct the employee portion of the group health plan premium from the employee’s paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a ‘pay-as-you-go’ method.

HART’s obligation to maintain health care coverage ceases if an employee’s premium payment is more than 30 days late. If an employee’s payment is more than 15 days late, the HART will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse HART for the cost of the premiums HART paid for maintaining coverage during their unpaid FMLA leave.

**IV. Exemption for Highly Compensated Employees**

HART may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Organization. (This fact-specific determination will be made by the Organization on a case-by-case basis). The Organization will notify you if you qualify as a “highly compensated” employee, if the Organization intends to deny reinstatement, and of your rights in such instances.

**V. Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact the Human Resources Department. HART is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. HART will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

**VI. Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law, which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult HART’s other leave policies in this Handbook or contact Human Resources.
3-2.7. Leave Without Pay

Under certain circumstances, at the sole and absolute discretion of HART, a leave without pay may be available upon request up to a maximum of sixty (60) calendar days. Requests must be made in writing by completing a Request for Leave of Absence form available through the Human Resources Department. Only one leave of absence request will be approved per year (365 days), regardless of duration of the approved absence. Your request will be considered on the basis of staffing requirements and the reasons for the requested leave. When you anticipate your return to work, please notify management of your expected return date. This notification should be made at least one week before the end of your leave. Upon completion of your personal leave of absence, HART will attempt to return you to your original job, or to a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed. Requests must be approved by the Department Head and the Human Resources Department.

Failure to advise management of your availability to return to work, failure to return to work when notified, or your continued absence from work beyond the time approved by HART will be considered a voluntary resignation of your employment.

3-2.8. Jury Duty/Civic Leave

HART realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees who are summoned to jury duty or subpoenaed as witnesses on behalf of a public jurisdiction will be paid for their time away from work in accordance with the guidelines set forth below. Nothing contained herein shall apply to employees who are the defendant or plaintiff in either a civil or criminal case.

- For purposes of this policy a public jurisdiction is defined as an agency or office of the Federal, State, or local government.
- Notification to the immediate supervisor must be given as far in advance as possible.
- Employees will be required to show proof of the subpoena or summons.
- Employees shall notify their supervisor immediately upon their release and report to work as directed. A failure to do so will mean the employee is AWOL.
- Employees in a work pay status shall be required to turn over to HART any fees received from civic service.
- Employees may be required to provide proof of actual time spent in civic service.

3-2.9. Domestic Violence Leave

As required by Florida law (741.313), HART will permit an employee to request and take up to three (3) working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave will be taken without pay. This leave is available to employees who have been employed by HART for 3 or more months.

Domestic leave applies when an employee or a family or household member of the employee uses leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtain services from a victim services organization, domestic violence shelter or program or a rape crisis center due to an act of domestic violence or sexual violence;

3. Obtain medical care or mental health counseling, or both for the employee or a family or household member to address physical or psychological injuries resulting from an act of domestic violence or sexual violence;

4. Make the employee’s home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

Notice of use of leave under this policy is appropriate when:

Except in cases of imminent danger to the health or safety of an employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to HART appropriate advance notice of the leave when it is known to the employee, along with sufficient documentation of the act of domestic violence or sexual violence as required by HART.

Employee rights and responsibilities:

- An employee seeking leave under this policy must first exhaust all other accrued leave types, including annual leave and sick leave before HART will proceed under this policy.

- An employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy.

- The sole remedy for any person claiming to be aggrieved by a violation of this policy is to bring a civil suit for damages or equitable relief, or both, in circuit court.

Employer responsibilities:

- HART will not interfere with, restrain, or deny the exercise of or any attempt by an employee to exercise any right under this policy.

- HART will not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his or her rights under this policy.

- Personal identifying information contained in records documenting an act of domestic violence or sexual violence submitted to HART in compliance with this policy, shall be confidential and exempt from disclosure under Section 119.07, Florida Statutes.

- Written requests for leave submitted to HART in compliance with this policy, shall be confidential and exempt from disclosure under Section 119.07, Florida Statutes.

3-2.10 Leave Access Restrictions

Employees not on active work status due to any leave of absence under this section are not authorized to be on HART property without prior approval of management or Human Resources.
3-3. Insurance

3-3.1. Health Insurance
HART shall provide a group health insurance program for its regular full-time employees and their dependents which shall include hospitalization, medical and prescription benefits.

- Coverage shall be effective the first of the month following completion of the employee's first thirty (30) days unless otherwise specified under contract.

- Where applicable, any amount due for health insurance will be deducted from the employee’s paycheck.

- If an employee is out on extended leave and does not receive a paycheck, the employee is required to pay his/her portion directly to HART. Failure to pay the required portion may result in cancellation of the employee’s insurance.

For further information on current plan payment amounts and coverage, please contact the Human Resources Department.

3-3.2. Dental Insurance
HART shall provide a dental insurance program for its regular full-time employees and their dependents.

- Coverage shall be effective the first of the month following completion of the employee's first thirty (30) days unless otherwise specified under contract.

- Any amount due for dental insurance is deducted from the employee’s paycheck. If an employee is out on extended leave and does not receive a paycheck, the employee is required to pay his/her portion directly to HART. Failure to pay the required portion may result in cancellation of the employee’s insurance.

For further information on current plan payment amounts and coverage, please contact the Human Resources Department.

3-3.3 Vision Insurance
Currently HART offers a vision insurance benefit. For further information on current plan payment amounts and coverage, please contact the Human Resources Department.

3-3.4. Life and AD&D Insurance
Regular full time employees are eligible for Life/Accidental Death & Dismemberment insurance. The amount of insurance is 1.5% of the employee’s individual base annual salary. There is no cost to the employee for this benefit.

Part time employees are not eligible for Life/Accidental Death & Dismemberment insurance unless otherwise specified under contract.

Coverage shall become effective on the first of the month following completion of the employee's first thirty (30) days of employment.
3-3.5. Long-Term Disability Insurance

HART will provide long-term disability coverage to all regular, full-time employees. This coverage shall be for lost wages due to disability from a non-work related injury or illness. The term and degree of "disability" shall be determined by the Provider’s plan document. HART shall administer this policy within the following framework:

- For each illness or injury there shall be a waiting period of 120 days before payment begins. Employees can use their sick leave, vacation leave and catastrophic leave in order to receive pay during the initial 120-day waiting period. Maximum number of days allowed for return to work without interruption of waiting period is 40 days.

- Employees receiving full disability benefits shall be placed on disability leave status up to a maximum of two years or until the employee qualifies for either social security disability or Florida Retirement System disability, whichever is earlier. While on leave of absence, employee shall be required to abide by the provisions of the long term disability insurance policy.

- Employee shall receive 60% of their basic monthly earnings, less other income benefits, up to a maximum of $5,000 per month, for the length of their disability up to the maximum benefit period outlined below:

<table>
<thead>
<tr>
<th>Age at Disability</th>
<th>Maximum Benefit Period</th>
</tr>
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<tbody>
<tr>
<td>61 or less</td>
<td>to age 65 or to Social Security Normal Retirement Age, or 3 years and 6 months, whichever is longer</td>
</tr>
<tr>
<td>62</td>
<td>to Social Security Normal Retirement Age, or 3 years and 6 months, whichever is longer</td>
</tr>
<tr>
<td>63</td>
<td>to Social Security Normal Retirement Age, or 3 years, whichever is longer</td>
</tr>
<tr>
<td>64</td>
<td>to Social Security Normal Retirement Age, or 2 years and 6 months, whichever is longer</td>
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<tr>
<td>65</td>
<td>2 years</td>
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<td>66</td>
<td>1 year and 9 months</td>
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<td>1 year and 6 months</td>
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<td>68</td>
<td>1 year and 3 months</td>
</tr>
<tr>
<td>69 or older</td>
<td>1 year</td>
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• Employees who have accrued more leave time than required by the waiting period may supplement the disability benefit to equal their regular rate of pay.
• Payments shall be made directly to the employee and shall be subject to taxes as required by law.
• If an employee is out on extended leave without pay and does not receive a paycheck, the employee is required to pay his/her portion of health insurance premiums directly to HART. Failure to pay the required portion may result in cancellation of the employee’s insurance.

For further information, please contact the Human Resources Department.

3-3.6. Employee Assistance Program (EAP)

HART recognizes that a wide range of human problems may have an effect on an employee's job performance. The primary goal of HART's Employee Assistance Program (EAP) is to help those employees and/or their family members with personal, family or work issues, and problems that may affect their job performance or general well-being by providing access to assistance. The voluntary EAP program allows for a maximum of three (3) paid EAP sessions per year. Participation in the program will not be a factor in evaluating employee performance or affect future employment or advancement. Participation in the program is not a substitute for corrective discipline, nor will it protect the employee from disciplinary action for substandard job performance or rule infractions. Regardless of the cause, poor job performance will be handled within the established personnel procedures.

Counseling through the EAP is generally performed on a voluntary basis. Employees are encouraged to contact the EAP on their own. However, when an employee is experiencing a job performance problem, a Supervisor or Manager may suggest the employee seek assistance through the program. EAP counseling may be required by HART as a condition of continuing employment. EAP brochures that describe the program are available through the Human Resources Department.

3-3.7. Section 125 Plan (Flex Spending Account)

HART’s Section 125 cafeteria plan allows employees to use pre-tax dollars to pay for certain benefit costs. Pre-tax dollars can be used to pay for out-of-pocket expenses for health insurance premiums and supplemental insurance premiums by having them deducted from the employee’s gross pay before taxes are calculated. It also enables employees to use pre-tax dollars to pay for expenses under the Flexible Spending Account which allows them to redirect a portion of salary to provide reimbursement for two specific types of expenses: non-reimbursable medical expenses and dependent care.

Once elections are made during the enrollment period, it may be impossible to modify them during the plan year, so employees should consider their options carefully. IRS rules prohibit the modification and/or revocation of elections before the beginning of the next plan year unless there is a qualifying change in status (e.g., change in marital status, employment status, work schedule, number of tax dependents, dependents’ eligibility or worksite, or as otherwise defined by the IRS).

The Health Care Reimbursement Account (HCRA) allows you to pay on a pretax, salary reduction basis for eligible health care expenses not covered by your medical, dental, or vision
plans such as co-payments for physician visits and prescriptions.

The **Dependent Care Reimbursement Account (DCRA)** allows HART employees to pay for certain dependent care expenses on a pretax, salary reduction basis. It works just like the Health Care Reimbursement Account described in the article above. You may use your Dependent Care Reimbursement account to pay for eligible expenses for the following eligible family members: a child under age 13 in your custody whom you claim as a dependent on your tax return; a spouse who is physically or mentally incapable of self-care; and a family member who lives with you, such as a child over age 13, parent, sibling, or in-law, who is physically or mentally incapable of self-care, and whom you claim as a dependent on your tax return. If care is provided outside the home, the family member must live in your home at least eight hours each day.

### 3-4. Retirement

#### 3-4.1. Deferred Compensation Plan

Full time employees are eligible to participate in the company’s Deferred Compensation Plan. Employees will choose a HART sponsored plan.

The deferred compensation plan comes under the Internal Revenue Code (IRC) 457 savings plan authorized by Congress. Under the plan, an employee contributes a set sum each pay period to an investment account in the employee's name. Deferred compensation is a voluntary, payroll-deducted retirement program which offers the opportunity of setting aside a portion of income on a pre-tax basis and investing those monies into one or more funds selected by the employee. Contributions to the investment account are made out of pretax income and the earnings of the account are not taxed until they are withdrawn, usually at retirement.

In an effort to encourage employees to save for their retirement, the company will match the employee’s contribution dollar for dollar up to the equivalent of three and one-half (3 ½) percent of the employee’s salary on an annual basis.

More information and sign up forms may be obtained from the Human Resources Department.

#### 3-4.2. Retiree Benefits

**Medical, Hospitalization, Dental, and Vision Coverage**

Retired employees may continue medical, hospitalization, dental and vision coverage through HART by paying the total monthly premium. The cost will be the same monthly premium as HART pays. Payments to continue medical, hospitalization, dental and vision coverage are paid directly to HART and should be sent to the benefits office.

**Life and Supplemental Insurance Plans**

Retired employees have the right to convert their life or supplemental policies to individual policies. All premiums will be billed directly to the retired employee.

Contact the Human Resources Department for information on continuing insurance.

**Bus Passes**

Retirees and their legal spouse can request a free I.D., which will allow them to ride the bus free of charge.
3-4.3. Retirement Plan

HART is a member of the Florida Retirement System (FRS). Regular employees automatically become participants in the Florida Retirement System. Both the employee and HART pay retirement contributions of a certain percentage of the employee’s salary each month, as determined annually by Florida Statute. Temporary employees on HART’s payroll become participants after six months of employment retroactive back to the date of employment. Contributions to the Florida Retirement System are paid entirely by HART; no money is deducted from the employee’s salary until after the temporary employee’s first six months on HART’s payroll. Retirement contributions are governed by the rules and regulations of the Florida Retirement System.

Employees will choose between two FRS Retirement plans:

- **FRS Pension Plan:**
  - Enrolled in FRS prior to 7/1/11: A participant in this plan is vested after completing 6 years of service. Requirements for normal full retirement include earning 6 or more years of service and reaching age 62; or having 30 years of service regardless of age.
  - Enrolled in FRS after 7/1/11: A participant in this plan is vested after completing 8 years of service. Requirements for normal full retirement include earning 8 or more years of service and reaching age 65, or having 33 years of service regardless of age.
  - For more information on this plan, call 1-877-377-3675. Participants will receive an annual statement prepared by the Florida State Division of Retirement.

- **FRS Investment Plan:** A participant in this plan is vested after completing 1 year of service. For more information on this plan, call 1-866-446-9377

For the pension and investment plans, being vested means an individual is eligible to receive a retirement benefit.

Full details are available during orientation, through the Human Resources Department, or by contacting FRS directly at one of the numbers above or at their website: [http://www.frs.state.fl.us](http://www.frs.state.fl.us).

3-5. Miscellaneous

3-5.1. Workers’ Compensation

HART will provide appropriate Workers' Compensation coverage for compensable occupational injuries and illnesses in accordance with the provisions of Florida law. Compensation and medically necessary services and supplies will be provided to the employee without regard to fault or negligence. Fraudulent cases will be thoroughly investigated, and if necessary, pursued to prosecution.

Any accident or injury arising out of and in the course of employment must be reported to the employee's supervisor immediately. After any immediate medical needs are handled. HART's Workers’ Compensation Adjuster/Risk Specialist will be notified. Should an accident or injury occur after hours; the Risk Specialist must be notified immediately. The First Report of Injury or Illness shall be completed by 8:30 a.m. the next business day. If an emergency relating to a Workers' Compensation injury arises after doctors' office hours, the emergency room of
University Community Hospital should be used. In life threatening emergencies, the nearest medical facility should be used. If medical attention is required, the injured employee will be transported to HART's designated medical facility for initial diagnosis and treatment. If the injured employee is given a written diagnosis, treatment report, or any other document, the original(s) must be submitted to the Workers’ Compensation Adjuster/Risk Specialist. It is mandatory to report to the Workers’ Compensation Adjuster/Risk Specialist after each medical appointment. Prescriptions are billable to workers’ compensation and do not go through the employee’s group health insurance plan.

The Florida Workers’ Compensation Law provides a seven day waiting period during which no lost wage benefits are paid. If more than 21 days are lost from the job as a result of an accident, benefits will be paid for the seven day waiting period. Casual sick leave may be applied to any time which is not reimbursed by HART through workers' compensation. However, should worker's compensation benefits subsequently become applicable to any time previously charged as sick leave, the sick leave will be reimbursed by the employee to HART and leave hours will be reinstated to the employee’s leave balance.

Compensation benefits will not exceed two-thirds (66 2/3%) of the employee’s average weekly wage up to a statewide maximum. The average weekly wage is calculated by averaging the employee’s weekly wages for the 91 days preceding the accident.

Florida Statute §440.09 (5) states that safety appliances and equipment as well as safety rules must be used and/or followed. When employees do not comply with regulations, work related injuries are compensated at twenty-five percent (25%) less than the full amount. Safety equipment such as, but not limited to, safety shoes, goggles while handling liquid solutions, and seat belts while driving are prime examples. All employees are required to observe all safety regulations and rules.

Group health insurance benefits continue while an employee is on workers’ compensation if the employee continues to pay the portion of their group health insurance premium that is normally deducted from the employee’s paycheck.

If an employee is released to work with restrictions, the Workers’ Compensation Adjuster/Risk Specialist will arrange through the Human Resources Department for the employee to return to work in keeping with restrictions, if such work is available.

It is the employee’s obligation to use the doctor provided by HART. If the employee is not satisfied with the treatment, the employee has the right to request a different doctor. All Workers' Compensation requests and issues are to be coordinated through HART's Workers’ Compensation Adjuster/Risk Specialist.

3-5.2. Credit Union

Employees are eligible to participate as a member in the Tampa Bay Federal Credit Union. Once becoming a member, employees are eligible to participate in all credit union services including checking accounts, savings accounts, loans, direct deposit, etc. All deductions and changes are handled directly between the credit union and the employee. Information is available through the Human Resources Department. The credit union also handles direct deposit for those employees desiring to have direct deposit.
3-5.3. Employee Recreation Committee

The Employee Recreation Committee allows employees the opportunity to contribute to a fund wherein as a member they can plan and attend various functions throughout the year. The Committee dues are $2.50 per pay period and the amount is deducted from the employee’s paycheck. The Committee plans three or four functions per year—usually a spring dance, a summer family outing, a fishing trip, and more. For more information, please contact the Human Resources Department.

3-5.4. Free Employee Transportation

HART employees will be allowed to ride HART fixed route buses and the TECOline streetcar at no charge by showing a current employee identification card to the operator when boarding the bus or streetcar.

Renewable identification passes are provided free of charge to HART retirees on an annual basis (see 3-4.2). Spouses and children of current employees are eligible to purchase an annual identification pass at the cost of $2 and must present verifiable identification and be up to date and on file with Human Resources. Children must be 18 years of age and under at the time of issuance. Spouse and children identification passes expire annually.

Annual identification passes can be purchased at the reception desk at the Marion Transit Center or University Area Transit Center, and allow unlimited use of the fixed-route bus system and TECOline streetcar. Any violation of the use of the pass shall result in cancellation of the free ride privilege. As Operator of the streetcar, HART is extending this benefit to streetcar rides, but reserves the right to make changes to this benefit.

Employees terminating employment for any reason are required to surrender their identification card, their spouse and children’s annual identification passes and thus they do not retain the right to ride the bus system free. HART is Operator of TECOline streetcar; should that change, this benefit could also change.

3-5.5. Prepaid Legal

Prepaid legal services are available to employees through the organization’s plan. For a bi-weekly deduction amount, employees will be able to get professional, legal guidance and support through a network of experienced attorneys and financial advisors. This comprehensive plan will cover almost any legal situation that might be encountered. Additional information can be obtained from the Human Resources Department.

3-5.6. Employee Recognition and Awards

Employees are selected to be recognized for exemplary performance in their job functions, and their contribution and involvement in this organization and the community. Specific eligibility criteria and awards for all of the programs are available for your review on HART’s Intranet. Hard copies can also be obtained by contacting the Human Resources Department.

Employee Suggestions

HART encourages employees to make suggestions that will improve productivity, working conditions or customer service. All employees who submit a suggestion will receive an acknowledgment and a small gift. If HART implements a suggestion, the employee will receive
a $50 cash or gift certificate. Suggestion forms and deposit boxes are located in the Operations and Maintenance areas at the 21st Avenue HART facility.

Note: Employees who receive an item that has cash value (e.g. cash, gift certificates, savings bonds, etc.) will be subject to the appropriate payroll taxes as directed by the Internal Revenue Code.

3-5.7. Time Off for Community Involvement

HART supports activities that enhance and serve communities in which we live and work and the issues that impact quality of life. The intention of this policy is to participate in giving back and supporting the community and to allow the employees of HART to share in that effort. At the same time, HART recognizes that participating in these sorts of activities enriches the lives of its employees.

Amount of Time:

Employees can volunteer up to 16 hours (2 days) per calendar year toward a duly recognized and incorporated 501(c)3 charitable organization, in accordance with this policy*. More than one organization may be chosen. For non-exempt employees, volunteer time plus regular hours worked may not exceed 40 hours in a workweek. The paid time is not counted toward hours worked for the purpose of overtime. The time can only be taken in no less than 2-hour increments. Volunteer time outside of an employee’s normal work schedule does not count towards the 16 hour allotment and may not be converted to compensatory time. The volunteer time/service must be non-paid by the charitable organization.

This volunteer time, up to 16 hours per calendar year, will be considered paid time off. The volunteer/mentor time is not mandatory. The pay rate will be the employee’s current base salary on the day(s) the time is taken. This time is refreshed at the beginning of each calendar year, unless the program is amended or discontinued, and does not accrue from year to year. Usage of this time or lack thereof does not affect vacation accrual or sick leave usage. Employees will not be paid for the unused leave upon separation from employment.

Eligibility:

- All full-time regular non-bargaining employees of HART are eligible to participate in this program. Employees can choose a charity of their choice or work together with other employees of HART on a team effort.

Ineligibility:

- You are ineligible to participate in the Program, if:
  - The employee is on a Performance Improvement Plan (PIP).
  - The Program is discontinued. HART reserves the right to amend or terminate this program at any time without prior notice. HART also reserves the right to revoke approval if the employee is misusing the Program.

Approval Process:

An employee must fill out the Volunteer/Mentor Time Off (VMTO) Request Form and submit it to his/her manager at least two weeks (14 calendar days) before the requested time off. It is at the discretion of the employee’s manager, who will take staffing needs and the needs of the department into consideration, when approving/denying the request.
HART sponsored VMTO may not be used for organizations that discriminate based on race, creed, color, religion, national origin, ancestry, citizenship status, age, disability, handicap, sex, marital status, veteran status, sexual orientation or any other characteristic protected by applicable federal, state or local laws.

Examples of appropriate uses for VMTO:
- Building a house for Habitat for Humanity
- Donating your time at a non-profit food bank
- Cleaning up a beach, highway or park for Keeping Tampa Bay Beautiful
- Coaching a non-profit’s sports team of disadvantaged young adults
- Participating in Big Brother/Big Sister programs

Inappropriate examples:
- Taking a ski vacation and charitably giving ski lessons
- Coaching your child’s basketball team
- Attending your child’s PTA conference
- Attending a professional, religious, or personal interest conference

Paid volunteer time from HART may not be used for programs or initiatives where the primary purpose is the promotion of religious doctrine or tenets. It may also not be used for activities to carry out propaganda, to attempt to influence legislation or the outcome of any public election or to carry on any voter registration drive.

*There are charitable organizations that are not considered a 501(c)3 organization for which HART would approve VMTO, such as the Great American Teach-In. Employees should check with Human Resources prior to signing up for a volunteering event with a non-501(c)3 for program/event approval.

3-5.8. Tuition Reimbursement

HART will reimburse regular full-time employees for tuition fees and books required for approved training courses. HART will not reimburse for materials, supplies, application fees, or transportation.

The employee must apply to the Human Resources Department for an application for tuition reimbursement and receive approval from both Human Resources and the appropriate department head before beginning the selected course of study. Requests for reimbursement may not be approved if this procedure is not followed. Approved training shall include courses which are related to the employee's present job or to a promotional position. Courses shall be completed at a technical or trade school or an accredited college or university approved by the Authority. Tuition reimbursement will be capped at a maximum for tuition and books of $5,250.00 per calendar year.

- The employee must present the following documentation along with the Tuition Reimbursement Request form: (1) registration receipt(s); (2) class schedule; (3) book receipt(s). An employee may request 75% advancement on the cost of tuition and books at the onset of course registration if it has been approved by the Authority. The employee will be reimbursed for the outstanding 25% of the cost of tuition and books upon
evidence of successful completion of the course of study. If an employee does not request 75% advancement at the onset, tuition will be reimbursed at 100% upon successful completion of course(s) of study or training.

- Successful completion of course(s) of study or training is defined as completing a course with a grade of "C" or higher or passing grade for the course. In the case of training, presentation of a Certificate of Completion duly authorized by the trade school or institution attended will meet the documentation requirement.

- The employee is responsible for providing a copy of their final grade to Human Resources as soon as it is received. In the event that 75% of tuition costs were advanced to the employee and the employee fails to successfully complete the course or receives a grade lower than a "C", the employee must pay back the amount of the advance to HART.

- An employee who has received a tuition advancement who does not immediately notify the Authority of dropping a course, receiving an "Incomplete" or a grade less than a "C", will not only be responsible for paying HART back the monies advanced, but will also not be eligible for future advancements on tuition and book costs for the duration of the fiscal year.

- An employee receiving a scholarship or grant for education must disclose that financial assistance to HART and is required to use that financial assistance prior to seeking tuition reimbursement from HART. Such scholarships and grants include, but are not limited to, Veteran's benefits, Social Security benefits, Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Florida Student Assistant Grant and tuition waivers. Employees who fail to disclose this information will be required to pay back any funds distributed and will be subject to discipline up to and including termination.

- An employee who resigns or is dismissed from employment prior to the completion of an approved training course or classes shall not be eligible for reimbursement. If an employee resigns or is dismissed from employment prior to completing the approved course, the amount advanced will be deducted from the employee's final paycheck, to the extent permitted by law. An employee who is laid off or retires during the training or class shall be eligible for reimbursement upon successful completion of the training course.

- If a change in work assignment causes an employee to have a conflicting schedule with a pre-approved course in progress, HART will make a joint effort to accommodate the employee's need to attend class.

Any state or federal income tax requirements on this benefit will be the responsibility of the employee and whenever possible will be deducted from the employee’s paycheck.

The Tuition Reimbursement Request form is available from the Human Resources Department.

### 3-5.9 Dues, Fees or Subscription Costs

HART encourages employee participation in professional, technical or industry trade organizations whose objectives are directly relevant to the primary business of the Authority and/or a requirement for professional certification. The Authority also recognizes the value of business publications in keeping employees informed of advances and trends in their specific career discipline and areas of responsibility. HART will, to a reasonable and limited extent,
sponsor memberships, subscription costs and professional license and certification fees under guidelines outlined, subject to availability of funds.

- Professional Memberships and Certifications: HART will pay directly or reimburse employees for the cost of annual professional memberships and/or certification fees when such licensing or certification is a condition of employment or provides a direct benefit to the Authority.

- Publications and Subscriptions: HART will pay for Corporate-wide and Departmental subscriptions to trade journals, newsletters, newspapers, reference materials and other business-related publications if such publications are required to conduct business and/or provide information on advances or trends in specific disciplines directly applicable to the organization. Individual subscriptions will only be permitted if such subscriptions are less costly than Corporate-wide or Departmental subscriptions.

Department Heads will be responsible for budgeting for each employee who has been authorized to receive or renew a professional (individual) membership, certification, or subscription. The number of professional memberships for an individual employee will be monitored and approved by their direct supervisor.

Individual or personal memberships in professional, managerial and technical organizations that are not a business necessity are considered to be part of an employee's personal career development. Therefore, payment of dues is the responsibility of the employee. Individual memberships in professional organizations will generally not be approved if the Authority maintains a corporate or group membership in the same organization. Organizations will be asked to send all membership materials to the employee's office address and memberships and materials paid for by the Authority will be transferred when possible, and remain with the Authority in the event that the employee separates employment.

3-5.10. Annual Physical

Employees may elect to receive an annual physical with two (2) hours paid time and reimbursement for his/her insurance co-payment. If the insurance plan includes an annual physical exam free of charge to the employee, there is no reimbursement of a zero co-payment. The two hours paid time is not counted toward hours worked for the purpose of overtime.

Section 4 – General Standards of Conduct

4-1. Workplace Conduct

HART endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in HART’s sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Completing another employee’s time records.
3. Dishonesty; falsification of HART records.
4. Violation of safety rules and policies.
5. Negligently or willfully damaging, threatening to damage, misusing or destroying HART property or property of another employee. (Wasting of work materials).
6. Coercing, intimidating, threatening, or interfering with other employees.
7. Failure or refusal to follow instructions, direct orders, or perform work as assigned; insubordination.
8. Failure to report dishonest activities on the part of employees or managers.
9. Use of abusive or profane language or engaging in obscene, lewd, or other inappropriate conduct.
10. Violations or disregard of a HART rule, policy or procedure.
11. Habitual tardiness reporting to work, leaving work without authorization, excessive absenteeism or sleeping on the job.
12. Refusal or failure to submit to a fitness-for-duty examination or to a urine, or breathalyzer test.
13. Procuring, soliciting or engaging in immoral acts on the job.
14. Causing an unnecessary disturbance (horseplay) or disruption of business on the job.
15. Creating hazardous or unsanitary conditions on the premises.
16. Offensive, discourteous or rude conduct towards supervisor, other employees and/or general public.
17. Failure to notify your supervisor or department head of circumstances that would affect your ability to perform your job.
18. Failure to return to work as scheduled after an approved leave of absence, or accepting other employment while on a leave of absence.
19. Unauthorized sharing or removal of HART information.
20. Purchasing, possessing, selling or being under the influence of alcohol or illegal drugs on the premises or in a HART vehicle at any time whether on-duty or off-duty.
21. Damaging or unauthorized possession or removal from the premises of Authority property or property of another employee.
22. Behaving in a manner that may be construed as discriminating or harassing or otherwise in conflict with applicable laws relating to individual civil rights.
23. Conduct on or off duty that adversely reflects on the Authority, or interferes with performance.
24. Failure to maintain a pattern of behavior that reflects a positive attitude relating to HART, management personnel, other co-workers, and customers.
25. Unauthorized possession or use of weapons or physical force against another person.
26. Failure to attend mandatory meetings or training sessions without the approval of your supervisor or department head.
27. Abuse of authorized leave. Excessive absenteeism or Feigning illness.
28. Performing work of a personal nature during working time.
29. Gambling on HART property.
Note that all employees are employed at-will, and HART reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. HART will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, HART will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason. The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

4-2. Punctuality and Attendance

Employees are hired to perform an important function at HART. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from each employee. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, that there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify their Supervisor as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration. Employees should call every day that they are absent.

Unreported absences of three consecutive work days generally will be considered a voluntary resignation of your employment with HART.

4-3. Use of Communication and Computer Systems

The means for oral, written and electronic communication are each made available solely to serve the business purposes of HART. Any personal use shall be permitted only as incidental to and shall not be permitted to interfere with the normal course of HART's business. All such communications and evidence or traces of such communications are considered HART property and HART management reserves the right to review and/or archive all such communications, with or without notice to employees. There can be no expectation of privacy in the use of any means of communications available on, in or in connection with any HART facility, vehicle or equipment. Any use of such means for communication may be subject to public records requirements and any employee's use of such means for communications shall be an acceptance by that individual that such communications are public information. Each employee shall sign a statement acknowledging and accepting this policy.

**Telephone and Voice Mail**

- Use of telephone equipment and voice mail for personal purposes are only allowed on breaks or lunch periods provided said use is within acceptable time limits.
- While limited, reasonable use of a company telephone for personal purposes is permitted, in the event that an employee’s personal use of a company phone results in exceeding the talk or data plan limits, the employee may be required to reimburse HART for the additional cost incurred.
Numerous lines at HART are recorded and/or monitored to insure proper and acceptable communication, ascertaining that the standards of quality customer service are being met, and evaluating job performance. HART provides a “beep” tone on lines being recorded such as customer service, hot lines, radio communication channels, etc. However, lines may be monitored without a “beep” tone.

All voice mail is subject to review and recording without notice to the employee or anyone else.

E-Mail

Electronic communication (E-Mail) is provided by HART for employees to conduct HART business and is encouraged when it results in the most efficient and/or effective means of communication.

All electronic communications are part of the HART computer system and, therefore, are considered HART property. HART management reserves the right to review all electronic communications either through direct access or the use of archival data, with or without notice to employees. Deletion from an employee’s file does not constitute deletion from the archived files.

The use of computer equipment may be monitored to identify potential abuses. Employee use may be restricted, as necessary, to conform to HART guidelines. Retrieved communications may be used in disciplinary proceedings.

Software and Computers

HART provides software and computers for employees to conduct HART business. Use of the software and computers may be required to complete certain job functions and in the continuous learning process of employee development. A principle aim of employee development is to improve computer skills in the present position as well as in an upgraded position. It is important that all employees recognize that the software and computers are to be used for business purposes only.

HART expressly prohibits the following use of HART provided software and computers:
  - Duplication of copyrighted materials (software and programs) in violation of copyright laws.
  - Use of software and computers in any way to conduct or promote a private commercial enterprise.
  - Adding, moving, deleting or altering software without the permission of the Information Technology (IT) Division.
  - Loading personal or any other software without permission of the IT Division.
  - Giving, passing or transmitting user passwords (passwords are confidential) to anyone without the permission of the IT Division.

All software and computers are part of the HART computer system and, therefore, are considered HART property. HART management reserves the right to review all computer operations carried out either through direct access or the use of archival data, with or
without notice to employees. Deletion from an employee’s file does not constitute deletion from the archived files.

- To accommodate security issues, the use of computer equipment may be monitored to identify potential abuses. Employee use may be restricted, as necessary, to conform to HART policy. When necessary, records of unauthorized use may be retrieved for use in disciplinary proceedings.

**Internet/Intranet**

- Internet/Intranet access is provided by HART for employees to conduct HART business and is encouraged when it results in the most efficient and/or effective means of gathering information or data. It is important that all employees recognize that the Internet/Intranet is to be used for business purposes only.

- As a condition of providing Internet/Intranet access to its employees, HART places certain restrictions on usage and encourages usage for the following:
  - To communicate with fellow employees, outside agencies and contractors regarding matters within an employee’s assigned duties.
  - To acquire information related to or designed to facilitate the performance of, regular assigned duties.
  - To facilitate performance of any task or project in a manner approved by an employee’s supervisor.

- HART expressly prohibits use of the Internet/Intranet for the following:
  - Downloading and/or playing of Internet/Intranet games.
  - Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
  - Sending, receiving, printing or otherwise disseminating any, out of the sunshine, confidential information of HART in violation of HART policy or proprietary agreements.
  - Offensive or harassing statements or language including disparagement of others based on their sex/gender, color, race, national origin, age, disability, religion, veteran status or sexual orientation.
  - Sending or soliciting sexually oriented messages or images or seeking/soliciting sexually oriented information or activity.
  - Operating a business; usurping business opportunities; soliciting money for personal gain, outside business or other unauthorized activity or searching for jobs outside of HART.
  - Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law.

- All Internet/Intranet communications are part of the HART computer system and, therefore, are considered HART property. HART management reserves the right to review all communications carried out either through direct access or the use of archival data, with or without notice to employees. Deletion from an employee’s file does not constitute deletion from the archived files.
• To accommodate security issues, communications may be monitored to identify potential abuses. Employee use may be restricted, as necessary, to conform to HART policies. When necessary, records of unauthorized use may be retrieved for use in disciplinary proceedings.

4-4. Camera Phones/Recording Devices

Due to the potential for issues such as invasion of privacy, sexual harassment, and loss of productivity, employee may operate the camera feature on a company cell phone, personal cell phone and other electronic devices while on company property or while performing work for HART. However, the use of this feature must be used solely for legitimate business purposes.

The use of tape recorders, dictaphones or other types of voice recording devices anywhere on HART property, including to record conversations or activities of other employees or management, or while performing work for HART, is also strictly prohibited, unless the device was provided by HART and is used solely for legitimate business purposes.

4-5. Smoking

HART recognizes that individuals working in, visiting HART buildings, or using vehicles or other space occupied by HART are entitled to an environment that is reasonably free from contamination. Employees, patrons and members of the public are permitted to smoke under limited conditions, consistent with the Florida Clean Indoor Air Act, Florida Statute 386, Part II. Signs that can be easily read shall be placed in appropriate places in buildings and facilities as determined by the Safety and Security department head or designated officer. Accordingly, smoking is authorized in designated smoking areas only. Smoking is prohibited within 25 feet of HART buildings, unless otherwise identified as a designated smoking area.

Consistent with this policy, smoking, including e-cigarettes or any product/container containing tobacco, is prohibited in the following areas:

• Areas which are enclosed under roof at HART owned and/or operated business offices and all transit transfer centers. This will include all hallways and corridors, all restrooms, the bus operator training room and the administrative reception areas

• All HART revenue and non-revenue vehicles, which includes staff cars, vans, streetcars, trolleys, maintenance vehicles and buses. It is also prohibited in the fuel island and around flammable products; in HART’s vehicle storage/yard area - east and west lots; and while performing job duties and while walking through HART’s vehicle storage/yard area.

The designation or changing of the designation, of any smoking area shall be determined by the individual characteristics of the building or area, such as size, ventilation, the purposes for which it is utilized, and other criteria relating to public health, safety, and comfort. The Chief Executive Officer or his/her designee, in accordance with this policy, shall make this determination.

All materials used for smoking in designated areas, including cigarette butts and matches, must be extinguished and disposed of in appropriate containers. No additional breaks beyond those allowed under HART’s Work Hours and Schedule – Break Periods policy may be taken for the purpose of using tobacco or similar products. A visit to designated smoking areas in no way relieves an employee of responsibility to promptly report for a scheduled work assignment.
4-6. Solicitation and Distribution

HART recognizes that soliciting support for and/or distributing literature on behalf of various causes or organizations, especially those of a non-profit, charitable nature, can be a benefit not only to our employees, but to HART and the communities in which it operates. It is important, however, to set limits on and guidelines around such activities in order to minimize disruption to employees’ performance of work in the working environment and respect co-workers’ rights not to receive what might be perceived as unwelcome distributions and solicitations such as vulgar, discriminatory or obscene communications or otherwise be subjected to activities perceived as creating a hostile work environment.

The purpose of this policy is to set forth appropriate guidelines for solicitations and distributions for events, charities or other activities. This policy does not provide guidance regarding HART funding or sponsorship of such events. Nothing in this policy is intended to interfere with the rights protected under any law which gives employees the right to engage in, as well as the right to refrain from engaging in protected concerted activities relating to their terms and conditions of employment including but not limited to conduct for union organizational purposes.

Definitions

This policy addresses solicitations and distributions in HART’s workplace. The following definitions are used throughout and are important to understanding the policy:

A. “Solicitation” refers to any attempt by a HART employee or a third party to generate support for a cause, product, organization or political issue. Examples of solicitations include any request to another person associated with HART (including oral requests) for the following:

- funds or contributions of any kind;
- purchase of goods, products or services;
- signing of a petition;
- joining or becoming a member of a group;
- support for political causes or candidates; or
- support or commitment to support causes, groups, or interests.

B. “Distribution” refers to the manner in which a solicitation may be disseminated. A distribution includes doing any of the following in support of a solicitation:

- handing out or giving employees written materials to review; posting or hanging material in a public or work area; or using e-mail or other electronic medium to disseminate information.

C. Working time includes the time during which any of the employees involved are actually scheduled to work, and does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

D. “Working Areas” refers to any areas in which employees perform actual work for HART, but does not include break rooms or social gathering areas which are not used by employees for the performance of work.
Guidelines
There are numerous ways in which, or reasons why, a HART employee may wish to initiate a solicitation or distribution. This policy is not intended to address every situation, (including rights granted to employees to engage in protected concerted activities under the National Labor Relations Act as described above) but is designed to provide guidelines to be applied by HART managers and Human Resources. If there is any question about how these guidelines should be applied to a particular situation that is not addressed, employees should contact their manager or Human Resources.

Specific Types of Solicitations:

1. Support of Employee Life Event. HART employees may make solicitations of other employees including during working time and in working areas for the purpose of celebrating, mourning or supporting life events of current Lincoln employees and their immediate family members. Examples of life events include retirement, death, birth/adoption, marriage, catastrophic illness, personal disaster, or farewell gifts for terminating employees. Distributions in support of such solicitations may be made via email, poster or word-of-mouth.

2. Not For Profit and/or Charitable Causes/Events Supported or Sponsored by HART. HART employees may solicit other employees on behalf of a Not for Profit or charitable cause that is being sponsored or otherwise supported by HART during working time and in working areas. Distributions in support of such events/causes may be made via HART’s internal website, email, poster or word-of-mouth.

3. Not for Profit Causes/Events Not Otherwise Supported by HART. An employee that wishes to solicit on behalf of a bona fide not for profit organization, or charitable event or cause organized by a bona fide not for profit organization, that is not otherwise being sponsored or supported by HART may do so during working time and in working areas. Distributions in support of such events/causes may be made via email, poster or word-of-mouth with pre-approval from Human Resources.

4. Solicitations in Support of HART Sponsored Employee Events. HART Committees, Human Resources or designated employees may solicit other employees to support employer-sponsored events/trips/excursions for purposes of encouraging social networking and communication within the company with the goal of maintaining strong work relationships and/or maintaining high employee morale. All such events must be sponsored by HART. Solicitations and distributions in support of such events are not subject to this policy. Employees may not solicit or distribute materials for any trip/excursion or event that is not sponsored by HART. The only exception to this rule would be the solicitation or distribution of materials for events/trips/excursions sponsored by the Employee Recreation Committee (ERC).

5. Solicitations in Support of Political Causes/Campaigns. Employees may not solicit or distribute information on behalf of a political event, campaign or candidate for (local, state or national) political office.

6. HART Values and Code of Conduct. All solicitations and distributions must conform to the HART policies, including harassment/discrimination and equal employment policies, as well as HART’s General Standards of Conduct.

7. No Disruption or Disturbance. In no event may any solicitations create a distraction or disturbance to the performance of work. Human Resources has the authority to suspend, at
any time, any solicitation or distribution that is believed to be inappropriately disruptive or creating a disturbance.

8. **No Solicitation to Customers.** Under no circumstances may an employee solicit or distribute to customers or persons with whom HART does business while on company premises or at a company-sponsored event.

9. **Use of Company Property or Resources.** Company resources may be used for solicitation and/or distribution purposes: (1) as specifically authorized by this Policy; (2) in accordance with HART’s Use of Equipment and Facilities policy; or (3) as specifically authorized by Human Resources.

**Additional Considerations**

*Participation at Own Risk.* Employees who participate in donating money or purchasing any products or services from other employees, do so at their own risk. HART will not be responsible for any acts or omissions engaged in by individuals who are seeking to solicit your participation. (For instance, if you purchase products from another employee and do not receive the product, HART will not be responsible for reimbursing you).

In addition, employees who purchase goods or services from third parties do so at their own risk and HART is not responsible for the acts or omissions of such individuals or entities or for dissatisfaction with any product or service purchased from third parties. HART is also not responsible for acts or omissions of third parties on any event, trip, or excursion sponsored by the HART or the Employee Recreation Committee.

*Discounts.* From time to time, commercial entities may request that HART advertise special discounts or incentives available for HART employees. Such offers may be available for employees to review on HART’s internal website. The listing of discounts is not all-inclusive of discounts for HART employees from third parties. In including such discounts on the internal website, HART is not condoning, or otherwise commenting upon or guaranteeing the products or services offered, or representing the continued availability of the offered discount.

*Employee Input.* HART welcomes employee input on activities and events which may improve communications, maintain strong work relationships, or maintain high employee morale. Employees who have ideas for such activities should bring suggestions to their manager or Human Resources.

4-7. **Bulletin Boards**

All general announcements, job openings and employee communications are posted on bulletin boards that have been placed in strategic locations at HART facilities. Frequently, discount programs and/or tickets to popular events are available. Announcements of these programs and events are posted as they become available. Employees wishing to post personal items on the bulletin boards must contact the Human Resources Department prior to posting. HART retains the right to disallow and/or remove posting of materials it feels are inappropriate or not in the best interest of HART.

4-8. **Communication/Information**

Special instructions to employees may be issued either verbally by members of management or in the form of e-mail or memos, circulated to employees or posted on bulletin boards. It is the
responsibility of all employees to check the bulletin board located in the employee’s work area on a daily basis as well as e-mail when applicable. If any doubt exists regarding notices or instructions, an employee should see his/her immediate supervisor to obtain additional information or clarification.

Employees also receive instruction through performance reviews as well as through written work assignments and task and job procedures. Periodic and/or routine meetings and training sessions are held to provide instruction, work on problems, coordinate projects, counsel employees, etc. Monthly newsletters are distributed to employees; the Transit Development Plan is updated annually and is made available to employees for review and a personal copy is available on request. Minutes of Board meetings and packets of the information used by the Board at the meetings are available on HART’s website.

4-9. Confidential Company Information

During the course of employment, an employee may become aware of confidential information about HART’s business or personnel. An employee also may become aware of confidential information belonging to HART’s customers or business partners. It is important that all such information remain confidential and should not be disclosed without appropriate authorization. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of HART may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement affirming these obligations.

4-10. Blogging and Social Media

HART recognizes that today’s emerging social media technologies connect the world by allowing people to interact with each other through various online communities, tools and forums and are changing the way organizations, communities, and individuals communicate and collaborate. These technologies allow people to build new and maintain existing relationships with friends, families, colleagues, clients and the world at large. Examples of social media tools and technologies include:

- “Social networks” such as LinkedIn, Twitter, Periscope, Facebook, Vine, etc.;
- Internet message boards, instant messaging and online chat rooms;
- Blogs, wikis and other collaborative environments;
- “Virtual worlds” such as Second Life; and
- Photograph, video, or audio sharing media such as Podcasts, YouTube, Flickr and Instagram.

While HART supports and continues to explore ways to utilize such innovative technologies in a professional capacity, HART employees must recognize that online behaviors, both personal and professional, can impact the public’s perception of each of us individually, as well as HART. Access to social media and social networking sites is not restricted by HART’s network; however, employees may not post on a blog or social media site during work time or with HART equipment or property unless it is within the purview of their job duty or they are directed to do so by their supervisor. HART’s policy on the use of communication and computer systems applies to the personal use of social media. Sound judgment and standards of professionalism
must be applied to professional and incidental personal use of social media. Remember, your responsibility to HART doesn’t end when you are off the clock.

HART employees must familiarize themselves and adhere to the policies set forth in the Employee Handbook and HART Board Policies. HART requires that confidential information about HART’s business or employees remain confidential and should not be disclosed without appropriate authorization. All rules regarding confidential information apply in full to blogs, tweets, posts and the use of all forms of social media. Posts by employees to blogs and social media sites about HART are considered to be actions of official business, and therefore subject to Florida’s public records laws. Furthermore, postings with information legally protected from these public records laws (e.g. employee health information) must not be posted. HART also requires employees to uphold HART’s name and reputation and to respect each other and our customers. Employees should be aware that HART may observe content and information made available by employees through social media. This policy outlines the requirements and acceptable behaviors that should be applied when engaging in online activities using social media platforms.

1. **Blog, tweet, chat, post; applicable laws and HART policies still apply.**

When online, HART employees must recognize that all policies dealing in the engagement of online activities must be applied. This is true if you are online while in the office, during personal time, on HART equipment or on personal computers. Social media technologies used within the Agency or used for Agency-sponsored or endorsed business activities undertaken in HART’s name must be reviewed against relevant Agency policies. As described below, certain social media technologies must be approved by your Supervisor, Department Head, or HART’s Ethics and Compliance Officer. In some cases, certain social media technologies may need to be approved by HART’s Legal staff.

HART employees must comply with the following guidelines in order to meet the Agency’s policies and applicable laws related to online activities.

- Apply the principles outlined in the Employee Handbook and HART Board Policies in your online behaviors and activities.
- Comply with copyright, patent laws, and HART policies related to confidential information.
- Comply with federal and state laws.
- Internet postings should not include company logos or trademarks unless permission is asked for and granted. Internet postings must respect copyright, privacy, fair use, financial disclosure and other applicable laws.
- Refrain from representing HART’s viewpoint in an online forum.
- Be clear that you are speaking for yourself and not on behalf of HART when posting personal opinions in a forum where you could be viewed as representing the Agency.
- Do not post non-HART sponsored videos, media clips or images that reference HART or include the HART logo or brand.
- Do not comment on Agency-related legal matters unless you have approval from HART’s Legal staff.
- Hiring Managers across the Agency should not review a potential candidate’s
information on social media networks. Doing so can potentially make known a candidate’s protected characteristic(s) for which claims of discrimination could arise.

- Please review the protected characteristics which are listed in HART’s Equal Employment Opportunity Policies. These characteristics include race, creed, color, religion, national origin, ancestry, citizenship status, age, disability, handicap, sex, marital status, veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by applicable federal, state or local laws.

- Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized HART spokespersons.

2. You are responsible for upholding your and HART’s reputation.

Your behavior, postings and interactions on the Internet can reflect or impact HART’s image as well as yours. Even if you are not formally representing HART, you are a representative of the Agency when in the public domain, and your online postings reflect this. Special attention must be given to your activities when your association with HART could become known. Do not post materials that may negatively impact the public’s perception of you, your coworkers and the Agency. Remember that what you post on the Internet can exist forever and you can easily lose control over who can view and use that content in the future. Below are additional guidelines to apply and uphold your and HART’s reputation.

- Conduct yourself in a professional manner, including your appearance, during all online interactions.
- If you are in a virtual world as a HART employee please dress and behave accordingly.
- Consider the implications of making incidental references to HART and remember that you are a representative of the Agency.
- When explicitly referencing your employment at HART, use your approved job title to depict your role. Do not use terms, phrases or descriptions that do not form part of your official job title.
- Only use factual information to describe your work experience and professional history. Do not use exceedingly descriptive words or terms that may overly imply expertise, proficiency or specialization.
- If you discover you have posted something that wasn’t true, respond to your mistake immediately. In a blog, if you choose to modify an earlier post, make it clear that you have done so.
- Do not post inappropriate materials. Always review the content of your postings (e.g., text videos, media clips, images, photos and audio/voice recordings) before posting them on the Internet. Recognize that your colleagues and customers may view your postings.
- Be conscious of the unintended use of the HART name and logo. Posting photos, images, video or other content that may display the HART logo, such as on branded apparel or other HART items and equipment, including HART vehicles, may inadvertently impact the Agency image and reputation.
- Review information you may have posted online prior to your employment with HART,
3. **Respect the privacy of others as well as your own.**

Sharing information about you, your friends, family, coworkers and colleagues can be an effective way to build and grow relationships. However, sharing too much information can put an individual’s identity and personal safety at risk. Limit the amount of information and content you post about yourself and others. Be cautious of the relationships you create and accept into your network, and be respectful of your audience in all your online activities. Remember that what you post can become a permanent record, available to a public audience you may never know. Take precautions and consider the following:

- Limit the personal information you share about yourself and others (e.g., birthday, home address, email address, etc.).
- Recognize that each social networking site publishes its own Terms of Use and Privacy Statement. Be familiar with the terms posted on each site you participate in.
- Carefully consider whom you allow to become your “friend” or part of your “network,” and remove those you are not comfortable having in your “network.”
- Remember that a “private” network is never truly private.
- Change the settings to your personal profile as appropriate to limit who can view your personal details.
- Protect your personal information by using strong passwords to log into your accounts.
- Respect the privacy of your coworkers and customers. Do not cite, reference or post personal information about them without their approval. Information obtained about individuals, coworkers and customers via personal social networking activities must not be used or shared inappropriately for business purposes.
- Respect the diversity of your coworkers and audience. Do not use inappropriate language or obscenity, or insult others for their race, color, creed, religion, national origin, sex, age, disability, sexual orientation, gender identity or expression, genetic predisposition, veteran, marital, citizenship status, or any other status protected by law.
- Always treat others with respect in your online interactions.

4. **Use your best judgment.**

HART trusts our employees to do the right thing. While incidental personal use of HART provided technologies is permitted, consider how much time you are spending online for personal reasons during business hours. Personal online activities are should not interfere with your daily job responsibilities and commitments. Employees are accountable for the statements that they make online. An individual can be liable for misrepresentation of information or perpetuating statements or images that are defamatory, harassing, libelous or create a hostile work environment, even if they believe the information to be true or harmless. Employees should act responsibly and are prohibited from using electronic tools and technologies to participate in criminal activities, disseminate or download improper material, or engage in conduct that violates HART policies regarding appropriate conduct. HART has the ability and reserves the right to undertake the monitoring of the use of Agency resources and online activities.

HART communications on our social media pages are managed in a coordinated manner through
designated spokespersons. Thus, HART urges all employees to not post information regarding HART or their jobs which could lead to morale issues in the workplace or which could detrimentally affect HART’s business. Employees should report policy violations or inappropriate activities and behaviors immediately to your Supervisor, Department Head or HART’s Ethics & Compliance Officer. Violations of this policy can result in disciplinary action up to and including termination.

4-11. Use of Equipment and Facilities

All HART property, equipment and facilities are made available solely to serve the business purposes of HART. Any personal use must be authorized by HART management and will be permitted only on a limited basis provided that such use does not interfere with the normal course of HART’s business. Any personal use of HART property, equipment or facilities shall be construed as acceptance by employees that any communications or information involved in such use is public information and may be subject to monitoring and review.

The use of HART office equipment, including but not limited to photocopy machines, fax machines, typewriters, computers, and telephones, is for official purposes only unless otherwise authorized by management. Employees are not permitted to use HART property such as stationary, letterhead, mail or facilities for personal use, outside business or other unauthorized activity. The misuse of HART property including money, facilities, equipment, supplies, mail services, telephones, fax, photocopiers, E-Mail, and motor vehicles is a serious offense and may lead to disciplinary action up to and including immediate termination of employment.

- **Photocopy Machine**: Limited use of the copier machine at the cost of 15 cents per page for personal purposes is allowed on breaks or lunch periods provided said use is within acceptable time limits and does not interfere with the normal course of business. This money will be paid directly to the Accounting Department. It is a violation of this policy if employees make copies of lewd, distasteful or suggestive literature; any item of a political nature; any copyrighted materials or any other materials deemed to be inappropriate by HART.

- **Facsimile Machine**: Employees will be allowed limited use of the fax machine for personal purposes on breaks or lunch periods provided said use is within acceptable time limits and does not interfere with the normal course of business. Such local area personal faxes free of charge. If the personal fax is long distance there will be a cost of $1.00 per page. Employees will be allowed to receive personal faxes under the same conditions for a fee of 15 cents per page. It is a violation of this policy if employees send or receive material that could be interpreted as lewd, distasteful or suggestive; any item of a political nature; any copyrighted materials or any other materials deemed to be inappropriate by HART.

Reimbursement to HART for the cost of equipment misuse will be required where applicable.

**Use of HART Vehicles**

Employees may be required to leave their regular work site during the workday to engage in HART-related business. Employees who have need of a HART vehicle shall be allowed the use of a HART staff car or van, if available and the employee has a valid driver’s license. Travel to the business location must be made through use of the most direct route. Use of a HART vehicle
for the sole purpose of personal business is expressly forbidden. Those employees operating a HART vehicle on a daily basis are responsible for maintaining the vehicle (i.e. interior/exterior cleanliness, tires, gas, fluids). A pre-trip inspection must be completed daily. Any damage must be reported to the employee's supervisor or the department head immediately.

Employees are not allowed to smoke, drink alcoholic beverages, or be under the influence of alcohol or controlled substances while in an Authority vehicle. Employees are not allowed to carry unauthorized passengers in HART vehicles.

Take Home Cars

Staff cars are only to be taken home in emergency situations and with prior authorization. Staff cars are for official use only and should not be used for personal use. In the event a department head authorizes a car to be taken home, it must be documented in an authorization memorandum and kept on file in the Risk Management Department.

Drivers’ License

Employees who are involved in an accident while operating a HART vehicle when they knew, or should have known, they had a suspended, revoked, or canceled license and/or required endorsement, shall be discharged immediately regardless of who is at fault. “Knew or should have known” as defined in this paragraph includes, but is not limited to, Department of Motor Vehicle (DMV) issuance of a notice of suspension, revocation, cancellation or disqualification.

The Authority conducts DMV checks on all applicants and periodically conducts DMV checks on employees who are required to operate staff vehicles as part of their job requirement. If it is discovered that an employee has operated a HART vehicle when they knew they had a suspended or revoked license, the employee shall be discharged. Copies of DMV reports are retained in the Human Resources Department.

Cellular Phone Usage When Driving

Employees with cell phones shall refrain from using cell phones while operating HART vehicles. Regardless of the circumstances, including slow or stopped traffic, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, the employee must use a hands-free device.

Employees who are charged with traffic violations resulting from the use of their phones while driving will be solely responsible for all liabilities that result from such actions.

4-12. Health and Safety

The personal safety and health of each employee and the prevention of occupational injuries and illnesses is of paramount importance to HART. HART will take measures to prevent and eliminate job hazards known to HART which the employee may encounter at his/her place of work, in accordance with applicable federal, state and local regulations.

An employee involved in an accident on duty shall immediately report said accident and any physical injury sustained to one of the following persons: Dispatch, department supervisor, department head. An employee shall fill out an accident report in writing on forms furnished by HART and turn in the names and addresses of all available witnesses to any accident.
Employees shall report all defects of equipment or unsafe conditions to their immediate supervisor and/or the Safety/Security Department. In the event continued defects of equipment or unsafe conditions are experienced, a written complaint must be filed with the Safety/Security Department.

HART complies with the rules of the Federal Occupational Safety and Health Administration (OSHA) and the Florida Occupational Safety and Health Administration (FOSHA). Consequently, employees may be required to attend periodic training sessions on various safety-related matters, including training on preventing the transmission of blood-borne pathogens. Employees are expected to review and familiarize themselves with HART’s Safety Program. Specific procedures can be viewed and/or obtained from the HART Safety/Security Department.

**Accident/Incident Reporting**

Accidents are divided into three categories: Crash (contact made with an object or vehicle), Passenger (customer injured while boarding, alighting or on the unit), and Employee (personnel work related injury).

Incidents are defined as any other events which take place outside the normal scope of, and/or in violation of HART Standard Operating Procedures (SOP) and HART policies.

A primary tool used by HART to identify the area of accidents and incidents is a thorough and properly completed official Accident/Incident Report. The results of each accident/incident will be reduced to writing and submitted for review by management.

Procedures for reporting Accidents and Incidents are as follows:

- Depending on the area in which they occur and the employee involved, all accidents and incidents, no matter how minor or slight, must be reported at the time of occurrence to one of the following personnel:
  - Dispatch
  - Supervisor
  - Manager
  - Chief
  - Risk Manager or Risk Specialist

Employees involved in work related injuries are to report the injury immediately to one of the above management personnel as soon as possible, regardless of the severity of the injury or accident. If the employee requires medical attention, the Risk Management Department will be notified immediately.

The employee involved in the accident or incident, and any employee who may have witnessed the event, must complete a detailed written report.

An employee involved in an accident or incident may be required to participate in the accident/incident investigation process. Should an employee receive a notification letter from the Risk Management Department requesting an informal, non-disciplinary meeting, the employee shall respond within the time frame allotted on the notification letter.

An employee who is indirectly involved in an accident or incident, such as making an observation of damage to a HART vehicle parked in the HART parking lot, must report it
verbally to the proper management personnel and complete a written accident and accident/Incident Report

All employees are to be advised that disciplinary action will result from a violation of the safety rules. Employees involved in an accident or incident who fails to follow the above established reporting procedures may be subject to the appropriate disciplinary action, including termination of employment.

4-13. Employee Dress and Personal Appearance

Maintaining a professional, business-like appearance is very important to the success of HART. Personal appearance not only demonstrates pride in ourselves, but influences HART is perceived by others. Part of this impression depends on each employee’s choice of dress. Appropriate attire impacts our performance as well as the performance of those around us. Therefore, it is important for all employees to project a professional image while at work by being appropriately attired. HART employees are expected to be neat, clean and well groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed.

The purpose of this policy is to provide guidelines to employees, whether at work or attending community or volunteer events, in regard to appearance, personal hygiene, and dress.

- When wearing apparel with insignia, logos or language indicating an affiliation with HART, whether they are on duty or off-duty, employees and employees acting as volunteers are expected to always represent HART positively, and therefore, shall not engage in conduct or behavior that would bring discredit upon HART.
- Employees and employees acting as volunteers who wear apparel with insignia, logos or language indicating affiliation with HART shall not use or allow to be used their apparel for the purpose of gaining personal benefit, favors or gratification for themselves or for others.

Employees are expected to use good judgment and to show courtesy to their co-workers by dressing in a manner that is presentable and appropriate. At all times employees are asked to be cognizant that regardless of their interaction with clients, customers, contractors, vendors or community partners, HART is still a place of business.

Hair should be clean, combed and neatly trimmed or arranged. Extreme color hair dyes, permanent or temporary, that are outside of natural hair colors – blondes, browns, natural reds, blacks – are prohibited. Shaggy, unkempt hair is not an acceptable appearance standard. Sideburns, mustaches and beards should be neatly trimmed. For men, chest hair should never be viewable. Make-up should be worn in moderation. Jewelry and accessories that interfere with job performance or the safe operation of office equipment are inappropriate. Fingernails, natural or fake, where the length starting from the cuticle is longer than 1 (one) inch are not permitted. Any clothing that is too revealing, too tight or exposing the midriff should never be worn. Employees should avoid extreme smelling fragrances. There may be times where you will be asked to refrain from wearing certain fragrances.

**Business Casual** attire is standard office attire Monday through Thursday unless otherwise notified. Business Casual is typically a classic, understated look that is comfortable yet
communicates a professional business environment. The following are examples of business casual attire:

<table>
<thead>
<tr>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dresses or Suits</td>
<td>• Blazers, suits, or sport coats</td>
</tr>
<tr>
<td>• Skirts</td>
<td>• Dress slacks or khakis</td>
</tr>
<tr>
<td>• Full-length dress slacks or khakis</td>
<td>• Ties</td>
</tr>
<tr>
<td>• Dressy blouses (long or short sleeves)</td>
<td>• Dress shirts with buttons and collars</td>
</tr>
<tr>
<td>• Sweaters</td>
<td>• Polo shirts with collars</td>
</tr>
<tr>
<td>• Blazers</td>
<td>• Dress shoes and dress socks</td>
</tr>
<tr>
<td>• Dress shoes (pumps, boots, small open toe or closed toe, sandals with heels). Socks/nylons are optional.</td>
<td></td>
</tr>
</tbody>
</table>

**Traditional Casual** attire is permitted on Friday, unless otherwise notified. Traditional Casual attire is more casual and relaxed than business casual but still appropriate and in good taste. The Friday dress code for HART may include nice jeans (no rips, tears or holes), sweatshirts/t-shirts and well-kept athletic shoes.

<table>
<thead>
<tr>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Slacks, khakis or jeans (in good condition)</td>
<td>• Sport coats or blazers</td>
</tr>
<tr>
<td>• Casual blouses</td>
<td>• Slacks, Chinos, Dockers or jeans (in good condition)</td>
</tr>
<tr>
<td>• Polo shirts with collars</td>
<td>• Polo shirts with collars</td>
</tr>
<tr>
<td>• Sweaters and cardigans</td>
<td>• Oxford button-down shirts</td>
</tr>
<tr>
<td>• Pumps, loafers or clean athletic shoes</td>
<td>• Sweaters and cardigans</td>
</tr>
<tr>
<td></td>
<td>• Dress shoes, loafers or clean athletic shoes</td>
</tr>
</tbody>
</table>

**Traditional Professional** attire is required, regardless of the department or day of the week, when you are attending external functions representing HART and/or visitors are expected at the 21st Avenue or Ybor offices. Traditional professional attire is also required, regardless of the department, for employee attendance at all meetings of the HART Board of Directors and its Committees and Workshops. Traditional Professional is the traditional standard exhibited in most office/professional work environments. This means:

<table>
<thead>
<tr>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Business/professional dresses, suits, slacks and jackets,</td>
<td>• Business/professional suits, dress slacks, sport coats or slacks</td>
</tr>
<tr>
<td>• Dressy button-down blouses</td>
<td>• Button-down dress shirts</td>
</tr>
<tr>
<td>• Skirts</td>
<td>• Ties</td>
</tr>
<tr>
<td>• Sweaters</td>
<td>• Dress socks</td>
</tr>
<tr>
<td>• Nylons/stockings</td>
<td>• Dress shoes</td>
</tr>
<tr>
<td>• Dress shoes</td>
<td></td>
</tr>
</tbody>
</table>

**UNACCEPTABLE/INAPPROPRIATE ATTIRE**
The following are some examples of inappropriate dress regardless of the day of the week. Contact the Human Resource Department if you are uncertain about the appropriateness of the attire.

- Faded, ripped, and/or tattered jeans. No overalls. Any article that is dirty, torn, wrinkled or in disrepair.
- Clothing which displays obscene, offensive, pornographic, lewd, or lascivious words, characters, writing, pictures, or symbols.
- Any attire that may contain identification or promotion of illegal activities, racial commentaries, or any comment that is disrespectful to the basic rights of every individual. Gang related symbols or graphics.
- Shorts, cut-offs, spandex tops or bottoms (i.e. leggings), sweatpants, sweatshirts, low-cut shirts, tank tops, tube tops, or halter tops.
- Any clothing with spaghetti straps, any clothing that reveals bare backs, midriffs, or shoulders (including off-the-shoulder dresses/tops), or any revealing or provocative clothing.
- Capri or cropped pants
- Clothing that is too tight or where the outlines of under garments, or undergarments themselves, are visible.
- Clothing that has to constantly be pulled down, pulled up or held/pinned closed.
- Dresses or skirts that are shorter than two inches above the knee
- Evening/club wear, athletic wear, workout clothes or beach wear.
- Headwear such as baseball caps, sweatbands, sweatshirt hoods, etc. are not allowed during the normal course of business but may be worn to volunteer events.
- Jewelry such as bracelets/bangles, which causes a noise distraction.
- Flip flops or thong sandals. The majority of the foot should be covered. No shoes that lace up the ankle/calf.
- Heels higher than 4 (four) inches; platforms no higher than 2 (two) inches.

If your supervisor, or any member of management, feels your appearance does not meet the standards of HART, you may be required to change when possible, or leave the workplace and return properly dressed or groomed. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy may be cause for disciplinary action up to and including discharge.

Employees working at or visiting the 21st Avenue Administration facility should keep in mind that it is also an operational facility. When an employee’s dress, appearance or grooming could create a potential safety hazard to themselves or others, you may also be required to leave the premises. Examples of this would be extremely high-heeled shoes and big earrings or other jewelry. Disregarding or failing to comply with this standard of dress code could lead to disciplinary action, up to and including termination of employment. Consult your supervisor or Human Resources if you have questions as to what constitutes appropriate appearance.
4-14. Public Information

It shall be the policy of HART to make available or disseminate any and all non-privileged information of public interest relative to its operations.

In order that such information is as complete and accurate as possible, thereby assuring the public is knowledgeable of all the facts, HART has set forth the following procedure for distribution of all policy positions, statements and press releases or comments.

- Information requests from the media and/or general public shall be referred to the official spokesman as designated by the Chief Executive Officer.
- The Chair of the Board of Directors or the Chair’s designee, shall be the official spokesperson on all policy matters pursued or adopted by the Board.
- In the absence of the Chair, the Vice Chair shall be designated the official spokesperson.
- The CEO of HART or his/her designee shall be responsible for all press releases or public statements relative to the administration and operation of HART.

Requests for public records will be handled through the HART Public Records Process. Information obtained from any individual other than those listed above shall not reflect the official position of the Board or the administration of HART. *HART Board Policy 620.10*

4-15. Parking

HART offers parking to all employees at all work locations. All employees are required to register their vehicle(s) with the Human Resources Department. Information for parking at either location may be obtained from the Human Resources Department.

4-16. Trespass Policy

- The purpose of this policy is to establish guidelines regarding trespass and HART hereby incorporates by reference into these rules Florida Statute 810.08 through 810.09 and 810.14. Trespass shall mean any person who willfully enters or remains in any structure or conveyance without being authorized, licensed or invited or having been authorized, licensed or invited is warned to depart and refuses to do so.
- Voyeurism shall mean any person with lewd, lascivious or indecent intent that secretly observes, photographs, films, videotapes or records another person when such other person is located in a structure or conveyance and such location provides a reasonable expectation of privacy.
- Structure shall mean a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof.
- Dwelling shall mean a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with curtilage thereof.
- Conveyance shall mean any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft or sleeping car; and “to enter a conveyance” includes taking apart any portion of the conveyance.
- Posted land is that land upon which signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appear.
prominently, in letters not less than 2 inches in height, the words “no trespassing” and in addition thereto the name of the owner, lessee or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line.

**Actions by HART Officials and Employees**

Signs that can be easily read shall be posted in conspicuous places declaring that trespassing is not permitted.

- The appropriate agency will be contacted when a person has been warned to depart and fails to do so and charges will be pressed as warranted. The Safety and Security department head or his/her designee shall establish procedures to address trespass notices and set up appropriate standards to ensure fairness and consistency with trespass violations.

### 4-17. Workplace Bullying

HART defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the company standards of professionalism (see HART Board Policy section 410), standards or workplace conduct (see HART Employee Handbook 4-1) and other general standards of conduct in this handbook and elsewhere in HART policies and procedures. Simply put, all employees are to be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the company will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment and other types of harassment, it is the effect of the behavior upon the individual that is important. HART considers the following types of behavior examples of bullying:

**Verbal bullying:**

- Slandering
- Ridiculing or maligning a person or his/her family
- Persistent name calling that is hurtful, insulting or humiliating
- Using a person as the butt of jokes
- Spreading rumor and innuendo
- Belittling or disregarding opinions or suggestions
- Criticizing in public
- Unreasonable criticism
- Trivializing of work and achievements
- Abusive and offensive remarks
Physical bullying:
- Pushing
- Shoving
- Kicking
- Poking
- Tripping
- Assault or threat of physical assault
- Damage to a person’s work area or property

Gesture bullying:
- Nonverbal threatening gestures or glances that convey threatening messages

Exclusion:
- Socially or physically excluding or disregarding a person in work-related activities
- Unfairly blaming for mistakes
- Setting people up for failure
- Practical jokes

Roles and Responsibilities

Managers and Supervisors
All HART managers and supervisors must ensure that all employees are aware of the anti-bullying policy and procedures. Managers and supervisors must ensure that any incident of bullying is dealt with regardless of whether a complaint of bullying has been received. Responses to bullying must be done promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred.

Employees
All HART employees shall be familiar and behave according to this policy. If you are a witness to bullying, report the incident to your supervisor or Human Resources department. Where appropriate, speak to the alleged bully(ies) to object to the behavior.

If You Think You Have Been Bullied
People who believe they have been victimized by bullying in the workplace are encouraged to report the matter to his or her supervisor, or with Human Resources. Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary.
400: EMPLOYMENT POLICIES
400: GENERAL PROVISIONS

400.01 GENERAL PROVISIONS

(1) The provisions contained within this Chapter 400 apply to all claims, complaints and charges against an employee made by another HART employee or official.

(2) If any portion of these Employment Policies conflicts with an applicable portion of an applicable law or applicable Bargaining Agreement, the provisions of the law shall be controlling and to the extent that no conflict exists between the law and the Bargaining Agreement, the Bargaining Agreement shall be controlling over the terms of these policies.

(3) All HART employees shall read, understand and comply with policies approved by the HART Board and policies and procedures issued by HART management, to use the resources available for guidance and assistance, to complete all training necessary to meet work responsibilities, and to cooperate with any investigations concerning violations of policies or ethics.

(4) Managers and supervisors shall provide timely advice and guidance to employees on ethics, policies and compliance concerns. Managers and supervisors will lead by example, assure compliance with all laws and policies, encourage employees to seek advice before action, consult with the designated staff member or appointed officer, implement control measures to detect risks, and take prompt action to correct problems.

(5) Within thirty (30) days of employment in-processing or within thirty (30) days after any policy or policy revision has been approved by the HART Board and distributed, HART employees will be given a copy of the policies and understand they are expected to comply with the employment policies in Chapter 400.

HART Clerk: [Signature]
HILLSBOROUGH TRANSIT AUTHORITY
POLICY MANUAL

400: EMPLOYMENT POLICIES
400: GENERAL PROVISIONS

400.01 GENERAL PROVISIONS (cont’d)

(6) Definitions

The CEO shall designate the appropriate staff person(s) to serve the functions of HART’s Ethics, Equal Employment Opportunity, Disadvantaged Business Enterprise, and Americans with Disabilities Officer. The CEO shall also designate staff, as necessary, to meet all state and federal or other requirements.

(7) Reporting/Notification

(a) Reporting Violations.

If there is a violation of any HART policy, the alleged violation shall be immediately reported in writing to the employee’s supervisor(s) and/or to the staff member designated to handle such violations. The supervisor or staff designee shall ensure that the appropriate investigation is conducted and will be responsible for the interview, investigation, and will report to the CEO or designee.

(i) Telephone and Web-based Reporting System - Employees may report alleged violations to HART’s Fraud and Ethics hotline. The system allows complaints to be made anonymously and information on how to access the hotline shall be contained within the HART Employee Handbook.

(b) Policy Violations – Duty to Report Non-Criminal Activity

Any employee who has personal and factual knowledge that an employee or HART official has violated any HART policy, other than such criminal violations described below, MAY also report the alleged violation or wrongdoing immediately to:

HART Clerk: _______
400.01 GENERAL PROVISIONS (cont’d)

(i) The Florida Commission on Ethics (if appropriate), and / or

(ii) The entire HART Board and the Secretary to the HART Board in writing.

(06/23/05 Revised to conform with Florida State law.)

(c) Policy Violations – Duty to Report Criminal Activity

If an Employee has personal and factual knowledge that a HART employee or HART official has violated a criminal law or participated in the violation of a criminal law, the Employee SHALL report those facts to the appropriate law enforcement officials. If an Employee has no personal or factual knowledge, but is informed by any person, that he or she has personal and factual knowledge that a HART employee or HART official has violated any criminal law or participated in the violation of any criminal law, the Employee shall instruct said person to report those facts to the appropriate law enforcement officials. The employee with such knowledge shall also immediately report said facts to:

(i) The CEO, in writing.

(ii) If that person has reason to believe that the CEO is personally involved in the violation or wrongdoing, the employee shall notify, in writing, one or more of the agencies or persons set forth in (b) above.

(8) Discipline

The appropriate designated staff person shall make findings and shall recommend appropriate measures based upon said findings. The Human Resource Manager or such person designated by the CEO shall carry out those recommendations.

HART Clerk: [Signature]
400: EMPLOYMENT POLICIES
400: GENERAL PROVISIONS

400.01 GENERAL PROVISIONS (cont’d)

(9) Any violation of these employment policies shall be subject to discipline up to and including termination.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 163.567(12); 163.568(2)(k); 768.28; 768.301 F.S.

EFFECTIVE DATE FOR REVISION: 08/03/2015

HART Clerk: [signature]
400.02 ADMINISTRATION

The following are applicable to each section of Chapter 400, whether or not referenced in such section or subsection:

(1) **Documentation.** Each claimed violation of any policy herein, any and all actions taken, the conclusion of any investigation and the conclusion of all administrative actions of any kind, shall be reported to the HART designated staff member or appointed officer designated to handle such violation. The designated staff member or appointed officer shall report any claim relating to financial and accounting matters to the HART Board Audit Committee and CEO when the complaint is received and when the file is closed. The Risk Manager shall report to the Litigation and Claims Committee, if litigation is anticipated.

(2) **Investigation.** The designated staff member or appointed officer shall notify the appropriate Department Manager(s), CEO, HR Manager or other appropriate staff or seek assistance from the Human Resource Department and may request that the investigation be coordinated by the Risk Management Department or such other departments as maybe necessary.

(3) **Appeal.** Any HART policy violation, in this section, may be appealed to the CEO or CEO’s designee and such appeal is a condition precedent to any further action. Said appeal must be initiated by filing a written Notice of Appeal with the CEO or the CEO’s office within ten (10) calendar days of the affected person’s receipt of notice (written or oral) of the decision or action. Said person requesting such an appeal may be allowed a hearing and consideration, absent any hearing, the deliberation shall be confined to a review of the record created plus any

HART Clerk: 

[Signature]
400.02 ADMINISTRATION (cont'd)

additional evidence and argument submitted in writing. Said additional written evidence and argument must be received by the CEO's office within thirty (30) calendar days of the CEO's office's receipt of the Notice of Appeal. Failure to meet either deadline shall constitute a waiver of any and all rights to appeal or to contest any such decision or action.

(4) False Accusations. Any employee who knowingly files a false complaint against a fellow employee will be subject to disciplinary action up to and including termination.

(5) Additional Remedies. All employees are encouraged to review Chapter 120 Florida Statutes (Administrative Procedures Act) and other applicable Florida and federal laws as they may have additional rights and remedies beyond those provided under these policies.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 112.3187(5); 112.3189; Chapter 120 et. seq.; 163.567(12); 163.568(2)(k); 768.28; 768.301 F.S.

EFFECTIVE DATE FOR REVISION: 09/22/08

HART Clerk:
400: EMPLOYMENT POLICIES
400: GENERAL PROVISIONS

400.03 APPLICATION PROCESS

(1) HART’s Employment Application form as developed by Human Resources shall be used for the employment selection of all employees with the exception of the CEO. A copy of HART’s Employment Application form is on file at the main business office of HART for public inspection. Said application will include a request for information described in Florida Statutes §768.096.

(2) All employees accepted for hiring will be hired subject to successful drug and alcohol testing, passing a successful background check, and an applicable physical examination.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 768.096, 163.567 (12); 163.568(2)(k) F.S.

EFFECTIVE DATE FOR REVISION: 09/22/08

HART Clerk: _______
400: EMPLOYMENT POLICIES
400: GENERAL PROVISIONS

400.04 PRIOR EMPLOYMENT; BACKGROUND CHECKS

(1) The decision to consider an applicant for re-employment is at the discretion of the hiring manager, following a file review by Human Resources, and approval of the Division Director and Department Head. The Head of Human Resources will maintain a procedure consistent with this policy. HART will not rehire an employee in violation of Local, State, Federal or other applicable laws.

(2) All prospective employees will undergo a pre-employment background investigation as described in Florida Statutes §768.096 which will include: a criminal background check and a DMV check on their driver’s license history.

(3) All new hires will undergo post-offer physicals and drug screening (if required for the position) in accordance with Federal Department of Transportation Regulation 391 and HART guidelines.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 768.096; 163.567(12); 163.568(2)(k) F.S.; Federal DOT Regulation 391

EFFECTIVE DATE FOR REVISION: 09/12/16

HART Clerk: [Signature]
400.05 REDUCTION IN FORCE POLICY

(1) Policy Statement

The Hillsborough Transit Authority (HART) may conduct reductions in force as a result of budgetary constraints, organization restructuring, or business necessity.

(2) Purpose

The CEO shall periodically set appropriate procedures to effectuate this policy.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 120.52(1)(b); 163.568(2)(k) F.S.

PROPOSED EFFECTIVE DATE: 09/22/08

HART Clerk: [Signature]
410.01 PROFESSIONALISM AND PROFESSIONAL CONDUCT

(1) Policy Statement

Professional conduct is required to ensure that all employees promote a positive image of HART in the community and create a positive, productive work environment. Therefore, it is the policy of HART that all job-related activities be conducted consistent with professional standards, which respect both the integrity and dignity of individual employees and members of the public.

(2) Professional Standards

(a) Professionalism requires that all employees be responsible, reliable, sensitive, courteous, respectful and cooperative to and with each other and the public. All employees shall consistently behave in accordance with these expectations and carry out their responsibilities with integrity and impartiality while maintaining the necessary level of confidentiality required by applicable laws and policies. Professionalism also includes high standards of ethical conduct requiring that employees avoid any conflict of interest between HART duties, private activities and outside business interests and avoid speech or behavior that is likely to create an appearance of impropriety.

(b) Managers and supervisors shall provide timely advice and guidance to employees on ethics, policies, and compliance concerns. Managers and supervisors will lead by example, assure compliance with all laws and policies, encourage employees to seek advice before action, consult with the designated staff member or appointed officer, implement control measures to detect risks, and take prompt action to correct problems. Any doubt in interpreting and applying

HART Clerk: [Signature]
410.01 PROFESSIONALISM AND PROFESSIONAL CONDUCT (cont’d)

these standards should be resolved by proceeding up the chain of command to seek guidance or clarification.

(3) Additional Specific Prohibitions

(a) Physical and Verbal Conduct

It is essential that HART maintain a cooperative work environment that fosters teamwork, collaborative problem solving and open communication through all levels of the organization. To achieve these standards, HART expressly prohibits any unwelcome physical or verbal conduct by any employee that substantially and unreasonably interferes with an individual’s work performance or behavior that a reasonable person would consider to be intentionally hostile and abusive. In addition, knowingly or recklessly making and/or perpetuating defamatory statements or publishing of false information concerning any customer, employee or other HART affiliated person and/or engaging in any other actions, for a malicious purpose is strictly prohibited.

(b) Physical Property

All HART employees are responsible for protecting the physical assets owned or leased by HART, such as facilities, equipment, and materials, from loss, theft or misuse. Misuse includes, but is not limited to, damaging or improper/abusive use of such physical assets as well as personal or non-HART related use, or permitting, participating or abetting such misuse or the theft of HART physical assets.

HART Clerk:
PROFESSIONALISM AND PROFESSIONAL CONDUCT (cont’d)

(c) Intellectual Property

All HART employees must respect valid patent rights, copyrighted materials, and other protected intellectual property rights of others by not reproducing, distributing or altering such materials without license or permission of the owner.

(d) Computer and Other Information Systems

Based on an employee’s responsibilities, HART may provide employees with access to e-mail, computers, personal digital assistants, printers, fax machines, telephones, voicemail, wireless devices, other HART equipment and software. HART provides these systems to enhance employee efficiency and expects employees will use these tools for HART business. Employees who misuse information systems may lose access privileges. HART prohibits the use of the systems for certain activities, including but not limited to, any illegal activity, commercial or political uses, chain e-mail or virus hoaxes, harassing or threatening communications, intentional concealment of identity, any form of pornography, and excessive personal use. Such personal use shall be permitted only as incidental to and shall not interfere with the normal course of HART’s business and/or the employee’s work duties. Use of such systems, or HART’s other physical assets, for any business, investment or other outside activity, for profit or otherwise, in which an employee or contracting party is a member, shareholder, director, agent, representative, subcontractor or interested person is prohibited. Prohibited uses include, but are not limited to, political activities, fundraising, charitable endeavors and other personal efforts unrelated to such employee’s duties and responsibilities for HART.

HART Clerk: [Signature]
410.01 PROFESSIONALISM AND PROFESSIONAL CONDUCT (cont’d)

(c) Record Keeping

HART Employees shall keep accurate records of all HART financial and business transactions, ensuring that all costs are properly charged, and information records are properly filed. HART employees shall consult their Department Head or their designee for proper records maintenance and retention procedures, but in all events shall follow any guidelines in this regard established or promulgated by their Department Head or HART.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.

EFFECTIVE DATE FOR REVISION: 08/03/2015

HART Clerk: [Signature]
410.02 EMPLOYEE ETHICS AND CONFLICT OF INTERESTS

(1) Policy Statement

(a) As a public agency, HART requires that all employees be law-abiding, honest and trustworthy. HART will accept nothing less than the highest standards of ethical conduct from its employees, consistent with the code of ethics of the State of Florida (Chapter 112, Florida Statutes) and the advisory opinions rendered in respect thereto ("State Ethics Code"). The requirements of the State Ethics Code establish the minimum requirements for all HART employees. HART policies and the HART Policy Manual establish other requirements that must be complied with by all employees even if more stringent than the requirements of the State Ethics Code. To the extent any employee is in doubt with regard to the applicable standard, they are obligated to discuss the matter with their immediate supervisor who shall pursue the matter up the chain of command as far as necessary to get a clear and direct answer.

(b) HART prohibits employees from having direct or indirect interest, financial or otherwise, or to engage in any business transaction, charitable or professional activity or incur any obligation of any nature that is in conflict with or can impair the proper discharge of their public duties. Such conflict or impairment includes prohibited personal relationships between employees who are in a supervisory/subordinate relationship with one another. Such requirements are in employee policy and or standard operating procedures.

(2) Requirements

(a) Political Activity

Employees who intend to seek election to and hold public office shall notify the CEO of their intentions no later than the earlier of: (i.) commencement of fundraising; (ii.) campaign

HART Clerk: [Signature]
410.02 EMPLOYEE ETHICS AND CONFLICT OF INTERESTS (cont’d)

committee formation; or (iii.) filing for office. If the CEO determines that the employee’s candidacy will interfere with the full discharge of the employee’s duties or that the employee’s holding public office will interfere with the full discharge of the employee’s duties, said employee will either resign from the employee’s position at HART or seek to obtain a leave of absence pursuant to HART Leave Policy, section 5.2 of the HART Employee Handbook. Unless otherwise provided pursuant to the existing leave of absence policy or pursuant to a collective bargaining agreement, such an employee shall not be guaranteed the ability to return to the position such employee holds at the time the employee decides to seek elective office, or any other position at HART. Unless specifically provided to the contrary in the leave of absence policy or in a collective bargaining agreement, such employee shall not be entitled to a leave of absence if the CEO makes a specific determination that granting such a leave would impose an undue hardship on HART.

(b) Conflicting Outside Interests

Employees may not engage in any outside professional, business or employment activity or have any financial or other personal interest, direct or indirect, which is incompatible or conflicts with the proper discharge of their official duties, would tend to impair independence of judgment or action in the performance of their duties or would interfere with the safe and proper performance of job responsibilities at HART or otherwise violate the standard of conduct for public employees identified under Florida Statutes §112.313. In no event shall such employee identify him or herself as an employee of HART or act in any manner which would confuse the public with regard to such employee’s capacity such that it is clear that such employee is not

HART Clerk: [Signature]
410.02  EMPLOYEE ETHICS AND CONFLICT OF INTERESTS (cont’d)

acting in any capacity as a representative or employee of HART in its separate professional,
business or employment activities described herein.

(c) Disclosure Questionnaires and Statements

All HART employees are required to complete HART’s Employee Disclosure Questionnaire and Statement form, which is to be reviewed and approved by the employee’s supervisor and submitted to the HART Ethics Officer. All HART Chiefs and procurement employees are also required to file the Ethics Form I (Statement of Financial Interest) with the Florida Commission on Ethics and/or Supervisor of Elections, in accordance with state law. Other employees may be required to file the Ethics Form I as determined by the CEO and/or Ethics Officer and State law. Any relationship held by such employees that could be considered a potential conflict shall be disclosed as part of HART’s Disclosure Questionnaire and Statement, including but not limited to, second jobs, ownership of a business or rental properties, and/or having a business or financial interest in any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, trust, self-employment or doing business in Florida. It shall be sufficient to establish a business relationship by virtue of holding oneself as employed by or affiliated with any of the aforementioned entities irrespective of whether actual compensation has been paid.

(d) Questionnaire Updates

Employees shall also promptly complete a new Employee Disclosure Questionnaire and Statement and return it to the HART Ethics Officer if there is a change in an employee’s potential or actual conflict of interest status any time during the course of their employment.

HART Clerk: ____________________
410.02 EMPLOYEE ETHICS AND CONFLICT OF INTERESTS (cont’d)

Failure to do so within 30 days of any change constitutes a violation of this policy.

(e) Soliciting or Accepting Gifts

(i) Pursuant to Section 112.313(2), Florida Statutes, no HART employee shall solicit anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service, when they know or with the exercise of reasonable care should know, that it is given to influence an official action.

(ii) No HART employee or Board Member shall accept any gift valued at more than twenty-five dollars ($25.00) from any source prohibited by Florida Statutes, Chapter 112 Code of Ethics or by FTA Circular C 4220.1F. Items below this value shall be considered to be not substantial. No procurement employee can accept any gift regardless of value from any source prohibited by Florida Statute, Chapter 112, FTA Circular C4220.1E, other applicable law or HART policy.

(iii) ‘Gift’ for purposes of this rule does not include: salary, expenses and other employment payments; awards, plaques or similar items given in recognition of service; items or personal favors obviously granted as a result of family or personal relationships; the value of a function which the employee or board member attends in his or her capacity with HART; participation in trade or professional

HART Clerk: [Signature]
410.02 EMPLOYEE ETHICS AND CONFLICT OF INTERESTS (cont'd)

association activities on behalf of and/or properly approved by
HART; or campaign contributions as allowed by applicable law.

(iv) Certain employees shall also be required to file a Florida
Commission on Ethics Form 9 (Quarterly Gift Disclosure) in
accordance with FS §112.3148(4).

(f) Post Employment Policy

No employee shall do business with HART for a period of two (2) years after leaving
HART's employment.

(g) Nepotism

HART's employees shall comply with Chapter 112 Section 3135 of the Florida Statutes,
and all applicable interpretations there under, including the following:

(i) "A public official may not appoint, employ, promote or advance or
advocate for appointment, employment, promotion or advancement, in or
to a position in the agency in which he/she is serving or over which he/she
exercises jurisdiction or control any individual who is a relative of the
public official. An individual may not be appointed, employed, promoted
or advance in or to a position in an agency if such appointment,
employment, promotion or advancement has been advocated by a public
official, serving in or exercising jurisdiction or control over the agency,
who is a relative of the individual or if such appointment, employment,
promotion or advancement is made by a collegial body of which a relative

HART Clerk: [Signature]
410.02 EMPLOYEE ETHICS AND CONFLICT OF INTERESTS (cont’d)

of the individual is a member...

(ii) Public Officials, as defined by the law, include any HART employee who has been given the authority to appoint, employ, promote or advance individuals or to recommend individuals for appointment, employment, promotion or advancement in connection with employment at HART.

(iii) As designated by the law, a relative of a public official is “...an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.”

(h) Procurement Activities

During the time that HART is in the process of soliciting bids for goods or services, the procurement documents normally require interested parties to seek information solely from one designated person. No employee shall engage in communications with bidders or potential bidders outside of that process on the subject of a pending procurement.

(i) Disclosure and Consultation

Any employee who believes that they may possibly be facing a conflict of interest in the performance of their duties shall immediately disclose such possible conflict and should make an appointment and discuss the matter with the Human Resources Manager or Ethics Officer. If the Human Resources Manager or the Ethics Officer is the employee who believes that he or she

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may possibly be facing a conflict of interest, said employee shall make an appointment and discuss the matter with the CEO or the CEO’s designee. Failure to make such a disclosure may be considered evidence of a willful violation.
410.03 WORKPLACE THREATS AND VIOLENCE

(1) Policy Statement

The safety and security of HART’s employees and customers is of paramount importance. Threats, threatening behavior or acts of violence against employees, visitors, guests, customers or other individuals by anyone on HART property (including vehicles) will not be tolerated. No existing HART policy, practice or procedure is intended to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

(2) Prohibitions

Persons are prohibited from making threats of violence, exhibiting threatening behavior or engaging in violent acts on HART property.

(3) Protective Orders

Employees who apply for or obtain a protective or restraining order against any HART employee or which pertains to HART property or locations, must provide to HART’s Safety and Security Officer or designee or the employee’s immediate supervisor or manager, a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or other order which is made permanent.

Any customer who complains of violence, aggression or threatening behavior from another customer or a HART employee shall be referred to HART’s Safety and Security Officer or designee for review and investigation of such complaint. All employees have an obligation to assist in ensuring that our customers are protected from other customers and other HART

HART Clerk: [Signature]
employees and shall be obligated to report such an instance to HART’s Safety and Security Officer or designee.

HART understands the sensitivity of the information requested and has developed confidentiality procedures, which recognize and respect the privacy of the reporting employee(s) or customer(s) to the fullest extent permitted by law. Violations of this policy by an employee will lead to disciplinary action up to and including termination or arrest and prosecution.

Should an employee file any document with a court or other government agency seeking protection from a fellow employee, a copy of said document and any notices of hearings should be served upon HART’s Human Resources Manager or designee in the same manner as if HART were a party to the action. If the threatening employee is the Human Resources Manager or designee, a copy of said document and any notices of hearing should be served upon the CEO.

(4) Reporting Violations

(a) All HART personnel are responsible for immediately notifying the HART Safety and Security Officer or designee, their supervisor or any other available management representative of any threats, which they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a HART controlled site or is connected to HART employment.

HART Clerk: [signature]
410.03 WORKPLACE THREATS AND VIOLENCE (cont’d)

Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

(b) The designated management representative is:

Safety and Security Officer or Designee
1201 E. 7th Avenue
Tampa, FL 33605
(813) 384-6600

(5) Immediate Response

HART will initiate an appropriate investigation and where probable cause exists will promptly escort the accused person(s) off HART property. HART may also contact appropriate police personnel under those circumstances where it has been alleged that a law has been violated or when such assistance is prudent to protect the safety and well-being of the various parties involved.

(6) Discipline

If the Safety and Security Officer or designee makes a determination that the complaint is valid, the Human Resources Manager or designee will initiate appropriate measures for resolution of the situation up to and including termination in accordance with HART’s disciplinary policy and procedures or referral to the applicable police authority if appropriate.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 163.567(12); 163.568(2)(k) F.S.
EFFECTIVE DATE FOR REVISION: 09/14/2015

HART Clerk: [Signature]
410.04 USE, THREATENING USE OR POSSESSION OF UNAUTHORIZED WEAPON OR FIREARM

(1) Policy Statement

The safety and security of HART’s employees and customers is of paramount importance. The use and/or possession of an unauthorized weapon or firearm by anyone on HART property will not be tolerated, except as required by law.

(2) Prohibitions

The use, brandishing or threatening of another person with a weapon or a firearm or the possession of an unauthorized weapon or firearm, during the employee’s work hours; or on HART property will not be tolerated.

(3) Definitions:

(a) A ‘weapon’ is defined as any device or instrument which is designed, redesigned, used or intended to be used for offensive or defensive purposes, the destruction of life or the infliction of bodily injury.

(b) An ‘unauthorized weapon’ is any weapon for which the possessor thereof has not previously obtained from the Safety and Security Officer or his or her designee written authorization for its possession; during the employee’s work hours; or on HART property at any time.

(4) Reporting Violations

All HART personnel are responsible for immediately notifying their supervisor or any other available management representative of any knowledge they may have about the use, brandishing or threatening of another person with a weapon or firearm. Even without an actual

HART Clerk:
410.04 USE, THREATENING USE OR POSSESSION OF UNAUTHORIZED WEAPON OR FIREARM

threat, personnel should also report any information pertaining to the use or possession of an unauthorized weapon on HART property. Employees are responsible for making this report regardless of any relationship between the individual using or possessing an unauthorized weapon and the person or persons who were threatened or were the focus of the threatening behavior.

(5) Discipline

If the Safety and Security Officer or designee makes a determination that the complaint is valid, he/she will initiate appropriate measures for resolution of the situation up to and including termination in accordance with HART’s disciplinary policy and procedures and/or notification of applicable law enforcement authorities.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 163.567(12); 163.568(2)(k) F.S.
EFFECTIVE DATE FOR REVISION: 09/14/2015
410.05 WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION POLICY

(1) HART is committed to providing a work environment that is free from sexual harassment as well as harassment and discrimination based on race, color, religion, creed, ancestry, national origin, age, sex, sexual orientation, gender identity or expression, disability or other status legally protected by federal or state law.

It is the responsibility of HART management to maintain a workplace that is free from unlawful discrimination including harassment. Supervisors and Managers are responsible for taking appropriate action to enforce the Workplace Discrimination and Harassment Prevention Policy. Harassment includes verbal, physical and visual conduct. Such conduct constitutes harassment when:

(a) the submission to the conduct is made an explicit or implicit condition of employment or

(b) submission to or rejection of the conduct is used as the basis for an employment decision or

(c) the harassment interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment.

(2) The harasser may be an employee’s supervisor, another employee, a customer, a vendor or another third party.

(3) Conduct which is sexually harassing or based on a person’s protected status can take many forms and includes but is not limited to the following: slurs, jokes, statements, gestures, unwanted physical touching, impeding another’s movement or otherwise physically interfering with another’s work, pictures, drawings, cartoons or threats. This conduct can be through e-mail and other electronic forms as well as through oral or written communications. Sexually harassing
410.05 WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION POLICY (cont’d)

conduct in particular includes all of these prohibited actions as well as other unwelcome conduct of a sexual nature, such as requests for sexual favors, conversation containing sexual comments and sexual advances.

(4) All HART employees are responsible for demonstrating appropriate conduct in the workplace and are expected to adhere to the provisions of this Policy and contribute to a harassment free work environment.

(5) Any employee who believes she or he has been subjected to sexual harassment or any other form of harassment or discrimination should promptly report this to their Supervisor or Manager or directly to the designated staff member or appointed officer. Every reported complaint or harassment of discrimination will be investigated thoroughly and promptly.

(6) Retaliation against any employee for making a good faith complaint of harassment or discrimination or for providing information related to such complaints will not be tolerated. Any employee who, in good faith, believes that she or he is being retaliated against should report this incident to the designated staff member or appointed officer. Such complaints will be promptly and thoroughly investigated.

(7) An employee who violates this Policy on Preventing Discrimination and Harassment or retaliates against an employee making a complaint under this Policy will be subject to disciplinary action up to and including termination.
410.05 WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION POLICY (cont’d)

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 163.567(2); 163.568(2)(k) F.S.; Age Discrimination in Employment Act of 1967 (AEDA), 29 USA 621-634; Age Discrimination Act of 1975, 42 USCA 6101-6107; Civil Rights Act of 1964, 42 USCA 2000e-2(m); Americans with Disabilities Act of 1990 (ADA), 42 USCA 12111-12117; 42 USCA 1983; 42 USCA 2000a-2000h-6

EFFECTIVE DATE FOR REVISION: 09/14/2015
410.06 EMPLOYEE WHISTLEBLOWER POLICY

(1) Policy Statement

It is the intent of HART to encourage the proper disclosure and reporting of violations of law, improper use of governmental funds, and any other abuse or gross neglect on the part of HART, its public officers or its employees as defined by the Florida Whistleblower Act (Florida Statutes Sections 112.3187 – 112.31895).

(2) Requirements

No employee who is protected by the Florida Whistleblower Act shall be dismissed, disciplined or have any other adverse personnel action taken against him or her for disclosing such information, unless permitted by law.

(3) Notification and Reporting

(a) Any Employee who has personal or factual knowledge that an employee or HART official has violated any HART policy or has participated in any wrongdoing shall report, in writing any alleged violation or wrongdoing immediately to:

(i) Their direct supervisor(s), unless the Employee has reason to believe that their direct supervisor(s) are personally involved in the violation or wrongdoing; or

(ii) The designated HART staff member or appointed officer, unless the Employee has reason to believe that the designated HART staff member or appointed officer may be personally involved in the violation or wrongdoing. Such notices/reports may be filed with the designated staff member or appointed officer; or

HART Clerk: [Signature]
410.06 EMPLOYEE WHISTLEBLOWER POLICY (cont’d)

(iii) If the Employee has reason to believe that their direct supervisor(s) and/or the HART designated staff member or appointed officer are personally involved in the violation or wrongdoing, then the Employee shall notify one or more of the agencies or persons as follows:

a. The CEO, if appropriate under Policy 400.01(7), and/or

b. The Board Secretary, on behalf of the Board, if appropriate under Policy 400.01(7), and/or

c. Law enforcement officials, if appropriate.

(b) All notices identified above shall be in writing. An e-mail or a facsimile transmission, with a confirmed receipt shall be considered an appropriate written notice.

(4) Confidentiality

A person submitting a written report requesting protection under this policy may request in that written report that their name and identity remain confidential. Such a request will be respected to the maximum extent permitted by law.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: Chapter 112; 163.567(12); 163.568(2)(k) F.S.
EFFECTIVE DATE FOR REVISION: 09/14/2015

HART Clerk: [Signature]
410.07   APPEALS

If a HART employee is terminated or subjected to other discipline under circumstances where "stigmatizing information is made a part of the public record, the employee shall be advised in writing by HART that the employee has the right to request and receive a "post-termination name clearing hearing" before the Human Resources Manager or designee.

Specific Authority:   120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented:   Chapter 112 F.S.; 112.313; 112.313(2); 112.3135; 163.567(12);
                   163.568(2)(k) F.S.

EFFECTIVE DATE FOR REVISION:  09/14/2015

HART Clerk: [Signature]
420.01 EQUAL EMPLOYMENT OPPORTUNITY

(1) It is the continuing policy of HART to be an equal opportunity employer. HART recruits, hires and promotes qualified applicants and employees without regard to race, color, religion, creed, ancestry, national origin, age (over 40 years), sex, sexual orientation, marital status, veterans status, disability or other status protected by Federal or State law. This policy also extends to personnel actions such as compensation, benefits, transfers, layoffs, training, education reimbursement assistance, social and recreational programs, and terminations of employment.

(2) In order to make our commitment to Equal Employment Opportunity (EEO) a reality, positive steps are taken throughout HART to ensure that personnel actions are administered in a non-discriminatory manner.

(3) HART firmly believes in providing a work environment free from discrimination and/or harassment.

(4) The CEO shall designate the EEO/Affirmative Action Officer. The responsibilities of the EEO/Affirmative Action Officer include implementing and monitoring the Equal Employment Opportunity/Affirmation Action Plan (EEO/AAP), which annually documents employment practices at HART and develops target hiring goals based on estimated hiring needs and workforce availability. The EEO/Affirmative Action Officer also ensures that complaints of possible discrimination are investigated and that appropriate action is taken to ensure equal opportunities.

HART Clerk: ______________________
420.01 EQUAL EMPLOYMENT OPPORTUNITY (cont’d)

(5) Managers and supervisors are responsible for the success of HART’s commitment to Equal Opportunity and for Affirmative Action in their respective departments. The performance by managers and supervisors in implementing and supporting the goals and objectives of this policy is evaluated in the same manner as their performance is evaluated in achieving other HART goals. HART is committed to the achievement of EEO/AAP goals, which will increase diversity at HART and more fully utilize its human resources.

(6) Employees or applicants who have questions or concerns about HART’s Equal Employment Opportunity Policy may contact the EEO/Affirmative Action Officer. Employees and applicants have the right to file formal complaints alleging discrimination by using the internal HART Equal Employment Opportunity/Affirmative Action complaint process. HART will not tolerate retaliation against employees for making a good faith discrimination complaint or for providing information related to such complaints.

Specific Authority: 120.52(1); 163.568(2)(k) F.S.
Law Implemented: 112.042; 163.567(12); 163.568(2)(k) F.S.; Equal Employment Opportunities Act of 1972.42 USCA 2000e; Age Discrimination in Employment Act of 1967 (AEDA), 29 USA 621-634; Age Discrimination Act of 1975, 42 USCA 6101-6107; Civil Rights Act of 1964, 42 USCA 2000e-2(m); Americans with Disabilities Act of 1990 (ADA), 42 USCA 12111-12117

EFFECTIVE DATE FOR REVISION: 09/22/08

HART Clerk: [Signature]
420.02 EMPLOYEES AND APPLICANTS – AMERICANS WITH DISABILITIES ACT (ADA)

(1) Policy Statement and General Procedures

(a) It is the policy and practice of HART to comply fully with the Americans with Disabilities Act and ensure equal opportunity in employment for all qualified persons with disabilities. HART is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by HART, will be conducted on a non-discriminatory basis.

(b) HART’s recruiting, advertising and job application procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position, not any disabling condition.

(c) Pre-employment physical examinations are required only for those positions in which there is a bona fide job-related physical requirement, and are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential to the fullest extent permitted under law.

(d) Reasonable accommodation is available to all employees and applicants. Work sites will be accessible. All employment decisions are based on the merits of the situation in accordance with defined criteria and not the disability of the individual.

(e) All fringe benefits, whether provided or administered directly by HART, will be

HART Clerk: __________________________
reasonably accessible to persons with disabilities. Training, apprenticeship programs, conferences, professional meetings, etc. will be available to all employees. Recreational and social activities sponsored by HART will be reasonably accessible to all employees.

(f) HART is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. HART will follow any state or local law or rule that provides individuals with disabilities greater protection than the Americans with Disabilities Act.

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

(2) ADA Request for Reasonable Accommodation

(a) Impairment - HART will not discriminate against any otherwise qualified individual with a disability solely by reason of the impairment. Equal employment opportunities shall be provided to all applicants and employees without regard to disability. If applicants or employees with qualified disabilities are in need of reasonable accommodation(s), they have a duty to make said disabilities known to HART.

(b) Reasonable accommodation - Reasonable accommodation shall be provided for

HART Clerk:  

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420.02 EMPLOYEES AND APPLICANTS – AMERICANS WITH DISABILITIES ACT (ADA) (cont’d)

the known qualified disabilities of an impaired applicant or employee unless an undue hardship or direct threat to health and safety or other job-related consideration exists and can be proven. HART will not deny employment opportunity to an employee or applicant with a qualified disability if the basis for denial is the need to make reasonable accommodation to the employee/applicant.

(c) Additional Information - For additional information or to request a reasonable accommodation(s), employees and applicants should contact HART’s Human Resources Department.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.
Law Implemented: 112.042; 163.567(12); 163.568(2)(k) F.S.; Americans with Disabilities Act of 1990 (ADA), 42 USCA 12111-12117

EFFECTIVE DATE FOR REVISION: 09/22/08

HART Clerk:
HILLSBOROUGH TRANSIT AUTHORITY
POLICY MANUAL

400: EMPLOYMENT POLICIES
430: SUBSTANCE ABUSE PROGRAM POLICY

430.01 DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Policy Statement
Hillsborough Transit Authority (HART) is dedicated to providing safe and dependable transportation services to the public and maintaining a drug and alcohol-free workplace for its employees. With both employee and public safety as its priority, HART has adopted a Drug and Alcohol Free Workplace Policy:

- To assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- To create a workplace environment free from adverse effects of drug and alcohol abuse or misuse;
- To prohibit the unlawful manufacture, distribution, dispensation, possession or use of controlled substances in the workplace;
- To encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

HART's Drug and Alcohol Free Workplace Policy applies to all safety-sensitive employees of HART in accordance with the identified federal regulations and to non-safety sensitive and safety-sensitive employees in accordance with the identified state law. Employees must abide by the Policy as a condition of employment.

Employment of any employee is contingent upon and subject to such employee passing a pre-employment drug and alcohol test. Employees must report to the employer in writing within five calendar days if s/he has been convicted of a criminal violation occurring in the workplace. HART complies with all federal drug-free and alcohol-free workplace statutes and regulations as well as FTA regulations of anti-drug and anti-alcohol programs in the mass transit industry and applicable state law.

Any questions regarding the contents of this policy or other matters relating to HART's anti-drug program and policies on the misuse of alcohol should be directed to the following:

Drug and Alcohol Program Manager or Designee
HART
4305 E. 21st Ave., Tampa, FL 33605
(813) 384-6404

HART maintains a third party Employee Assistance Program. Contact information is available at HART’s Human Resource Office and HART’s website @ www.gohart.org.
HILLSBOROUGH TRANSIT AUTHORITY
POLICY MANUAL

400: EMPLOYMENT POLICIES
430: SUBSTANCE ABUSE PROGRAM POLICY

430.01 DRUG AND ALCOHOL-FREE WORKPLACE POLICY (cont’d)

I. Drug and Alcohol Free Awareness Program

HART’s Board of Directors has established and formally adopted the following Drug and Alcohol Free Awareness Program in an effort to inform and educate employees in understanding the consequences of drug and alcohol misuse and abuse. It is HART’s intention to use this program in an on-going effort to prevent and eliminate drug and alcohol abuse that may affect the health and safety of our employees. **This policy will be updated regularly** by HART’s Drug and Alcohol Program Manager in conjunction with General Counsel, to reflect any changes in federal and state law. **HART’s Board will annually certify compliance to the FTA that the requirements of 49 CFR 40 and 655 are being met by HART, including training and reporting. 49 CFR 655.14 and 655.72.** Hereinafter 49 CFR will be omitted and referred to as 655 or 40, with the subsection designation following thereafter and Florida Statutes will be omitted and referred to as 440.101, 440.102 and 112.045. Any change in applicable law and regulations is automatically incorporated herein.

The Drug and Alcohol Free Awareness Program will inform employees about:

(a) the dangers of drug and alcohol abuse in the workplace;
(b) HART’s rules regarding use of alcohol and drugs;
(c) the availability of drug and alcohol treatment, counseling and rehabilitation programs;
(d) random drug and alcohol testing of safety-sensitive employees; and
(e) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As a recipient of federal funds, HART is required under federal law to include certain key elements to this policy. Those elements mandated by the Federal Transit Administration appear here in bold print and often include a numerical reference citation to the applicable federal regulation. Policies mandated under state law will include the applicable statutory reference and any policy provision not mandated by federal or state requirements will include no reference to any law or regulation. 655.82(a) and 655.8.3(c)

All applicants applying for, and all employees performing, safety-sensitive functions are subject to federally mandated provisions as identified in this policy and to the provisions of this policy not based upon, and not in conflict with, federal law. As part of HART’s Drug and Alcohol Free Awareness Program, **HART shall display and distribute to all employees, the following: HART’s drug and alcohol free policies and procedures, and informational material and community service hotline telephone numbers for employee assistance. 655.16.** In addition, **HART shall provide employees with educational materials that explain the requirements of the FTA regulations and HART’s policies and procedures with respect to meeting those**

HART Clerk: [signature]
requirements, including information concerning the effects of drug abuse and the misuse of alcohol on an individual’s health, work and personal life, signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem (the employee’s or a co-worker’s) is suspected, including confrontation, referral to the Employee Assistance Program and/or referral to management. 655.14(a)

In accordance with the provisions of 49 CFR Part 655, employees shall receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use on personal health, safety and the work environment, and on the signs and symptoms which may indicate prohibited drug use. In addition, supervisors who may be asked to determine whether reasonable suspicion exists to require employees to undergo drug and/or alcohol testing shall receive at least sixty (60) minutes of training on the physical, behavioral and performance indicators of probable drug use, and sixty (60) minutes of training on the physical, behavioral, speech and performance indicators of probable alcohol misuse (655.14(b)) (644.14(2)).

II. Use of Alcohol

The following rules and restrictions regarding the use of alcohol apply to all safety-sensitive and non-safety sensitive HART employees and applicants for positions, which include safety sensitive functions. These restrictions apply to all employees while on duty, on call, on HART property – which includes private vehicles while parked on HART property and company vehicles at any time, on breaks, between shifts and at lunch if the employee is scheduled to work or may be assigned to work thereafter on the same day:

(a) no safety sensitive or non-safety sensitive employee shall report for duty while having an alcohol concentration of 0.02 or greater. 655.42 (e) and F.S. 440.101

(b) use of alcohol by a safety sensitive or non-safety sensitive employee, while on duty or when otherwise on HART property which includes use within private vehicles parked on HART property or use within any HART vehicle, at any time, is strictly prohibited. 655.32 and F.S. 440.101 use of alcohol by a safety sensitive or non-safety sensitive employee within 4 hours of reporting for duty is strictly prohibited 655.33(a) and F.S. 440.101

(c) use of alcohol by a safety sensitive or non-safety sensitive employee while on call is strictly prohibited. Any employee who is called in to report to duty and has used alcohol must advise his/her immediate supervisor that he/she has consumed alcohol within the prohibited time frame 655.33(b) and F.S. 440.101
430.01 DRUG AND ALCOHOL-FREE WORKPLACE POLICY (cont’d)

(d) all HART safety sensitive and non-safety sensitive employees are subject to and must submit to all authorized alcohol testing 655.42 and F.S. 440.101

III. Prohibited Substances/Unauthorized items/Arrests & Convictions

Prohibited Substances: Alcoholic beverages and drugs are prohibited in the workplace. Use of the drugs listed below is always illegal. For purposes of this policy, the term “drugs” includes marijuana, cocaine, opiates, amphetamines, phencyclidine (653.21), barbiturates, benzodiazepine, methadone, methaqualone, propoxyphene and a metabolite of any of the substances listed herein as well as prescription drugs, except those authorized by and used in accordance with the directions of the employee’s physician. 440.102(1)(c).

Prohibited Substances Under Federal Guidelines: Safety-sensitive employees covered under federal regulations are subject to testing for the following drugs and their metabolites: marijuana, cocaine, opiates, amphetamines and phencyclidine. 655.21, and 40.3 “Drugs”

Unauthorized items on premises: Employees on duty may not have alcoholic beverage containers or drug paraphernalia (as defined in section 893.145 Florida Statutes) in their possession or otherwise transport any such item onto HART premises for any reason. Employees found to be in possession of such unauthorized items shall be issued disciplinary action up to and including dismissal.

Arrests & Convictions: Employees are required to report an arrest and conviction for any violation involving alcohol or prohibited substances to the Drug and Alcohol Program Manager within five (5) working days of said arrest and conviction.

Employees who fail to report an arrest or who are convicted of any such violation shall be subject to disciplinary action up to and including dismissal in accordance with the violation. 440.102(7)(d).

Specific Authority: 120.52(1)(b); 163.568(2)(k)


EFFECTIVE DATE FOR REVISION: 09/12/16

HART Clerk: [Signature]
430.02 SUBSTANCE ABUSE PROGRAM POLICY

Policy Statement

Hillsborough Transit Authority aka HART is dedicated to providing safe, dependable, and economical transportation services to its patrons. HART employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

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

This Substance Abuse Policy implements a drug and alcohol testing program for all employees. Each employee shall be provided a signed copy of the adopted policy. Policy items implemented under the authority of Hillsborough Transit Authority (HART) are italicized throughout this policy. All other policy items are implemented under the authority of the United States Department of Transportation (US DOT) and/or the Federal Transit Administration (FTA).

Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

This policy is approved by the HART Board of Directors and is effective on September 13, 2016.

Name: Yelena Petit
Title: Clerk of the Board
Signature: [Signature] Date: 9-12-16

HART Clerk: [Signature]
430.02  SUBSTANCE ABUSE PROGRAM POLICY (cont’d)

TABLE OF CONTENTS

I.  Background
II.  Purpose
III. Covered Employees
IV.  Prohibited Substances
V.  Prescription and Over the Counter Medications
VI.  Employee Protections
VII. Employee Responsibility to Notify HART of Criminal Drug Conviction
VIII. Employee Training
IX.  Pre-employment Drug and Alcohol Background Checks
X.  Pre-employment Testing
XI.  Random Testing
XII. Reasonable Suspicion Testing
XIII. Post-Accident Testing
XIV.  Discipline
XV.  Refusal to Submit to DOT Required Drug Testing
XVI. Voluntary Rehabilitation
XVII. Positive Confirmed Drug or Alcohol Test Result
XVIII. Observed Collections
XIX.  Specimen Analysis
XX.  Dilute Results
XXI. Medical Review Officer’s Role and Responsibilities
XXII.  Verified Positive Results
XXIII. Cancelled/Invalid Tests
XXIV. Split Specimen Testing
XXV. Alcohol
XXVI. Alcohol Use and Breath Alcohol Testing Process
XXVII. Refusal to Submit to DOT Required Alcohol Testing
XXVIII. System Contacts and Substance Abuse Assistance Resources
Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.

49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine drug testing and breath alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

In addition, the U.S. Department of Transportation (DOT) has issued 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" to provide uniform procedures and standards for conducting drug and alcohol testing programs. The drug and alcohol testing program of HART will be conducted in accordance with 49 CFR Parts 40 and 655, as amended. Employees may request copies of the applicable regulations by contacting HART designated employer representative listed in Section 25 of this policy.

II. Purpose

This policy is established to comply with FTA drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with and incorporate 49 CFR Part 32, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

III. Covered Employees

This policy applies to all safety-sensitive and non-safety sensitive transit system employees as identified and described herein. Paid part-time employees and contractors, when performing duties, are also covered by this policy when performing any HART related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Additionally, this policy applies to volunteers who perform safety sensitive duties who are required to hold a Commercial Driver's License, or who receive remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity. This written policy shall be distributed to all employees and applicable volunteers in safety-sensitive positions. Adherence to this policy
and its provisions are a condition of employment in a safety sensitive position; per 49 CFR Part 655.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service
2. Operate a non-revenue service vehicle when such is required to be operated by a holder of a commercial driver’s license
3. Control the movement/dispatch of a revenue service vehicle
4. Perform maintenance on a revenue service vehicle or equipment used in revenue service
5. Carry a firearm for security purposes
6. May perform any of the above safety sensitive functions in a supervisory or training role.

This policy is applicable to the following safety-sensitive positions within HART:

- All bus, van, flex operators
- Transit Supervisors and Dispatchers
- Bus Transportation Manager
- Van/Flex Transportation Manager
- Maintenance Supervisors
- Service Attendants
- Mechanics
- Communication & Electronics Technicians
- Master Paint & Body Technicians
- Maintenance Training Instructor
- Fleet Service Supervisor
- Manager of Fleet Maintenance
- Transitway Supervisor
- Safety and Security Analyst
- Training Instructors
- Streetcar Operators
- Streetcar Mechanics
- Streetcar Service Attendants
- Streetcar Maintenance Supervisor
- Sr. Manager of Streetcar Operations

HART Clerk: [Signature]
IV. Prohibited Substances

In accordance with US DOT 49 CFR Parts 655 and 40, the following are prohibited substances:

- Cocaine
- Opiates (e.g., heroin, codeine)
- Phencyclidine (PCP)
- Cannabinoids (Marijuana)
- Amphetamines (includes methamphetamine and MDMA- Ecstasy)
- Alcohol Misuse as defined in Section 23, below.

V. Prescription and Over the Counter Medications

The appropriate use of legally prescribed drugs and non-prescription medications are not prohibited. A legally prescribed drug means a prescription or other written approval from a physician for the use of a drug by an individual in the course of medical treatment. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, before performing safety sensitive duties.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs.

HART strongly encourages employees to inform their prescribing physician of the safety-sensitive job functions that they perform, in order to ensure that appropriate medications are prescribed.

VI. Employee Protections

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee’s privacy, the validity of the testing process and the confidentiality of the test results.

All urine drug testing and breath alcohol testing will be conducted in accordance with applicable with 49 CFR Part 40, as amended. All urine specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS).
Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT.

1. Except as required by law or expressly authorized in this section, HART shall not release employee information that is contained in records maintained per 49 CFR Part 655.73.

2. An employee may, upon written request, obtain copies of any records pertaining to the employee’s use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.

3. HART shall release information regarding an employee’s records as directed, by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee’s consent.

4. Records pertaining to a Substance Abuse Professional’s evaluation, treatment and follow up testing results shall be made available to a subsequent DOT employer upon receipt of written consent from an employee.

VII. **Employee Responsibility to Notify HART of Criminal Drug Conviction**

It is a violation of this policy for any employee to fail to immediately notify HART of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. Violating employee shall be immediately removed from safety sensitive duties.

*Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

VIII. **Employee Training**

Safety-sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and 60
IX. Pre-employment Drug and Alcohol Background Checks

In compliance with 49 CFR Part 40.25, HART must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. HART will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to HART. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for HART.

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional’s evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

X. Pre-Employment Testing

All applicants shall undergo a urine drug test prior to placement in a position with HART. HART must be in receipt of a negative urine drug test result prior to the applicant’s performance of any function. A cancelled test result will require an applicant to undergo a subsequent pre-employment urine drug test, until a negative test result can be obtained.

If an applicant’s pre-employment urine drug test result is verified as positive, the applicant will be excluded from consideration for employment per HART authority. Applicant will be provided a referral to a Substance Abuse Professional meeting the required qualifications per 49 CFR Part 40.281, as amended.

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was removed from the random testing selection pool, will be subject to a pre-employment urine drug test. HART must be in receipt of a negative drug test result prior to the employee being reinstated to safety sensitive duty.

XI. Random Testing

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing and the minimum annual percentage rate for random controlled substances testing shall be in accordance with 49 CFR Part 655, as
amended. The percentages of testing shall be based on the average number of safety-sensitive employees per calendar year.

The administering of random testing shall be spread reasonably throughout the calendar year and throughout all times of day when safety-sensitive functions are performed. Each covered employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the testing site.

Random alcohol testing shall be conducted on a safety sensitive employee during, just before or just after the performance of a safety-sensitive function.

Random urine drug testing may be conducted anytime while an employee is on duty or on call, or on standby duty.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

XII. Reasonable Suspicion Testing

All employees are subject to reasonable suspicion urine drug testing and/or breath alcohol testing. Reasonable suspicion testing is required when one or more trained company officials can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion testing for alcohol misuse can only be made when observations leading to that testing occur during, just preceding, or just after the period of the workday that the employee is required to be in compliance with FTA regulations. Reasonable suspicion testing for prohibited drugs may be conducted anytime an employee is on duty. Non-safety testing for both alcohol misuse and prohibited drugs may be conducted at all hours of operation.

XIII. Post-Accident Testing

Fatal Accident: A safety-sensitive employee shall be required to undergo urine drug and breath alcohol testing following an accident involving a revenue service vehicle that results in a fatality (regardless of whether or not the vehicle is in revenue service at the time of the event). Any other employee(s), i.e., maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested. As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and alcohol testing.
Non-Fatal Accident: A post-accident test shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, and/or if one or more vehicles incurs disabling damage that requires towing from a site; unless HART determines, using the best information available at the time of the decision, that the employee’s performance can be completely discounted as a contributing factor to the accident. Any other safety sensitive employee whose performance could have contributed to the accident shall be tested. The decision regarding whether or not the employee’s performance could have contributed to the accident will be the sole discretion of HART using the best information available at the time of the decision.

Following an accident, the employee must be “readily available” for testing. Post-accident tests will be conducted as soon as possible, all reasonable efforts shall be made to test the safety sensitive employee(s) within (2) two hours of the accident, but not after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, HART shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered and efforts to conduct testing shall cease.

Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any employee, who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing, shall be considered to have refused the test.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond HART’s control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by HART. (Per 49 CFR Part 655.44)

XIV. Discipline

(a) First Offense:
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont'd)

An employee with a first time positive confirmed drug test or an alcohol test of .02 or higher during his/her employment history with HART for a random test, will be placed on leave status for 90 days without pay. The employee may not use any accumulated sick leave or annual leave to cover his/her absence from work. During leave, the employee will be evaluated by HART’s Substance Abuse Professional and be required to participate in and successfully complete an employee assistance program, which will be at his/her own expense. In the event the employee is required to attend an employee assistance program which exceeds the employee’s 90 day leave under this section, the employee may file a request for additional leave with HART.

The following conditions shall also apply:

(1) The employee must successfully complete the employee assistance program. Failure to successfully complete the program will be evidenced by withdrawal from the program before its completion or a report from the program indicating unsatisfactory compliance or by a positive test result on a confirmation test after completion of the program.

(2) The employee must execute a written consent form allowing HART to obtain information regarding the progress and successful completion of the employee assistance program.

(3) Following successful completion of the program, the employee will be required to submit to a return to duty drug and alcohol test. 49 CFR Part 40 Subpart O. The employee may return to work only after the Substance Abuse Professional and have issued a written return to work release and the employee tests negative for all of the drugs screened.

(4) Upon return to work, the employee will be subject to unannounced follow-up drug and/or alcohol testing. 49 CFR Part 40 Subpart O. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional and will consist of at least 6 tests in the first 12 months following the employee’s return to work. §40.307. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first 6 tests have been administered, if the Substance Abuse Professional determines that such testing is no longer necessary. §40.307. Likewise, after the initial 12 month period, the Substance Abuse Professional may continue the follow-up testing for an additional 48 months if the Substance Abuse Professional determines that such testing is necessary. §40.307. Regardless of the number and frequency of follow-up testing, the employee will serve a twelve (12) month probationary period from the return to work date. If the employee tests positive for drugs or alcohol during the probationary period or at any other time in the future, the employee shall be immediately terminated.
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont’d)

(b) Immediate Discharge shall occur in the following situations:

1. Refusal to submit to an authorized drug or alcohol test by failing to provide an adequate urine, breath, blood or saliva sample without a valid medical explanation, or by engaging in conduct that clearly obstructs the testing process. §40.191 and §40.261. Refusal to submit to test also includes refusal to cooperate regarding the collection of samples, submission or attempted submission of altered or substituted urine sample or refusal to cooperate with laboratory personnel or Medical Review Officer during any stage of testing or confirmation process. An employee who refuses to submit to an authorized drug or alcohol test forfeits his eligibility for medical and indemnity benefits which would otherwise be due him/her under Florida Workers’ Compensation law.

2. Refusal to participate in the employee assistance program, failure to execute a written consent form allowing HART to obtain information regarding the progress and successful completion of the employee assistance program or failure to successfully complete the program after being required to do so following a First Offense as outlined in subsection (a) above.

3. Drinking alcoholic beverages or using drugs while on duty, on call, on HART property – which includes private vehicles while parked on HART property and company vehicles at any time, on breaks, between shifts and at lunch if the employee is scheduled to work or may be assigned to work thereafter on the same day.

4. Distribution, dispensation, possession, concealment, sale or unlawful manufacture of drug paraphernalia, or any prohibited substance, including alcoholic beverages while on HART property, which includes use within private vehicles while parked on HART property or use within any HART vehicle at any time.

5. When an employee test positive for alcohol with a concentration of 0.02 or more in any authorized pre-employment, reasonable suspicion, return to duty, follow-up or post-accident testing or when an employee tests positive for drugs in any authorized pre-employment, reasonable suspicion, return to duty, follow-up or post-accident testing regardless if it was the employee’s first time.

6. When an employee tests positive for alcohol with a concentration of 0.02 or more in any authorized random alcohol test on more than one occasion or when an employee tests positive for drugs in any authorized random drug test on more than one occasion.
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont'd)

(7) When an employee tests positive for alcohol with a 0.02 or more concentration or positive for drugs following an occupational on-the-job accident, vehicular or otherwise, regardless of whether or not the test is the employee's first positive confirmed result. Additionally, if the employee tests positive for drugs or alcohol at levels prohibited by the Florida Worker's Compensation Statutes and applicable rules adopted pursuant thereto, the employee forfeits his eligibility for medical and indemnity benefits which would be otherwise due him/her under Florida's Workers' Compensation laws.

(8) When an employee tests positive for alcohol with a concentration of 0.02 or greater or tests positive for drugs (regardless of whether or not the test result is the employee's first positive confirmed test result) and the employee's conduct that led to the testing would justify dismissal if drug or alcohol use had not been involved.

XV. Refusal to Submit to DOT Required Drug Testing

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as described in sections 10-13. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have “refused testing”. Refusal to submit to DOT required testing is a violation of this substance abuse policy.

The following actions constitute a “refusal to test” in accordance with 49 CFR Part 40, as amended:

(a) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer (pre-employment testing not applicable).

(b) Failure to remain at the testing site until the testing process is completed (after the process has been started)

(c) Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations

(d) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen

(e) Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure

(f) Failure or decline to take an additional drug test the employer or collector has directed you to take
430.02  SUBSTANCE ABUSE PROGRAM POLICY (cont’d)

(g) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by HART

(h) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector)

(i) For an observed collection, failure to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process

(j) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process

(k) Admitting to the collector or MRO that you adulterated or substituted the specimen

(l) When the MRO verifies your drug test result as adulterated or substituted.

Refusals to test will result in employee’s immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part §40.281 Subpart O.

Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

XVI. Voluntary Rehabilitation

When an employee who has not previously tested positive for drug or alcohol use or entered an employee assistance rehabilitation program for drug or alcohol related problems voluntarily admits that s/he has a drug or alcohol problem at least forty-eight (48) hours prior to any order for drug/alcohol testing and requests help in receiving treatment for either drug or alcohol abuse, HART will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. No disciplinary action will be taken against an employee who voluntarily admits that s/he has a drug or alcohol abuse problem. However, HART has the following rights in such circumstances:

(a) The employee will be required to be evaluated by the Substance Abuse Professional, to submit to testing and to enroll in and successfully complete a HART approved inpatient or outpatient treatment or rehab program for drug and/or alcohol abuse and remain drug and alcohol free for its duration, as a condition of continued employment or reinstatement with

HART Clerk: [Signature]
HILL S BOROUGH TRANSIT AUTHORITY
POLICY MANUAL

400: EMPLOYMENT POLICIES
430: SUBSTANCE ABUSE PROGRAM POLICY

430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont’d)

HART. The employee must use any accumulated sick leave and then annual leave to cover any absences from work.

(b) Upon program completion, the employee must submit to a return to work drug and alcohol test. The employee may return to work only after the Substance Abuse Professional and Medical Review Officer have issued a written return to work release and the employee tests negative for all of the drugs screened.

(c) Upon return to work, employee will be subject to unannounced follow-up drug and/or alcohol testing. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional and will consist of at least 6 tests in the first 12 months following the employee’s return to work. §40.307. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first 6 tests have been administered, if the Substance Abuse Professional determines that such testing is no longer necessary. §40.307. Likewise, after the initial 12 month period, the Substance Abuse Professional may continue the follow-up testing for an additional 48 months if the Substance Abuse Professional determines that such testing is necessary.

(d) Regardless of the number and frequency of follow-up testing, the employee will serve a twelve (12) month probationary period from the return to work date. If the employee tests positive for drugs or alcohol during the probationary period or at any other time in the future, the employee shall be immediately terminated.

XVII. Positive Confirmed Drug or Alcohol Test Result

(a) In accordance with Federal Law:

(1) A positive test result does not automatically identify an employee/applicant as having used drugs or alcohol in violation of HART policy. As such, the Medical Review Officer shall review the results prior to transmission of the results to HART officials in order to determine if there is a possible alternative medical explanation for the positive test results. §40.129

(2) The MRO shall directly and confidentially inform the employee or job applicant of the positive test result. §40.131 and FS 440.102(5)(h). The employee/applicant will then have the opportunity to provide evidence and an explanation to the MRO for the positive results. The employee will be notified that if he or she declines to discuss the test results, it will be verified as positive. The MRO will only report confirmed positive test results to HART if the test results are not explained to the MRO’s satisfaction. If the employee/applicant has unusual circumstances preventing him

HART Clerk: _ Signature_
or her from responding to the MRO in a timely fashion, the MRO may provide some relief to the employee/applicant in accordance with 49 CFR 40.133(c). If the explanation is inadequate or not offered, the MRO will then report the confirmed positive test results to HART. HART shall then promptly inform the employee of the consequences of such results and the options available to the employee or job applicant after receipt of a positive confirmed test result from the Medical Review Officer.

(3) The MRO shall also advise the employee/applicant with a confirmed positive test that the employee/applicant has 72 hours to request a test of the split specimen. If the request is timely made, the MRO will inform the laboratory to provide the split specimen to another DHHS-certified lab for analysis. 40.153. If the second lab is unable to confirm the test as positive, or if the split sample is unavailable, inadequate for testing or untestable, then the MRO shall cancel the test and report the test as cancelled to HART and the employee/applicant. A cancelled test is neither a positive test nor a negative test. 40.273. Likewise, if the split specimen analysis is positive, the MRO shall report these results to HART and the employee/applicant. 40 Subpart H.

(b) In accordance with state law:

(1) HART shall inform each employee or job applicant in writing of HART’s receipt of any positive test result on any tests performed on a specimen obtained pursuant to state law, (not federal law) the consequences of such results, and the options available to the employee or job applicant within five (5) working days after receipt of a positive confirmed test result from the Medical Review Officer. Upon request, HART shall provide the employee or job applicant, with a copy of the test results.

(2) An employee or job applicant may submit information to HART explaining or contesting the test result of any test performed pursuant to state law and explaining why the result does not constitute a violation of HART’s policy. If such an employee’s or job applicant’s explanation or challenge of the positive test result is unsatisfactory to HART, a written explanation as to why such an employee’s or job applicant’s explanation is unsatisfactory, along with the report of positive result, shall be provided by HART to such an employee or job applicant within fifteen (15) days; and all such documentation shall be kept confidential by HART and shall be retained by HART for at least one (1) year.

(3) Should such an employee or job applicant wish to do so, s/he may further contest the
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont'd)
drug test result pursuant to the rules adopted by the Florida Department of Labor and Employment Security and incorporated by reference herein. Such an employee may also have the right to appeal to the Public Employee Relations Commission or appropriate court regarding any applicable collective bargaining agreement or contract. Such an employee or job applicant may undertake an administrative challenge by filing a petition for benefits with a judge of compensation claims, pursuant to Chapter 440 Florida Statutes or if no workplace injury has occurred, the person may challenge the test result in a court of competent jurisdiction. In the event such an employee or job applicant undertakes an administrative or legal challenge to a positive confirmed test result, that employee or job applicant must notify the laboratory which performed the drug test that such an action will be or has been instituted.

XVIII. Observed Urine Drug Collections

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer must witness the employee’s urine leave the body and enter the collection cup. The collector/observer must be the same gender as the employee being observed.

Observed collections are required in the following circumstances:

> Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;

> Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;

> Anytime a collector observes materials brought to the collection site or the employee’s conduct clearly indicates an attempt to tamper with a specimen;

> Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;

> Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

> Anytime a follow up or return to duty test is required (test types not applicable to HART policy)
XIX. Specimen Analysis

All specimens will be analyzed in accordance with the procedures set forth in 49 CFR Part 40, as amended. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

XX. Dilute Test Results

Upon receipt of MRO verified negative-dilute drug test results with creatinine levels greater than 5 mg/dl and less than 20 mg/dl, HART will exercise the option to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The collection of the second specimen will not be conducted under direct observation. The result of the second urine drug test will be accepted as the final result.

HART will exercise this option uniformly for all pre-employment and random tests that produce a negative-dilute test result with creatinine levels greater than 5mg/dl but less than 20mg/dl.

Upon receipt of a positive-dilute urine drug test result, HART will immediately remove the employee from safety sensitive duty and provide the employee with a referral to a DOT qualified Substance Abuse Professional. A positive dilute result is always deemed as a final positive result. Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

XXI. Medical Review Officer’s Role and Responsibilities

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders. HART shall use the following Medical Review Officer:

Name of MRO: Dr. Stephen Kracht

Address: P.O. Box 25903, 7500 W. 110th Street, Suite 500

Overland Park, KS 66225

Phone Number: (888) 382-2281 Fax Number: (913) 469-4029

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont’d)

medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

XXII. Verified Positive Results

MRO verified positive urine drug tests will result in immediate removal from duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O, will be provided to employee.

Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

XXIII. Cancelled/Invalid Test Results

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by the MRO as a cancelled test.

When a negative urine drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an
individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

XXIV. **Split Specimen Testing**

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different DHHIS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled “CANCELED”. The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory’s test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required. Direct observation collection procedures will be in accordance with 49 CFR Part 40 as amended.

Split Specimen Testing is not authorized for test results reported by the MRO as “Invalid”.

XXV. **Alcohol**

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 655 authorizes alcohol testing and requires HART to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

XXVI. **Alcohol Use and Breath Alcohol Testing**

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be under the influence of alcohol while performing their duties, the employee shall not be permitted to perform or continue to perform their duties, pending a reasonable suspicion interview, conducted per Section 12. No employee shall use alcohol while performing their non-safety sensitive functions nor safety-sensitive functions, within (4) four hours prior to performing a function, or during the hours that they are on call or standby for duty. No
400: EMPLOYMENT POLICIES
430: SUBSTANCE ABUSE PROGRAM POLICY

430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont’d)
employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

A Breath Alcohol Technician (BAT) qualified to conduct DOT breath alcohol testing shall conduct all DOT required alcohol screening tests.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to HART in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

HART affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Handling of tests and confidentiality shall be in conformance with 49 CFR Part 40, and as described below:

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee testing positive for alcohol will be immediately removed from duty and will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

XXVII. Refusal to Submit to DOT Required Alcohol Testing

The following actions constitute a refusal to submit to Alcohol Testing:

(a) Fail to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.

(b) Fail to remain at the testing site until the testing process is complete

HART Clerk: [Signature]
430.02 SUBSTANCE ABUSE PROGRAM POLICY (cont'd)

(c) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations

(d) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure

(e) Fail to undergo a medical examination or evaluation, as directed by HART

(f) Fail to sign the certification at Step 2 of the ATF

(g) Fail to cooperate with any part of the testing process.

A referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided.

*Per HART authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

XXVIII. System Contacts

**Drug and Alcohol Program Manager or Designated Employer Representative**

Name: Kelli White
Address: 1201 East 7th Avenue, Tampa, FL 33605
Phone: (813) 384-6404
E-mail: whitek@gohart.org

**Alternate**

Name: Shelley Randall
Address: 1201 East 7th Avenue, Tampa, FL 33605
Phone: (813) 384-6391
E-mail: randalls@gohart.org

**Substance Abuse Professional**

Name: CIGNA EAP
Phone: 1-877-622-4327

HART Clerk: [Signature]
National Hot-Line Numbers and Help Lines:

1-800-COCAIN

The American Council on Alcoholism Help Line

1-800-527-5344

The National Institute on Drug Abuse Hot Line

1-800-662 HELP

Alcoholics Anonymous

212-686-1100

A copy of the referenced regulations (49 CFR Parts 40 and Part 655); are available on the CUTR Substance Abuse Management Resource Website: www.sam.cutr.usf.edu

Specific Authority: 120.52(1)(b); 163.568(2)(k)


EFFECTIVE DATE FOR REVISION: 09/12/2016