



Board of Trustees

December 18, 2018

Committee Meetings
&
Board Packet

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(Reports from all departments for Nov./Dec. will appear
in the January 2019 Board Packet.)





TO: Robert E. DeJournett, President,
and all other Board Members

FROM: Dawn Distler, Executive Director/Assistant Secretary-Treasurer

DATE: December 13, 2018

RE: Monthly Update

Board Members,

Merry Christmas and Happy Holidays. Our first group of new SSO operators began their training this month, and the next group will begin after the holidays. We just finished up our first day of “Official-ly on Board” rides. What a great experience for us as a team, and for our officials who rode, and for our passengers who were able to share with us their ideas for the service they need. Mayors Horrigan, Walters, Justice, and Neugebauer, County Executive Shapiro, and our board president, Robert DeJournett, joined us throughout the day and found out how easy it is to ride METRO, and how much our community relies on us to get them where they are going. It was a pleasure to ride with these leaders and have them understand how important it is to invest in METRO.

Because of the short turn around for our board meeting, we will not have the usual monthly stats for you this month, but we will provide full stats for November and December in our January meeting packet. This month’s board packet consists of only 2 resolutions. I am excited to bring to you our budget proposal for 2019 which provides for the first significant investment in METRO services in 20 years. With this budget we continue to look at the Driving METRO Forward plan, with an eye on the future and our fingers on the pulse of our riders and our community. We believe in ourselves and we continue to change the perception of METRO, to build a culture of excellence, and to become the best mid-size transportation system in the nation.

Yours in accessible transportation,

Dawn Distler
Executive Director

The following Resolutions will be presented at the upcoming Board Meeting:

<u>Committee</u>	<u>Resolution No.</u>	<u>Authorizing</u>
Finance	2018-39	A budget/appropriation measure for the calendar year 2019.
Human Resources	2018-40	An amendment to the HR Policies & Procedure manual



**METRO RTA
MONTHLY BOARD MEETING AGENDA
ROBERT K. PFAFF TRANSIT CENTER
TUESDAY, DECEMBER 18, 2018
9:00 A.M.**

ITEM 1: CALL TO ORDER:

ITEM 2: AUDIENCE PARTICIPATION:

Any individual or representative of a group may take two (2) minutes to address the Board on any topic on the agenda. Anyone desiring more time than provided herein, shall notify the Secretary-Treasurer by the Tuesday preceding the Board meeting so that he/she may be placed on the Agenda for a maximum of five (5) minutes. METRO's Board Meetings are held the last Tuesday of the month as stated within Resolution 2016-28, unless otherwise noted.

ITEM 3: RECOGNITION

ITEM 4: BOARD MINUTES:

*Approval of Board Meeting Minutes for November 27, 2018.

ITEM 5: COMMITTEE REPORTS & RESOLUTIONS:

Finance Committee

Chair Report

*Resolution 2018-39 authorizing a budget/appropriation measure for the calendar year 2019.

Marketing & Service Planning Committee

Chair Report

Rail Operations Committee

Chair Report

Safety Committee

Chair Report

Human Resources Committee

Chair Report

*Resolution 2018-40 authorizing an amendment to the Human Resources Policies & Procedure manual.

ITEM 6: EXECUTIVE SESSION

ITEM 7: OTHER BUSINESS:

ITEM 8: OFFICERS' REPORT:

- President
- Executive Director

ITEM 9: CALL FOR ADJOURNMENT:

***Denotes items that need approval of the Board**

Next Scheduled Meeting – January 29, 2019

**METRO RTA
BOARD MINUTES
ROBERT K. PFAFF TRANSIT CENTER
TUESDAY, NOVEMBER 27, 2018**

Trustees Present: Jack Hefner, Gary Spring, Robert DeJournett, Heather Heslop Licata, Louise Gissendaner, Chuck Rector, Donald Christian, Mark Derrig

Trustees Absent: Stephan Kremer, Renee Greene, David Prentice

Staff Present: Angela Neeley, Bambi Miller, Dawn Distler, DeHavilland McCall, Jamie Saylor, Jarrod Hampshire, Jason Popik, John Sutherland, Lori Stokes, Molly Becker, Quentin Wyatt, Shawn Metcalf, Sue Ketelsen, Valerie Shea

Guests Present: Dr. Daniel Van Epps (Stark County Area Broadband Task Team)

CALL TO ORDER

Mr. DeJournett called the meeting to order at 9:00 a.m.

AUDIENCE PARTICIPATION

None

RECOGNITION

(Took place at the end of the meeting.)

Operator Dawndavina Eggleston was recognized with 20 Years of Safe Driving, and Operator Reggie McGuire was recognized with 25 years of Safe Driving. Each of them was honored with a "Milestone Award", and had their photo taken with Director of Operations De Havilland McCall and Chief Dispatcher Jamie Saylor by photographer Halee Gerenday, Communications Specialist.

APPROVAL OF MINUTES

Mr. DeJournett asked for a motion to approve the Minutes of the October 30, 2018 meeting. Ms. Licata made a motion for approval, seconded by Mr. Christian. The minutes were unanimously approved by the Board.

FINANCE COMMITTEE

The Finance Committee met.

Resolution 2018-37 authorizing the Executive Director to award a one (1) year contract for the purchase of Ultra Low Sulfur Diesel Fuel and Gasoline for 2019 was presented for approval. Mr. Hefner made a motion for approval, seconded by Ms. Licata. Resolution 2018-37 was unanimously approved by the Board.

MARKETING AND SERVICE PLANNING COMMITTEE

Mr. Christian indicated that the Marketing and Service Planning Committee did meet. There were no action items.

RAIL OPERATIONS COMMITTEE

The Rail Operations Committee met. There were no action items.

SAFETY COMMITTEE

The Safety Committee met, and reported that there were sixteen (16) accidents in the month of October, with eight (8) being preventable. No items needed action.

HUMAN RESOURCES

Mr. DeJournett reported that the Human Resources Committee did meet. The department is in the process of hiring 23 Operators. There were no resolutions presented.

OFFICERS' REPORT

President:

Mr. DeJournett reported that he and Executive Director Distler have had good meetings with the appointing authorities and getting very positive feedback from the community about the new direction that METRO is going. Both will be attending the APTA Leadership Summit event in Washington, D.C. Ms. Distler serves on the Diversity and Inclusion Committee. Best wishes were extended for a happy season of celebration.

After the Executive Director's report, Mr. DeJournett also reminded that 2019 marks the 50th Anniversary of METRO, and that we will be doing things to bring awareness to the 50 years of service to the community. He also mentioned that as a way of participating in "Giving Tuesday", METRO staff would be handing out hats and gloves at the RKP Transit Center following the Board meeting.

Executive Director:

Ms. Distler spoke of the culture of METRO and that we have become very inclusive of everyone. Committees that have been formed have included folks from a variety of departments, so that everyone feels like they are a part of what is going on. She reminded everyone of the buttons that were passed out at the last meeting, and noted that about 80% are wearing the buttons consistently. An understanding is developing that we are changing the way things are done. Improvements are being made to facilities, unneeded inventory is being disbursed, the Dress Code is being reviewed, the Tobacco Use Policy is being reviewed, community meetings are being attended, and the value of investing in our transit program is being promoted to the city. Ms. Distler also mentioned the trip she and Mr. DeJournett will be taking to D.C. for the APTA Board of Director's events. She closed by wishing everyone a great holiday season.

OTHER BUSINESS

Mr. DeJournett indicated that there was one remaining resolution. **Resolution 2018-38** establishing dates for the 2019 Board Meetings was presented for approval. Mr. Rector made a

motion for approval, seconded by Ms. Gissendaner. Resolution 2018-38 was unanimously approved by the Board.

EXECUTIVE SESSION:

Mr. DeJournett requested a motion to go into Executive Session to discuss a personnel matter. Mr. Spring made a motion, seconded by Mr. Christian.

ROLL CALL

Jack Hefner	Yes	Mark Derrig	Yes
Gary Spring	Yes	Heather Heslop Licata	Yes
Louise Gissendaner	Yes	Chuck Rector	Yes
Donald Christian	Yes	Robert DeJournett	Yes

The motion being unanimously approved, the Board entered Executive Session at 9:13 a.m. At 9:23 a.m., Mr. DeJournett requested a motion to come out of Executive Session. Mr. Christian made a motion, seconded by Mr. Hefner.

ROLL CALL

Jack Hefner	Yes	Mark Derrig	Yes
Gary Spring	Yes	Heather Heslop Licata	Yes
Louise Gissendaner	Yes	Chuck Rector	Yes
Donald Christian	Yes	Robert DeJournett	Yes

The motion being unanimously approved by the Board, the Board came out of Executive Session.

ADJOURNMENT

There being no other business to come before the Board, Mr. DeJournett called for a motion to adjourn. Mr. Hefner made a motion to adjourn, seconded by Mr. Rector. The motion to adjourn was unanimously approved, and the meeting adjourned at 9:25 a.m.

CERTIFICATE OF COMPLIANCE

Pursuant to Section III, Article 3.2 of the Rules & Regulations of the METRO Regional Transit Authority, METRO has complied with the Notice and Notification to the public and news media.

DATE APPROVED: December 18, 2018

**ROBERT E. DEJOURNETT,
PRESIDENT**

**DAWN S. DISTLER,
EXECUTIVE DIRECTOR/
SECRETARY-TREASURER**

**COMMITTEE ASSIGNMENT:
FINANCE**

RESOLUTION 2018-39

A resolution authorizing a budget/appropriation measure for the calendar year 2019.

WHEREAS, the 2019 budget was developed based on a collection of the 1/2% sales tax, and

WHEREAS, the 2019 budget includes network wide planning to increase to service levels, and

WHEREAS, the 2019 budget includes other increases to launch Driving METRO Forward.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the METRO Regional Transit Authority that:

1. The budget is hereby authorized with total operational expenses not to exceed \$56,722,723.
2. The budget is hereby authorized with total capital expenses not to exceed \$11,804,480.
3. This resolution shall become effective January 1, 2019.
4. All formal actions of this Board of Trustees related to this Resolution and all deliberations of the Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code

DATE ADOPTED: December 18, 2018

**ROBERT DEJOURNETT,
PRESIDENT**

**DAWN S. DISTLER,
EXECUTIVE DIRECTOR/
SECRETARY-TREASURER**

METRO REGIONAL TRANSIT AUTHORITY

Revenues and Expenses by Category

REVENUES	2018 Actual	2019 Budget	2018 Actual vs 2019 Budget	
Farebox	3,668,148	3,700,000	0.87%	31,852
Advertising	582,989	606,309	4.00%	23,320
Non-Transit (Interest, Rail & Misc)	4,391,244	2,391,244	-45.55%	(2,000,000)
Sales & Use Tax/Aid	45,000,000	45,612,564	1.36%	612,564
Local Fare Assistance	1,881,823	1,496,000	-20.50%	(385,823)
State Assistance	105,576	200,000	89.44%	94,424
Federal Assistance	519,984	7,272,000	1298.50%	6,752,016
Pass Through Revenue	519,984	610,624	17.43%	90,640
Total Revenue	<u>56,669,748</u>	<u>61,888,741</u>	9.21%	5,218,993
EXPENSES	2018 Actual	2019 Budget	2018 Actual vs 2019 Budget	
Salaries & Wages	23,035,481	24,668,771	7.09%	1,633,290
Fringe Benefits	15,488,117	17,712,000	14.36%	2,223,883
Professional & Technical	3,656,082	3,424,492	-6.33%	(231,590)
Material & Supplies	5,157,235	5,113,001	-0.86%	(44,234)
Miscellaneous	304,538	340,873	11.93%	36,335
Purchased Transportation	1,888,128	2,000,800	5.97%	112,672
Utilities	940,354	959,161	2.00%	18,807
Casualty and Liability	890,816	893,000	0.25%	2,184
Service Expansion	-	1,000,000	100%	1,000,000
Pass Through Expense	519,984	610,624	17.43%	90,640
Total Expense	<u>51,880,735</u>	<u>56,722,723</u>	9.33%	4,841,988
Net Income *	<u>4,789,013</u>	<u>5,166,018</u>	7.87%	

*Does not include Depreciation, transfers to Capital Budget or Contingency Fund investment

METRO REGIONAL TRANSIT AUTHORITY

CAPITAL BUDGET

	2019
Funding source	
Federal	7,272,000
Local	7,000,000
Total Capital contributions	14,272,000
<u>Projects</u>	2019
Large buses	4,950,000 9
Small Buses	2,635,000 31
Bus Stop Amenities (Shelters, etc)	215,000
Non-Rev Vehicles	20,000
Facility rehab and A&E projects	555,000
Portable Lifts	90,000
North Bus Barn	1,200,000
DVR/NVR System Upgrade	362,340
Computer/systems upgrade	677,140
Rail rehab projects	200,000
ITA (Independence Turnaround)	900,000
Total Project Costs for Board Approval	11,804,480
Ending Balance	2,467,520

Capital Budget Expenditures 2019

Projects

Large Buses – We intend to use Federal funds to purchase eight large buses this year to replace older buses in our fleet. We replace our large buses on average every twelve years. This project is federally funded up to 80% of the total project cost.

Small Buses – We intend to use Federal funds to purchase 31 small buses this year. This project is federally funded up to 80% of the total project cost.

Bus Stop Amenities – We have bus stops all over that need to be upgraded or replaced in order to keep them in a state of good repair. This cost will cover the design and materials needed to complete the projects. Shelters have a useful life of about eight (8) years. We anticipate this project being federally funded up to 80% of the total project cost.

Non-revenue Vehicles – These include the shop trucks, department vans, and Road Supervisor vehicles. Some of our vehicles were purchased and others are currently on a leasing program. The needs for this budgeting cycle consist of the cost for a Polaris type vehicle for snow removal here at the Kenmore location. The other snow removal trucks need to be out at our other locations clearing the snow for our customers at the same time; therefore, there is a need to have something at the Kenmore location to clear the snow for the employees.

Facility Rehab and A&E – These projects include things that actually need to be repaired or replaced. This budget cycle includes costs to repair concrete at RKP, replace the aluminum panels at RKP, replace the fencing around the landscaping at RKP, and removal of the junk yard building next door to 416 Kenmore. Other costs are included in case we have an emergency repair to the HVAC, elevator, etc.

Portable Lift Sets – This project includes the purchase of two portable lift sets to replace two in-ground lifts that no longer work. The purchase of these lifts will increase our vehicle repair capacity. We are hoping that this project will be federally funded up to 80%.

North Bus Barn – Currently, the North Bus Barn is equipped to only house parked diesel buses. We have been reducing our diesel bus purchases, and have been purchasing CNG buses instead. We are out of places to park our CNG buses. Therefore, this project would allow us to tear down the current barn and replace it with a barn that is fully equipped to accommodate our growing CNG fleet.

NVR System Upgrades – The useful life of a DVR/NVR is typically five years. We would like to replace 100 NVRs (network video recorder) on buses that need new ones. We would like to have about 10 on hand as spares.

Computer Systems Upgrade – We are upgrading our technology across the company in an effort to increase efficiency. Some of our software is old and needs to be upgraded. Upgrades included in this budgeting cycle are a new email archiver, updated anti-virus software, MS Office licenses, laptop replacements for the Supervisors and mechanics, faster wi-fi access points, scheduling software, etc.

Rail Rehab – We need to keep our bridges and at grade crossings on our rail in a safe operating conditions for both train and vehicular traffic.

Transit Hubs (ITA) – The ITA stop near Chapel Hill is in disrepair and needs to be torn down and replaced with something transit friendly and practical. We currently have about 600 people coming through this stop every day, and this is where our operators use the restroom. Some of our routes begin and/or end here as well.

**COMMITTEE ASSIGNMENT:
HUMAN RESOURCES**

RESOLUTION NO. 2018-40

A resolution authorizing an amendment to the Family Medical Leave (FML) section of the Human Resources Policies and Procedures Manual.

WHEREAS, by resolution 1990-66 the Board of Trustees authorized the approval of the Human Resources Policies and Procedures Manual for the METRO Regional Transit Authority, and

WHEREAS, the last update to the Human Resources Policies and Procedures Manual regarding sick leave was resolution 2013-11, and

WHEREAS, an amendment is recommended to the existing FML language in the Human Resources Policies and Procedures Manual in order to become compliant with Federal rules and regulations governing FML.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of METRO Regional Transit Authority that:

1. The Human Resources Policies and Procedures Manual section regarding sick leave and FML is hereby to be amended.
2. The Executive Director of METRO is hereby authorized to implement the revision to the Human Resources Policies and Procedures Manual.
3. This Policy shall become effective December 18, 2018.
4. All formal actions of this Board of Trustees related to this Resolution and all deliberations of the Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code.

DATE ADOPTED: December 18, 2018

**ROBERT E. DEJOURNETT,
PRESIDENT**

**DAWN S. DISTLER,
EXECUTIVE DIRECTOR/
SECRETARY-TREASURER**

METRO REGIONAL TRANSIT AUTHORITY

FAMILY MEDICAL LEAVE ACT POLICY

METRO REGIONAL TRANSIT AUTHORITY

FAMILY MEDICAL LEAVE ACT POLICY

POLICY:

METRO will grant its employees benefits guaranteed by Federal, State and County law under the Family and Medical Leave Act (FMLA), the National Defense Authorization Act (NOAA), and any other applicable statutes. Under this policy, METRO will grant to eligible employees up to 12 weeks of job-protected FMLA leave or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness during a "rolling" 12-month period.

Definitions under the Family Medical Leave Act

1. "Child" is a biological, adopted, foster, or step child or legal ward, or child of a person standing "in loco parentis" who provides day-to-day care and financial support, where the child is under age 18, or, if older than 18 is incapable of self-care because of a mental or physical disability.
2. "Next of Kin" means the nearest blood relative other than a covered service member's spouse, parent, or child, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver leave under the FMLA.
3. "Parent" means a biological, adoptive, step or foster parent or other person who stood "in loco parentis" to a child by providing day-to-day care and financial support. In-laws are not covered under the FMLA.
4. "Spouse" means husband or wife.
5. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
 - a. "Incapacity" means inability to work, attend school or perform regular daily activities due to the serious health condition, treatment or recovery there from.
 - b. "Inpatient Care" means an overnight stay in a hospital, hospice, or residential medical care or any treatment in connection with the inpatient

- care.
- c. "Treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
- d. "Continuing treatment by a health care provider" means any one of the following:
 - i. A period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves either treatment on two or more occasions within 30 days, or treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
 - ii. Any period of incapacity due to pregnancy or prenatal care.
 - iii. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits (at least twice per year) for treatment by a health care provider, which continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
 - iv. Permanent or long-term conditions
 - v. Conditions requiring multiple treatments

PROCEDURE:

I. Eligibility

To be eligible for FMLA leave, an employee must:

- a. Have been employed by METRO for at least 12 months (which months need not be consecutive); separate periods of employment will be counted, provided that any break in service does not exceed seven(7)years.
- b. Have worked at least 1,250 hours in the 12 months preceding the first date that FMLA is to be used; these hours must be actual hours worked, and do not include unpaid leave and/or paid time off.

II. Reasons for FMLA Leave

To qualify as FMLA leave under this policy, the employee must be taking leave for one or more of the reasons listed below:

- a. Because of the employee's own serious health condition which makes the employee unable to perform the essential functions of the employee's job;
- b. Birth of the employee's child, or to care for the employee's newborn child;

- c. Placement of a child with the employee for adoption or foster care;
- d. To care for a family member (employee's spouse, eligible child, or parent) with a serious health condition;
- e. To care for a United States service member or veteran with a serious injury or illness incurred or aggravated in the line of duty while on active military duty if the employee is the spouse child, parent, or next of kin of the service member or veteran. This type of FMLA is referred to in this policy as "military caregiver leave."
- f. A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a member of a regular component of the United States Armed Forces who is deployed on active duty to a foreign country or is a member of the National Guard or Reserves or who is deployed to a foreign country on active duty pursuant to Section 101(a) (13) (B) of Title 10 of the U.S. Code.

III. Duration of Leave

Eligible employees may receive up to 12 weeks (or such other time as permitted in this policy) of unpaid leave during any "rolling" 12-month period, measured backward from the date that any FMLA leave is to be used.

Determining Available FMLA Time:

1. For example, if an employee used four (4) weeks of non-military caregiver FMLA leave starting February 1, four (4) weeks beginning June 10, and four (4) weeks starting December 1, the employee has utilized their full 12 week entitlement for the rolling 12-month period and the employee would not be entitled to any additional FMLA leave until February 1 of the following year. Beginning on February 1 of the following year, the employee would be entitled to up to four (4) weeks of FMLA leave. On June 10, the employee would be entitled to an additional four (4) weeks FMLA leave, and so on. Military caregiver leave is addressed in Section 3, below.
2. FMLA leave for the birth or placement of a child for adoption or foster care must be taken and concluded within 12 months of the birth or placement of the child.
3. For FMLA leave to care for a service member or veteran with a serious injury or illness, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for that service member or veteran. Leave to care for an injured or ill service member or veteran, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period during which the 26 weeks of military caregiver leave is authorized. A single 12-month period for purposes of military caregiver leave begins on the first day that an employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the rolling 12-month

period that METRO utilizes for determining available leave for other FMLA qualifying reasons.

4. If a husband and wife entitled to FMLA leave under this policy are both employed by METRO, the total number of weeks of FMLA leave to which both are entitled is limited to 12 weeks during any 12-month period, if the FMLA leave is taken:
 - a. For the birth or placement of a child;
 - b. For a parent's serious health condition;
 - c. In those instances where both a husband and wife working for METRO wish to take leave to care for a covered injured or ill service member, they may take a combined total of 26 weeks of FMLA leave.

IV. Requests for FMLA Leave

When the need for FMLA leave is foreseeable, the employee must notify the FMLA administrator or the HR Department at least 30 days prior to the commencement of the leave. When an employee becomes aware of the need for FMLA leave less than 30 days in advance, the employee must provide notice of his/her need for FMLA leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with established call-off procedures for requesting leave, absent unusual circumstances. Leave requests that are not submitted according to this procedure may be delayed or denied based on individual facts and circumstances.

V. Certifications of FMLA Leave

1. Employee's or Family Member's Serious Health Condition

METRO requires medical certification for the employee's serious health condition or the family member's serious health condition. METRO Human Resources will be the recipient of all medical certifications for an employee's or employee's family member's serious health condition.

- a. The employee must provide certification on the form provided by METRO within 15 calendar days of the receipt of Notice of Eligibility for FMLA leave. Failure to comply with the 15-day requirement may result in delay or denial of leave. In such instances, the employee's absence may be unauthorized, subjecting the employee to possible discipline, up to and including termination of employment.

2. Qualifying Exigency Leave

METRO will also require certification of the qualifying exigency for military

family leave. "Qualifying exigency leave" permits eligible employees who are family members of a covered military member to take FMLA leave to address common issues that arise when a covered military member is deployed, such as attending military sponsored functions, making financial and legal arrangements, or arranging for alternative childcare. "Active duty or called to covered active duty" means notification of an order to active duty in support of a contingency operation as either a member of the reserve components, or an active or retired member of the armed forces or reserves.

- a. A covered military member is the employee's spouse, child, or parent who is on covered active duty or called to covered active duty status.
- b. The documentation, such as military orders should be provided to METRO's Human Resource Department.
- c. The employee must provide documentation of the qualifying exigency within 15 calendar days of his/her request for leave. Failure to comply with the 15-day requirement may result in delay or denial of leave. In these instances, the employee's absence may be unauthorized, subjecting the employee to possible discipline, up to and including termination of employment.
- d. Qualifying exigency leave includes the following activities:
 - i. **Short-notice deployment**
 - o To address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment.
 - o Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered military member is notified of an impending call or order to active duty.
 - ii. **Military events and related activities**
 - o To attend any official ceremony, program, or event sponsored by the military
 - o To attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call of active duty status of a covered military member.
 - iii. **Child care and school activities necessitated by the military member's active duty or call to active duty status:**
 - o Arrange for alternate child care
 - o Provide child care on an urgent, immediate-need basis (but not on a routine, regular or everyday basis).
 - o Enroll the child in or transfer the child to a new school or day care

facility.

- Attend meetings with staff at a school or day care facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors.

iv. Financial and legal arrangements

- Make or update financial or legal arrangements to address the covered military member's absence, such as preparing and executing financial and health care powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust.
- Act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status (and for a period of 90 days following the termination of the covered military member's active duty status).

v. Counseling necessitated by the military member's active duty or call to active duty status

- Attend counseling provided by someone other than a healthcare provider for the employee, for the covered military member, or for the covered military member's child.
- NOTE: If medical counseling is needed, the employee may be able to take regular FMLA leave due to the serious health condition of the employee or of a military member who is the employee's spouse, parent, or child.

vi. Rest and Recuperation

- To spend time with a covered military member who is on short-term temporary rest and recuperation leave during the period of deployment
- Eligible employees may take up to five (5) days of leave for each instance of rest and recuperation.

vii. Post-deployment activities

- To attend arrival ceremonies, re-integration briefings & events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military members active duty.
- To address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the remains of the covered military member and making funeral arrangements.

viii. Additional Activities

- Unforeseen activities that arise out of the covered military

member's active duty or call to active duty status.

- o METRO and employee must agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

3. Certification for Serious Injury or Illness of Covered Service Member for Military Caregiver Leave

METRO will require certification for the serious injury or illness of the covered service member. METRO Human Resources will be the recipient of all medical certifications regarding the serious injury or illness of covered service members. The employee must provide documentation of the need for military caregiver leave within 15 calendar days of his/her request for leave. Failure to comply with the 15 day requirement may result in delay or denial of leave. In these instances, the employee's leave would be unauthorized, subjecting the employee to possible discipline, up to and including termination of employment.

VI. Leave Determination

1. Incomplete Certifications

If an incomplete medical certification is received, the employee will be given an opportunity to either have the health care provider correct the certification or provide METRO Human Resources with a written release to contact the health care provider directly. The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the FMLA request may be denied.

2. Second and Third Opinions

METRO may request a second opinion for the serious health condition of the employee or the employee's family member in accordance with the regulations under the FMLA. If METRO questions the validity of the health care provider's opinion, a second opinion may be required. In such cases, METRO will choose a health care provider to give the second opinion and will pay the cost. If the first and second opinions differ, METRO may require a third opinion. The health care provider giving the third opinion will be jointly approved by METRO and the employee with METRO paying the cost. The third opinion will be binding on both parties. Employees are required to cooperate with all requests for second or third opinions and a failure to do so may result in a denial of the initial certification.

3. **Recertification**

If, after the initial medical certification, the employee needs to renew or change the leave request, they must submit an additional or amended medical certification to METRO Human Resources. Recertification will be necessary when the employee seeks an extension of his/her leave. The employee must provide a new medical certification in each subsequent leave year.

METRO may require recertification of the ongoing need for leave every 30 days or more often depending on the circumstances of each individual situation.

4. **Leave Approval/Denial**

After METRO Human Resources receives a completed medical certification, the employee will be notified within five (5) business days whether or not the leave is approved or denied, along with a designation of the leave as FMLA-covered leave if approved.

VI. **Intermittent Leave**

1. **General**

Eligible employees may take FMLA leave intermittently (in blocks of time) or by reducing their normal weekly or daily work schedule, when medically necessary for their own or an immediate family member's serious health condition, for the serious injury or illness of a service member, or for a qualifying exigency. This type of FMLA leave must be supported by the medical certification. Employees who require intermittent leave or reduced schedule leave must try to schedule their leave so that it will not unduly disrupt METRO's operations.

If FMLA leave is taken intermittently or on a reduced schedule basis, then METRO may require the employee to transfer temporarily to an available alternative position with an equivalent pay rate and benefits to better accommodate recurring periods of leave due to medical treatment.

2. **Birth/Adoption of Child**

Intermittent FMLA leave is not permitted for the birth of a child or to care for a newborn child or newly adopted child except if a serious health condition is also present. An employee may use a reduced work schedule for the year following the birth or adoption of a child only with METRO's

authorization.

3. Call-in Procedures

Employees approved for intermittent FMLA leave must comply with METRO's call-in procedures when they miss work for reasons covered by an approved FMLA leave. Employees must designate their absence as an FMLA-covered absence each time intermittent leave is utilized. Failure to comply with this procedure may result in the absence being considered as unauthorized and may lead to discipline, up to and including termination of employment.

4. Recertification of Intermittent Leave Certification

Should an employee exceed the estimated time away from work stipulated in his/her medical certification, he/she will be required to submit to METRO Human Resources a recertification of the leave.

VIII. Pay Status While on Leave

1. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family/service member must exhaust all accrued paid time off prior to being eligible for unpaid leave.

2. Birth/Adoption/Placement for Foster Care of Child

A METRO employee on authorized FMLA leave due to the birth or adoption of a child or placement of a child for foster care will be required to use all accrued paid time available to him/her, except that an employee may "reserve" up to 40 hours of paid time to be banked for the employee's use upon return following the conclusion of his/her leave, prior to the use of unpaid FMLA leave to bond with a child where there is no serious health condition also present.

3. Military Caregiver/Exigency

An employee who is using military caregiver leave for a qualifying exigency must use all accrued paid time prior to being eligible for unpaid leave.

4. Exempt Employee

If an exempt employee is on FMLA, METRO will continue to pay the

employee for weeks that include intermittent FMLA leave. However, whole days and/or full weeks taken as FMLA leave will be charged against an employee's accrued paid time off or will be unpaid. All FMLA time taken, regardless of whether it is paid or unpaid, will count against the employee's 12-week leave entitlement.

IX. Employee Benefits while on FMLA Leave

While an employee is on FMLA leave, METRO will continue the employee's health care benefits during the leave period at the same level and under the same conditions as if the employee had continued to work, as long as the employee pays his/her portion of the health care premium.

While on paid leave, METRO will continue to make payroll deductions to collect the employee's share of the premium.

While on unpaid FMLA leave, the employee must continue to make monthly payments to METRO Human Resources in order to continue his/her health care benefits. Specific instructions for payment of the health care benefits premium will be provided by METRO Human Resources. If the employee fails to make his/her premium payment within 30 days of the premium due date, the employee's health care benefits may be terminated.

While the employee is on unpaid FMLA leave, he/she will not accrue paid vacation time, paid sick time, or any other benefit that is accrued based upon actual work hours.

An employee on unpaid FMLA leave will not receive holiday pay for any holiday that occurs while the employee is on unpaid FMLA leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's immediate family member or a circumstance beyond the employee's control, METRO will require the employee to reimburse METRO the amount it paid for the employee's health insurance premium during the leave period. If the employee does not return at the end of the leave period, the employee's notification of his/her intent not to return will be a COBRA-qualifying event.

Employees retain their employment status during the period of the FMLA leave. An absence covered by FMLA leave will not be considered a break in service for purposes of determining an employee's length of service, vesting, or eligibility to participate in OPERS.

While the employee is on approved FMLA leave, METRO will continue to make premium contributions to continue the employee's non-contributory life insurance coverage. If the employee has optional life insurance coverage, the employee is responsible for payment of his/her premium.

X. Job Restoration

1. At the end of the FMLA leave, an employee will be restored to the job he/she previously held or to a position of equivalent status, pay, benefits and other terms and conditions of employment. An employee who returns from FMLA leave will receive any unconditional pay adjustments that were granted to all other employees during their absence.
2. An employee may be denied reinstatement from an authorized FMLA leave if, while the employee was on leave, there was a layoff or reduction in force that would have separated the employee if he/she had been actively working, or if the employee's job would have been lost if he/she had been actively working.
3. If, at the end of the FMLA leave period for the employee's own serious health condition, the employee is not medically released to return to work or cannot perform one or more of the essential functions of the position, with or without reasonable accommodation, then METRO will engage in the interactive process under the Americans with Disabilities Act to determine if a reasonable accommodation can be made to allow the employee to return to work. If there is no reasonable accommodation that would allow the employee to return to work, employment may be terminated.
4. Any employee who fails to return to work as scheduled after his/her certified FMLA leave period, has been medically released to return to work, or has exhausted his/her FMLA leave entitlement may be subject to termination of employment.

XI. Retaliation or Interference

METRO will not discriminate, retaliate or interfere with any employee who exercises his/her legal right to take FMLA leave.