

UTAH TRANSIT AUTHORITY
EMPLOYEE HANDBOOK

TABLE OF CONTENTS

EMPLOYEE HANDBOOK.....	1
TABLE OF CONTENTS.....	2
INTRODUCTION	4
INTRODUCTION	5
EQUAL OPPORTUNITY, DISCRIMINATION, AND HARASSMENT	6
SECTION 1.1 - EQUAL EMPLOYMENT OPPORTUNITY.....	7
SECTION 1.2 - AMERICANS WITH DISABILITIES ACT COMPLIANCE.....	10
EMPLOYEE CONDUCT	11
SECTION 2.1 - EMPLOYEE EXPECTATIONS.....	12
SECTION 2.2 - TRAINING AND DEVELOPMENT	13
SECTION 2.3 - EMPLOYEE CONCERNS	15
SECTION 2.4 - EMPLOYMENT OF RELATIVES	16
SECTION 2.5 - RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATES	17
SECTION 2.6 - DRUG AND ALCOHOL PROGRAM.....	18
SECTION 2.8 - TOBACCO FREE WORKPLACE	22
SECTION 2.9 - ETHICS.....	23
SECTION 2.10 - FINANCIAL MANAGEMENT - PERSONAL USE OF PUBLIC PROPERTY	36
SECTION 2.11 - EMPLOYEE SOLICITATION.....	37
SECTION 2.12 - MEDIA RELATIONS.....	39
SECTION 2.13 - WORKPLACE VIOLENCE	41
SECTION 2.14 - USE OF ELECTRONIC DEVICES	42
SECTION 2.15 - SOCIAL MEDIA	44
JOB DETAILS, COMPENSATION, & EMPLOYEE BENEFITS	45
SECTION 3.1 - OUTSIDE EMPLOYMENT	46
SECTION 3.2 - HIRING AND JOB CLASSIFICATION	47
SECTION 3.3 - EMPLOYEE CRIMINAL CONVICTIONS AND ARRESTS	51
SECTION 3.4 - SEPARATION OF EMPLOYMENT.....	53
SECTION 3.5 - RETIREMENT	54
SECTION 3.6 - REFERENCES FOR CURRENT OR FORMER EMPLOYEES	56
SECTION 3.7 - GROUP HEALTH, LIFE, AND DISABILITY BENEFITS	57

SECTION 3.8 - EDUCATIONAL ASSISTANCE PROGRAM	61
SECTION 3.9 - TRANSIT PASSES.....	63
SECTION 3.10 - TRAVEL	65
SECTION 3.11 - MILEAGE REIMBURSEMENT POLICY.....	69
TECHNOLOGY AND INFORMATION SECURITY	71
SECTION 4.1 - INFORMATION TECHNOLOGY	72
SECTION 4.2 - INFORMATION SECURITY	74
SECTION 4.3 - ELECTRONIC RECORDING OF COMMUNICATIONS.....	82
SECTION 4.4 – ARTIFICIAL INTELLIGENCE (AI) USAGE	83
SECTION 4.5 – DATA PRIVACY PROGRAM.....	91
SAFETY	93
SECTION 5.1 - SECURITY INITIATIVES.....	94
SECTION 5.2 - INTERACTIONS WITH AT RISK AND MINOR PASSENGERS.....	96
SECTION 5.3 - HAZARD COMMUNICATION OR RIGHT TO KNOW PLAN.....	97
SECTION 5.5 - USE OF PANIC ALARMS.....	103
APPENDIX A.....	104
APPENDIX A.1 - FEDERAL TRANSIT ADMINISTRATION.....	105
DRUG & ALCOHOL POLICY	105
APPENDIX A.2 - FEDERAL RAILWAY ADMINISTRATION.....	106
DRUG & ALCOHOL POLICY	106
APPENDIX A.3 - UTA SUPPLEMENTAL DRUG & ALCOHOL POLICY.....	107
APPENDIX B.....	108
APPENDIX B.1 - AUTHORIZATION FOR TRANSIT POLICE OFFICERS TO CARRY FIREARMS	109
APPENDIX C.....	110
APPENDIX C.1 – DEFINITIONS LIBRARY	111

INTRODUCTION

INTRODUCTION

This Employee Handbook contains information about Utah Transit Authority's ("UTA") employment policies and procedures and an overview of UTA's benefits. For specific information about employee benefits, you should refer to the plan documents, which are controlling.

The policies and procedures in this handbook govern all UTA employees. UTA reserves the right to interpret and administer the provisions of this handbook as needed. Except for the policy of at-will employment, which can only be changed in writing by an authorized UTA representative, or as agreed by UTA in a written collectively bargained agreement, UTA has the maximum discretion permitted by law to change, modify, or delete any provision in this handbook at any time with or without notice. UTA will review this handbook at least on an annual basis in accordance with Utah Code § 17B-1-802. However, oral statements or representations cannot supplement, change, or modify the provisions in this handbook. Employees should read and become familiar with the information contained in this handbook. Failure to comply with UTA's policies or procedures may result in disciplinary action, up to and including termination of employment. The provisions in this handbook are not intended in any way to create contractual obligations with respect to your employment.

NOTHING IN THIS HANDBOOK NOR ANY OTHER COMMUNICATION BY A UTA REPRESENTATIVE OR ANY OTHER EMPLOYEE, WHETHER ORAL OR WRITTEN, IS INTENDED TO IN ANY WAY CREATE A CONTRACT OF EMPLOYMENT. UNLESS YOU HAVE A WRITTEN EMPLOYMENT AGREEMENT SIGNED BY AN AUTHORIZED UTA REPRESENTATIVE, OR ARE SUBJECT TO A WRITTEN COLLECTIVELY BARGAINED AGREEMENT WITH UTA, YOU ARE EMPLOYED AT WILL AND NOTHING IN THIS HANDBOOK CAN BE CONSTRUED TO CONTRADICT, LIMIT, OR OTHERWISE AFFECT YOUR RIGHT OR UTA'S RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME WITH OR WITHOUT NOTICE OR CAUSE. IF YOU HAVE A WRITTEN EMPLOYMENT AGREEMENT SIGNED BY AN AUTHORIZED UTA REPRESENTATIVE. OR ARE SUBJECT TO A WRITTEN COLLECTIVELY BARGAINED AGREEMENT WITH UTA, AND A PROVISION OF THIS HANDBOOK CONFLICTS WITH THE TERMS OF THE EMPLOYMENT AGREEMENT OR COLLECTIVELY BARGAINED AGREEMENT, THE TERMS OF THE EMPLOYMENT AGREEMENT OR COLLECTIVELY BARGAINED AGREEMENT WILL PREVAIL.

This handbook supersedes all prior versions of the handbook, and any of the individual policies and procedures which have been incorporated into it, published, or distributed by UTA and all inconsistent oral or written statements.

EQUAL OPPORTUNITY, DISCRIMINATION, AND HARASSMENT

SECTION 1.1 - EQUAL EMPLOYMENT OPPORTUNITY

- 1) **Purpose:** UTA is an Equal Opportunity employer. This policy outlines the approach UTA uses to create a workplace free of discrimination, harassment, and retaliation of any type and promotes equal employment opportunity through its employment practices. This policy described herein applies to all Employees, Contractors, visitors, passengers, personnel working on our premises who are employed by temporary agencies, and any other persons or firms doing business for or with UTA.
- 2) **Policy:** UTA prohibits any unlawful Discrimination, Harassment, or Retaliation of any type in relation to Title VI and VII of the Civil Rights Act of 1964 and the Utah Antidiscrimination Act. UTA promotes equal employment opportunities through its employment practices to current employees as well as internal and external applicants without regard to race, color, religion, national origin, disability, age, pregnancy, pregnancy-related conditions, childbirth, breastfeeding, sex, sexual orientation, gender identity, veteran status, status as a parent, genetic information, or any other characteristic protected by federal, state, or local laws. UTA shall be proactive in its pursuit of a successful Equal Employment Opportunity Program (“EEO”). In order to uphold this commitment, UTA has established an EEO Program to be implemented by its Equal Opportunity Officer. Furthermore, all UTA Management shall share in the responsibility of Equal Employment Opportunity compliance.

A. Reporting.

If any individual believes that they have been subjected to any unlawful Discrimination, Harassment, or Retaliation, the employee should bring the claim to the attention of the employee’s Executive, supervisor, manager, Civil Rights Office staff, People Office staff, EEO Officer at eeoofficer@rideuta.com, or UTA’s anonymous reporting tool <https://www.lighthouse-services.com/rideuta-eeo> for Investigation as soon as possible. An individual bringing a Complaint under this policy shall make a written statement briefly summarizing the alleged unlawful Discrimination, Harassment, or Retaliation. Individuals may complete the written Complaint on behalf of the Complainant if necessary. Complaints will be forwarded to appropriate offices as necessary in accordance with UTA SOPs. The Complaint shall be placed in a temporary file until the Investigation is complete and shall not be placed in the personnel file. Management aware of a Complaint of Discrimination, Harassment, or Retaliation must report it immediately to the EEO Officer to ensure proper and lawful handling of the matter.

B. Investigations.

All Complaints will be addressed promptly. Complaints involving Discrimination, Harassment, or Retaliation will be investigated by UTA Internal Audit staff or another appropriately designated Investigator. After receipt of a Complaint, the Investigator will complete an Investigation and provide written summary of the outcome of the Investigation to the complaining individual (unless anonymous), the complaining individual’s supervisor, Executive, and subject of the Complaint. Any individual interested in filing an Appeal regarding the outcome of an Investigation may contact UTA Internal Audit to initiate this process. The individual’s direct supervisor may meet with the affected individual as necessary to address the outcome of the Complaint. In the event the Investigator determines an individual violated this policy, the Complaint and the summary shall be placed in the violating individual’s personnel file subject to the outcome of any ensuing Appeal. If the Investigator finds no policy violation, the Complaint and summary shall be placed in a No Cause File maintained for the sole purpose of recordkeeping. Contents of this file shall not be placed in the individual’s personnel file and shall not be used in any future employment action or decision, subject to the outcome of any ensuing Appeal.

C. Appeal Process.

The complaining employee or the employee who is the subject of the complaint may submit a written appeal, including a brief description of the basis of the appeal to EEOOfficer@rideuta.com or the Manager of Civil Rights Compliance within 10 calendar days of the conclusion of the investigation. The Manager of Civil Rights Compliance will review the appeal and schedule a conciliation meeting with the appealing employee within 5 calendar days of receiving the appeal.

D. Retaliation.

Retaliation against an employee who brings a claim under this Policy in good faith, participates in a Protected Activity, or who participates as a witness or aids in the resolution of a Complaint is prohibited. Complaints of Retaliation will be properly investigated and any necessary and appropriate remedial and/or disciplinary actions will be taken up to, and including, termination.

E. Religious Accommodations.

Individuals interested in requesting a religious accommodation for a religious reason should submit a written request. Individuals should contact their assigned Human Resources Business Partner (HRBP) to initiate the request. However, individuals may also contact their managers or supervisors to make the initial request. Management made aware of a request for a religious accommodation should contact the appropriate HRBP. The People Office will work with the Civil Rights Compliance Department to determine the best course of action regarding the request absent undue hardship on the conduct of UTA's business.

F. Disability Accommodations.

Individuals interested in requesting a disability accommodation should consult UTA.01.02 – Americans with Disabilities Act (ADA) Compliance and should submit a written request. Individuals should contact their assigned Human Resources Business Partner (HRBP) to initiate the request. However, individuals may also contact their managers or supervisors to make the initial request. Management made aware of a request for a disability accommodation should contact the appropriate HRBP. The People Office will work with the Civil Rights Compliance Department to determine the best course of action regarding the request absent undue hardship on the conduct of UTA's business.

G. Pregnancy and Breastfeeding Accommodations.

Individuals interested in requesting a pregnancy or breastfeeding accommodation should submit a written request. Individuals should contact their assigned Human Resources Business Partner (HRBP) to initiate the request. However, individuals may also contact their managers or supervisors to make the initial request. Management made aware of a request for a pregnancy or breastfeeding accommodation should contact the appropriate HRBP. The People Office will work with the Civil Rights Compliance Department to determine the best course of action regarding the request absent undue hardship on the conduct of UTA's business.

H. Gender Identity Accommodations.

Individuals interested in requesting a gender identity accommodation, including related to sex-specific facilities or dress and grooming policies under Utah Code §§ 34A-5-109, -110, should submit a written request. Individuals should contact their assigned Human Resources Business Partner (HRBP) to initiate the request. However, individuals may also contact their managers or supervisors to make the initial request. Management made aware of a request for a gender identity accommodation should

contact the appropriate HRBP. The People Office will work with the Civil Rights Compliance Department to determine the best course of action regarding the request absent undue hardship on the conduct of UTA's business. Individuals should be informed that their requests will be considered together with UTA's obligations, per Utah Code § 63G-31-101 et seq., regarding sex-designated spaces in facilities open to the general public.

I. Policy Considerations.

While every definition listed above does not provide a complete list of what may constitute Discrimination, Harassment, or Retaliation under the law, UTA expects all employees to act professionally and treat each other with respect at all times.

J. External Resources.

This policy is intended to provide an internal procedure for individuals to report, and for UTA to fully and fairly investigate, Complaints relating to possible violations of Title VI and VII of the 1964 Civil Rights Act and the Utah Antidiscrimination Act, as amended and other applicable state and federal laws. This is not intended to replace in whole or part Complaint procedures available to individuals who wish to file a Complaint, including the procedures of the following:

State of Utah Labor Commission Anti-Discrimination & Labor Division

160 East 300 South, 3rd Floor
Salt Lake City, Utah 84114-6600 Telephone (801)-530-6800

U.S. Equal Employment Opportunity Commission Regional Office

3300 North Central Ave., Ste 690
Phoenix, AZ 85012-2504
Telephone (800)-669-4000
TTY: (800)-669-6820

Federal Transit Administration Region VIII

1916 Stout Street, Ste. 13-301
Denver, CO 80294
Telephone (303)-362-2400

SECTION 1.2 - AMERICANS WITH DISABILITIES ACT COMPLIANCE

- 1) **Purpose:** To ensure that all UTA employment complies with the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Title I of the ADA prohibits discrimination against Applicants and Employees with disabilities in all aspect of employment, as well as the provision of Reasonable Accommodations. Title V of the ADA includes miscellaneous provisions including the requirement that covered entities comply with Section 504 of the Rehabilitation Act of 1973 and prohibits retaliation, intimidation, coercion, threats, or interference with people who seek to exercise their rights under the ADA.

- 2) **Policy:**
 - A. **Commitment.**

UTA is committed to full compliance with the Americans with Disabilities Act (ADA) of 1990, as amended, and Section 504 of the Rehabilitation Act of 1974. UTA prohibits retaliation against individuals who file complaints regarding ADA compliance or who support an individual in filing such complaints.

 - B. **Requests for Employment Accommodation.**

Individuals interested in requesting a Reasonable Accommodation for a Disability must submit a written request and, in most cases, provide medical documentation regarding the request.

 1. **Employees.** It is recommended that employees seeking a Reasonable Accommodation contact the People Office to initiate a request. However, employees may also contact their managers or supervisors to make the initial request.
 2. **Applicants.** Applicants for employment seeking a Reasonable Accommodation should request an accommodation through the People Office, who will provide the appropriate form to the Applicant.

EMPLOYEE CONDUCT

SECTION 2.1 - EMPLOYEE EXPECTATIONS

- 1) **Purpose:** To outline the organizational expectations for all UTA Employees.
- 2) **Policy:** UTA Employees are expected to follow the organizational expectations listed below. When employees follow these expectations, UTA is able to maintain a productive, safe, and pleasant working environment:
 - Be honest and act with integrity.
 - Be professional, productive, and fiscally responsible with all UTA assets.
 - Be accountable and responsible.
 - Treat coworkers and customers with fairness, dignity, and respect.
 - Support each other to achieve organizational goals.
 - Present a positive and professional image while performing job duties with the highest regard for customer satisfaction.
 - Strive for excellence in performing job duties.
 - Create and maintain a safe work environment and follow outlined safety procedures.
 - Perform job duties in accordance with policies, expectations, standard operating procedures, and management directives.
 - Take reasonable care of UTA equipment and property.
 - Report to your designated work area on time.
 - Uphold all professional, safety, and compliance standards that govern your role.
 - Avoid discussing personal matters with members of the public.
 - Refrain from engaging in or maintaining romantic relationships with passengers deemed by law enforcement as “at risk,” passengers with cognitive disabilities, or passengers who are minors.
 - Refrain from disclosing any confidential information gained in connection with job duties. This includes, but is not limited to, information regarding another employee’s performance, employment status, investigation(s), leave(s) of absence, benefit elections, investigation, and customer information contained in manifests.
- 3) **Review:** In accordance with UTA guidelines, this policy shall be reviewed every four years or upon the naming of a new Executive Director.

SECTION 2.2 - TRAINING AND DEVELOPMENT

1) **Purpose:** UTA recognizes that training and development leads to a culture of learning that supports a skilled, adaptable, and engaged workforce and leads to compliance with applicable laws and governing entities. In this regard, UTA will continually develop training programs that allow all employees to have the knowledge and skills needed to complete their work assignments, an understanding of policies and procedures, and the opportunity for personal and professional growth.

2) **Policy:**

A. **New Employee Training.**

All New Employees shall participate in required orientation and compliance training programs within 30 days of hire, unless an extension of time is approved by an Executive. These trainings will vary based on job duties and will include, but are not limited to:

- New Employee Orientation
- UTA Drug and Alcohol Training
- UTA Anti-Discrimination and Harassment Training
- Organization, Department, and Job Specific Standard Operating Procedures
- UTA Ethics Training
- UTA Information Security Training
- UTA Safety Compliance Trainings

B. **New Manager and/or Supervisor Training.**

All new Managers and Supervisors are required to attend Management Foundations Training. Attendance for this course is required for the next available offering after promotion. Exemptions for attendance require Manager or Director/Executive approval, with the expectation attendance occurs at the next following offering.

Individuals promoted to a supervisory or managerial position who were in a similar position, and have previously completed the Management Foundations Training, are not required to retake the training, unless their new role includes oversight of bargaining unit employees. Any Supervisor or Manager, regardless of prior training, who is newly assigned responsibility for bargaining unit employees must retake the Labor portion of the Management Foundations Training to ensure compliance with labor relations policies and practices.

C. **On-going Training.**

All Employees are expected to complete annual required and optional training as directed by their respective Managers and will be paid by their service unit or department at their regular rate of pay. Training programs shall be documented within the LMS to ensure that both employees and managers have clear visibility into all required, optional, and available training opportunities.

D. **Responsibilities.**

Employees and their direct Managers or Supervisors are responsible for supporting Employee training and development in the following ways:

1. **Employee.** Seek out opportunities for personal development and communicate to their Manager goals for current and future career opportunities. Have a willingness to take on stretch

assignments. Seek to continuously improve their knowledge and display a willingness to share their new knowledge with others. Attend all trainings ready to engage and participate. Seek out information regarding required and optional Trainings that will lead to personal development and career growth.

2. Direct Manager or Supervisor. Work closely with Employees to guide and support career goals by helping find classes that will meet these goals. Support Employees' participation in Training through scheduling and discussion. Provide willing Employees stretch assignments based on their personal career goals. Support and facilitate Employees' participation in informal or on-the-job application of any newly acquired knowledge or skill. Clearly communicate training and development goals as well as compliance goals. Model behavior and activity that demonstrates quality implementation of the skill or application of knowledge.
3. Department Support Staff and Other Management. Support Employee's participation in the formal, informal, and on-the-job training experiences through scheduling, discussion, or allocation of resources.
4. UTA Training Department. Support Employee, Manager, and organizational training activities through program coordination, communication, scheduling, and quality control. Ensure learning objectives are met by all training programs and that managers and employees understand the learning objectives and purpose of engaging in training activities that are required or optional throughout the organization or within their business unit or department.

E. Training Records.

1. Responsibility. The Training Employees and LMS Technical Coordinator have primary responsibility for ensuring training records are updated and that reports on training are generated and shared. They may delegate the task of recording training events to any other individual involved with training.
2. Documentation and Naming Conventions. Signatures of all attending learners, course agendas, certificates, and other relevant documents must be gathered and scanned for digital storage. File names for digital or scanned documents must have distinct language that describes the content of the activity type, file and the date relevant to the training event:
 - a. Course Documents (viewed by Learners)
GroupID_SubIdentifier_NumberingSystem_DocName_YYYYMMDD
 - b. Learner-Specific Documents (e.g. tests, quizzes, worksheets)
YYYYMMDD_GroupID_SubIdentifier_NumberingSystem_DocName
 - c. SCORM / AICC Zip File Name
GroupID_SubIdentifier_NumberingSystem_v[version]
 - d. Instructor Lead Training Rosters
YYYYMMDD_GroupID_SubIdentifier_NumberingSystem_Roster
3. Retention of Records. Records will be contained in a system of records, such as the official personnel files, or the LMS which is maintained by UTA. Records shall be kept in accordance with Enterprise Strategy SOP XX, Records Management and Access.

SECTION 2.3 - EMPLOYEE CONCERNS

1) **Purpose:** UTA wants to ensure an Employee's on-the-job concerns are brought to UTA's attention. Many concerns stem from misunderstandings or a lack of information. When Employees do not raise their concerns, those issues can escalate beyond their actual seriousness. UTA understands concerns can only be addressed, and improvements made, when they are brought to attention. This policy affirms UTA's commitment to listening to and discussing employee concerns by providing an informal process for promptly raising such concerns at various levels and areas within the organization.

2) **Policy:**

A. **"Open Door" Environment.**

- UTA supports an environment where Employee Concerns can be raised freely and directly. Employees should feel welcome to approach any Manager within the organization regarding an Employee Concern. However, an Employee's direct supervisor is most familiar with the work environment of the Employee and will likely oversee any necessary change in that environment. Therefore, an Employee is encouraged to raise an Employee Concern with the Employee's immediate supervisor first. A supervisor will be available as promptly as practicable to talk over reporting employees' concerns.
- If, after talking with the supervisor, the Employee is not satisfied with the explanation or decision, the Employee may raise the Employee Concern with the second-level supervisor, or the Employee to whom the supervisor reports. The second-level supervisor will investigate and review the Employee Concern and, if necessary, review that concern with the Employee. The second-level supervisor will, as promptly as practicable, give an explanation or decision to the Employee.
- If an Employee Concern relates to the Employee's interaction with the employee's direct supervisor, the employee may raise an Employee Concern first with the employee's second-level supervisor and then seek further review by raising the concern with the third-level supervisor.

B. **Other Resources.**

Employees are encouraged to raise concerns relating to civil rights with the Civil Rights Compliance Manager or UTA Legal Services. Employees may also raise concerns relating to benefits and employment practices through the People Office. Nothing in this policy is intended to address safety- or equal employment opportunity-related concerns. The mechanisms for addressing those concerns are outlined in separate policies.

SECTION 2.4 - EMPLOYMENT OF RELATIVES

- 1) **Purpose:** This policy is intended to prevent potential Conflicts of Interest or favoritism that may arise from the Hiring of Relatives.

- 2) **Policy:**
 - A. **Hiring of Relatives.**
 1. Relatives of Chief Officers are not eligible for employment at UTA.
 2. UTA Employees are prohibited from participating in the Hiring of Relatives.
 3. UTA discourages the Hiring of Relatives within the same administrative department.

 - B. **Conflicts of Interest.**

Relatives of UTA Employees are not eligible for hire if their hiring creates a Conflict of Interest. The Chief People Officer, in consultation with the hiring Chief Officer and the current Employee's Chief Officer, shall determine if the hiring creates a Conflict of Interest. The Chief People Officer will consult with UTA Legal Counsel and the Ethics Committee if a determination cannot be made between the Chief Officers.

 - C. **Supervision of Relatives.**
 1. Employees are prohibited from supervising Relatives.
 2. If a Bargaining Unit Employee bids into a shift supervised by a Relative or bids into a shift that creates a Conflict of Interest with a supervisor, the supervisor must seek another position at UTA or will be reassigned to another position, provided that they meet the qualifications for such reassignment.

 - D. **Standards of Conduct.**

An Employee may not participate in or interfere with employment actions involving a Relative, including promotion decisions, investigations, evaluations, and disciplinary proceedings.

 - E. **Notification.**

If two Employees become subject to this policy's restrictions after Hire, they must immediately notify the Chief People Officer.

SECTION 2.5 - RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATES

- 1) **Purpose:** Romantic Relationships within the agency can create potential Conflicts of Interest, exploitation, favoritism, harassment, or bias, particularly when one party has managerial responsibilities over the other. This policy aims to prevent such situations and to promote and uphold professionalism and ethical conduct in the workplace.

- 2) **Policy:**
 - A. **Romantic Relationships Between a Manager and a Subordinate.**
 1. No Manager shall engage in a Romantic Relationship with a Subordinate for whom the Manager has oversight or management responsibilities.
 2. If a Romantic Relationship between a Manager and a Subordinate develops, one of the employees must obtain another position at UTA within ninety calendar days. If one of the employees is unable to obtain another position within ninety days, the Manager may be terminated. The Manager is prohibited from taking part in any employment action involving or affecting the Subordinate, including hiring decisions, work assignments, evaluations, investigations, and disciplinary proceedings.

Employees who disputes that they are involved in a Romantic Relationship may appeal to UTA's Chief People Officer, who will assign a People Office employee to investigate. After the investigation is completed, the Chief People Officer will make a final written determination on the matter.

B. Romantic Relationships not Between a Manager and Subordinate.

1. Employees are expected to exhibit professional and ethical behavior while conducting agency business or completing job duties. Employees in Romantic Relationships who engage in inappropriate, distracting, or unethical conduct while working will be subject to disciplinary action, which may include termination.
2. Employees may not participate in employment actions, including hiring decisions, investigations, evaluations, and disciplinary proceedings, involving a person with whom they are having a Romantic Relationship. Interference or attempted interference in such employment actions will be subject to disciplinary action, which may include termination.

This policy is not intended to conflict with SECTION 2.4 - Employment of Relatives which applies to Employees who are married or cohabiting. This policy is also not intended to restrict any protected labor activity.

SECTION 2.6 - DRUG AND ALCOHOL PROGRAM

- 1) **Purpose:** UTA maintains a comprehensive drug and alcohol program, which is outlined and explained in detail in three policy documents included in Appendix A of this employee handbook:
- Appendix A.1 – Federal Transit Administration Drug & Alcohol Policy
 - Appendix A.2 – Federal Railway Administration Drug & Alcohol Policy
 - Appendix A.3 – UTA Supplemental Drug and Alcohol Policy

Appendix A.1 describes UTA’s drug and alcohol program requirements that conform with the Federal Transit Administration. It applies to all FTA “covered employees”: all personnel who perform a “safety-sensitive function” as defined in 49 CFR Part 655.

Appendix A.2 describes UTA’s drug and alcohol program requirements that conform with the Federal Railway Administration. It applies to all FRA “covered employees”: all personnel who perform Hours of Service functions, Roadway Worker functions, or Mechanical Employee functions as defined in 49 CFR Part 219.

Appendix A.3 describes UTA’s drug and alcohol program processes and requirements that are in addition to FTA and FRA requirements. All UTA personnel, including personnel who are not considered FTA or FRA “covered employees,” are subject to this policy.

SECTION 2.7 - MEDICAL EXAMINATIONS AND TESTING

- 1) **Purpose:** To ensure a safe, drug-free, and efficient workplace; the safe operation of equipment and vehicles; and the safety of passengers and the general public.
- 2) **Policy:** Post-offer applicants and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations or drug tests, or both. Medical examinations may be conducted in accordance with this policy, and drug and alcohol testing will be conducted in accordance with Section 2.6 - Drug and Alcohol Program and Appendix A to ensure a productive and safe work environment. Bargaining Unit Employees that are required to submit to any medical examination or drug test must be administered in accordance with the Collective Bargaining Agreement, in effect at the time the test is administered.
 - A. **Approved Physician.**

Any medical examination, physical abilities, or drug and alcohol test will be performed by a physician or qualified health-care professional selected by and paid for by UTA.
 - B. **Pay for Medical Examinations, Physical Abilities, and Drug and/ Alcohol Testing.**

All costs for medical examinations and testing conducted by UTA's occupational medical provider will be paid for by UTA unless the applicant or employee fails to keep the appointment and/or cancels the appointment and with less than twenty-four (24) hours' prior notice. In the event an employee misses a scheduled appointment is missed and without providing the required 24-hour notice was not provided, the employee may be responsible for any charges made to UTA.
 - C. **Compensation.**

Employees will be compensated for undergoing medical examinations, medical testing, and drug/alcohol testing required by UTA. Post-offer job applicants will not be paid for pre-employment medical examinations, medical testing, or drug testing.
 - D. **Employee Medical Examinations and Drug Screening.**

As a condition of continued employment, Employees may be required to undergo periodic medical examinations, as outlined in this policy, and or drug and/or alcohol tests, as outlined in Section 2.6 - Drug and Alcohol Program and Appendix A. Medical inquiries and examinations of current employees may be required: (a) when an employee is having difficulty performing his or her job effectively; (b) when an employee becomes disabled on the job or wishes to return to work after suffering an injury or illness; (c) if an employee requests an accommodation; and (d) if medical examination, screening, and monitoring is required by other laws. Examples of circumstances which may require medical exams or drug and alcohol tests, include, but are not limited to the following:

 1. There is concern regarding the employee's ability to safely or productively perform job duties and may not be Fit-For-Duty;
 2. The employee requests a disability accommodation under the Americans with Disabilities Act (ADA);
 3. The employee is returning to work after a serious accident or illness;
 4. The employee is being considered for transfer or promotion;
 5. An on-the-job accident has occurred; (see Section 2.6 - Drug and Alcohol Program and Appendix A)
 6. Random drug testing; (see Section 2.6 - Drug and Alcohol Program and Appendix A)
 7. Testing and examinations required by other laws or agencies, such as Department Of

- Transportation (DOT) or Occupational Safety and Health Administration (OSHA); or
8. There is the possibility of exposure to potentially hazardous working situations.

E. Examination Records.

1. Authority UTA Property.

Information relating to medical examinations and tests performed at UTA's expense are property of UTA.

2. Confidential Records.

Medical and examination records are confidential. As required by law, this information will be kept in medical files separate from other personnel information. Managers must exercise care where reasonably possible to avoid disclosing medical information about an employee to co-workers.

3. Availability of Records.

Access to records is limited to those who have a "legitimate need to know." Medical and drug records kept by UTA, if permitted by law and warranted by appropriate business practice, may be provided to:

- a. Managers who may need information concerning work restrictions and necessary accommodations;
- b. The Employee;
- c. Individuals and organizations authorized by the employee to receive medical records;
- d. Government officials in the normal course of business; and
- e. Authorized staff who are investigating violations of civil rights, collective bargaining agreements, etc.

F. Types of Examinations.

1. Pre-Employment Medical Examination, Physical Abilities and Drug/Alcohol Testing.

After a conditional job offer is made, all candidates for employment must complete a drug and alcohol test. Depending on which positions candidates are hired for, they may also be required to complete a medical exam and/or physical abilities test.

2. DOT Medical Examination.

In accordance with the DOT regulations, a person who operates a UTA bus, rail vehicle, or wrecker must be medically certified through a DOT medical examination. UTA will only accept a DOT medical card issued by a physician or qualified health-care professional selected and paid for by UTA.

3. Intra-State Medical Waivers.

To ensure employees have the ability to safely perform their job duties without adverse impact on or risk to UTA, upon the issuance or renewal of an Intra-State Medical Waiver by the State of Utah, employees must submit to a Fitness-for-Duty examination conducted by an occupational healthcare provider selected and paid for by UTA prior to returning or reporting to work.

4. Respiratory Medical Examination.

DOT requires that all employees who work in an environment where respirators are required as a safety precaution must receive an annual Respiratory Exam. This exam will be scheduled by the office coordinator of the business unit where the employee is assigned and, performed by a physician or qualified health-care professional selected by and paid for by UTA.

5. Fitness-For-Duty Examination.

To ensure the safety of employees, co-workers, and the general public, employees are expected to report to work physically and medically capable of performing the essential duties of their position efficiently and without posing a hazard to themselves or others. In the event a supervisor questions

whether an employee is “fit” to perform their job, the employee may be required to submit to a Fitness-For-Duty exam. This exam will be conducted by a physician or qualified health-care professional selected and paid for by UTA.

6. Return-to-Work Examination.

a. Personal Injury/Illness.

Any employee who has been absent from work due to a personal injury or illness for longer than a two-week period must provide a release to return-to-work release from their treating physician. In addition, an employee who holds a DOT medical card or works in a Safety-Sensitive Job as defined in Section 2.6, UTA Drug & Alcohol Policy, may be required to submit to and pass a Return-To-Work Examination before returning to work. This exam will be conducted by a physician or qualified health-care professional selected and paid for by UTA.

b. On-the-Job Injury/Illness.

Any employee who sustains an on-the-job injury or illness and is absent from work for longer than two weeks must provide a release to return to work from his or her treating physician. In addition, the employee is required to submit to and pass a Return-To-Work Examination to be performed by a physician or qualified health-care provider selected and paid for by UTA. Employees who file and are paid from a Workers’ Compensation claim may be released to return to work on a temporary basis in a “light-duty” capacity. The Workers’ Compensation Administrator, the employee and his or her supervisor will determine if light-duty work is available and appropriate where the employee can perform those duties on a temporary basis. Any decision to assign “light duty” to employees being paid from a Workers’ Compensation claim will be made by the Workers’ Compensation Administrator.

SECTION 2.8 - TOBACCO FREE WORKPLACE

- 1) **Purpose:** UTA is dedicated to the overall health and wellness of its workforce. UTA is committed to providing a safe, comfortable, healthy, productive work environment for all employees, vendors, customers, and contractors by maintaining a tobacco free work environment, as required by the Utah Indoor Clean Air Act. Prohibiting tobacco use in the workplace increases productivity, reduces absenteeism, and lowers medical expenditures and other costs associated with its use. This policy applies to all full and part-time employees, temporary employees, vendors, customers, contractors, and visitors on UTA facilities and grounds.

- 2) **Policy:** All Company Property is designated as tobacco-free areas and will be so designated with “No Smoking” signage. The use of tobacco is prohibited on Company Property at all times, including but not limited to, employee owned and leased vehicles parked on Company Property. Additionally, to the extent of Company Property, smoking is prohibited within 25 feet of any entranceway, exit, open window, or air intake of any Company Property, as required by Utah Indoor Clean Air Act, Utah Code § 26B-7-503 (2023) and Utah Department of Health and Human Services, Utah Admin. Code R392-510-8 (2023).
 - All employees are required to comply with this policy.
 - UTA will only hire individuals who agree to comply with this policy. UTA will not discriminate against any employee or applicant because that person has protested the smoking of others or sought enforcement of this policy or the Utah Indoor Clean Air Act and its regulations.
 - UTA supports employees’ health and well-being and encourages all employees to quit smoking. Smoking/tobacco cessation resources are available through UTA’s Health and Wellness Centers programs.

SECTION 2.9 - ETHICS

1) **Purpose:** UTA is committed to upholding the highest standards of integrity, accountability, and transparency as stewards of taxpayer funded resources. This policy sets the standards of Ethical Behavior for all Employees and establishes UTA's Ethics program.

2) **Policy:**

A. Conflicts of Interest Generally.

It is vital to the proper operation of UTA for Employees to avoid actual Conflicts of Interest and situations that may be reasonably perceived by others as a Conflict of Interest. Accordingly, no Employee will participate by way of evaluation, recommendation, or approval, in the making of any decision regarding UTA with respect to any matter in which the Employee has any Personal Financial Interest. Potential Conflicts of Interest could exist regarding outside interests, financial interests, and/or Outside Employment. An Employee who has an actual or apparent Conflict of Interest must report the nature of such interest to the Manager and/or Director in the Employee's supervisory chain and also to a member of the Ethics Committee within five (5) business days. Designated Employees must also disclose such actual or potential Conflicts of Interest through the Financial Disclosure Form described in this policy.

B. Outside Activities, Outside Employment and Volunteer Opportunities, and Political Activity and Public Office.

1. General.

- a. Employees are prohibited from engaging in business or other activities that may create a Conflict of Interest with their employment at UTA. Employees are prohibited from engaging in any outside endeavor or activity which is likely to require or induce the Employee to disclose Controlled, Private, or Protected Information gained by reason of UTA employment.
- a. Employees are prohibited from accepting other Outside Employment or engaging in other outside activities that might impair independent judgment or ethical performance of assigned UTA duties.
- b. Employees are prohibited from participating in or receiving compensation for any transaction between UTA and any outside organization in which an employee is an officer, director, or possesses a Personal Financial Interest.
- c. Employees are prohibited from using non-public information gained through their position for personal enrichment or advantage.

2. Prospective Outside Employment and Volunteer Opportunities.

Employees seeking Outside Employment or Volunteer Opportunities must avoid Conflicts of Interest between themselves, UTA, and the outside organization. In order to avoid actual and potential Conflicts of Interest, Employees seeking, applying for, or having immediate intentions to apply for a position with an outside organization may not, as an Employee of UTA, make recommendations, advise, approve, negotiate, or use their influence in any dealings that involve the outside organization. In such matters, it is imperative that the Employee recuse themselves.

Employees may engage in Outside Employment or Volunteer Opportunities in addition to their UTA employment subject to the following restrictions:

- a. Outside Employment and Volunteer Opportunities may not compete or conflict with or compromise UTA's interests or adversely affect the Employee's job performance.
- b. Employees will not perform Outside Employment or Volunteer Opportunities during working

time paid for by UTA.

- c. Employees will not use UTA resources, including but not limited to facilities, technology resources, tools, etc., to perform Outside Employment or Volunteer Opportunities.
 - d. Employees will not disclose UTA's Confidential Information to outside organizations.
 - e. Full Disclosure Required: Since any Outside Employment or Volunteer Opportunities by an Employee carries the potential for a Conflict of Interest to arise, all Outside Employment and Volunteer Opportunities must be disclosed to an Employee's Manager and/or Director. If the Manager and/or Director believes that a Conflict of Interest either exists or is likely to arise, the Manager and/or Director will provide the information to the Ethics Committee. The Ethics Committee will evaluate the Outside Employment or outside volunteer opportunity and make a determination as to whether a Conflict of Interest exists or is likely to arise and also whether mitigation actions are required. Mitigation actions include, but are not limited to, direction to the Employee to discontinue the Outside Employment/volunteer opportunity or adjustment of the Employee's UTA job duties to avoid the Conflict of Interest.
3. Political Activity and Public Office.
- a. Running for and service in public office is subject to the same criteria detailed in this policy governing Outside Employment and Volunteer Opportunities.
 - b. Employees considering campaigning for or appointment to a partisan public office position must first contact UTA Legal Counsel to assess Hatch Act applicability and compliance and other Conflicts of Interest.
 - c. Employees may run as a candidate in non-partisan elections and serve in appointed non-partisan public office positions.
 - d. If an Employee campaigns for or is appointed to a public office (partisan or non-partisan), they must submit an initial or updated Conflict of Interest Form and a Financial Disclosure Form to the Ethics Committee for review. The Employee must submit these forms within five (5) business days of declaring/filing for candidacy, winning, or being appointed to public office.
 - If deemed necessary by the Ethics Committee, the Employee will be responsible for working with the Ethics Committee, Chief People Office, and the Employee's Manager and/or Director to remove or mitigate any perceived or deemed Conflicts of Interest from their political activity or public office position.
 - e. An Immediate Family Member of an Employee who is a candidate for public office, wins public office, or is appointed public office must be disclosed by the Employee to the Ethics Committee within five (5) business days of declaring/filing for candidacy, winning, or being appointed to public office.
 - f. An Employee, or Immediate Family Member of an Employee, who is a candidate for public office must provide copies of all state and federal financial disclosures and any other federal or state required reports of donors or expenditures to the Ethic's Committee within five (5) business days of the deadline for submitting the disclosures.

C. Financial Interest.

1. Disclosure of Personal Financial Interest.

Employees must disclose a Personal Financial Interest in any outside organization which currently conducts or is likely to conduct business in the transit industry. The disclosure must be made to the Employee's Manager and/or Director and the Ethics Committee. The Ethics Committee will evaluate the Personal Financial Interest and provide recommendation on if it creates a Conflict of Interest between the private interest and the Employee's duties at UTA. The Ethics Committee will also determine if mitigation actions are required. Mitigation actions may include, but are not limited to, divestiture of the Personal Financial Interest or adjustment of the Employee's UTA

duties.

2. Financial Disclosures.

Designated Employees must submit a Financial Disclosure Form as follows:

- a. Within thirty (30) days from the date of hire, and each calendar year on or before October 31 throughout the term of employment, all Designated Employees will complete and sign a Financial Disclosure Form. The current Financial Disclosure Form is available on the UTA Intranet on the Internal Auditor's site.
- b. Designated Employees will provide a copy of the Financial Disclosure Form to the Ethics Committee.
- c. The completed Financial Disclosure Form is classified as a Public Record.
- d. Notification of requirements or failure to respond will be given by email (with a copy to the Employee's Manager and/or Director), with a five (5) business day opportunity to file a Financial Disclosure Form.
- e. Failure to completely fill out, sign, and return a Financial Disclosure Form by the extended deadline will result in a referral to the Chief People Officer and may result in disciplinary action, up to and including termination of employment.
- f. Designated Employees must complete a new Financial Disclosure Form within ten (10) business days of:
 - The occurrence or discovery of any new actual or apparent Conflict of Interest arising since the most recent Financial Disclosure Form was completed; or
 - Any material change in the information previously disclosed in the most recent Financial Disclosure Form completed.

3. Review of Forms.

- a. All Financial Disclosure Forms submitted by UTA Employees will be reviewed by the Ethics Committee.
- b. If the Ethics Committee identifies a Conflict of Interest, the Ethics Committee will arrange a meeting with the individual filing the Financial Disclosure Form, to clarify and discuss the Conflict of Interest. The Ethics Committee will then recommend the appropriate action to mitigate the Conflict of Interest. Such action may include, by way of example:
 - Directing the Employee to divest the conflicting asset, liability, position, or agreement;
 - Requiring the Employee to be walled off and segregated from any communication about, or work on, the conflicting UTA issue; or
 - Terminating the Employee's employment.

4. Coordination with Supply Chain Organization.

The Ethics Committee and Director of Supply Chain will inform each other about any circumstances where an Employee has a financial interest, Outside Employment, or is conducting employment discussions with a UTA Vendor that is deemed an actual or perceived Conflict of Interest. The Procurement Division of the Supply Chain Management Organization will utilize this information in taking appropriate measures to ensure that no UTA procurement action is tainted by a Conflict of Interest.

5. Investment Property Ownership.

An Executive with ownership of investment property within a 0.5- mile radius from any Front Runner station, TRAX station, or transit-oriented development will be considered a potential Conflict of Interest requiring disclosure and then evaluated by the Ethics Committee. The ownership of investment property within a 0.5- mile radius of a bus stop is not considered to be a potential Conflict of Interest. The ownership of a primary residence within a 0.5-mile radius, is not

considered a Conflict of Interest.

D. Gifts or Gratuities to Employees.

1. It is a criminal offense under Utah law for an Employee to receive, accept, offer, or agree to receive or accept, or ask for a promise or pledge of a gift or kickback from a Vendor if done with the intent to influence any of the following actions by UTA:
 - a. Award a contract or grant;
 - b. Make a procurement decision;
 - c. Take an action relating to the administration of a contract or grant.
2. Even where an Employee does not have the specific intent described in the preceding paragraph, an Employee may not knowingly receive, accept, take, seek or solicit (either for the Employee or for another person or entity) a Gift with a value over \$20 from a Vendor.
3. Gifts that are perishable or not practical to return may be shared with co-workers on an occasional basis but notice should be provided to the source of the Gift that future gifts should not be provided to a UTA Employee.
4. If an Employee receives a Gift with a value above \$20, the Employee may return the Gift or pay its fair market value to the person or entity providing the Gift.
5. For purposes of the Gift restrictions described in this policy, "Employee" also includes the Employee's Immediate Family Members.

E. Meals for Employees.

Subject to certain exceptions described below, an Employee may not accept any meals from a Vendor. Under no circumstances will an Employee solicit or accept a meal with the intent to allow acceptance of the meal to affect a procurement related decision. Any meals with Vendors should be paid for with UTA funds, by direct payment, reimbursement to the Vendor, or reimbursement to the Employee if paid with personal funds.

1. Employees may accept a meal offered under the following conditions:
 - a. The meal is part of a conference or event in which:
 - The cost of the meal is included in the normal registration fee paid by UTA on behalf of the Employee, or;
 - The Employee has been invited by another entity to participate in the conference or event, such as receiving an award or recognition for public service; or
 - The Employee has been asked by a UTA Executive to represent UTA at the conference or event.
 - b. The meal is offered as part of a normal business meeting or event between UTA and the following entities and is generally made available to all participants:
 - A government entity, such as a city or county,
 - An organization or association, including a professional or educational association, or an association of Vendors, such as American Public Transportation Association (APTA), etc.,
 - An association composed of public agencies or public entities that does not as an organization or association respond to solicitations.
2. Employees who are required to pay for work-related meals under this policy should seek reimbursement pursuant to UTA Travel and Reimbursement Policy.

F. Meals and Gifts to Local Officials.

1. All expenditures for food, gifts, or other non-beverage items for state and local Public Officials

(defined in Utah Code 36-11-102(27)), federal officials, and congressional officials must comply with federal and state laws and regulations, including allowed expenditures and reporting requirements. For state and local Public Officials, UTA will comply with the requirements of Utah Code 36-11.

G. Requests for Donations.

1. Employees may not solicit donations from Vendors that exclusively benefit UTA Employees. For example, Employees may not solicit donations for UTA social functions.
2. Employees may solicit donations from Vendors for functions that benefit the community where the donations go to a recognized 501(C)(3) organization.

H. Controlled, Private, or Protected Information.

Employees are prohibited from disclosing or improperly using Controlled, Private, or Protected Information acquired by reason of an official position held at UTA or while carrying out UTA duties. The Employee should consult with UTA's Records Manager regarding the classification of information.

I. Restrictions Related to Former Employees.

UTA may procure goods and services from former Employees after one (1) year of separation from the agency. The contract or amendment should not be approved if there is a strong appearance that hiring the former UTA employee has given or would give the entity an unfair competitive advantage in either receiving the contract or in the performance and management of the contract. The Chief Procurement Officer will provide a recommendation for consideration to the Executive Director.

UTA may procure goods and services from former Employees within one (1) year of separation if the following conditions apply:

1. There is no personal or organizational Conflict of Interest.
2. The term of the contract does not exceed six (6) months.
3. The amount obligated does not exceed \$25,000 threshold.
4. The procurement conforms to applicable laws.

J. Fraud.

1. Management is responsible for the detection and prevention of Fraud, misappropriations, and other irregularities. Any irregularity that is detected or suspected must be reported as defined in the Reporting Suspected Ethical or Fraud Violations section below.
2. Employees will not misuse UTA's assets for personal gain or willfully misappropriate UTA's assets. Employees found to be engaging in fraudulent activities or theft may result in disciplinary action, up to and including termination of employment.
3. Actions constituting Fraud include, but are not limited to:
 - a. Misappropriation of funds, securities, supplies, or other assets,
 - b. Impropriety in the handling or reporting of money or financial transactions,
 - c. Profiteering as a result of insider knowledge of company activities,
 - d. Disclosing confidential and proprietary information to outside parties
 - e. Accepting or seeking anything of value from Contractors, Vendors, or persons providing services/goods to UTA that is in contradiction with this policy, and
 - f. Destruction, removal, or inappropriate use of records, assets, or other equipment.

K. Reporting Suspected Ethical or Fraud Violations.

1. Employees must report suspected Ethics or Fraud violations. Employees who have knowledge or reasonable suspicion of ethical violations have a responsibility to report such improprieties via one of the channels identified in this policy. The reports should include as much information as possible. The suspected improprieties that should be reported include, but are not limited to:
 - a. Procurement Fraud or collusion involving contracts or purchases with UTA Contractors, subcontractors, or Vendors,
 - b. Abuse, embezzlement, or theft of UTA property or funds,
 - c. Bribery and acceptance of gratuities or other benefits in connection with UTA operations or transactions with Vendors, Contractors, and subcontractors,
 - d. Misuse of an employee's official position through acceptance of Gifts,
 - e. Conflicts of Interest, such as an employee doing business with UTA under a different name,
 - f. Other unethical or illegal activities involving UTA property, Employees, Contractors, subcontractors or Vendors, such as check Fraud or violation of computer crime statutes,
 - g. Participation in a UTA matter in which the Employee has a Personal Financial Interest.
2. Ethics or Fraud violations may be reported in the following ways:
 - a. Anonymous Ethics Hotline
 - b. Ethics violations link on the UTA Intranet
 - c. Ethics Officer/Ethics Committee
 - d. UTA Legal Services
 - e. Human Resources Department
 - f. Civil Rights Department
 - g. Employee's Manager (If the incident is reported to the Employee's Manager, the Manager must report the incident to the Ethics Officer or UTA Legal Services immediately.)

L. Investigation Procedures.

UTA will investigate reported ethical violations. An administrative investigation may be performed by the Ethics Committee, the Human Resources department, or the Civil Rights department depending on the nature of the ethical violation. UTA Legal Services will support the investigating department in the investigation process. Investigations will be conducted in the strictest confidence, and witnesses participating in those investigations will be protected from disclosure to the extent allowed by law. Where deemed appropriate, the investigator may consult with UTA Legal Services for advice and counsel which may also protect the investigative process under the attorney-client privilege.

M. Retaliation Prohibited.

1. An Employee who in good faith makes a report of Fraud, waste, abuse, Ethics, illegal conduct and violations of UTA policies will not be retaliated against for making a Report.
2. Witnesses who participate in good faith in investigations into Fraud, waste, abuse, Ethics, illegal conduct, and violations of UTA policies will not be retaliated against.
3. Any good faith Report, concern, or complaint is fully protected by this policy, even if the Report, concern, or complaint is not substantiated after an investigation.
4. Upon the request of the Reporter, UTA will use its best efforts to protect the confidentiality of a Reporter.

N. Ethics Violations.

1. An Employee violating this policy will be subject to disciplinary action as set forth in People Office Policy XX, Positive People Management.
2. This policy is intended to be simple and reasonable. A claim of lack of knowledge or understanding

of the policy will not be accepted as an excuse for ethical violations. If an Employee is uncertain whether an action will violate this policy, the Employee should contact a member of the Ethics Committee before taking the action. The decision tree included at the end of this policy provides a tool for assessing ethical considerations prior to making a decision that could result in an ethical violation.

O. Ethics Training.

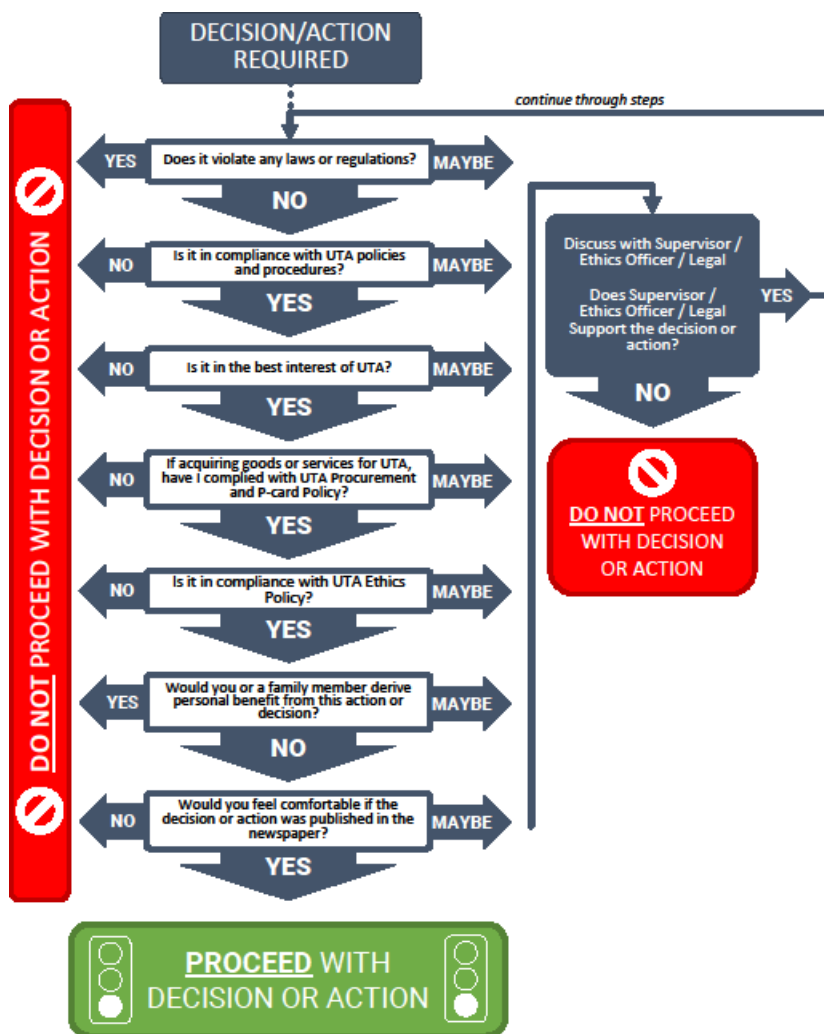
Employees of UTA must annually complete an Ethics training program approved by the Ethics Committee and, by the deadline set by the Ethics Committee, certify that such training has been completed. Employees will receive written notification informing them when they must complete Ethics training.

P. Guidelines Regarding Ethics.

The following guidelines can also help guide ethical decisions that may not be addressed by this policy:

- a. Put loyalty to the highest moral principles above loyalty to persons or organizations.
- b. Uphold the Constitution, laws, and legal regulations of the United States and the State of Utah.
- c. Give a full day's labor for a full day's pay.
- d. Seek and employ more efficient and economical ways of accomplishing tasks.
- e. Never discriminate unfairly by dispensing of special favors or privileges to anyone whether for remuneration or not.
- f. Never accept favors or benefits under circumstances which a reasonable person might construe as influencing the performance of the Employee's duties.
- g. Never use any information received confidentially in the performance of duties as a means for making private profit for yourself, friends, or family.
- h. Report corruption whenever discovered or suspected.

Ethics Decision Tree



SECTION 2.10 - FINANCIAL MANAGEMENT - PERSONAL USE OF PUBLIC PROPERTY

- 1) **Purpose:** The purpose of this policy is to provide guidance regarding the personal use of UTA’s public property. Pursuant to Utah Code §76-8-402, UTA desires to adopt this policy to clarify what may constitute a misuse of UTA Property and to authorize the personal use of UTA Property under certain circumstances.

- 2) **Policy:**
 - A. **Devices.**

Communication and other devices, such as mobile phones, landline phones, and computers, that are owned by UTA may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls during a break, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive. Similarly, UTA-owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not “on the clock,” and is not excessive.

 - B. **Physical Facilities.**

Personal activities by Public Servants at UTA-owned, leased, managed, and/or maintained facilities, such as meeting family members or friends for short periods of time, are allowed, provided they do not become excessive or disruptive.

 - C. **UTA Owned Supplies.**

Office supplies, shop supplies, and other UTA-owned supplies and items of personal property are intended for uses that directly benefit UTA. Incidental personal use of the same by Public Servants is allowed, such as the use of UTA-owned office supplies including pens, pencils, and paper, provided that such incidental personal use is not excessive.

 - D. **Miscellaneous.**

Any UTA Property that does not fall under any of the above classifications may nevertheless be utilized by a Public Servant for incidental personal uses.

SECTION 2.11 - EMPLOYEE SOLICITATION

- 1) **Purpose:** UTA generally limits solicitations and distribution on its premises because these activities may interfere with normal business operations, reduce employee efficiency, pose a threat to security, or disturb Employees and customers. This policy establishes a standardized process for permitted solicitations and charitable contributions. It also outlines the criteria for an Employee Driven Participation Campaign.
- 2) **Policy:**
 - A. **Solicitations Prohibited.**

UTA prohibits solicitations and distribution on its premises by non-employees except as detailed below in this policy. UTA permits general solicitations and distribution of communications by Employees as detailed below in this policy. The unauthorized use of UTA communication systems, UTA equipment, technology resources, or facilities to promote the sale of commercial goods or services or the distribution or posting of notices, photographs, or other materials in any Work Area is prohibited.
 - B. **Communications Systems.**

UTA maintains communication systems to communicate UTA information to Employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, mail slots, newsletters, email, voice mail, fax machines, and personal computers) are for UTA use only and may not be used for Employee solicitations or distribution of literature or other communications unless specified below. Bulletin boards are for posting UTA information and notices required by law only. Only persons designated by the People Office, Chief Officer, and Service Unit Senior Leader may place notices on or take down materials from bulletin boards.
 - C. **Authorized Area for Solicitations.**

An area may be designated on the UTA Intranet for Employee solicitations. Any posting on the UTA Intranet must comply with the restrictions contained in this policy. The Chief People Officer, or their designee, is solely responsible for authorizing or designating any other areas for Employee solicitations.
 - D. **Restrictions on Postings in Authorized Areas for Solicitations.**

Any solicitations appearing in authorized areas must follow the rules below for permitted solicitations.

 1. Postings may not be aimed to promote the adoption of one or more religious, political, or ideological viewpoint(s).
 2. Postings may not discriminate against any person or group based on any protected status.
 3. Postings may not cause litter on UTA premises.
 4. Postings may not promote or solicit participation in gambling activities, including wagers, bets, or pools.
 5. Postings may not promote for sale personal or business services.
 - E. **UTA Employees Only.**

Individuals not employed by UTA are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers properly identified to UTA), or engaging in any other solicitations, distribution, or similar activity on UTA premises, unless authorized by this policy.
 - F. **Solicitations Enforcement.**

Office Administrators in each Service Unit or Department will enforce the solicitations provisions of

this policy.

G. Employee Driven Participation Campaign.

Prior to commencing an Employee Driven Participation Campaign, an Employee (the Solicitor) must obtain approval from an Employee Driven Participation Campaign Approver, which is either the Solicitor's Chief Officer or the Executive Director, who will confirm that the proposed activity meets the criteria of an Employee Driven Participation Campaign.

1. The campaign must be driven by the Solicitor and will not involve onsite solicitation by non-employees.
2. The campaign is organized, promoted, and substantially carried out by the Solicitor without pressure or management solicitation.
3. The Solicitor must disclose to the Employee Driven Participation Campaign Approver any personal benefit that the Solicitor may receive from an Employee Driven Participation Campaign.
4. The Solicitor must commit that the Employee Driven Participation Campaign will not interfere with their workload duties or responsibilities or the harmony or efficiency of the workplace.
5. The Employee Driven Participation Campaign cannot involve a contribution to a specific individual, Employee, interest, charitable organization, or activity that involves any of the following: the support of institutions of post-secondary education; activities aimed to promote the adoption of one or more religious, political, or ideological viewpoints; discrimination against any persons or groups based on any protected status.
6. The promotion of the Employee Driven Participation Campaign will be restricted to Employees within the Employee Driven Participation Campaign Approver's Chain of Command.
7. The Solicitor is permitted to use UTA email system to promote the Employee Driven Participation Campaign.

SECTION 2.12 - MEDIA RELATIONS

1) **Purpose:** This policy is intended to provide a mechanism for communicating uniform, accurate information to the Media and to establish a process for monitoring and coordinating Media inquiries throughout UTA.

2) **Policy:**

A. Media Relations.

The Executive Director, or their designee, the Communications Director, will represent UTA before the Media on all matters pertaining to UTA, unless otherwise designated.

B. Media Spokesperson.

The Communications Director's designated Media Spokesperson is the Public Information Officer (PIO). The Executive Director, the Communications Director, or the PIO may designate additional spokesperson(s) within the Communications & Marketing Office or specific subject matter spokesperson(s) as necessary.

C. Initiating Contact with Media.

Employees other than the Media Spokesperson will not, within the scope of their employment, initiate contact with the Media for the purpose of discussing Confidential Information or other matters pertaining to business of UTA. An Employee outside of the Communications & Marketing Office will only speak to the Media on behalf of UTA when authorized to do so by the Media Spokesperson.

D. Responding to Direct Media Contact.

If a member of the Media contacts an Employee directly, other than the Executive Director, Communications Director, or Media Spokesperson, the Employee will refrain from making any comments on behalf of UTA. The Employee will refer the member of the Media to the Media Spokesperson and will promptly notify the Communications Director of the inquiry.

E. Public Forums.

An Employee (other than the Executive Director, Communications Director, or Media Spokesperson) who expresses an opinion in a public forum where a UTA issue is being discussed should clearly state that their opinion or statement is personal and does not represent an official UTA position or statement. Any such expressions by an Employee in a public forum will not reveal any Confidential Information. Any public communication which might be considered as representing UTA's position must be approved in advance by the Communications & Marketing Office.

If the Media is present in a public forum where official comments representing UTA are made, Employees present at the public forum meetings should contact the Media Spokesperson and brief them on the context of the statements made.

F. Publications and Printed Material.

All UTA publications or materials prepared for distribution to the Media should be reviewed in advance by the Executive Director, Communications Director, or Media Spokesperson. In addition, all press releases, publications, speeches, materials produced about UTA, or other official declarations must be approved in advance by the Media Spokesperson.

G. Violations.

Violations of this policy may be subject to disciplinary action, except as otherwise provided by law.

SECTION 2.13 - WORKPLACE VIOLENCE

1) **Purpose:** This policy is intended to provide guidelines to create and maintain a safe and secure Workplace for UTA's Employees and visitors.

2) **Policy:**

A. Prohibition Against Violent Behavior in the Workplace.

1. Acts or Threats of Violent Behavior in the Workplace are prohibited.
2. Employees engaging in Violent Behavior or Threats of Violent Behavior will be removed from UTA's premises and prohibited from re-entering pending the outcome of an investigation.
3. An Employee found to be in violation of this policy may be referred to law enforcement for criminal prosecution and/or subject to disciplinary action.

B. Firearms in the Workplace.

This policy affirms the rights of Employees to lawfully carry and store firearms in accordance with Utah law and outlines the following expectations to ensure a safe and respectful Workplace.

1. Compliance with all federal, state, and local firearm laws, including maintaining valid permits if applicable.
2. Always exercise sound judgment and discretion while carrying a firearm on UTA property.
3. Avoid displaying or referencing the firearm in a threatening, intimidating, or disruptive manner, except as allowed by law.
4. Ensure safe and secure handling and storage of any firearm in your possession or vehicle.
5. This section will not be construed to apply to an Employee who is required by UTA to carry a firearm as part of their job responsibilities, including as set forth in Appendix B.1 - Authorization for Transit Police Officers to Carry Firearms.

C. Reports of Workplace Violence.

1. Employees who witness or are victimized by Violent Behavior or a Threat of Violent Behavior shall promptly report the occurrence to their supervisor/manager, Chief Officer, Safety & Security Director, or a representative of the Chief of Police/Public Safety Manager. Confidential reports may be made through the People Office.
2. Supervisors/managers, Chief Officers, People Office staff, and other Employees receiving reports of Threats of Violent Behavior or Violent Behavior shall immediately notify the Director of HR and provide an account of the reported Threat of Violent Behavior or Violent Behavior.
3. Retaliation against an Employee who reports a Threat of Violent Behavior or Violent Behavior in good faith is prohibited.
4. Reports will be investigated by the Threat Assessment Team. The Threat Assessment Team will then convey its assessment to the appropriate department and Chain of Command for further action.

SECTION 2.14 - USE OF ELECTRONIC DEVICES

1) **Purpose:** This policy is intended to ensure the fiscally responsible use of UTA's assets, promote the safety of UTA employees and the public, and support the responsible use of UTA Vehicles.

2) **Policy:**

A. Assignment.

UTA may assign a cellular phone and/or an electronic device to an Employee on a regular or temporary basis if the Employee will routinely use the devices for UTA-related purposes during the assignment period.

Any electronic device(s) assigned to an Employee by UTA remains the property of UTA. Employees assigned an electronic device are responsible for appropriate use and safekeeping. The Employee is allowed to retain the device(s) in their possession during non-work hours. In the event of loss of, or damage to, the device(s), the Employee is responsible for paying to replace or repair the device(s), unless the Employee can demonstrate that they exercised reasonable care of the device(s).

B. Use.

Cellular phones are issued to Employees to assist in performing their official duties. However, as a matter of convenience, a cellular phone may occasionally be used for personal use if the usage does not interfere with UTA business. By using a cellular phone provided by UTA, the Employee consents to UTA's review of the billing statement.

C. Personal Cellular Phones.

Personal cellular phones used for UTA business should be kept to a minimum and may be subject to Government Records Access and Management Act (GRAMA), Utah Code § 63G-2-103 *et seq.*

D. Use of Cellular Phones While Driving.

1. Employees and Contractors must operate UTA Vehicles in a safe and courteous manner in compliance with all applicable laws and this policy.
2. Employees and Contractors may only use Electronic Devices that are voice-activated or connected to hands-free devices while operating Vehicles. While operating a Vehicle, employees and contractors may not handle Electronic Devices, or text, message, email, dial a phone number, make a phone call, access the internet, view or enter a text message, send an instant message, or send or read email. Except for voice-activated or hands-free use, an employee or contractor must pull over and stop at a safe location before using an Electronic Device.
3. Except as otherwise prohibited by law, use of Electronic Devices is permitted in the following circumstances:
 - a. When UTA Police Officers are using Electronic Devices within the scope of their work;
 - b. When the use is of communication systems that are physically or electronically integrated into support Vehicles, including devices excluded from the definition of Electronic Device;
 - c. In a medical emergency;
 - d. When reporting criminal activity or requesting assistance relating to a criminal activity; or
 - e. When reporting a safety hazard to authorities or requesting assistance relating to a safety hazard.

E. Violation of Policy.

UTA is committed to providing a safe and reliable transportation services and is dedicated to ensuring the safety of Employees, customers, and the general public. Violation of this policy is considered a serious work infraction and may result in disciplinary action, up to and including termination of employment.

SECTION 2.15 - SOCIAL MEDIA

1) **Purpose:** UTA respects the rights of Employees to use Social Media as a form of self-expression. The purpose of this policy is to inform Employees of their responsibilities and obligations to UTA when using Social Media and disclosing UTA related information.

2) **Policy:**

A. Official UTA Social Media Accounts.

Official UTA Social Media sites and accounts are established, managed, and updated by the Communications & Marketing Office. Only Employees authorized by UTA may speak to the Media on UTA's behalf, as detailed in Section 2.12 - Media Relations.

B. Disclosure of Information.

Employees may not disclose Controlled, Private, or Protected Information on Social Media or any other forum that is acquired by reason of their official position or in the course of official duties unless authorized by the Communications and Marketing Office.

Controlled, Private, or Protected Information includes, but is not limited to:

1. Photographs taken in security sensitive areas as designated by each facility;
2. Photographs of individually identifiable UTA passengers without permission of the passenger;
3. Photographs of accidents and accident investigations;
4. Passenger travel data; and
5. Paratransit and other manifests.

C. Ad Accounts.

Employees may not use UTA email addresses to establish accounts on Social Media unless the use of Social Media is related to UTA business and is authorized by the Communications & Marketing Office.

1. Employees may not use UTA logos or other UTA trademarks on their personal Social Media accounts.
2. If an Employee chooses to identify themselves as an Employee of UTA on Social Media and discuss a Matter of Public Concern, the Employee must state that their opinion or statement is personal and not claim to represent UTA or the position of UTA.
3. Employees are prohibited from using Social Media to:
 - a. Defame, threaten, harass, discriminate, or retaliate against UTA, Employees, Contractors, or customers; or
 - b. Encourage illegal activity on UTA property.

**JOB DETAILS,
COMPENSATION, &
EMPLOYEE BENEFITS**

SECTION 3.1 - OUTSIDE EMPLOYMENT

1) **Purpose:** The purpose of this policy is to define an Employee's responsibilities and restrictions with respect to Outside Employment.

2) **Policy:**

A. Restrictions on Outside Employment.

Employees may hold Outside Employment, subject to the following restrictions:

1. Employees will notify their supervisor, identify the Outside Employment, and describe the work performed for the outside employer.
2. Outside Employment will not compete, conflict, or interfere with or compromise UTA's interests or adversely affect the Employee's job performance.
3. Employees will not perform Outside Employment during working time paid for by UTA.
4. Employees will not use UTA resources, including facilities, technology resources, or tools, to perform Outside Employment.
5. Employees will not disclose UTA's Confidential Information to outside employers.
6. Employees will give priority to employment with UTA.
7. UTA will not be held liable to grant sick or other leave in any case of injury sustained to an Employee while the Employee is engaged in Outside Employment.

SECTION 3.2 - HIRING AND JOB CLASSIFICATION

- 1) **Purpose:** The purpose of this policy is to ensure the hiring of the best, most qualified candidates. UTA is committed to providing equal opportunity and complying with all applicable employment laws. Applicants and Employees are evaluated and hired based on their job qualifications and ability, not upon any protected status.
- 2) **Policy:**
 - A. **Job Classifications.**
 1. **Regular Full-Time Employee.**

An Employees who is scheduled to work forty (40) hours per week, twelve (12) months per year.

 - a. Rate of Pay: An Administrative Employee's rate of pay shall be pursuant to People Office Policy XX - Administrative Employee Compensation Plan. A Bargaining Unit Employee's rate of pay shall be pursuant to the Collective Bargaining Agreement.
 2. **Regular Part-Time Employee.**

An Administrative Employee who is scheduled to work less than thirty (30) hours per week, twelve (12) months per year and a Bargaining Unit Employee who is scheduled to work twenty-five (25) hours or less per week, twelve (12) months per year.

 - a. Rate of Pay: An Administrative Employee's rate of pay shall be pursuant to People Office Policy XX - Administrative Employee Compensation Plan. A Bargaining Unit Employee's rate of pay shall be pursuant to the Collective Bargaining Agreement.
 3. **Short-Term Temporary Employee (Including Interns).**

A Short-Term Temporary Administrative Employee shall be used for work which is intended for one limited job or set of closely related jobs caused by an unusually heavy workload, special project, or to cover for vacation and sick relief. A Short-Term Temporary Employee is considered part-time and must be scheduled to work less than thirty (30) hours per week.

 - a. Rate of Pay: A Short-Term Temporary Employee shall be compensated according to People Office Policy XX - Administrative Employee Compensation Plan.
 - b. Duration of Employment:
 - i. Less than 90 Days. A Short-Term Temporary Employee hired for less than ninety (90) days may be hired without a personnel requisition and without going through a competitive recruitment process.
 - ii. More than 90 Days. A Short-Term Temporary Employee hired for more than ninety (90) days but not for more than one (1) year must be hired with a personnel requisition and go through a competitive recruitment process.
 - c. Future Employment Competitive Selection: A Short-Term Temporary Employee who is initially recruited and hired through a competitive or non-competitive selection process may apply for and be considered for a Regular Full- or Part-Time position with UTA. A Short-Term Temporary Employee who is initially hired through a competitive process will be considered an internal applicant. A Short-Term Temporary Employee who is initially hired through a non-competitive process will not be considered an internal applicant and will be eligible to be considered for jobs announced externally only.
 - d. Paid Interns: A paid Intern may be used by a department that shows a need for a short-term project. The scope of the project, milestones, and duration of the internship must be clearly outlined in the personnel requisition and included in the job announcement. Internships may be posted internally and/or externally.
 - e. Unpaid Interns: An unpaid Intern may be used by a department that shows a need for a short-

term project. The scope of the project, milestones, and duration of the internship must be clearly outlined and may be hired through a non-competitive process. The Intern's job duties must accord with the Fair Labor Standards Act and Utah law which governs unpaid Interns. An unpaid Intern may only be used by a department where the totality of the factors indicate they are an Intern, and not an Employee:

- The training received by the Intern is similar to that which would be given in a vocational school,
- The training is more for the benefit of the Intern and less for the benefit of UTA,
- The Intern does not displace regular Employees and works under close observation and supervision,
- The Intern receives the advantage of UTA's training (and UTA does not receive immediate advantage from the activities of the Intern),
- Interns are not necessarily entitled to a job at the completion of the internship, and
- UTA and the Intern understand that the Intern is not entitled to wages for the time spent during the Internship.

4. Long-Term Temporary Full- or Part-Time Employee.

A Long-Term Temporary Employee must be hired through a competitive recruitment process and can be considered full- or part-time and work full- or part-time hours.

- a. Rate of Pay: A Long-Term Temporary Employee will be compensated according to People Office Policy XX - Administrative Employee Compensation Plan.

B. Selection Criteria.

Applicants are hired based on their qualifications and ability to do the job. Such selection criteria may include the Applicant's:

1. Relevant experience
2. Skills
3. Education and training
4. Meeting minimum job requirements
5. Ability to perform essential functions of the job
6. Seniority ranking for Bargaining Unit Employees
7. Previous and current job performance

C. Reasonable Accommodations.

Qualified Applicants in need of Reasonable Accommodation, for disability, religious, pregnancy, breastfeeding, gender identity, or other protected reasons, are eligible for hire if they can perform the essential functions of the job, with or without reasonable accommodation, subject to state and federal law. Applicants and Employees in need of reasonable accommodation must request the Reasonable Accommodation as soon as practically able and will not be disqualified because of an inability to perform nonessential or marginal job functions. Reasonable Accommodations will be provided to assist Applicants and Employees as required in accord with Section 1.1 - Equal Employment Opportunity. UTA is committed to ensuring that all Applicants and Employees have equal opportunity to participate in the application and hiring process.

D. At-Will Employment.

With the exception of Bargaining Unit Employees, UTA employees are at-will Employees.

E. Former Employees (Rehires).

1. Eligibility. Former Employees who have resigned or are a Retired Employee must go through a competitive selection process as outlined in this policy and will be considered as an outside Applicant. To be considered for reemployment the former Employee must have had acceptable performance records and must be marked eligible for rehire. Operator trainees who fail operator training and who otherwise had acceptable performance are eligible for rehire in a different position within UTA. Former Employees who are pension eligible and have taken a pension distribution are not eligible for rehire for six (6) months after their pension distribution date. Former Employees who are not pension eligible or who have not taken a pension distribution are not eligible for rehire until thirty (30) days after their employment separation from UTA. Prior to making an offer to a former Employee, a UTA reference and background check will be conducted to include references on their previous UTA employment. Employees will be eligible for rehire by UTA except under these circumstances.
 - a. Employees under investigation who resigned prior to the conclusion of the investigation that would have caused their employment to terminate had they remained.
 - b. Employees terminated for gross misconduct.
 - c. Employees who terminate under special circumstances, as determined after consultation with the People Office.

F. Career Ladder.

Mid-level and senior-level positions within a Job Family may be filled without complying with the requirements outlined in this policy. Career Ladder positions are developed based on organizational needs and/or market pressure and must be approved by the corresponding Executive.

If a job is designated as a Career Ladder position, then the job posting for that position must indicate that it is a Career Ladder position.

Employees in Career Ladder positions will advance to the next higher level position upon meeting the minimum job requirements of the next higher level position in the Career Ladder. The Employee's manager is responsible for reviewing the Employee's status in the Career Ladder and promoting the employee accordingly.

G. Introductory Period.

The first ninety (90) days of employment for all newly hired, promoted, or transferred Administrative Employees is considered an Introductory Period.

1. Job Performance. During the Introductory Period, the employee's job performance is not subject to People Office Policy XX - Positive People Management process. If an Administrative Employee's job performance does not meet the manager's expectations, the manager has the discretion to extend the Introductory Period for an additional thirty (30) days. The reason for this extension must be documented and approved by the Chief People Officer.
2. Vacation, Sick Leave, and Floating Holidays. While Administrative Employees accrue Vacation and Sick Leave and may be awarded Floating Holidays during the Introductory Period, the employee is not eligible to use Vacation and Sick Leave until the expiration of the Introductory Period. Floating Holidays may be used in the Introductory Period with approval from the Employee's manager. See People Office Policy XX - Administrative Employees Paid Time Off.
3. Job Application. Administrative Employees may not apply for other positions within UTA during the Introductory Period.

H. Extended Evaluation Period.

Transit Police Officers and Transit Communication Dispatchers and Trainees will be subject to an

additional Extended Evaluation Period of nine months. The Extended Evaluation Period begins once the employee's Introductory Period is completed. During the Extended Evaluation Period, Transit Police Officers will be evaluated to ensure they are fully field trained and demonstrate technical proficiency. Transit Communication Dispatchers and Trainees will be evaluated to ensure they are fully trained and proficient.

I. Internal Promotion/Transfer Start Date.

The starting date of the Employee that accepts a new position will be mutually agreed upon between the Employee's current supervisor and new supervisor. If no agreement can be reached, the Employee will begin the new position no later than fifteen days of accepting the position.

J. Exceptions to Hiring Policy.

Occasionally, bona fide business needs require exceptions to certain policy requirements. Any exceptions to this policy must remain in general compliance with EEO principles in accord with Section 1.1 - Equal Employment Opportunity and must be approved by the Chief People Officer and the Executive Director.

SECTION 3.3 - EMPLOYEE CRIMINAL CONVICTIONS AND ARRESTS

- 1) **Purpose:** This policy is intended to ensure a safe and secure Workplace for UTA Employees, visitors, and customers, to comply with Utah and federal law related to criminal convictions, arrests, background checks and consumer reports, and to conform to Utah law regarding eligibility for employment within public transit districts.
- 2) **Policy:** UTA seeks to recruit and retain Employees who are eligible for employment and who are qualified to perform the essential functions of their positions without imposing an unreasonable risk of harm to others or to UTA. As a result, in compliance with state and federal law, and as specified in greater detail in People Office Policy XX - Applicant, Employee, and Contractor Background Checks.

A. Reporting Arrests and Charges.

An Employee who is arrested or charged with a criminal offense after commencing employment with UTA must report or arrange for the reporting of the Arrest or Charge to their supervisor within two (2) calendar days of the arrest or charge. Full disclosure of any Arrest or Charge does not automatically disqualify an Employee from continued employment in their current position.

B. Reporting Criminal Convictions.

An Employee who is convicted of a criminal offense after commencing employment with UTA must report or arrange for the reporting of the Criminal Conviction to their supervisor within five (5) calendar days of the Arrest, Charge, or Criminal Conviction. Full disclosure of any Criminal Conviction does not automatically disqualify an Employee from continued employment in their current position.

C. Management Review of Arrests and Charges.

UTA will review all Arrests and Charges to determine whether UTA has a business necessity to take employment action for the position held. The management review shall include an assessment of the Arrest and Charges.

1. Management Review of Convictions.

UTA will review all Criminal Convictions occurring after employment to determine whether the Employee is eligible for employment. When reviewing the Employee's Criminal Conviction and conducting an individualized assessment, UTA will consider:

- a. **The Nature and Gravity of the Offense or Conduct:** The nature of the offense or conduct may be assessed by considering the harm caused by the crime, the legal elements of the crime, and whether the crime was a misdemeanor or a felony offense.
- b. **The Time That Has Passed:** The amount of time that has passed since the criminal conduct occurred is important in assessing the risk posed in the position. Recidivism rates for crimes, if available, may be helpful to consider.
- c. **The Nature of the Job Held or Sought:** This inquiry should include the nature of the Employee's job duties, the identification of the job's essential functions, the level of supervision, oversight and interaction with co-workers, the public, and vulnerable individuals, and the environment in which the job duties are performed.

2. Employment Action.

If after engaging in a Management Review of an Arrest, Charge, or Criminal Conviction, management determines that the Employee is ineligible for employment in their current position under Utah statutory provisions or that business necessity dictates that an employee may not return to their position, the employee will be terminated.

D. Failure to Report Convictions.

An Employee who fails to report a Criminal Conviction that occurs during employment may result in disciplinary action, up to and including termination of employment, upon UTA's discovery or receipt of evidence of the Criminal Conviction, depending on the nature and severity of the Criminal Conviction offense.

E. Financially Sensitive Position Reporting.

An Employee in a Financially Sensitive Position must notify the Chief People Officer within five (5) days of filing for bankruptcy, as detailed in People Office Policy XX - Applicant, Employee, and Contractor Background Checks and Consumer Reports.

F. Notice.

Nothing in this policy prohibits a Bargaining Unit Employee from utilizing the discipline review process established in the Collective Bargaining Agreement.

SECTION 3.4 - SEPARATION OF EMPLOYMENT

- 1) **Purpose:** To outline the circumstances under which an Employee's employment with UTA will be terminated.
- 3) **Policy:** Employment with UTA may end due to an employee's resignation, discharge, retirement, expiration of an employment contract, completion of a temporary assignment or internship, or a reduction in force. Discharge may occur for any reason not prohibited by law.

A. Employee Responsibilities.

1. An Employee's last day of employment must be a day actively worked. In addition, the majority of the Employee's final four (4) weeks of employment must consist of days actively worked. An Employee may not separate from UTA by extending their employment date through the use of vacation time, personal time, floating holidays, or other accrued time. The only exception to this requirement is when an Employee is on an approved medical leave in which they are unable to return to work.
2. Employees who separate from UTA are expected to return all UTA property held or controlled by the separating Employee. This can include, but is not limited to identification card, dependent transit passes, keys to UTA offices, facilities, or property, uniforms (if applicable), punch (for reimbursement of cost).
3. Employees who voluntarily resign employment are asked to give UTA a minimum of two (2) weeks' notice prior to separation. Management and Employees who are retiring are asked to give a minimum of four (4) weeks' notice prior to separation.

B. Job Abandonment.

1. An Employee who is absent from work for three consecutive working days and is able to provide notification to their supervisor regarding the absence, but does not, shall be considered to have abandoned their position.
2. An Employee who has abandoned their position may be separated from UTA. Management shall inform the Employee of the action in writing.

C. At-Will Employment.

Nothing in this policy is intended to alter the employment-at-will relationship in any way. At all times, including after successful completion of the Introductory Period, employment with the UTA is considered to be at-will, and employment may be terminated at any time for any lawful reason by either party.

SECTION 3.5 - RETIREMENT

- 1) **Purpose:** To define when an Employee is considered a Retired Employee and eligible to receive the retirement benefits provided by UTA at the time of retirement.
- 2) **Policy:** UTA will offer eligible Employees retirement benefits at the time of retirement to include a pension benefit under UTA's Employee Retirement Plan and Trust Agreement. Information summarizing these benefits is provided to participating Employees periodically and as required by law.

A. Eligibility.

An Employee is considered a Retired Employee of UTA when all the following criteria are met:

1. The Employee has reached at least age 55.
2. The Employee is vested in the pension benefit pursuant to the vesting schedule as defined in the UTA Employee Retirement Plan and Trust Agreement.
3. The Employee continues to be employed by UTA until their Date of Retirement or Date of Permanent and Total Disability.
4. The Employee elects a pension benefit as a monthly benefit or lump sum distribution which is contiguous with their UTA employment or meets the criteria under the Date of Permanent and Total Disability definition. A vested Employee who withdraws their contributions plus interest as a payout of the value of the pension benefit in lieu of a pension benefit is not considered a Retired Employee.
5. The Employee's employment has not been involuntarily terminated.

B. Retiring Employee Responsibilities.

1. The Employee should contact UTA's Total Rewards Team or Third-Party Pension Administrator at least ninety (90) days prior to the Date of Retirement to make the necessary arrangements for a retirement packet to be generated and sent to the Employee. The Employee will need to communicate last day of employment and when the Employee would like to start collecting their pension benefit. To ensure full retirement benefits are elected, all documentation needs to be returned to the Third-Party Pension Administrator.
2. The Employee shall give notice of retirement to UTA by way of the Employee's supervisor or manager, in writing, at least four (4) weeks in advance of the Date of Retirement.

C. Retirement Benefits.

1. The pension benefit payment will be processed from the UTA Employee Retirement Plan and Trust on the first business day of each month.
2. Deposits of the monetary equivalent of the following will be made into a Retiree Medical Account (RMA) at the time of retirement as outlined below:
 - a. An Administrative Employee's accrued, unused Sick Leave balance pursuant to People Office Policy XX – Administrative Employees Paid Time Off; and
 - b. A Bargaining Unit Employee's accrued, unused Personal Time and Serious Illness Account pursuant to the Collective Bargaining Agreement.
3. The Retired Employee will receive a \$1,000 term life insurance benefit through a policy held by UTA.
4. The Retired Employee and their legal spouse and dependents will receive a lifetime UTA Transit Pass.
5. An Administrative Retired Employee will receive their accumulated Motivosity "To Spend" balance.

D. Reemployment of a Retired Employee.

1. The Employee must have complete separation from UTA for a minimum period of six (6)

consecutive months following the Date of Retirement in order for the retirement to be considered bona fide. During this period, the individual may not perform services for UTA in any capacity, including as an Employee, Contractor, consultant, or through any third-party arrangement. Failure to meet this requirement may result in the retirement not being recognized as bona fide in accordance with applicable laws and plan requirements.

2. In the event a Retired Employee is rehired by UTA in a full-time position that is eligible for additional pension benefit accruals, the pension benefit payments for the Employee will cease pursuant to the UTA Employee Retirement Plan and Trust Agreement.
3. At the next Date of Retirement, the Pension Administrator will compute a new monthly pension benefit payment amount, taking into account the Employee's additional years of service achieved and offsetting it by any amounts previously received during the first retirement.
4. A Retired Employee rehired by UTA in a part-time position will continue to receive pension benefit payments pursuant to the UTA Employee Retirement Plan and Trust Agreement.
5. A Retired Employee rehired by UTA may enroll in the 457 Deferred Compensation Plan as of the date of rehire (for Administrative Employees and Bargaining Unit Maintenance Employees) and after the completion of training (for Bargaining Unit Operations Employees). Upon re-enrollment, all future withdrawals will cease until the next Date of Retirement, unless the Employee has obtained the age where Required Minimum Distributions (RMDs) are required per year.
6. A Retired Employee rehired by UTA in a full-time position who has a balance remaining in the RMA will cease receiving reimbursement of medical expenses until the next Date of Retirement.

SECTION 3.6 - REFERENCES FOR CURRENT OR FORMER EMPLOYEES

- 1) **Purpose:** This policy seeks to maintain the Confidential Information of UTA Employees and Former Employees in response to requests for references from prospective employers. This policy does not apply to drug and alcohol test results, which shall be provided to prospective employers pursuant to applicable federal regulations by UTA's Drug and Alcohol Team.
- 2) **Policy:** UTA seeks to protect the Confidential Information of UTA Employees and Former Employees. Accordingly, UTA will provide information sought by prospective employers regarding current and former employees on a limited basis as set forth below.
 - A. **Requests for References.**

Employees or Management who receive written or verbal reference requests from prospective employers will refer all requests to the People Office. No information will be provided by UTA's Employees or Management to prospective employers, except for requests by law enforcement agencies as set forth below.
 - B. **Information Disclosed to Prospective Employers Without Written Authorization.**

The People Office is authorized to release the following information to prospective employers without the written authorization from an Employee or a Former Employee:

 1. Date(s) of Employment, and
 2. Current job title or job title at the time of termination.
 - C. **Information Disclosed to Prospective Employers with Written Authorization.**

In addition to the information identified above, the People Office is authorized to release the following information to prospective employers upon the written authorization of an Employee or a Former Employee:

 1. Confirmation of current or previous annual earnings, and
 2. Reason(s) for termination as stated on termination form.
 - D. **Requests from Law Enforcement Agencies.**

Upon a request by a law enforcement agency, a written release signed by an Employee or a Former Employee, and authorization from the People Office, Management may provide additional information regarding an Employee or Former Employee to a law enforcement agency with whom the Employee or Former Employee has applied for employment.
 - E. **Letters of Recommendation.**
 1. At the request of an Employee or Former Employee, Management with knowledge of the Employee or Former Employee's performance may write a letter of recommendation, which will accurately describe the qualifications and character of the individual seeking it. Copies of letters of recommendation must be forwarded to the People Office to be included in the Employee or Former Employee's personnel file.
 2. Management writing a letter of recommendation for educational purposes at the request of an Employee or Former Employee who has waived the right to review the letter of recommendation must forward the waiver to the People Office to be included in the Employee or Former Employee's personnel file and will retain a copy of the letter of recommendation for their own record.

SECTION 3.7 - GROUP HEALTH, LIFE, AND DISABILITY BENEFITS

1) **Purpose:** UTA provides group Health Benefits, life insurance, and disability benefits as part of its total rewards offerings to support the health, wellbeing, and financial security of Employees and their families. These benefit offerings are intended to help attract and retain qualified Employees, assist Employees and their families with health care needs, and provide protection against financial hardship resulting from illness, injury, or death.

2) **Policy:**

A. Disclosure of Benefits.

UTA provides eligible Employees with group Health Benefits, life insurance, and disability benefits. Benefit information and summary plan documents detailing the benefit offerings and plan provisions are provided to eligible Employees during their initial eligibility/enrollment period, annually during Open Enrollment, and upon request. Benefit eligibility depends upon the Employee's classification and the specific eligibility requirements of the benefit plan. UTA reserves the right to modify, amend, or terminate benefits offerings at any time as they apply to all current Employees, Former Employees, and Retired Employees.

B. Group Health Benefits.

1. **Health Benefits.**

UTA provides group Health Benefits to eligible Administrative Employees and eligible Bargaining Unit Employees. The group Health Benefits and the benefit plan designs offered to Administrative Employees are reviewed and determined by UTA on an annual basis. The group Health Benefits and the benefit plan designs offered to Bargaining Unit Employees are reviewed and determined by the Joint Insurance Committee (JIC) on an annual basis. The contribution amounts deposited into the Joint Insurance Trust (JIT) are outlined in the CBA.

2. **Date Coverage Begins.**

Administrative Employees group Health Benefits coverage begins on the first day of the month following thirty (30) days of Regular Full-Time Employment. Bargaining Unit Employees group Health Benefits coverage begins as outlined in the CBA. For all Employees, Employee Assistance Program (EAP) coverage begins on the first day of employment.

When a Bargaining Unit Employee transfers to an administrative position or an Administrative Employee transfers to a bargaining unit position, the employee is eligible to enroll in group Health Benefits applicable to their position on the first day of the month immediately following the date of transfer to the new position, provided that the transferring Employee works at least one (1) day in the month following the transfer and has previously satisfied the benefit eligibility waiting period under the group Health Benefits plan from which they are transferring from. Employees working less than thirty (30) hours per week are not eligible for group Health Benefits other than EAP coverage.

3. **Health and Wellness Centers.**

UTA offers onsite clinic services and the PACE Wellness Program through the Health and Wellness Centers. Primary care, wellness, and prescription medication services are available, at no or low cost (co-payment required for services other than wellness for Employees enrolled in a high deductible health plan (HDHP)), to newly hired Employees, spouses, and dependents (age two (2) and up) through the benefit eligibility waiting period until the Health Benefits eligibility date. Once the Employee becomes eligible for Health Benefits coverage, the Employee, spouse, and dependents

must enroll in the UTA medical plan to remain eligible for onsite clinic services. All Employees are eligible to participate in the PACE Wellness Program at no cost, regardless of whether they are enrolled in a UTA medical benefit plan.

4. Eligible Dependents.

Employees may enroll eligible Dependents in coverage under the group Health Benefits plans. Eligible Dependents are defined in the benefits summary plan documents. The Dependent eligibility requirements are published in the Administrative and Bargaining Unit Employee benefits guides provided and posted each benefits plan year on the UTA Intranet.

5. Dual Covered Employees.

Dual coverage applies when an Employee's spouse or Dependent child is also employed by UTA and both Employees meet the eligibility requirements for group Health Benefits coverage. Employees may not be enrolled in Health Benefits as a subscriber/policyholder and a Dependent under UTA group Health Benefits plans. Likewise, Dependent children may not be covered under more than one Employee's group Health Benefits plans.

Married Employees who work for UTA may choose to elect single Health Benefits coverage for themselves, or one Employee may enroll as the subscriber/policyholder and cover the spouse and/or Dependent children on their Health Benefits plans. If one Employee elects coverage for their spouse and/or Dependent children under their Health Benefits plans, the other Employee must waive their Health Benefits coverage and may not enroll separately as the subscriber.

6. Medical Insurance Waiver Incentive.

An Administrative Employee who chooses not to enroll in medical insurance coverage will receive a waiver incentive for waiving coverage. The Administrative Employee will receive the waiver incentive amount for each pay period in which the Administrative Employee is eligible for medical insurance coverage. The waiver incentive amount paid each pay period to the Administrative Employee waiving medical insurance coverage is reviewed and determined prior to Open Enrollment for the benefits plan year.

Medical insurance waiver incentives for Bargaining Unit Employees are determined by the JIC and outlined in the CBA.

7. Termination of Health Benefits.

Employees who separate from employment with UTA will remain covered under the group Health Benefits plans through the last day of the month in which their employment ends.

8. Continuation of Health Benefits Coverage for Qualifying Events.

UTA offers continuation of Health Benefits coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) when coverage is lost due to a qualified event. A qualified event includes the following:

- a. A covered Employee's death,
- b. A covered Employee's job loss or reduction in hours for reasons other than gross misconduct,
- c. A covered Employee's becoming entitled to Medicare,
- d. A covered Employee's divorce or legal separation,
- e. A child's loss of eligible dependent status under the plan, and
- f. A covered Employee's loss of benefits eligibility due to an approved leave of absence that is not protected by FMLA, including Workers' Compensation leaves.

Refer to the Health Benefits plan documents and COBRA benefits guides for more information on continuation of coverage under COBRA provisions.

9. Death of a Covered Employee.

If an Employee covered by Health Benefits dies while actively employed with UTA or while on an approved FML, UTA will maintain Health Benefits coverage for the deceased Employee's spouse and Dependent children for the six (6) month period immediately following the Employee's death under the following conditions:

- a. Continuation of group Health Benefits coverage must be elected under COBRA by the deceased Employee's spouse and/or Dependent children. The spouse and/or Dependent children is responsible for the Employee portion of the premium amounts due plus a 2% COBRA administration fee and a clinic fee.
- b. UTA is responsible for the employer portion of the premium amounts due during the six (6) month period immediately following the Employee's death. UTA's contribution toward the continuation of coverage under COBRA will terminate at the end of the six (6) month period or sooner should the following occur:
 - The spouse remarries or
 - The Dependent ceases to meet the definition of an eligible Dependent.

C. Life Insurance Benefits.

1. Administrative Employees.

Administrative Employees eligible for group Health Benefits are provided with life insurance benefits. Employees are enrolled in a life insurance plan on the first day of the month following thirty (30) days of Full-Time Employment. The Employee's spouse and Dependents covered under a group Health Benefits plan are also provided with life insurance benefits. UTA provides life insurance benefits to Employees who have retired from UTA and meet the definition of a Retired Employee.

2. Bargaining Unit Employees.

Bargaining Unit Employees are provided with life insurance benefits and are enrolled in a life insurance plan as outlined in the CBA.

3. Beneficiary Designation(s).

Employees must designate a primary beneficiary, or beneficiaries, to receive the life insurance benefits upon the Employee's death. Employees are responsible for maintaining current beneficiary designation information within the benefits enrollment system.

D. Disability Benefits.

1. Administrative Employees.

Administrative Employees are enrolled in the Long-Term Disability plan on the first day of the month following thirty (30) days of Regular Full-Time Employment. Enrollment in the Long-Term Disability plan is mandatory.

Administrative Employees enrolled in the Long-Term Disability plan who become disabled are eligible for benefits as detailed under the terms of the Long-Term Disability contract.

If an Administrative Employee is approved for Long-Term Disability benefits coverage, UTA will maintain group Health Benefits coverage for the Employee, spouse, and Dependents for a period of up to eighteen (18) months under COBRA. If the Employee is later approved for Social Security disability benefits and becomes eligible for a maximum period of twenty-nine (29) months of continuation of coverage under COBRA, UTA will maintain Health Benefits coverage only for the additional eleven (11) month COBRA eligibility period. Continuation of COBRA provisions will be provided by UTA under the following conditions:

- a. Continuation of group Health Benefits must be elected under COBRA by the Employee. The Employee is responsible for the Employee portion of the premium amounts due plus a 2% COBRA administration fee and a clinic fee.
 - b. UTA is responsible for the employer portion of the premium amounts UTA would have paid for the Employee's group Health Benefits coverage if the employee were actively working.
 - c. UTA's contribution toward the continuation of coverage under COBRA will terminate once the Employee is either no longer eligible to receive Long Term Disability benefits, is no longer disabled, or when the period of time the Employee is eligible for continuation of benefits under COBRA ends, whichever occurs first.
2. Bargaining Unit Employees.
Bargaining Unit Full-Time Employees are enrolled in the Short-Term Disability plans and Long-Term Disability plan as outlined in the CBA. Enrollment in the Short-Term Disability plans and Long-Term Disability plan is mandatory.

SECTION 3.8 - EDUCATIONAL ASSISTANCE PROGRAM

1) **Purpose:** Consistent with UTA's organization philosophy of promoting Employee development, the Educational Assistance program provides financial assistance to Employees to advance their formal education. Educational Assistance is available for coursework through an accredited institution that relates directly to the Employee's current position or possible future positions within UTA.

2) **Policy:**

A. Eligibility.

Administrative and Bargaining Unit Full-Time Employees and Bargaining Unit Part-Time Employees who have successfully completed their new hire Introductory Periods are eligible to participate in UTA's Educational Assistance program.

Administrative Employees who are involved in unresolved formal discipline processes or who have received formal discipline within ninety (90) days of application are not eligible to participate in UTA's Educational Assistance program. However, once approved to participate in the program, formal discipline will not render an Employee ineligible for reimbursement under this policy.

Administrative and Bargaining Unit Employees who are on approved leaves of absence, other than FML, during the period of time they are enrolled in school will not be eligible for reimbursement.

B. Work and School Hours.

All courses of study must be taken during non-working hours, unless otherwise authorized by the Employee's supervisor. If an Employee is authorized to take a course during work hours, the Employee must use accrued Vacation, Personal Time, or make up work time spent attending classes during normal working hours. Employees may not take time off without pay to attend classes during working hours. Employees are responsible for completing coursework on their own time.

C. Payroll Advance.

UTA offers payroll advances for educational expenses, such as tuition and books, to Administrative and Bargaining Unit Employees who are eligible for the benefits under this policy. An advance for educational expenses must be approved by the Chief People Officer and the Employee's cost center manager. The payroll advance will be withheld and repaid from the Employee's next six paychecks.

D. Termination of Employment.

If an Administrative or Bargaining Unit Employee voluntarily terminates employment with UTA, the Employee will be required to repay any Educational Assistance reimbursement payments received during the twenty-four (24) months prior to the termination. If an Administrative or Bargaining Unit Employee's employment is involuntarily terminated by UTA prior to the Employee providing documentation of successful completion of coursework, UTA will not reimburse the Employee for the courses.

E. Eligible Courses.

A cost center manager may approve courses for Educational Assistance if the course:

1. Meets the expressed requirements of, or improves skills required in, the Employee's present position.
2. Is not directly related to the Employee's present position but can reasonably be expected to increase potential for advancement within UTA.

3. Is required by the institution for a degree-seeking program or certificate approved by UTA.
4. Gains credit hours toward a degree through Life Experience and CLEP Tests if the Employee is enrolled in a UTA approved degree-seeking program.
5. Prepares an Employee for a professional license requested by UTA, including fees for certification, examinations, and license fees.

All courses and programs, including those leading to a certificate, bachelor's degree, or advanced degree, must be taken at an accredited school. Some courses may not be available at a local accredited school or the Employee's work schedule may prevent attendance at a local accredited school. In these cases, courses at non-accredited schools, such as correspondence schools, may be eligible under this policy provided the Employee's cost center manager determines the quality and cost of the course warrants approval.

F. Ineligible Courses.

A cost center manager may not approve courses for Educational Assistance if the course:

1. Is already provided by UTA, such as directed training, seminars, work-study programs, and similar types of employee development courses.
2. May be reimbursed or otherwise paid for from another source, such as a scholarship, grant, or veteran's benefit.
3. Has been previously taken by the Employee and reimbursed by UTA.
4. Was started before the Employee's first day of employment with UTA, started prior to completing the Employee's Introductory Period, or will be completed after the Employee terminates from UTA.
5. Was started but voluntarily dropped by the Employee during employment.

Reimbursement for incomplete courses at the time of a reduction in force or courses not completed due to the demands of UTA business will be reviewed on an individual basis for approval by the Chief People Officer. Employees should advise their supervisors and the Total Rewards Team if they are unable to complete an approved course.

G. Reimbursement.

An Employee's cost center manager may authorize educational reimbursement in accordance with this policy. Eligible Employees will receive reimbursement for the first \$1,000 of tuition in any calendar year at one hundred percent. Any tuition exceeding \$1,000 in any calendar year will be reimbursed at the rate of fifty percent (50%). UTA will not reimburse an Employee for books, paper, computer, calculators, and other supplies.

H. Exceptions.

Any exceptions to this policy require prior approval from the Chief People Officer.

SECTION 3.9 - TRANSIT PASSES

1) **Purpose:** The purpose of this policy is to define the eligibility for issuance of transit passes to Employees, Retired Employees, and their eligible Dependents, and the conditions for the proper use and return transit passes.

2) **Policy:**

A. Transit Pass Eligibility.

1. All Employees and Retired Employees will be issued a transit pass for themselves and their Dependents upon the completion of the required application.
2. Dependents are defined as:
 - Employee's or Retired Employee's Legal Spouse or widow or widower of a deceased Employee or a Retired Employee.
 - Employee's or Retired Employee's Domestic Partner.
 - Employee's, Retired Employee's, or Legal Spouse's unmarried children by birth, legal adoption, foster care, or legal (court appointed) guardianship who are under age 26.
 - Employee's or Retired Employee's unmarried children by birth, legal adoption, or legal (court-appointed) guardianship of any age and who are incapable of self-support because of mental or physical disability. Disabled Dependents must be unable to engage in substantial gainful employment to the degree they can achieve economic independence due to medically determinable physical or mental impairment which can be expected to last for a continuous period of time, are chiefly dependent upon the Employee, Retired Employee, widow of a Retired Employee, or widower of a Retired Employee for support.
 - Parents of Employees or Retired Employees who qualify as the Employee's dependent for federal income tax purposes.
3. Employees or Retired Employees may be required to verify a Dependent's status prior to issuance of a transit pass. Verification of a Dependent may include one of the following: marriage certificate, birth certificate, tax return, or legal guardianship paperwork.
4. Transit passes may be issued to Domestic Partners who meet eligibility requirements as outlined in the Affidavit of Qualifying Domestic Partnership.
5. Transit passes may be issued to Disabled Dependents who have reached the age of 26 upon providing proof of disability and dependency.
6. Retired Employees' Dependents may retain their transit passes upon the Employee's retirement. If a Retired Employee wants to cover a Dependent upon reaching age 26, the Retired Employee must provide proof of disability and dependency.
7. Retired Employees' disabled Dependents are eligible for a transit pass until the Retired Employee and their surviving Legal Spouse, if any, have passed away.
8. If an Employee, Retired Employee, or Dependent becomes ineligible to receive a transit pass under this policy, any previously issued transit pass is considered invalid.
9. Children under 6 years of age do not require a transit pass to use the transit system.
10. Short-Term Temporary Employees are not eligible for a transit pass.

B. Transit Pass Replacement.

1. All Employees and Retired Employees will be charged \$20.00 for lost or stolen transit passes, regardless of whether the passes were replaced. Previously lost then found passes will not be reimbursed the replacement fee of \$20.00 if a new pass has been created.

2. Normal wear of the pass will result in the replacement of the pass free of charge. Damage to the pass due to cutting, punching holes, or otherwise modifying the card will result in a \$20.00 charge for replacement.
3. Passes are created and issued once a week and mailed to the employee with a form to acknowledge receipt of the transit pass. If the acknowledgement of receipt of the pass is not returned within thirty (30) days, the transit pass will be turned off.

C. Transit Pass Upon Termination.

Employees are required to return the Employee transit pass, and any transit passes distributed the Employee's Dependents, upon termination of employment. Any transit passes not returned at the Employee's termination will be turned off.

D. Transit Passes Non-Transferable.

Transit passes are non-transferable. Use of a transit pass by anyone other than the person to whom it is issued will result in revocation of the Employee's or Dependent's privilege to obtain a transit pass for 12 consecutive months.

SECTION 3.10 - TRAVEL

1) **Purpose:** This policy provides guidance to UTA staff regarding travel approvals, allowable travel expenses, and reimbursement of other necessary business expenses while performing duties for UTA.

2) **Policy:**

A. Travel Approvals.

All Applicable Travelers' travel outside of the UTA Service Area must be pre-approved by the Applicable Traveler's Supervisor. If travel is outside of the United States, the travel must be pre-approved by the Executive Director. Travel requests will be made via the Travel Pre-Authorization and Reimbursement Forms and will include the reason for the travel, the destination, and estimated costs by category (transportation, registration, lodging, meals, and other expected costs). The Travel Pre-Authorization and Reimbursement Forms are available on the UTA Intranet.

B. Transportation Costs.

Air travel must be economy class unless otherwise approved by the Executive Director. If an airline requires a fee while booking to assign seating, this fee is included in allowable costs.

If the Applicable Traveler chooses to drive rather than fly, the Applicable Traveler shall be paid the lower cost of air travel (estimated lowest price of an airline ticket booked at least two weeks prior to travel) or car mileage following Section 3.11 - Mileage Reimbursement. This documentation of pricing must be provided with travel authorization or approval. Other necessary transportation costs (taxi, transit, tolls, parking, etc.) can be reimbursed with proper receipts (required if the cost is greater than 10 dollars). Staff may use UTA's preferred travel agency to make flight arrangements, if needed. Applicable Travelers who are UTA P-card holders are expected to use their P-card for lodging and travel expenses. Personal Meals and incidentals will be covered by Per Diem reimbursement. If an Applicable Traveler has not been assigned a P-card they may use a personal payment method for reimbursable travel expenses.

C. Car Rentals.

Should travel require car rental, the Applicable Traveler must:

1. Use Utah State contracted car rental rates, if available, which include collision damage waiver coverage (CDW).
2. Purchase collision insurance if Utah State contracted car rental rates with CDW coverage are not available.
3. Retain and present all Receipts for the car rental and gas purchases.
4. If there is any personal use, pro-rate the costs between personal and business use and submit only business use costs for reimbursement.
5. UTA P-card is the preferred method of payment when possible. If a vendor requests a personal card, the Applicable Traveler should retain all Receipts for appropriate reimbursement.

D. Lodging.

Reasonable lodging costs are acceptable during approved travel. Reasonable lodging costs can vary by destination and should be an average-priced hotel for the area. Applicable Travelers must always seek governmental/conference rates, if available.

E. Meals and Incidentals.

UTA will provide a Per Diem at the M&IE Rate for travel outside of UTA's Service Area. Meal Receipts

are not required for areas covered by the M&IE Rate. The M&IE Rate includes a small amount for incidentals and is intended to cover tips. First and last day of travel Per Diems are reduced proportionately as specified in the GSA Federal Travel Regulations (41 CFR 300-304).

For areas not covered by the M&IE Rate, alternate Per Diems can be approved by the Chief Financial Officer, or reimbursement of meals (with Receipts) can be substituted in lieu of receiving Per Diem. If a meal is provided by others, an employee must use the per meal Per Diem rate for that day and not seek reimbursement for the provided meal. International Per Diem rates may be found on the U.S. Department of State website, under Foreign Per Diem Rates.¹

UTA P-cards should not be used for Personal Meals or incidental expenses but may be used to pay for Business Meals. In no event shall an Applicable Traveler receive Per Diem reimbursement to cover a meal paid for by a UTA P-card.

F. Personal Automobile Use.

Applicable Travelers are encouraged to use transit or UTA-pooled vehicles, or a rental car for travel. Use of personal vehicles should be a last resort. When using personal vehicles for UTA business, employees will be reimbursed for toll, parking fees, and mileage at the IRS Mileage Rate to the transportation cost limit described in this policy.

When an Applicable Traveler utilizes their personal automobile for UTA business-related activities, it is important to understand that, in the event of an accident, the Applicable Traveler's personal automobile insurance will be the primary coverage for any claims. UTA does not provide insurance coverage for personal vehicles used for business purposes.

Applicable Travelers are responsible for maintaining adequate personal automobile insurance and ensuring that their coverage complies with applicable state laws.

G. Other Costs.

Other necessary business costs over incidental amounts may be needed while traveling on UTA business. UTA will reimburse those expenses. Receipts are required along with an explanation of the business purpose of the expense. If for a group meal, the names of those attending must be provided, an itemized Receipt is required, and Per Diem for the UTA employee must reflect that meal being paid by UTA.

H. Advances.

Advances are discouraged but may be made with approval from the Applicable Traveler's immediate Supervisor. Advances are paid typically no earlier than two weeks prior to the travel unless approved by the Chief Financial Officer.

Travel expense advances will be used only to defray reimbursable expenses incurred while conducting UTA business. Travel expense advances will not, under any circumstances, be considered a personal loan to the employee; any expenditure thereof, other than for official UTA business purposes, will be considered a misappropriation of UTA funds.

I. P-Cards.

Detailed descriptions and Receipts are required for P-card travel expenses. If a P-card is used for Personal

¹ https://aoprals.state.gov/Web920/per_diem.asp

Meals while traveling, the meal on the P-card must be reimbursed by the employee as unauthorized because Per Diem should have been used. P-cards may be used for Business Meals while traveling provided the appropriate corresponding reduction is made from Per Diem reimbursement.

J. Trips Paid by Others.

Employees serving other governmental agencies as part of a peer review team, or other similar assistance, may have their travel costs paid by the requesting governmental agency. Pre-approval is required and the employee should follow the other governmental agency's travel policy. After completion of the trip, the trip report is required but should note that the other agency paid the costs.

Vendors or potential vendors may not offer to pay for an employee's trip to a conference or other meeting. Employees must decline any such offer but may seek approval to attend the conference or meeting using UTA funds.

K. Trip Report.

Within thirty (30) days of completing travel, the employee must submit a report of the total costs of the trip as well as a request for reimbursement using the travel form found on the UTA intranet. Every trip report will be submitted to the Chief Financial Officer, or their designee within the Accounting Department, who will ensure each trip report is logged and fully complies with this policy. Once the Chief Financial Officer (or their designee) certifies policy compliance, and before reimbursement can be made, the Chief Financial Officer (or their designee) will seek review and approval by the same level of authority who approved the travel. If an advance was provided, and actual expenses were less than the advance provided, the employee will return the difference to UTA with submittal of their travel report.

L. Expenses Not Eligible for Reimbursement.

1. Fines and penalties, including parking fines or other moving violation fines and penalties.
2. Personal Expenses not incidental to travel.
3. Political Expenses.
4. Meals and incidental expenses in excess of the approved rates stated above, except for reimbursement for other extraordinary meal expenses documented in a justification memo and approved by the Executive Director or the Chair of the Board of Trustees.
5. Alcoholic beverage purchases, including purchases as part of a meal.
6. Lodging expenses which are excessive or unreasonable.
7. Any expressly unallowable expense described in 2 CFR Part 200.420 - 200.475.

M. Discounts, Credits, and Special Coupons.

1. UTA Property – Special coupons, discount promotion tickets, or cash awards shall be turned in to UTA by the traveler as soon as possible after receiving them.
2. Property of Employee – Airline and hotel frequent flyer programs and any other programs which give the employee credit for miles or hours flown may be considered the property of the employee.
3. Credits – Credits earned on airline travel or while staying in certain hotels or through other programs by a UTA employee may be used by the employee while traveling on UTA business. However, the employee may not be compensated for the credits.

N. Employee Responsibilities.

1. Employees who are required to travel on UTA business must be familiar with and act within the guidance of this policy.
2. Employees are responsible for exercising the same care in incurring expenses and accomplishing the

travel purpose that a prudent person would exercise if traveling on personal business.

O. Records.

All records associated with travel are subject to potential release under the Utah Government Records Access and Management Act.

P. Compliance to Policy.

Any noncompliance, misconduct, or unethical behavior associated with traveling for UTA will be reviewed by the People Office, and may result in disciplinary action, up to and including termination of employment.

SECTION 3.11 - MILEAGE REIMBURSEMENT POLICY

1) **Purpose:** UTA has the stated purpose of moving people. To accomplish this goal, work at UTA must take place in locations throughout the service area. To facilitate occasions in which an Employee travels for business in a personal vehicle, this Mileage Reimbursement Policy will ensure UTA meets IRS rules under the Internal Revenue Service (IRS) accountable plan rules. For the mileage expenses to be treated as reimbursements, the expenses must be considered business expenses, rather than personal commuting expenses.

2) **Policy:**

A. Non-Revenue Vehicles.

UTA encourages the use of UTA Non-revenue Vehicles and rental vehicles when possible and discourages the use of an Employee's personal vehicle to conduct UTA business to the maximum extent possible.

B. Mileage Reimbursement Approval.

When using a UTA Non-revenue Vehicle or rental vehicle is not possible for a trip, an Employee must obtain approval from their supervisor before using their personal vehicle to accomplish the same trip and seeking reimbursement through the Mileage Per Diem.

C. Liability for Work Related Incidents.

An Employee's personal insurance will serve as the primary coverage for any work related incident that occurs when an Employee is using a personal vehicle. UTA will serve as the secondary insurance in a work-related incident and coverage is subject to the State of Utah governmental immunity limits.

D. Normal Commute Ineligible for Reimbursement.

An Employee's transportation expenses between their Home and APW on assigned workdays are Normal Commute expenses and not reimbursable.

E. Work Related Business Travel Eligible for Reimbursement.

1. An Employee's travel outside of Normal Commute in the Employee's personal vehicle is reimbursable at the Mileage Per Diem in place on the date the travel occurred.
2. An Employee's travel miles to an alternate location for work prior to reporting to the employee's APW are reimbursed to the extent that they are in excess of the Employee's Normal Commute.
3. An Employee's travel miles to an alternate location for work after reporting to the employee's APW are reimbursed to the extent that they are in excess of the Employee's Normal Commute.
4. Work-related travel miles by Employees on their assigned days off are reimbursable and are not considered personal commuting expenses. When an Employee seeks reimbursement under the Travel Policy during normal workdays, the Employee's use of a personal vehicle while traveling outside of UTA's service area must consider this rule.
5. Mileage incurred as part of employee travel should be included in the travel authorization and reimbursement request. Employees should not request separate mileage reimbursement.
6. Mileage reimbursement requests should have exact start and end locations for audit purposes and the most direct path should be used for mileage calculations. Use online tools such as Google Maps to assist in the calculation.
7. To the greatest extent possible, personal portions of travel under the Travel Policy should be deducted from the mileage reimbursement request.

8. Employees participating in work-related business travel may have the option to leave from and return to their Home or APW, rather than reporting first to their APW, based on their supervisor's approval. In the event an employee leaves from or returns to their Home without completing their Normal Commute, adjustments will be required to their mileage reimbursement request.
- An employee who leaves from their APW and returns to the APW shall not deduct any round-trip Normal Commute mileage from the mileage reimbursement request. The entire trip to/from the travel destination will be eligible for reimbursement.
 - An employee who leaves from their Home but returns to the APW, or leaves from the APW but returns to their Home, shall deduct one-half of their Normal Commute mileage (i.e., half of their round trip mileage from their Home to/from their APW) from the mileage reimbursement request.
 - An employee who leaves from their Home and returns to their Home shall deduct one full round-trip commute mileage from the mileage reimbursement request.
 - Mileage reimbursement adjustments apply to the date of departure and the date of return only. No additional round trip commute mileage adjustments shall be made for work-related business trips that span multiple days.

TECHNOLOGY AND INFORMATION SECURITY

SECTION 4.1 - INFORMATION TECHNOLOGY

1) **Purpose:** Technology is used throughout UTA by all UTA employees and third-party contractors. This policy ensures all UTA employees and contractors have a responsibility to properly use technology and minimize potential risk to UTA resulting from unauthorized use of Technology Resources and to preserve and protect the confidentiality, integrity, and availability of the UTA's networks, systems, applications, and data. Effective support of UTA's mission requires complying with relevant legal, contractual, professional, and standard operating procedures whenever information technology resources are used. Effective support also means that individuals do not interfere with the appropriate uses of Technology Resources by others.

2) **Policy:**

The Information Technology policy ensures that everyone's use of the UTA's Technology Resources supports its public service, and administrative mission in the best possible way. Effective support of UTA's mission requires complying with relevant legal, contractual, professional, and standard operating procedures whenever information technology resources are used. Effective support also means that individuals do not interfere with the appropriate uses of Technology Resources by others.

This policy broadly covers all of UTA's Technology Resources: hardware, software, and content. This includes, but is not limited to, electronic networks, systems, computers, devices, telephones, software, data, files, and all content residing in any of these (referred to as "IT resources"). This policy applies to all electronic records of UTA and to the information in those records, regardless of the form or the location.

Employees who use any Technology Resource are responsible for following and conducting business in accordance with all applicable UTA and information technology policies and procedures as follows:

1. Ethics and Legal - The acceptable use of technology will be used to promote the efficient, ethical, and lawful use of UTA Technology Resources.
2. Safeguarding Technology Access - Technology access control standards must be defined and followed to protect and safeguard Technology Resources and UTA data and system resources against unauthorized and harmful exposure and use.
3. Specialized IT Procurement Matters - Technology Procurements – Safeguards must be followed to protect UTA's interests when acquiring new Technology Resources technology hardware and software including, but not limited to:
 - a. Cloud Services - UTA Technology Resources must be properly acquired and protected while utilizing cloud services.
 - b. Technology Service Procurements - Technology systems acquisition, development, and maintenance must be performed according to industry best practices so UTA can leverage its technology investment.
4. Physical Access - Physical security procedures must be implemented which outline the process for Technology team members and other Support Staff team members to gain access to secure UTA data centers, computer rooms, and network rooms & and cabinets.
5. Control Systems - Operational rules and guidelines for dealing with technical control systems and networks must be implemented and followed.
6. Technology Governance and Standards - Rules and guidelines for data and technology governance must be implemented and followed.

Improper use of Technology Resources or other violations of this policy may result in disciplinary action, up to and including termination of employment, as set forth in People Office Policy XX, Positive People

Management. Improper use includes any misuse as described in this policy, as well as any misuse that would result in violations of state or federal laws, rules, regulations, or other UTA policies.

Management with any direct reports are responsible for taking reasonable measures to ensure their Employees follow, understand, and are aware of this policy. The IT Director is responsible for defining the technology procedures that ensure UTA's Technology Resources are being managed to the highest standard possible.

SECTION 4.2 - INFORMATION SECURITY

- 1) **Purpose:** This policy establishes the minimum requirements, ethics, responsibilities, and accepted behaviors required to establish and maintain a secure environment for UTA's information.
- 2) **Scope:** This policy is applicable to all UTA employees and non-UTA employees, including outsourced third parties who have access to or who manage UTA information. This policy encompasses all electronic systems, automated and manual, for which UTA has administrative responsibility, including systems managed or hosted by third parties on behalf of UTA. It is applicable to all information, regardless of the form or format, which is created or used in support of business activities of UTA.
- 3) **Policy:** The specific usage guidelines that follow are not intended to be comprehensive, but rather to establish and clarify the intent of this policy. Situations not enumerated here will inevitably arise and will be interpreted according to the spirit of this policy.

A. Individual Accountability.

1. UTA's Technology Resources must be accessed through the use of individually assigned unique usernames or equivalent technologies.
2. An Authentication Token associated with each username must be used to authenticate the person accessing the data, system, or network.
3. Individuals who use UTA's Technology Resources must only access information assets for which they are authorized.
4. Each individual is responsible to reasonably protect against unauthorized activities performed under their username.
5. All Authentication Tokens must comply with the Enterprise Strategy SOP 3.0, Technology Access Control.
6. Authentication Tokens are considered Sensitive Data and must be protected in transit and storage.
7. Users may not interfere with the function of any Technology Resources and may not use a password or other means designed to limit the Technology Department's access to the Resource.
8. Users must clearly and accurately identify oneself in electronic communications. Users of UTA's Technology Resources shall not, either directly or by implication, employ a false identity (the name or electronic identification of another).
9. The use of UTA's Technology Resources shall not be fraudulent, unlawful, offensive or disruptive. UTA's Technology Resources shall not be used to intentionally view, download, store, transmit, or retrieve any information, communication or material which is harassing or threatening; is obscene, pornographic, or sexually explicit; is defamatory; makes discriminatory reference to sex, race, color, age, sexual orientation, religion, political beliefs, national origin, or disability, or other protected class status; is untrue or fraudulent; is illegal or promotes illegal activities; or condones or fosters hate, bigotry, discrimination, or prejudice.
10. Any use of online games and gambling is strictly prohibited. Any use of other types of electronic games is subject to approval by the Technology Department.
11. The Technology Department has the right to limit Users' access to Technology Resources based on best practices, minimum level of access required, contractual, compliance, or regulatory requirements.

B. Information Technology Resources.

1. To obtain additional Technology Resources, a User shall request approval from his Supervisor/Manager or Chief Officer. If the request is not a current product or service offered by UTA, then the technical business request process must be followed and the request submitted for

review and approval.

2. All UTA owned Technology Resources are controlled by the Technology Department and must be surrendered upon request for maintenance, review, or audit.
3. Access to Technology Resources by contractors shall be approved by the contractor's UTA manager, and the contractor must sign an NDA to receive access to UTA Technology Resources.
4. It is the responsibility of the contractor's UTA manager to inform the Technology Department when access is to be removed.
5. The Technology Department can restrict access to a Contractor as it deems appropriate.

C. UTA Property.

All UTA Technology Resources, including the data transmitted or stored by them, are the sole property of UTA. Accordingly, UTA may access and monitor User's communications and files as it considers appropriate, including but not limited to any personal e-mail accounts, files, and text messages accessed on a UTA Technology Resource.

Departments within UTA are responsible for physical security for personal computers and other local Technology Resources, including portable equipment, housed within their immediate work area or under their control.

All Users are expected to use and handle UTA's physical electronic and intellectual property with care. Users may not use e-mail, instant messaging services, facsimiles, cellular telephones, social media websites or any other communications system to communicate Sensitive Data external to UTA unless authorized. Users must refer individuals requesting any records to UTA's Records Officer as described in Enterprise Strategy SOP 9.0 - Records Management and Access. The disclosure of restricted records is a Class B Misdemeanor under GRAMA.

D. Network Access Control.

The Technology Department has the obligation to restrict access to information resources to provide an appropriate balance between security and access. Users cannot change security settings on any electronic device storing, accessing, or processing Technology Resources, without prior approval by the IT Director or designee.

Only Users or third parties authorized by the Director of Cyber Security and Information Assurance, or designee, will be permitted to use sniffers or similar technology on the network to monitor or probe Technology Resources.

Access to Sensitive Data via any Technology Resource is limited to those employees who have a legitimate business reason to access and/or use such information.

Users connecting Technology Resources to UTA's Trusted Network must conduct a technology risk assessment to ensure the Technology Resource complies with current laws, regulations, and/or legal requirements.

Users may not connect personally owned electronic devices to any Technology Resource without prior approval from the Technology Department. Portable media devices, such as flash drives, are exempt from this requirement unless they are used to store, process, or transmit Sensitive Data. All data is the property of UTA, and thus personnel are strictly prohibited from copying UTA data for any type of personal use.

E. External Connections.

All connection between UTA's Trusted Networks and any Untrusted Network must be controlled by a firewall, and only installed and configured by the Technology Department.

All "new" connections from UTA's firewalls to an Untrusted Network must be approved by the Director of Cyber Security and Information Assurance and configurations approved by the TCCB (Technology Configuration Control Board). Subsequent changes to the configurations are to be approved via the TCCB. The security requirements for each connection will be assessed individually and be driven by the business needs of the parties involved. All connections must comply with all regulatory requirements.

All connections from UTA's Trusted Network to any Untrusted Network requires strong encryption.

Third party connections to a UTA network must have an internal UTA sponsor develop a business case for the network connection. A UTA non-disclosure agreement (NDA) must be signed by a duly appointed representative from the third-party organization who is legally authorized to sign such an agreement. In addition to the agreement, the third party's equipment must also conform to the UTA's security policies and standards, and be approved for connection by the Director of Cyber Security and Information Assurance, or designee identified via memorandum.

Only authorized Users will be permitted to remotely connect to UTA's computer systems, networks, and data repositories to conduct UTA related business from an Untrusted Network. Such connections must be done through an approved, secure, authenticated, and centrally managed method of remote access.

Users who work from a remote location are required to abide by Enterprise Strategy SOP 3.0, Technology Access Control and sign the VPN Access Request Form.

F. Internet Access.

The Technology Department has the obligation to provide/allocate/limit Internet access to provide a balance between accessibility, performance, and security.

All Internet traffic via UTA networks (LAN, Wireless, or other, whether by a UTA employee or non-UTA employee) is the property of UTA and is subject to review, audit, and access by UTA.

G. Electronic Communication.

Incidental use of any Technology Resource to transmit personal messages will be treated no differently than other messages, and may be accessed, reviewed, copied, deleted, or disclosed.

Notwithstanding UTA's right to access any electronic communication, all electronic communications should be treated as confidential by other Users and accessed only by the intended recipient.

H. Portable Devices.

No portable device or media may store, process, or transmit Sensitive Data without suitable protective measures that have been approved by the Director of Cyber Security and Information Assurance, or designee.

A User may be allowed to retain possession of a portable Technology Resource during non-work hours.

However, in the event of loss or damage to the Technology Resource, the User may be responsible for paying for replacement or repair of the equipment.

I. Application Access Control.

Access to UTA's systems applications must be restricted to those individuals who have a business need to access those applications or systems in the performance of their job responsibilities and have approval from the IT Director, or designee and the business owner (manager level or above).

Access to source code for applications and systems must be restricted so that authorized UTA staff and contractors can access only those applications and systems they directly support.

J. Software Usage.

Software may only be used in accordance with any applicable licensing agreement. Copying UTA-owned software without proper authorization may be considered a copyright infringement and is strictly prohibited.

All licensed software acquired for or on behalf of UTA or developed by UTA employees or contractors on behalf of UTA is and at all times will remain UTA property. Licensed software can only be installed on UTA Technology Resources by the Technology Department, and must be added to the software inventory system with license information. Staff other than IT installing licensed software can introduce situations where the license information will not be uploaded and tracked appropriately, thus putting UTA at risk.

Software can be installed by non-IT staff on UTA Technology Resources with the following conditions: appropriate Apps on issued smartphones and tablets; and software updates for stand-alone systems that do not affect UTA operations or information security.

All software must protect UTA's Technology Resources from unauthorized disclosure, unauthorized modification, disruption, or destruction.

Software cannot be used to bypass UTA security controls.

Software cannot be installed which violates UTA's policies.

All Technology Resources in a Trusted Network must meet a minimum configuration standard to comply with current laws, regulations, legal requirements and/ or Technology Department policies as determined by the Technology Department.

K. Payment Card Industry Standards.

All card processing activities and related technologies and activities must comply with PCI-DSS in its entirety.

No activity may be conducted nor any technology employed that might obstruct compliance with any portion of the PCI-DSS.

The Director of Cyber Security and Information Assurance, or designee, is responsible for coordinating all aspects of PCI-DSS security including daily administrative and technical operational security procedures that are consistent with the PCI-DSS.

Any department which accesses, transmits, stores, or provides support to the cardholder environment will develop and implement standard operating procedures to meet the requirements set forth in the PCI-DSS standards.

Access to all Cardholder Data must be restricted on a need-to-know basis, limiting access to only those Users who must access the data to perform their job.

Any Cardholder Data transmitted over an Untrusted Network must use strong cryptography and a secure transmission protocol.

Cardholder Data cannot be stored for more than 3 months.

All third-party technology-related contracts must be reviewed from a security perspective to ensure that services provided by the third parties will be rendered in a PCI-compliant manner.

Only Accountant A, as defined in the Accounting Manual, may view the full primary account number (PAN). All other Users may only view a truncated format of the PAN.

All Cardholder Data must be securely destroyed by using a secure shred bin or wiped electronically.

Cardholder Data cannot be copied, moved, or stored onto local drives or removable media when accessed remotely.

L. Training.

All UTA employees will be trained on Section 4.1 - Information Technology and Section 4.2 - Information Security upon hire.

All UTA employees with network accounts accessing UTA Technology Resources will be required to attend (or take a UTA-approved online course) an IT Security Awareness training session annually.

M. Exceptions.

Legacy Technology Resources are exempt from this Policy if the cost is overly burdensome or the technology does not exist to secure them. Once a legacy Technology Resource is replaced or upgraded, this exemption no longer applies.

Compensating controls may be implemented to exempt a Technology Resource from this UTA policy. The compensating controls must be agreed upon by the business owner and the Director of Cyber Security and Information Assurance. The compensating controls must comply with any contractual or regulatory requirements.

N. Improper Use of Technology Resources.

Improper use of UTA's Technology Resources or any other violations of this policy may result in disciplinary action, up to and including termination of employment. Improper use includes any misuse as described in this policy, as well as any misuse that would result in violations of state or federal laws, rules, regulations, or other UTA policies.

The use of a UTA account or any Technology Resources for personal commercial activities is prohibited. Users must use UTA's Technology Resources primarily for UTA purposes. Incidental use of Technology Resources is subject to approval from a User's Department Manager. The Technology

Department may limit incidental use to comply with compliance requirements or address Technology Resource performance issues.

Users of UTA's Technology Resources are not allowed to circumvent any data protection methods designed to secure data, transmission and equipment.

Users must respect copyright and intellectual-property rights and adhere to the U.S. Copyright Act and the terms and conditions of any and all software and database licensing agreements.

Users must make appropriate use of data. All data maintained by UTA is considered confidential and is to be accessed only by those who are authorized by the data owner and the Technology Department and have a need to know the information which is contained in the system.

The Information Security Department has the right to disallow or disconnect any User or device from UTA's Technology Resource without prior consultation.

O. Review of Resource Communications and Files for Investigations and Work-Related

Purposes.

Users have no expectation of privacy related to their usage of UTA provided computer, hardware, software, or other electronic devices.

Users who are responsible for monitoring Technology Resources or who are engaged in data investigations or support are permitted to review resource communications and files as part of their assigned responsibilities and have received approval from the Director of Cyber Security and Information Assurance.

No other User is authorized to review any other active User's communications and files residing on UTA's Technology Resources without obtaining the prior express consent of: (1) the IT Director or designee, (2) the Legal Counsel or designee; and (3) the Executive of the subject employee. Such consent shall be granted only where there is a non-investigatory work-related purpose for the review and/or an investigation of work-related misconduct. The Manager of Civil Rights may be advised and consulted regarding the review as deemed appropriate.

When and after an employee is separated from UTA (no longer an active employee), in order for the Technology Department to provide continuity of operations, the separated employee's email account, PC files, and network files can be requested by the manager of the terminated employee to be accessed by another employee, but must have the approval of a Director or above, and also the IT Director.

The prior express consent of the Executive Director and the Legal Counsel is required to authorize the review of the communications and files of any employee reporting directly to the Executive Director for a non-investigatory work-related purpose and/or for an investigation of work-related misconduct.

UTA Legal Counsel may authorize the review of the communications and electronic files of the Executive Director, Transit Commission, and Legal Counsel for a non-investigatory work-related purpose and/or an investigation of work-related misconduct. Internal Audit may request access to all UTA records relevant to the scope of the audit as authorized in the Internal Audit Charter approved by the UTA Audit Committee.

P. Technology Security Incident Handling

1. Identification of Security Incident.

- Any member of the UTA’s community or any individual or organization outside of UTA may refer a Security Incident to the Senior Information Security Administrator (SISA), or designee.
- The SISA, or designee, can also identify a Security Incident through monitoring of UTA’s network and information system activities.
- Once identified, the SISA, or designee, will use standard internal procedures to log and track Security Incidents and, working with others as appropriate, take steps to investigate, escalate, remediate, refer to others, or otherwise address the Security Incident as outlined in the remainder of this policy.
- The SISA must report security incidents to their direct Chief Officer within 2 hours of receipt and then ensure receipt via acknowledgement.

2. Establishment of an Information Security Incident Response Team (ISIRT).

- The SISA, or designee, is responsible for Security Incident interdiction and remediation of computer-and electronic communication -based resources affected by these Security Incidents.
- The SISA will establish an ISIRT from the Operations Support, Network Infrastructure and Application Groups to respond to any Security Incident. The members of the ISIRT will have the authority to assign tasks within their area of responsibility.
- As warranted, the ISIRT will consult key representatives of UTA’s Technology Department, administrators in affected areas of operation, or other departments to establish an appropriate response to a specific Security Incident.
- The SISA will establish an internal risk assessment classification matrix to focus the response to each Security Incident, and to establish the appropriate team responses.

Q. Documentation and Communication of Security Incidents

The SISA, or designee, will ensure that Security Incidents are appropriately logged and archived in the Security Information and Event Management (SIEM) system.

Any Security Incidents involving legal or regulatory compliance will be so identified in order to implement any relevant security procedures related to the Security Incident.

The ISIRT representatives will be responsible for communicating the Security Incident to the their Chief Office rand appropriate personnel and maintaining contact, for the purpose of update and instruction, for the duration of the Security Incident.

The SISA will develop and maintain standard subordinate procedures for the response and investigation of each Security Incident, as well as securing the custody of any evidence obtained in the investigation. These will be immediately briefed to the Chief Officer for approval.

A response plan or remediation defined by this policy may be preempted at the discretion of UTA’s management or by the intervention of federal and state executive officials.

Information regarding specific security measures or security-related Security Incidents will be disclosed pursuant to state and federal laws.

After all Security Incidents are completed, a review of the Security Incident will be conducted by the SISA, and briefed to the Executive Director, to modify and improve the response to any future Security

Incident.

Users must immediately report all technical violations of this policy to the Help Desk or via email to abuse@rideuta.com. Suspected violations involving a User's misuse of Technology Resources or confidential information should be reported to the User's Manager, Director of Human Resources, Director of Cyber Security and Information Assurance, IT Director, or the Office of General Counsel.

In accordance with regulatory and contractual obligations, this policy will be reviewed on an annual basis.

SECTION 4.3 - ELECTRONIC RECORDING OF COMMUNICATIONS

1) **Purpose:** This policy seeks to maintain a productive work environment and to promote the fluidity of communications among employees, supervisors, and administrators. This policy does not apply to any meeting that is subject to the Utah Open and Public Meeting Act, Utah Code § 52-4-101 et seq.; or to electronically recorded communications by the Transit Police in the course and scope of conducting official business, and to radio communications.

2) **Policy.**

A. Prohibited Conduct.

Employees must not engage in Electronic Eavesdropping by use of an Electronic Recording Device of any communications between or among employees, supervisors, and administrators. UTA may confiscate unauthorized electronic recordings of communications.

B. Authority to Authorize Electronic Recording.

Management may preauthorize the recording of communications provided that an Electronic Recording Device is in plain view of the person(s) whose communications are being recorded or that the participants are informed in advance in virtual or AI-assisted recordings.

C. Exceptions.

- **Public Meetings.** This policy does not apply to any meeting subject to the Utah Open and Public Meeting Act, Utah Code § 52-4-101 et seq.
- **UTA Police.** This policy does not apply to electronically recorded communications made by the UTA Police as necessary in the course and scope of conducting official business.
- **Radio Communication.** This policy does not apply to radio communication.
- **Authorized Recordings.** This policy does not apply to electronic recordings authorized by Management.
- **Reasonable Accommodations.** This policy does not prohibit the use of Electronic Recording Devices that are permitted as a reasonable accommodation for a disability or other legally protected need under the ADA or other applicable laws. Employees requesting such accommodation must obtain prior approval as detailed in Section 1.2, Americans with Disabilities Act Compliance, and other relevant UTA policies.
- **Telephonic messages.** Recorded voice messages or telephone calls may be maintained and used by Management at its discretion.
- **Whistleblower protections.** This policy does not prohibit any conduct authorized under state or federal whistleblower laws.

Violations of this policy are considered serious workplace infractions and may result in disciplinary action, up to and including termination of employment.

SECTION 4.4 – ARTIFICIAL INTELLIGENCE (AI) USAGE

- 1) **Purpose:** UTA supports responsible use of Artificial Intelligence (AI) to improve service, productivity, and decision-making. This policy requires AI to be used lawfully, transparently, securely, and with appropriate human oversight, and summarize the requirements that apply to all UTA Employees and Contractors who use AI in connection with UTA work, UTA systems, or UTA information. UTA’s AI standards also align with Utah’s AI disclosure and consumer protection expectations, including disclosure requirements when generative AI interacts with the public in covered contexts.
- 2) **Scope:** This policy is applicable to all UTA Employees, temporary employees, interns, volunteers, Contractors, consultants, vendors, and other third parties who use AI in connection with UTA work or who access UTA systems or information. This policy encompasses any AI system used for UTA business purposes, including copilots, chatbots, generative AI tools, decision-support models, predictive analytics, and AI enabled vendor systems.

3) **Policy:**

A. Required Controls.

- **Use Approved AI Only:** Employees and Contractors must use only approved AI tools for UTA work.
- **Protect UTA Data:** Employees and Contractors must protect UTA data at all times.
- **Maintain Human Accountability:** Employees and Contractors must maintain human accountability for decisions, communications, and outcomes.
- **Provide Required Transparency:** Employees and Contractors must provide required transparency when AI is used in covered public interactions.

B. Acceptable Use.

AI may be used for UTA work when there is a legitimate business purpose, the use is aligned with UTA governance and approval requirements have been met, security controls are followed, and required documentation and recordkeeping are maintained when AI generates or influences official work products. AI generated content shall not be published, distributed, submitted, or relied upon as an official UTA work product without human review and validation by the responsible Employee.

C. Prohibited Use.

Employees and Contractors must not procure, pilot, or integrate AI without required registration, review, and approvals; use public or unapproved AI tools with UTA confidential or restricted information, credentials, secrets, or protected data; use AI for employee monitoring or surveillance without required approvals; or use AI in a deceptive or unlawful manner or in ways that violate UTA Standards of Conduct.

D. Utah AI Disclosure Requirements.

Utah law includes disclosure expectations when generative AI interacts with individuals in covered consumer/regulated contexts, including disclosure upon request and additional disclosure concepts for certain “high-risk” interactions. UTA’s standard includes:

- **Disclosure on Request (Reactive):** If an individual asks whether they are interacting with AI rather than a human, the interaction must include a clear disclosure.
- **Proactive Disclosure for Applicable “High-Risk”/Regulated Scenarios:** When UTA deploys AI

in covered high-risk interaction types, UTA will provide prominent disclosure as required by law and operational needs.

- Safe Harbor Approach (UTA Standard): UTA may repeat disclosures at the outset and at appropriate points in the interaction, consistent with the Safe Harbor concept reflected in Utah's amendments.

E. Required Disclosure Scripts.

The following language is approved for use:

- On Request: "Yes, this is an AI-enabled assistant (not a human). If you would like a UTA representative, we can connect you."
- Proactive (where applicable): "You are interacting with an AI-enabled assistant. A human UTA representative is available at any time."

F. Records.

UTAs AI policies treat prompts/outputs and related AI documentation as AI artifacts, which may be considered records and must follow recordkeeping requirements where applicable.

Employees and Contractors must not delete or conceal required AI-related records connected to official decisions, approvals incidents, or public facing interactions.

G. Training.

All Employees and Contractors who use AI for UTA work must complete required UTA training on responsible AI use, security, and required disclosure practices (role-based training may apply for developers, analysts, or reviewers).

H. Reporting Concerns and Incidents.

Employees and Contractors must immediately report suspected misuse of AI, disclosure failures in public facing contexts, security issues such as data leakage, prompt injection concerns, or unauthorized access, and harmful or high impact errors in AI output through the established UTA reporting and incident response channels.

I. Enforcement.

Failure to comply with this policy may result in access removal, remediation, contract remedies, and disciplinary action, up to and including termination of employment or termination of contract.

SECTION 4.5 – DATA PRIVACY PROGRAM

- 1) **Purpose:** UTA is committed to protecting personal data and operating a formal privacy program consistent with Utah’s Government Data Privacy Act (GDPA). This policy explains what an Employee or Contractor must do to protect personal data, reduce risk, and maintain public trust.
- 2) **Scope:** This policy is applicable to all Employees, temporary employees, interns, volunteers, Contractors, consultants, Vendors, and other third parties who access, process, maintain, share, or otherwise handle personal data in connection with UTA work. This policy encompasses all UTA systems, applications, processes, websites, forms, records, and vendor services, whether electronic manual, or paper based, that collect, store, use, disclose, retain, or dispose of personal data in support of UTA business activities. Contractors who process or access personal data on behalf of UTA are subject to this policy and applicable privacy requirements to the same extent required under Utah law.

3) **Policy:**

A. Privacy Principles.

UTA’s privacy standards reflect the GDPA’s principles, including the following:

- Minimum Necessary (Data Minimization). Only collect, access, and use the minimum amount of personal data reasonably necessary to accomplish a defined purpose.
- Quick Test.
 - Do I need this specific data element to do my job?
 - Can the purpose be met with less detail?
 - Is the purpose documented and approved?

B. Notice at Collection.

When UTA requests or collects personal data, the individual must receive a personal data request notice, and UTA may only use the personal data for the purposes identified in that notice. If you create or change a form, survey, intake process, system workflow, or vendor process that collects personal data, you must ensure the required notice is in place before collection begins.

C. Purpose Limitation.

Do not use personal data for new or unrelated purposes outside the stated notice and authorized business need.

D. Individual Requests.

UTA must provide procedures that allow individuals to request amendments or corrections to their personal data (UTA is not obligated to make every requested change). Employees must support these workflows by promptly routing requests through approved channels.

E. Sharing, Selling, and Surveillance Rules.

Employees and Contractors must follow these requirements:

- No sale of personal data unless expressly required by law.
- No sharing of personal data unless permitted by law and approved UTA processes.
- No undisclosed or covert surveillance unless permitted by law.

F. High Risk Processing.

Utah defines “high risk processing activities” as processing of personal data that may significantly impact an individual’s privacy interests, including factors such as sensitivity, amount of data, ability to consent, and risks of unauthorized access or use. Examples that may qualify include biometric and geolocation processing categories (UTA’s privacy program reporting references these categories).

If your work involves high-risk processing activities, you must follow enhanced UTA privacy controls and governance processes, including review/assessment requirements within the privacy program structure.

G. Training.

Utah’s GDPR requires that Employees complete data privacy training within 30 days of hire and at least annually. UTA requires the same expectation for contractors with access to personal data.

H. Vendors and Contractors.

Contractors and vendors that process or access personal data for UTA must:

- Use personal data only for authorized purposes,
- Protect personal data with appropriate security controls,
- Report incidents promptly, and
- Comply with GDPR expectations regarding the personal data they handle for UTA.

I. Incident Reporting and Breach Escalation.

If you suspect personal data was improperly accessed, disclosed, lost, altered, or destroyed, report it immediately through UTA’s incident channels. Utah’s privacy guidance summarizes that a governmental entity must report qualifying breaches to the Utah Cyber Center and the Attorney General’s Office when the breach affects the personal data of 500 or more individuals.

J. UTA Privacy Program and Annual Reporting.

UTA maintains a privacy program and prepares an annual privacy program report according to Utah state law. UTA’s privacy program reporting materials also reflect that the report is treated as a protected record and retained.

K. Compliance Roadmap.

UTA expects managers, system owners, and process owners to cooperate with privacy program reviews and remediation planning as directed by the privacy program.

L. Enforcement.

Failure to follow privacy requirements may result in access removal, remediation requirements, disciplinary action, and contract termination where applicable. (UTA also may be required to take legal or regulatory response actions depending on the incident.)

M. Cross References.

- Utah Code § 63A-19-401.3 (Privacy program report requirements)
- Utah Office of Data Privacy program framework resource.

SAFETY

SECTION 5.1 - SECURITY INITIATIVES

- 1) **Purpose:** To ensure the safety of UTA employees and customers.
- 2) **Policy:**
 - A. **UTA (ID) Badge.**

All employees will be issued an access or identification (“ID”) badge at the start of their employment.
 - B. **Use of ID Badge.**
 1. An employee will conspicuously display the employee’s ID badge on the employee’s person while on UTA property to allow other employees to recognize the wearer as an employee and to allow the employee access to UTA facilities.
 2. Employees must not loan the employee’s ID badge nor ask to borrow another employee’s ID badge for any reason. Bus and train operators, field workers, and members of UTA Police while operating in plain clothes will not be required to wear their identification visibly while out in the system. Maintenance employees are not required to wear their badge if doing so interferes with their work or creates a safety hazard, but all employees must have their badges on their person while on UTA property to show to a UTA employee or representative on request.
 3. If an employee forgets to bring the employee’s ID badge to the workplace, the employee will obtain a temporary badge from the receptionist.
 - C. **Loss of Badge.**
 1. If an employee loses an ID badge, the employee must report the loss to the employee’s supervisor as soon as practicable, but no later than 2 business days after the loss.
 2. If an employee’s badge is worn or outdated because a business unit or office name change, the employee may obtain a new identification badge without charge provided the replaced badge is returned to UTA. An employee who separates from UTA must return his or her identification badge to UTA.
 - D. **Visitors.**
 1. All visitors, including but not limited to spouses, dependents, and vendors, entering UTA buildings will be required to sign in with the facility reception desk, business unit office coordinator, or guard shack, and receive a visitor ID badge. Visitors will sign out and surrender the visitor’s ID badge before leaving UTA property. Facility reception desk personnel will not issue a visitor’s ID badge without verifying, through a photo ID, that the visitor’s name is legibly recorded on the visitor sign-in log and that the photo on the identification matches the visitor.
 2. When a visitor signs in at the Administration Building reception desk, the receptionist will notify the appropriate Employee. That Employee or designee must come to the reception area and escort the visitor to the appropriate area. At the conclusion of the visit, the Employee must escort the visitor back to the reception area and ensure that the visitor signs out. Employee spouses visiting UTA to use the fitness facilities will not require an escort but must provide appropriate identification, sign in, and sign out.
 - E. **Employee Responsibility.**
 1. All UTA employees will assume responsibility for security. Employees are encouraged to report unusual or suspicious behavior, packages, or security threats in accordance with their training.
 2. If an employee notices an unescorted person in a UTA building that the employee does not recognize, the employee is encouraged to inquire if they can be of help. If that person is an employee, the person

should be reminded to wear their ID. If the person is not an employee, the person should be escorted to the facility receptionist, business unit coordinator, or guard shack. If those areas are unattended, then the person should be escorted to the employee's manager. If the individual is uncooperative, call the Transit Communications Center at 287-EYES (287-3937).

3. Employees will not hold open a door to a UTA building, or otherwise allow anyone that does not have a valid UTA ID, to follow the employee into a UTA building. Furthermore, automatic door access buttons, typically found near reception desks, require approval from the Chief of Safety and Security.

F. UTA Equipment and Employee Belongings.

1. Some employees will be expected to secure UTA equipment or property in their work areas and should consult with their manager on procedures in their office or business unit. Employees must accept responsibility for their personal property.
2. Personal items should be placed in locked desks and not be left in the open and unattended. An employee who loses a personal item should report the loss to UTA Police.

SECTION 5.2 - INTERACTIONS WITH AT RISK AND MINOR PASSENGERS

- 1) **Purpose:** To promote professional interactions between UTA employees and members of the public and to protect the welfare of “At Risk” and “Minor” passengers. Accordingly, this policy establishes policies regarding interactions with members of the public, including At Risk and Minor passengers. This policy also establishes a standardized age for unattended child passengers to ensure the safe operation of the vehicle and minimize distractions to the operator.

- 2) **Policy:**
 - A. When interacting with the Members of the Public while fulfilling their UTA duties, employees shall conduct themselves in a professional manner and avoid engaging in discussions regarding personal matters.
 - B. Employees shall not engage in or maintain romantic relationships with any passengers, especially At Risk or Minor passengers. In addition to violating UTA policy, such relationships may be prohibited by law, and employees engaging in such relationships may be subject to criminal penalties.
 - C. Employees are prohibited from using information contained in Paratransit Manifests, or in other UTA systems to contact Paratransit or other passengers for reasons unrelated to UTA business. Employees with access to Paratransit Manifests must sign a confidentiality agreement agreeing to protect Paratransit passenger information and to use the information only for work-related purposes.
 - D. A child under the age of six may not ride on any UTA vehicle unless accompanied by an adult.

SECTION 5.3 - HAZARD COMMUNICATION OR RIGHT TO KNOW PLAN

- 1) **Purpose:** The purpose of this policy is to inform interested persons, including employees, that UTA complies with the OSHA Hazard Communication Standard, Title 29 Code of Federal Regulations 1910.1200, by compiling a hazardous chemicals list, using safety data sheets (SDSs), ensuring that containers are labeled or provide other forms of warning, and providing training for UTA employees.

This written Hazard Communication Plan is kept at the following location: Corporate Policy at UTA SharePoint intranet.

If, after reading this plan, employees believe that improvements can be made, they should contact the Safety Department, which encourages all suggestions because of UTA's commitment to creating a safe workplace for all employees. A safe and effective hazard communication program is an important component of UTA's overall safety plan, which strives for clear understanding, safe work practices, and involvement in the program from every level of the company.

- 2) **Scope:** This policy applies to all work operations at UTA where employees may be exposed to hazardous chemicals under normal working conditions or during an emergency situation. Employees will be informed of the contents of the Hazard Communication Standard, the hazards of chemicals with which they work, safe handling procedures, and measures to take to protect themselves from these chemicals, among other training elements.

- 3) **Policy:**

A. Responsibility.

The Safety Department is responsible for writing and administration of the Hazard Communication Plan. The Safety Department will maintain, review, and update the plan at least annually and whenever necessary to include new or modified tasks and procedures. They will ensure that the plan is available to employees, UOSH, and other local, state, and federal representatives as necessary.

- Local Service Unit Managers are responsible for implementation and line level oversight of the plan in their respective work areas.
- Employees tasked with using or working with chemicals will be trained and will comply with the procedures and work practices outlined in this plan.
- The Training Department is responsible for training and documentation of training.

B. List of Hazardous Chemicals.

For a listing of UTA's current chemical inventory, refer to the electronic Chemical database. UTA's chemical inventory is a list of product identifiers of hazardous chemicals known to be present at UTA. Anyone who comes in contact with the hazardous chemicals on the list needs to know what those chemicals are and how to protect themselves. Hazardous chemicals are identified whether they are found in a container or generated in work operations (for example, welding fumes, dusts, and exhaust fumes). The hazardous chemicals on the chemical inventory can cover a variety of physical forms including liquids, solids, gases, vapors, fumes, and mists. SDSs for these materials are maintained on the Safetec electronic inventory list.

The chemical inventory serves as a list of every hazardous chemical for which an SDS must be maintained. SDSs may be accessed by entering the following link into the UTA web browser: this will

connect you with the Safetec SDS inventory database.
<http://www.utahtransit.msds.com/MSDSSearch.aspx?fm=0&tb=0>

C. Safety Data Sheets (SDSs).

1. SDSs are fact sheets for chemicals that pose a physical or health hazard in the workplace. These sheets provide employees with specific information about the chemicals in their work areas.
2. Each Business Unit Manager or their designee is responsible for obtaining and submitting electronic product approval requests for products needed in the workplace. The Safety Department is responsible for maintaining the SDSs at our workplace and will contact the chemical manufacturer or vendor if additional chemical information is needed. All new procurements for the company must be approved and cleared by UTA Environmental & Safety before product purchase.
3. SDSs are kept readily accessible to all employees during each work shift electronically at the following location: UTA's SharePoint Intranet Site. Employees may obtain access to them by:
 - Locating the SharePoint Intranet Site icon on the PC located in their work area and double clicking on it.
 - Locating the Safety Data Sheet (SDS) link on the homepage and double clicking on it.
 - After being automatically directed to the electronic database SDS site double clicking on "Search for SDS"
 - Search for desired product/chemical by entering common name, product name, manufacturer, chemical name, etc.
 - The most current copy of the SDS is available through the electronic database Site. SDSs may be printed if access to printer is available.
4. Each SDS at UTA includes the sections required by OSHA in the order listed in the Hazard Communication Standard. UTA does not update and will not modify SDSs at any point. The chemical manufacturer, importer, or distributor preparing the SDSs shall ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. When new products are received, or when products are received with newly revised SDSs the newest version of the SDS will be uploaded, stored, and available on UTA's SharePoint Intranet Site. If a product is identified that does not have an SDS available, the area manager or designee will submit a request for approval through the electronic database workflow process.

D. Labels and Other Forms of Warning.

1. Hazardous chemical containers at the workplace must be clearly labeled, tagged, or marked in accordance with the Hazard Communication Standard, either with:
 - The product identifier, signal word, hazard statement(s), Pictogram(s), and Precautionary Statement(s); or
 - The product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the Hazard Communication Plan, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.
2. While not required for in-house labeling, the name and address of the manufacturer, importer, or other responsible party may also be found on the label, tag, or marking because shipped containers of hazardous chemicals must bear this information. Hazards not otherwise classified, if any, do not have to be addressed on a container but must be addressed on the SDS.
3. Because the product identifier is found on the label, the SDS, and UTA's chemical inventory, the product identifier links these three sources of information, permitting cross-referencing. The product

identifier used by the supplier may be a common or trade name, a chemical name, or a number. Employees should be aware that label information can be verified by referring to the corresponding SDS.

4. Business unit managers, supervisors, and employees are responsible for ensuring that all hazardous chemicals in containers at the workplace have proper labels or other forms of warning that are legible, in English (although other languages may also be included), and displayed clearly on the container or readily available in the work area throughout each work shift, as required. This person will update labels, as necessary. Anyone taking possession of incoming chemical shipments, in most cases (UTA Shipping & Receiving) is responsible to ensure that newly purchased chemicals are checked for appropriate labels when containers are received.
5. If employees transfer chemicals from a labeled container to a portable, secondary container that is intended only for their immediate use, no labels, tags, or markings are required on the portable container. Otherwise, portable containers must be labeled, tagged, or marked in accordance with UTA's in-house labeling system for workplace containers.
6. All in-house labeling for workplace containers shall include: product identifier, hazard statement, signal word, specified Pictogram and Precautionary Statements.
7. All employees have a shared responsibility for reviewing and updating label information when necessary, to ensure that labels that fall off or become unreadable are immediately replaced. Product labeling is incorporated as an area of focus when a safety inspection or safety audit is conducted.

E. Training and Retraining.

1. Everyone who works with or is potentially exposed to hazardous chemicals on the job will receive initial training on the Hazard Communication Standard and the safe use of those hazardous chemicals before starting work. "Exposure" means that an employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g., accidental or possible) exposure. Whenever a new chemical hazard is introduced or an old hazard changes, additional training is provided.
2. Effective information and training is a critical part of the Hazard Communication Plan. UTA trains its employees to read and understand the information on labels and SDSs, determine how the information can be obtained and used in their own work areas, and understand the risks of exposure to the chemicals in their work areas, as well as ways to protect themselves. UTA's goal is to ensure employees know and can identify potential for exposure to hazardous chemicals, have the skills to read and use labels and SDSs, and understand how to appropriately follow the protective measures we have established. UTA urges employees to read and understand this plan and contact their established line of authority (i.e. supervisor, manager, etc.) with questions. If employees need more information they can contact the Safety Department.
3. Additional training will be conducted by B.U. Managers, Supervisors and Lead Employees when new chemicals are introduced into the work area. Retraining is not required if the new chemical contains hazards similar to previously existing chemical for which training has already been conducted.

F. Training Content.

The training program emphasizes these elements:

- Summary of the Hazard Communication Standard.
- What hazardous chemicals are present in operations in employee work areas.
- Chemical and physical properties of hazardous chemicals (e.g., flash point, reactivity, etc.) and how to detect the presence or release of these chemicals (including chemicals in unlabeled pipes).
- Physical hazards of chemicals (e.g., potential for fire, explosion, etc.).
- Health hazards, including signs and symptoms of overexposure, associated with exposure to

chemicals and any medical condition known to be aggravated by exposure to them.

- Any simple asphyxiation, combustible dust, and pyrophoric hazards, as well as hazards not otherwise classified, of chemicals in work areas.
- Any steps the company has taken to reduce or prevent exposure to hazardous chemicals, such as engineering controls.
- Procedures to protect against hazards and exposure (e.g., work practices or methods to assure proper use and handling of chemicals and any required personal protective equipment and its proper use and maintenance).
- Procedures for reporting and responding to chemical emergencies.
- How to read and use both the workplace labeling system and labels received on shipped containers.
- The order of information found on SDSs and how to read the information
- and what it means.
- How to access SDSs and the written Hazard Communication Program, including the chemical inventory.

The training delivery method(s) and format are: (hands-on, demonstration, audiovisuals, interactive computer programs and classroom instruction). Training format may not consist of all the aforementioned training methods, but will be based on the level of knowledge of the individual receiving the training and depth of training necessary.

All Employees participating in training are required to verify their attendance by signing a training roster at the end of the session. The roster must contain the date of training, training content, instructor's name and title. All training rosters will be forwarded to the Maintenance Training Department for entry into the Maintenance Training Database.

G. Hazards of Non-Routine Tasks.

Periodically, Employees are required to perform non-routine tasks that involve hazardous chemicals. When Employees will be required to perform hazardous non-routine tasks a Job Safety Analysis will be conducted to identify hazards, potential chemical exposure, and implementation of safety measure for the task.

H. Multi-Employer Facility.

When contractors or any other employers' workers will be working at this workplace, the Contract's Administrator, local Business Unit Manager, or Supervisor, will:

1. Provide the other employer(s) as follows with SDSs for any of our hazardous chemicals to which their employees may be exposed.
2. Relay to other employer(s) as follows all necessary in-house labeling system and precautionary information for normal operations and foreseeable emergencies.

Moreover, it is the responsibility of the Contract Administrator, local Business Unit Manager, or Supervisor to obtain from each contractor or other employer the appropriate hazard information on chemicals they bring onsite, including SDSs, the labeling system used, and the precautionary measures to be taken in working with or near these chemicals.

I. Additional Information.

As stated earlier, all employees, or their designated representatives, may obtain further information on this written plan, the Hazard Communication Standard, applicable SDSs, and the chemical inventory

from the Safety Department.

J. Household Use Chemicals.

UTA will not be responsible for maintaining Safety Data Sheets (SDS) for articles such as office products (pens, pencils, adhesive tape) or household consumer chemical products used in the workplace in the same manner that a consumer would use them, i.e., where the exposure (duration and frequency of use) is not greater than what the typical consumer would experience. Where UTA employees are required to work with chemicals in a manner that results in a duration and frequency of exposure greater than what a normal consumer would experience, UTA will ensure that the chemical product is maintained on the List of Hazardous Chemicals and provide the associated Safety Data Sheet.

K. Chemical Inventory.

A chemical product inventory is maintained at UTA in an electronic database. This database is accessible to all employees on the Intranet (<http://utanet/Pages/default.aspx/SDS> Safety Data Sheets). By clicking the MSDS Search icon, an employee may open the inventory list, export to Excel, or print. This database is provided by a vendor by contract. Inventory lists are also kept on a CD at the Safety department.

SECTION 5.4 - CRITICAL INCIDENT PROGRAM

- 1) **Purpose:** To provide guidance, support, and communicate to UTA Employees who witness, experience, or are involved in a Critical Incident.
- 2) **Scope:** This policy applies to all UTA Employees.
- 3) **Policy:**
 - A. **Critical Incident Defusing and Critical Incident Debriefing.**

UTA requires a Critical Incident Defusing and a Critical Incident Debriefing for Employees who, within the course of performing their work, become involved in or witnesses a Critical Incident.

A Critical Incident Defusing shall be provided to the Employee by a medical professional or a licensed counselor designated by UTA immediately following a Critical Incident. The Critical Incident Defusing may occur by telephone or in person at the Employee's place of employment.

A Critical Incident Debriefing shall be provided to the Employee by a medical professional or licensed counselor designated by UTA twelve (12) to forty-eight (48) hours from the time of the Critical Incident. The Critical Incident Debriefing will occur in person at the medical professional's or licensed counselor's office.

The Employee will not be allowed to return to work until the Critical Incident Debriefing has been completed and the provider notifies the People Office in a confidential report of any limitations or concerns. Based upon the information presented by the contracted provider, Management in conjunction with the Human Resources Business Partner will make the determination as to when the Employee can return to their regular assigned duties.

The Employee will be paid their regular base rate of pay for time missed while waiting to receive the Critical Incident Debriefing and during the initial Critical Incident Debriefing. Pay received for Critical Incident Defusing and Critical Incident Debriefing is not considered hours worked for overtime calculation.

Employees who are unable to return to work following the initial Critical Incident Debriefing due to the impact of the Critical Incident will be required to apply for an approved Leave of Absence in accordance with policy. The Employee will not be paid while on the approved Leave of Absence unless they have accrued paid time off.

B. Workers' Compensation.

Employees who witnesses or are involved in a Critical Incident may be eligible for workers' compensation benefits. The Employee's Manager will require the Employee to submit a completed First Report of Injury Form within twenty-four (24) hours after the accident or incident to the UTA Workers' Compensation Administrator.

SECTION 5.5 - USE OF PANIC ALARMS

1) **Purpose:** To ensure the safety of Employees and the public.

2) **Application:** All UTA Employees.

3) **Policy:**

A. Locations.

Panic alarm buttons are installed at several UTA locations. The alarms are designed to notify the Transit Communication Center (TCC) of an emergency occurring in a facility that may prevent an employee from calling for emergency police services using other means or when calling may otherwise endanger an employee's safety.

B. Use.

Employees should use panic alarm buttons when they are faced with situations where they need immediate police response, such as a customer who is making threats to the safety of employees or customers or an individual who threatens and/or breaches facility security.

When an employee presses a panic alarm, an electronic alert will be sent to TCC which will then dispatch either the closest UTA police officer to the location or the police agency of primary jurisdiction, i.e. the local municipality.

After a panic button is pressed, employees should remain calm and avoid saying or doing anything that may escalate the situation. If the situation escalates and employees are not safe within their workspaces, they may need to seek a location that provides a higher level of security or may need to evacuate their workspaces completely.

When the police arrive, employees should remember that officers do not have all of the information and are there to remedy the situation. Employees should follow instructions from responding police and not leave work areas until officers have gathered the information they need for their reports. Employees must allow officers to perform their duties without interference.

If the situation resolves itself before police arrive, employees must call TCC and provide an update on the situation, along with any pertinent details regarding the incident and the suspect(s), including an accurate description and direction of travel. This information is important to the responding officers and for dispatch to keep in the incident log. Employees should not attempt to follow or communicate further with a suspect who is leaving. Employees should be aware that officers are required to respond to any panic alarm activation and are required to respond to provide in-person verification that the situation has been resolved.

C. Testing

Testing of the system will be performed on a semi-annual basis and will be coordinated with the TCC supervisor and/or manager.

APPENDIX A

APPENDIX A.1 - FEDERAL TRANSIT ADMINISTRATION
DRUG & ALCOHOL POLICY

UTAH TRANSIT AUTHORITY POLICY

FEDERAL TRANSIT ADMINISTRATION - DRUG AND ALCOHOL POLICY

Table of Contents

1) FTA Compliance and Employee Responsibilities	2
2) Definitions	4
3) Policy	6
A. Covered Employees	6
B. Prohibited Behavior	7
C. Consequences for Violations	8
D. Treatment/Discipline	8
E. Circumstances for Testing	8
F. Testing Procedures	11
G. Test Refusals	12
H. Voluntary Rehabilitation/Self-Referral	13
I. Prescription Drug Use	13
J. Reporting Prescribed Drugs Which Carry a Safety Warning	14
K. Pay for Time and Transportation	15
L. Confidentiality	15
M. Testing Records	15
N. Medical Review Process	16
O. Return-To-Work Behavioral Agreements	16
P. Contact Person	17
4) Cross-References	17

FTA Compliance and Employee Responsibilities

This Policy describes UTA's drug and alcohol program for "Covered Employees" as defined and required by the Federal Transit Administration (FTA)

UTA is dedicated to providing safe, dependable, and reliable services to our passengers and the public. Employees are our most valuable resource, and UTA is also dedicated to maintaining a safe, clean, healthy, and productive work environment that promotes opportunities for personal growth. To accomplish this, it is the policy of UTA to maintain a workplace free from the misuse or influence of alcohol and free from the unlawful manufacture, distribution, dispensing, possession, or use of drugs. UTA also encourages employees to seek appropriate assistance when personal problems, including alcohol or drug dependency, adversely affect their ability to work.

UTA's drug and alcohol program adheres to three separate policies:

1. UTA - Federal Transit Administration Drug & Alcohol Policy
2. UTA - Federal Railroad Administration Control of Alcohol and Drug Use Model Part 219 Railroad Compliance Plan
3. UTA - Supplemental Drug & Alcohol Policy

Each document/policy describes unique but compatible requirements and together constitute UTA's overall drug and alcohol policy. This policy does not impose requirements that are inconsistent with, contrary to, or frustrate FTA or FRA regulations.

This policy describes UTA's drug and alcohol program as required by the FTA for employees who are "Covered Employees" as defined by the FTA. A separate policy addresses program requirements pertaining to employees who are Covered Employees as defined by the FRA. The third policy addresses processes and requirements under UTA policy that are required in addition to and conjunction with the FTA and FRA requirements (UTA Supplemental Drug & Alcohol Policy).

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the Designated Employer Representative's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website: <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>. This policy requires an annual review and approval by the Board of Trustees.

All covered employees are required to abide by all terms of this Policy and to submit to drug and alcohol tests as a condition of employment, in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated but reflect Utah Transit Authority's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing 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.

All Utah Transit Authority employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Designated Employer Representative no later than five days after such conviction. Employees convicted of drug-related offenses that arise in the workplace will be terminated from employment.

UTA is required, within 10 days after receiving notice of an employee's conviction of drug-related offense, to notify any agency with which UTA has a federal procurement contract, and any agency which has provided a federal grant under which UTA is operating, performing work, or having work performed. UTA must also take appropriate personnel action against such an employee. To comply with the Drug-Free Workplace Act, disciplinary action must be taken within 30 calendar days after receiving notice of the employee's conviction.

Employees may not possess an open or an unopened container of alcohol at work (including breaks and lunches) or on UTA property. Employees may not transport alcohol in a UTA vehicle or distribute, transact, or sell alcohol while at work or while on UTA property. Employees who find containers of Alcohol left by customers on UTA property (such as an operator who finds a container on a bus or train) will remove it from view of customers, dispose of the container as soon as practicable, and immediately report it to their supervisor, manager, or Transit Control Center (TCC). Failure to adhere to a requirement of this paragraph may result in the termination of employment.

2) Definitions

“*Accident*” as defined by the FTA under Title 49 CFR Part 655 means an occurrence associated with the operation of a vehicle, if as a result:

- A. An individual dies; or
- B. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- C. With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- D. With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operation.

“*Adulterated Specimen*” means a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

“*Alcohol*” means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

“*Alcohol Concentration*” means the amount of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

“*Alcohol Confirmation Test*” means a subsequent test using an Evidential Breath Testing Device, following a screening test with a result of 0.02 or greater alcohol concentration.

“*Alcohol Use*” means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

“*Cancelled Test*” means a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which DOT rules otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

“*Collective Bargaining Agreement*” means the negotiated agreement between UTA management and union(s), or other written agreement related to drug testing as amended.

“*Collector*” means a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control Form.

“*Confirmation (or Confirmatory) Validity Test*” means a second test performed on a urine specimen to further support a valid test result.

“*Confirmed Drug Test*” means a confirmation test result received by an MRO from a laboratory.

“*Covered Employee*” means a person, including an applicant, trainee, or transferee, who performs or will perform a Safety-Sensitive Function as defined by FTA.

“*Designated Employer Representative*” or “*DER*” means an employee authorized by the employer to take immediate action to remove employees or cause them to be removed from Safety-Sensitive duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with DOT requirements.

“*Dilute Specimen*” means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

“*Disabling Damage*” (see Post-Accident Testing) means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- A. Disabling Damage includes damage to a motor vehicle where the vehicle could have been driven, but would have been further damaged if so driven.
- B. Disabling Damage does NOT include:
 - 1. Damage to a motor vehicle that can be remedied temporarily at the scene of the accident without special tools or parts;
 - 2. Tire disablement without other damage even if no spare tire is available;
 - 3. Headlamp or tail light damage; or
 - 4. Damage to turn signals, horn, or a windshield wiper which makes the vehicle inoperable.

“*DOT*” or “*DOT agency*” means the U.S. Department of Transportation and any of its associated agencies including, but not limited to, the Federal Transit Administration (FTA).

“*Drug*” or “*Drugs*” means and includes any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, the Utah Controlled Substances Act (Title 58, Chapter 37, Utah Code Annotated, 1953, as amended), or other drug compendia or update, supplement or amendment to any of those compendia, and controlled substances referred to in 21 U.S.C. §802(6), Schedule I or II, the possession of which is unlawful under 21 U.S.C. Chapter 13, and controlled substances referred to in 21 U.S.C. §812, Schedules I-V, and as further defined by 21 C.F.R. 1300.11 through 1300.15.

“*Evidential Breath Testing Device*” or “*EBT*” means a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for “Evidential Breath Measurement Devices” and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

“*FRA*” means the Federal Railroad Administration, an agency of the U.S. Department of Transportation.

“*FTA*” means the Federal Transit Administration, an agency of the U.S. Department of Transportation.

“*Invalid Drug Test*” means the result of a drug test that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous

substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

“Medical Review Officer” or *“MRO”* means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

“Prescribed Drug” means a drug that has been legally prescribed by a physician or other health care professional for use in the course of medical treatment. Marijuana remains a prohibited substance for safety-sensitive employees.

“Primary Specimen” means the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The Primary Specimen is distinguished from the Split Specimen.

“Revenue Service Vehicle” means a vehicle, such as a bus or rail car, which is available to the general public and there is an expectation of carrying passengers who either pay fares directly, have fares subsidized by public policy or provide payment through a contractual arrangement. Vehicles operated in a fare fee service are considered in revenue service.

“Safety-Sensitive Function” means the functions defined as safety-sensitive in *UTA-FTA Policy* and *UTA-FRA Policy*.

“Substance Abuse Counselor or SAC” means a person who evaluates employees who have violated a non-DOT drug and alcohol policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

“Substance Abuse Professional” or *“SAP”* means a person who evaluates employees who have violated a DOT or UTA drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

“Split Specimen” means a part of the specimen in a separate container that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the Primary Specimen or a verified adulterated or substituted test result.

“Vehicle” means any vehicle driven by a UTA employee for UTA purposes.

“UTA-FRA Policy” means Utah Transit Authority’s Federal Railroad Administration Control of Alcohol and Drug Use Policy.

“UTA-FTA Policy” means Utah Transit Authority’s Federal Transit Administration Drug and Alcohol Policy

“UTA Test” means a drug or alcohol test required under UTA Policy and not required under FTA or FRA policy. Other terms are *UTA Drug Test* or *UTA Alcohol Test*.

3) Policy

A. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” on behalf of UTA as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

1. Operating a revenue service vehicle, in or out of revenue service
2. Operating a non-revenue vehicle requiring a commercial driver’s license
3. Controlling movement or dispatch of a revenue service vehicle
4. Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
5. Carrying a firearm for security purposes

A complete list of covered positions is maintained on UTA’s internal employee website, SharePoint.

Drug and alcohol policy for other employees who are not considered FTA safety-sensitive or ‘covered employees’, will be address separately in UTA- Supplemental Drug and Alcohol Policy.

Collective Bargaining Agreement

To the extent permitted by law, drug and alcohol testing of bargaining unit employees is governed by the current Collective Bargaining Agreement, any Side Letter agreements thereto, and UTA policy.

B. Prohibited Behavior

1. Illegal Drugs

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- a. marijuana
- b. cocaine
- c. phencyclidine (PCP)
- d. opioids
- e. amphetamines

2. Alcohol Use

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within five (5) hours prior to the performance of safety-sensitive job functions. **This does not, however, guarantee that an employee’s system will be free of alcohol after 5 hours of cessation of drinking. The employee is still accountable for using alcohol responsibly and reporting to work free from the influence of alcohol.**

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

C. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties **and will be disciplined in accordance with UTA Supplemental Drug and Alcohol policy. Discipline may include referral to a Substance Abuse Counselor (SAC), completion of a referral program, and a confirmed alcohol concentration of less than 0.02 before returning to duty.**

D. Treatment/Discipline

Per Utah Transit Authority policy, and in addition to the above “Consequences” any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will:

1. Positive Drug Test Result – Employee will be immediately removed from duty **and placed on a leave without pay.** The SAP will evaluate the employee’s situation and determine an appropriate time for the employee to return to duty test after determining that the employee has successfully complied with prescribed education and/or treatment. The employee will be required to have a negative test **and sign a return-to-work behavioral agreement** before resuming safety-sensitive duties. **Such Behavioral Agreement** will include unannounced follow-up tests for a period of one to five years, as determined by the SAP. **The cost of any treatment or rehabilitation not covered by the employees’ health insurance carrier will be paid directly by the employee.**
2. BAC at or above 0.04 – **Under UTA policy, an employee with a confirmed alcohol test at 0.04 or greater will immediately be removed from duty and their employment will be terminated, since a person with this level of alcohol is under the influence and impaired.** The employee will still be referred to an SAP for evaluation and assistance in dealing with substance abuse issue.
3. Second Positive Test – An employee who has a second positive drug or alcohol test, after a previous drug or alcohol test has violated FTA regulations, **and UTA Policy and is subject to immediate termination.**
4. Refusal to Test – Any kind of refusal to take a required drug or alcohol test constitutes a violation of UTA’s policy and will result in immediate removal from safety-sensitive duties, referral to a qualified SAP **and termination of employment.**

E. Circumstances for Testing

1. Pre-Employment Testing

Pre-employment drug tests are conducted after making a contingent offer of employment or transfer to a safety-sensitive position, prior to beginning employment, and no more than seventy-two (72) hours after the contingent offer is extended unless an exception is granted in writing by UTA’s DER for extenuating circumstances. All pre-employment drug tests will be conducted using the procedures set forth in 49 CFR Part 40. A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and

successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

2. Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Utah Transit Authority has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

If an alcohol test required by this section is not administered within two hours following the reasonable suspicion determination, the UTA official shall prepare and maintain on file a record stating the reasons why the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination, the UTA official shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

3. Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

a. Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Utah Transit Authority using the best information available at the time of the decision, will be tested.

b. Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

1. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

2. One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
3. The vehicle is a rail car, trolley car or trolley bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Utah Transit Authority using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

- a. If an alcohol test required by this section is not administered within two (2) hours following the Accident, UTA shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the Accident, UTA will cease attempts to administer an alcohol test, will update the two-hour written report and maintain the record. Records shall be submitted to FTA upon request of the Administrator.
- b. UTA will ensure that a Covered Employee required to be drug tested under this section is tested as soon as practicable but within 32 hours of the Accident.
- c. **A Covered Employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the supervisor or UTA representative of his or her location if he or she leaves the scene of the Accident prior to submission to such test, may be deemed by UTA to have refused to submit to testing.**
- d. **The decision not to administer a drug and/or alcohol test under this section shall be based on UTA's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the Accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.**
- e. **Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an Accident or to prohibit a Covered Employee from leaving the scene of an Accident for the period necessary to obtain assistance in responding to the Accident or to obtain necessary emergency medical care.**

4. Random Testing

Covered employees are subject to random drug and alcohol testing. Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made. **UTA management or other personnel has no discretion as to who is selected for testing.**

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

a. Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

b. Follow-up Testing

Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

F. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

1. Dilute Urine Specimen

If there is a negative dilute test result, Utah Transit Authority will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

2. Split Specimen Test

All samples for a drug test will be collected using the Split Specimen method of drug testing, in which the employee's samples will be split into two containers. In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Such a request must be made in writing or verbally to the MRO within 72 hours of the time the MRO provides the notification to the employee that the test is verified positive, adulterated or substituted. Utah Transit Authority guarantees that the split specimen test will be conducted in a timely fashion. If the Split Specimen reveals no measurable presence of the drug in question, the former positive test will be cancelled.

In accordance with Utah state law, the cost for Split Specimen testing will be divided equally between the employee and UTA. However, the employee is not required to pay for the test from his or her own funds before the test takes place. UTA will seek reimbursement for the employee's portion of the cost of the test. If the Split Specimen test invalidates the original test, UTA will pay the full cost of the Split Specimen test.

The method of collecting, storing, and testing the Split Specimen will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

G. Test Refusals

As a covered employee, you have refused to test if you:

1. Fail to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by Utah Transit Authority.
2. Fail to remain at the testing site until the drug and alcohol testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
3. Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
4. In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
5. Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
6. Fail or decline to take a second drug test as directed by the collector or Utah Transit Authority.
7. Fail to undergo a medical evaluation as required by the MRO or Utah Transit Authority's Designated Employer Representative (DER).
8. Fail to cooperate with any part of the testing process.
9. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed urine drug test.
10. Possess or wear a prosthetic or other device used to tamper with the collection process.
11. Admit to the adulteration or substitution of a specimen to the collector or MRO.
12. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
13. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you will be immediately removed from performing safety-sensitive functions, provided with contact information for SAPs **and employment will be terminated.**

H. Voluntary Rehabilitation/Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer themselves to the DER, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from their safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

Employees will not be disciplined for taking steps toward rehabilitation if they come forward before a disciplinary issue arises, or before being notified of a pending drug or alcohol test. Self-reporting just after being notified of a test does not release an employee from the responsibility of taking the test, and it also does not qualify as voluntary rehabilitation. Employees who do come forward must, however, commit to resolving the problem. Employees may be required to take a leave of absence if there is a question about their ability to work safely and productively. Supervisors should participate, as appropriate, in the employee's rehabilitation efforts. Employees may use their health insurance or the Employee Assistance Program for rehabilitation. The employee must pay for other programs or counselors. Upon returning to work, employees may be required to enter into a return-to-work behavioral agreement and may be subject to follow-up testing as recommended by the SAC to ensure that they are complying with the rehabilitation.

The cost of any treatment or rehabilitation services not covered by the employee's health insurance carrier will be paid directly by the employee.

Employees will be allowed to take available sick or personal leave and vacation leave to participate in a prescribed rehabilitation program under this section.

I. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to UTA's DER on the Medication Approval Form. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

The FTA and UTA share concerns about the potential safety risks associated with the use of prescription and over-the-counter medications by employees who perform Safety-Sensitive Functions, since use of these medications has been found to have

contributed to some serious accidents in the transit industry. Therefore, in the interest of protecting employees and others, UTA requires that Covered Employees must not work while under the influence of any medication, whether or not prescribed, that adversely affects their ability to do their assigned jobs. This includes medications that affect the mental, motor or judgmental faculties to the extent that they cannot be taken without risk of injury to any person or damage to any property.

J. Reporting Prescribed Drugs Which Carry a Safety Warning

This policy requires that actively working Covered Employees using prescribed medications must have those medications approved by the prescribing medical professional and reported in writing to UTA, if the medication carries a safety warning indicating the possibility of impaired functioning.

Safety warnings include, but are not limited to, statements that the medication may cause drowsiness, dizziness, may impair cognitive or mental abilities, or cautions against driving or operating machinery while taking the drug.

Therefore, any prescribed medication for which either the prescribing medical professional OR the pharmacy indicates it carries a safety warning **MUST** be approved by the prescribing professional AND reported in writing to UTA using the Medication Approval Form (MAF).

To make sure a drug's safety warning is not overlooked, as well as ensuring that the use of prescribed medications will not pose a safety risk to themselves, other employees, or the general public, it is the responsibility of every Covered Employee, at the time a new prescription is being received, to:

- Inform the prescribing medical professional of the basic safety-sensitive job duties at UTA; and
- Ask the prescribing medical professional if the drug has a warning which might impact the ability to safely perform these job duties.

1. How to Report a Medication

To report a medication, the Covered Employee's health care practitioner (a licensed professional familiar with the employee's medical history and job duties) must read, complete and sign a Medication Approval Form (MAF). Employees can obtain a Medication Approval Form from the Human Resources department to make this report. The prescribing professional must note on the form whether there are any restrictions on how much time should elapse between when the employee takes the drug and when the Safety-Sensitive Functions can be performed, as well as how long the prescription lasts.

When reporting prescribed drugs, all other prescribed drugs being taken at the same time must also be approved and reported so that the prescribing medical practitioner can be aware of possible drug interactions.

Covered Employees are encouraged to bring a copy of the MAF with them when they visit their medical providers to expedite this process. The MAF must be returned to the Designated Employer Representative within 7 days from the date the Covered Employee returns to work while taking the medication. Forms may be hand-delivered, emailed, mailed or faxed to the DER. As long as the prescribing medical professional has verbally informed the Covered Employee that he/she is able to perform Safety-Sensitive Functions while taking the

medication, the Covered Employee may work during that 7-day period while waiting for the form to be sent by the health care practitioner.

2. Penalties

A Covered Employee who fails to submit a required Medication Approval Form to UTA within 7 days of returning to work will be relieved from duty without pay. The employee may return to work upon submission of a properly completed MAF.

If the Covered Employee's use of a prescription or over-the-counter drug has endangered the employee, other employees or the public, has contributed to an accident, or if the employee has been found to have made a serious or repeated violation of these medication reporting procedures, the employee may be subject to discipline, including termination, under this policy.

3. Confidentiality of Forms and Verification

Medication Approval Forms will be kept in the employee's confidential medical file maintained by the DER and may be verified by UTA's medical advisors. If the Covered Employee's prescribing medical professional and UTA's medical advisor differ regarding use of a medication, UTA will work with the prescribing medical professional and the Authority's medical advisor to resolve the disagreement.

K. Pay for Time and Transportation

Except for pre-employment and return-to-duty tests, drug tests will be conducted during an employee's regular safety-sensitive work period and alcohol screens will be conducted just before, during or immediately after an employee's regular safety-sensitive work period.

Employees who are on active duty will be paid for time spent in taking the test, including time spent traveling to the location of the test from the workplace.

UTA will pay for the costs of transportation if the testing is conducted at a place other than the work site. Employees may be reimbursed for personal vehicle mileage for this purpose.

In accordance with the Collective Bargaining Agreement, UTA will provide for transportation to the residence of a bargaining unit employee who, as a result of drug or alcohol testing conducted after the end of the employee's regularly scheduled shift, does not otherwise have transportation home.

UTA will compensate an employee at the employee's regular rate of pay, including applicable overtime required by law, for time spent traveling to and from a UTA-designated drug and alcohol testing site if such travel is required before or after the employee's regularly scheduled shift, except that no such compensation will be paid to an employee undergoing return-to-duty testing following a positive test result.

L. Confidentiality

UTA affirms the need to protect individual dignity, privacy, and confidentiality through the testing process. Therefore, UTA will only release test records and results to those authorized to receive such information. UTA will follow the FTA guidelines below in dealing with testing records for UTA tests as well as FTA tests.

M. Testing Records

Drug and alcohol test records will be kept in a secured area with controlled access. Records will be retained at least as long as is required by 49 CFR Part 655 as amended.

Employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of prohibited drugs or misuse of alcohol, including any records pertaining to their drug or alcohol tests as permitted under federal regulations. UTA shall promptly provide the records requested by the employee **in accordance with UTA's Records Department process**. Access to an employee's records shall not be contingent upon UTA's receipt of payment for the production of those records.

UTA shall release information regarding an employee's record as directed by the specific, written consent of the employee authorizing release of the information to an identified person.

In a grievance, hearing, lawsuit, or other action involving the employee, UTA may release relevant information to the decision-maker, and to those who need to know the information to assist with the case. Such information may also be released to representatives from state or federal agencies when required.

N. Medical Review Process

The MRO must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug test results from the laboratory. UTA will use MROs who meet the qualifications specified in DOT rules.

If a drug test result is positive, adulterated, substituted, or invalid the MRO must contact the employee directly on a confidential basis, to determine whether the employee wants to discuss the test result. Employees shall have the opportunity to give any information they consider relevant to the MRO, including identification of currently or recently used prescription or nonprescription drugs, medical history, or other relevant information. The employee has the burden of proof that there is a legitimate medical explanation. The MRO shall discuss information relevant to the test and, for a positive, adulterated, or substituted test result, shall inform the employee how to request a split sample test within 72 hours. Requests made after 72 hours will only be accepted if the delay was due to verifiable facts of a situation that was beyond the employee's control. Results of drug tests that show an initial laboratory positive for prescribed drugs that are properly used will be verified by the MRO and reported to UTA as negative.

The MRO may verify a test result as a positive, refusal to test, or cancelled test as applicable, if neither the MRO nor the DER at UTA, after making and documenting all reasonable efforts, has been able to contact the employee within ten days of the date on which the MRO receives the confirmed test result from the laboratory.

O. Return-To-Work Behavioral Agreements

Employees who have tested positive for drugs or alcohol or are otherwise found to be in violation of this policy and who are permitted to return to work will be required to sign a return-to-work behavioral agreement as a condition of reinstatement. The agreement will at a minimum include, but is not limited to:

- 1. An agreement to refrain from using any prohibited substances in violation of federal regulations and UTA policy.**
- 2. An agreement to submit to unannounced follow-up testing for a period of 12 months to 60 months, as determined by the SAP or SAC.**
- 3. An agreement to have no future positive tests, whether for drugs or alcohol.**
- 4. An agreement to abide by the treatment recommendations made by the SAP or SAC, including successful completion of any treatment program or substance**

abuse prevention class as applicable; to follow specified after-care requirements as defined by the SAP or SAC; and to submit continuing documentation to verify participation.

After obtaining a statement of compliance with treatment from the SAP or SAC and passing a return-to-duty drug and/or alcohol test, the employee will be required to sign the return-to-work behavioral agreement before coming back to work.

Violation of the return-to-work behavioral agreement is cause for termination.

P. Contact Person

For questions about Utah Transit Authority's Drug and Alcohol Policy, contact UTA's DER at 385-299-6026 or DER@rideuta.com.

4) Cross-References.

- UTA.01.05 Supplemental Drug and Alcohol FTA Drug and Alcohol
- UTA.01.15 Federal Railroad Administration Drug and Alcohol
- 41 USC 701 through 707 Drug-Free Workplace Requirements
- 49 CFR Part 40 Drug and Alcohol Regulations
- 49 CFR Part 219 Control of Alcohol and Drug Use
- 49 CFR Part 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations
- Collective Bargaining Agreement between UTA and any active agreement

APPENDIX A.2 - FEDERAL RAILWAY ADMINISTRATION
DRUG & ALCOHOL POLICY



Utah Transit Authority

FEDERAL RAILROAD ADMINISTRATION

**CONTROL OF ALCOHOL AND DRUG USE
(49 CFR PART 219)**

**MODEL PART 219
RAILROAD COMPLIANCE PLAN**

Send plan submission via email to FRA-DrugAlcoholProgram.email@dot.gov

Date of FRA Plan Submission:

9/9/2024

Effective Date of Plan:

9/9/2024

**Date of FRA Plan Approval:
(To be completed by FRA)**

Click or tap to enter a date

This Plan Is (Select Below):

Plan Revision

Name of Railroad(s) and FRA Reporting Code(s):

Utah Transit Authority Frontrunner Commuter Rail System (UFRC)

MODEL PART 219 RAILROAD COMPLIANCE PLAN

FRA's Model Part 219 Railroad Compliance Plan has been developed by FRA as a tool to assist railroads in complying with the requirements of Title 49, Code of Federal Regulations Part 219 with respect to submission and approval of random alcohol and drug testing and the required programs. This plan, although initially developed for the smaller railroads, may be used by all railroads regardless of class.

Only railroads that are required to comply with Part 219 are authorized to use Federal authority. Therefore, entities having less than 16 covered service employees (unless they operate on tracks of another railroad or otherwise engage in joint operations with another railroad except as necessary for purposes of interchange) are not authorized to utilize Federal authority to conduct Federal random or reasonable cause testing. In those instances, a railroad should use "Company Policy Testing" as their authority. All railroads subject to Part 219.3 would still be responsible for complying with Subpart C – Post-Accident testing requirements.

Simply signing and adopting this plan does not constitute compliance. The actions required by the regulation must be in accordance with regulatory requirements to achieve compliance. **In all cases where there is a difference between this plan and 49 CFR Part 219 or 49 CFR Part 40, the CFR takes precedence.**

Title 49, CFR Part 40 requires employers to have a Designated Employer Representative (DER), defined in 40.3 as "An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these regulated duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40. Service agents cannot act as DERs." In the past, this person may have been referred to as the Program Administrator.

NOTE: In the body of the submittal email, please indicate any changes made to the compliance plan.

**** If you require additional pages to add information to this plan, add this information to the last page of this document ****

***** All highlighted sections must be completed to expedite review by the FRA Drug & Alcohol Program Specialist. If a highlighted section does not apply to your company, place N/A in the box *****

I. Policy Statement

Utah Transit Authority Frontrunner Commuter Rail System recognizes the problem of substance abuse in today's society. This problem poses concerns to an employer who is subject to governmental regulations and seeks to promote the safety of the public. This railroad has a concern for the safety, health, and well-being of its employees as well as an obligation to comply with the United States Department of Transportation (DOT) and Federal Railroad Administration (FRA) regulations. This railroad will comply with all statutes and regulations administered by the FRA in implementing the required Part 219 Drug and Alcohol Program.

Programs have been established on this railroad which requires regulated employees to demonstrate their safety posture through complying with:

1. Urine screens to detect the presence of marijuana, cocaine, opioids, phencyclidine, and amphetamines (See 49 CFR § 40.85 and 49 CFR § 40.87);
2. Breath alcohol tests to detect the unauthorized use of alcohol; and
3. Breath, urine, blood, and tissue (fatality) testing after qualifying FRA post-accident events.

In accordance with the applicable Federal regulations, this railroad prohibits persons who perform work regulated by the Federal Hours of Service (HOS) Laws (see 49 U.S.C. §§ 21101-21108); and/or employees performing duties as Maintenance-of-Way (MOW) workers as described in the definition of "Roadway Worker" in § 214.7; and/or employees performing Mechanical functions (MECH) duties covered by the definition of "Mechanical Employees" in § 219.5, from being under the influence and/or possession of illegal substances and/or under the influence of alcohol while on duty or within four hours of reporting for regulated service. Additionally, illegal substance use is prohibited **on or off duty**, except as allowed in 49 CFR § 219.103.

II. Identifying Information.

To add additional fields for the below entries hit the + sign at the bottom right of the box. To remove the extra field hit the "Undo Typing" button. Be sure to hit the enter button after your last entry before you add an extra field with the + sign, this will create space between your entries.

Railroad:

Name of Railroad: Utah Transit Authority FrontRunner Commuter Rail (UFRC)

Address: 669 West 200 South, Salt Lake City, UT 84101

Office Phone: 801-287-2216

Cell Phone: 385-299-6026

E-Mail: ARosner@rideuta.com, DER@rideuta.com

Designated Employer Representative:

Name: Alisa M.J. Rosner
Address: 669 West 200 South, Salt Lake City, UT 84101

Office Phone: 801-287-2216
Cell Phone: 385-299-6026
E-Mail: arosner@rideuta.com, DER@rideuta.com

Assistant Designated Employer Representative:

Name: Lorin Simpson
Address: 669 West 200 South, Salt Lake City, UT 84101

Office Phone: 801-287-2027
Cell Phone: 801-673-7703
E-Mail: lsimpson@rideuta.com, DER@rideuta.com

Medical Review Officer:

Name: Dr. Andrew Holtz
Address: 2200 S Main Street, Suite 475, Salt Lake City, UT 84115

Office Phone: 801-503-3493
Fax Number: (385) 549-8700
E-Mail: mroasst@wfqa.com

Testing Laboratory (must be on HHS list of certified labs):

Name: Clinical Reference Laboratory, Inc.
Address: 8433 Quivira, Lenexa, KS 66215

Office Phone: (800) 452-5677
Fax Number: (800) 733-7214

Substance Abuse Professional (SAP):

Name: Blomquist Hale
Address: 860 East 4500 South, Ste 202, Salt Lake City, UT 84107

Office Phone: 801-262-9619

III. Scope

This policy applies to all railroad personnel (including contractors and volunteers) who perform the following FRA regulated duties:

- Subject to the Federal Hours of Service (HOS) Laws also commonly referred to as “Covered Service” or,
- Employees performing Maintenance-of-Way (MOW) duties covered by the definition of “Roadway Worker” in § 214.7 or,
- Employees performing Mechanical functions (MECH) duties covered by the definition of “Mechanical Employees” in § 219.5.

Note: Each employee should only be counted under one of the below functions. If you have an employee that performs more than one (1) function, they should be placed in the category in which they perform the majority of their work. * YOU MUST TAB THROUGH EACH OF THE FILL BOXES BELOW TO ENSURE THEY ARE TOTALED *****

This railroad has a total of **94** regulated service employees (including volunteers and contractors) who perform “Hours of Service” functions.

This railroad has a total of **180** regulated service employees (including volunteers and contractors) who perform “Roadway Worker” functions.

This railroad has a total of **45** regulated service employees (including volunteers and contractors) who perform “Mechanical Employee” functions.

The total number of all regulated employees (include covered service, roadway workers and mechanical employees) at the time of this submission is: **319**

Note: Include any regulated contracted employees in the above counts that are included in the railroad’s random testing pools and covered by this policy.

If applicable, identify the following for any regulated contractors your railroad is using (if you have multiple regulated service contractors please add additional fields as necessary. If you have more than five (5) regulated contractors, use the attachment page at the end of this document)

To add additional fields for the below entries hit the + sign at the bottom right of the box. To remove the extra field hit the “Undo Typing” button. Be sure to hit the enter button after your last entry before you add an extra field with the + sign, this will create space between your entries.

Name of contractor: MJG Signal, Inc.
 Regulated service performed for your railroad: Multiple
 Address: 492 North 1100 West, Payson, UT 84651

Contact Person: Marshall A. Wilson/Carrie Menlove
 Office Phone: 801-465-1500
 E-Mail: mwilson@mjgsignal.com, cmenlove@mjgsignal.com

Name of contractor: Modern Railway Systems, Inc.
Regulated service performed for your railroad: Multiple
Address: 8201 Southpark Lane, Suite 200, Littleton, CO 80120
Contact Person: Katie Nance
Office Phone: 510-748-1870
E-Mail: Knance@stacywitbek.com

Identify whether you operate on tracks of another railroad (or otherwise engage in joint operations with another railroad, except as necessary for purposes of interchange). If so, please list name of railroad(s) and mileage:

Name of railroad: None
Total numbers of miles: 0

Previous Employer Checks: This railroad is required to check on the drug and alcohol testing record of employees it is intending to use to perform regulated duties. This railroad will, after obtaining an employee's written consent, request information from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer into regulated service. **See 49 CFR 40.25.**

An employee must also be asked whether he or she tested positive (or refused to test) on any Federal pre-employment drug or alcohol test administered by a DOT employer to which the employee applied for, but did not obtain regulated service work during the past two years.

With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including Federal follow-up tests) must be provided to this railroad.

IV. Testing Programs

There are numerous situations when Federal **drug and/or alcohol tests** must be administered for the railroad to be in compliance with 49 CFR Part 219. Personnel performing functions listed in Section III of this policy will be required to submit to a drug and/or alcohol test in the instances set forth, as follows:

- 1) **Pre-Employment Drug Testing** – (49 CFR 219.501) Applicants will be informed that all individuals this company will use for regulated service must be drug-free. Passing a Federal pre-employment drug test is a condition prior to performing regulated service duties. If an applicant refuses to submit to the drug test, or tests positive on the drug test, the applicant will not be considered qualified to perform regulated service and will not be offered a position in regulated service.

Federal Pre-Employment Alcohol Testing (Optional) – (49 CFR 219.502)
Authorized but not required. This railroad chooses to conduct Federal alcohol pre-employment testing? Check one of the following boxes:

Yes No

2) **Federal Reasonable Suspicion Testing** – (49 CFR 219.301)

Regulated service personnel will be **required** to submit to a Federal drug and/or alcohol test whenever a properly trained supervisory employee of this railroad has reasonable suspicion that a regulated employee is currently under the influence of or impaired by a controlled substance or alcohol. Reasonable suspicion must be based on specific, contemporaneous personal observations the supervisor can articulate concerning the employee’s appearance, behavior, speech, body odor, chronic effects, or withdrawal effects.

Part 219.11(g) requires supervisory employees to have education and training on alcohol misuse and controlled substance use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. It will also prepare the supervisors to make the decisions necessary in reasonable suspicion and FRA post-accident situations (i.e., what is a qualifying event and who is to be tested).

The observation for alcohol must be made by at least one qualified supervisory employee who has received proper training in the signs and symptoms of alcohol use per 219.11(g). Documentation of this decision must be maintained, as required by Part 219 Subpart J.

The observation for drugs must be made by at least two qualified supervisory employees, one of which has received proper training in the signs and symptoms of drug use/misuse per 219.11(g). One qualified supervisor must be on-site, but the supervisor trained per 219.11(g), although preferred does not have to be the supervisor on-site. Documentation of this decision must be maintained, as required by Part 219 Subpart J.

If operating on tracks of another railroad, this railroad will coordinate with the host railroad and decide how the supervisor on the site will immediately communicate and coordinate decisions to test and who will administer the necessary testing. In all reasonable suspicion cases, the supervisor will ensure that the regulated service person is transported immediately to a collection site for a timely collection of a urine and/or breath specimen. If the regulated service person is deemed not fit to return to work, the supervisor will arrange transportation for the person. **This is not a Federal requirement, but safety will be better assured if accomplished.**

Supervisors must document their observations that led them to decide there was a “reasonable suspicion” to have the regulated service person subjected to Federal drug and/or alcohol testing.

3) **Federal Reasonable Cause Testing** – (49 CFR 219.401)

Authorized but not required. A railroad must choose whether or not to conduct Federal drug and alcohol Reasonable Cause testing. If a railroad selects to conduct Federal (DOT) Reasonable Cause testing, then the railroad cannot perform company (non-DOT) testing for any event described in 219.403. If a railroad selects to conduct company (non-DOT) Reasonable Cause testing, then the railroad cannot perform DOT testing for any event described in 219.403.

This railroad chooses to conduct *Federal* Reasonable Cause drug and alcohol testing for all train accident/incidents and rule violations that meet the criteria of 49 CFR 219.403. Check the appropriate box:

Yes No

A Federal reasonable cause drug and/or alcohol test may be required (employer's decision) when a regulated service employee:

- a. Was involved in a qualifying Train accident/incident per 219.403 (a) and a supervisor has a reasonable belief based on specific and articulable facts that the regulated service person's acts or omissions contributed to the occurrence or severity of the accident/incident; or
- b. Committed a rule violation described in 219.403 (b).

If operating on tracks of another railroad, this railroad will coordinate with the host railroad and decide how the supervisor on the site will immediately communicate and coordinate decisions to test and who will administer the necessary testing. In all reasonable cause cases, the supervisor will ensure that the regulated service person is transported immediately to a collection site for a timely collection of a urine and/or breath specimen. If the regulated service person is deemed not fit to return to work, the supervisor will arrange transportation for the person. **This is not a Federal requirement, but safety will be better assured if accomplished.**

Supervisors must document their observations that led them to decide there was a "reasonable cause" to have the regulated service person subjected to Federal drug and/or alcohol testing.

4) **FRA Post-Accident Drug/Alcohol Testing** – (49 CFR 219.201)

FRA regulations require blood and urine specimens from all surviving **regulated service personnel** when they are directly involved in a qualifying accident or incident. Tissues are also collected, in addition to urine and blood from any fatality involving an on-duty railroad employee (**direct or "regulated service" contractual employee**). Events requiring FRA post-accident testing include (note regulatory exceptions will be followed):

1. **Major Train Accident** involving any rail equipment accident with reportable damages in excess of the current calendar year reporting threshold under 49 CFR Part 225 and one or more of the following:
 - a. A fatality (any fatality).
 - b. A release of hazardous materials from railroad “lading” that results in an evacuation or reportable injury caused by the hazmat release.
 - c. Damage to railroad property of **\$1.5 Million** or more.
2. **Impact Accident** involving reportable damage in excess of the current reporting threshold that results in:
 - a. A reportable injury; or
 - b. Damage to railroad property of \$150,000 or more.
3. **Fatal Train Incident** involving any on-duty railroad employee or regulated contractor employee where damages do not exceed the current reporting threshold.
4. **Passenger Train Accident** with a reportable injury to any person in a train accident involving damage in excess of the current reporting threshold that involves a passenger train.
5. **Human-Factor Highway-Rail Grade Crossing Accident/Incident** meeting one of the following criteria:
 - i. Regulated employee interfered with the normal functioning of a grade crossing signal system, in testing or otherwise, without first providing for the safety of highway traffic that depends on the normal functioning of such a system, as prohibited by § 234.209, is subject to testing.
 - ii. Train crewmember who was, or who should have been, flagging highway traffic to stop due to an activation failure of a grade crossing system, as provided § 234.105 (c)(3), is subject to testing.
 - iii. Regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger (as defined in § 234.5), but who failed to do so, due to an activation failure, partial activation, or false activation of the grade crossing signal system, as provided by § 234.105 (c)(1) and (2), 234.106, or 234.107 (c)(1)(i), is subject to testing.
 - iv. If there is a fatality of any regulated service employee regardless of fault. (fatally injured regulated employee must be tested)

- v. If regulated employee violates an FRA regulation or railroad operating rules and whose actions may have played a role in the cause or severity of the accident/incident, is subject to testing.

Testing Decision: For an accident that meets the criteria for a Major Train Accident, all assigned **crew members of all involved trains and on-track equipment must be tested.** Test any other regulated service employees that had a possible role in the cause or severity of the accident.

For an Impact Accident, Fatal Train Incident, Passenger Train Accident or Human-Factor Highway-Rail Grade Crossing Accident/Incident, test any other regulated service employees that had a possible role in the cause or severity of the accident. The railroad must exclude other regulated service employee if the responding railroad representative can immediately determine, on the basis of specific information, that the employee had no role in the cause(s) or severity of the accident/incident (considering any such information immediately available at the time).

For a fatal train incident, the fatally injured employee cannot be excluded from being tested.

If there is a fatality of any regulated service employee as result of a Highway-Rail Grade Crossing Accident/Incident, the fatally injured regulated employee must be tested regardless of fault.

Exceptions from Testing: No test may be required in the case of a collision between railroad rolling stock (including any on-track equipment) and a motor vehicle or other highway conveyance at a rail/highway grade crossing, unless it meets the criteria set forth above in Item 5 (i-v).

No test may be required in the case of an accident/incident the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

The railroad supervisor(s) on the scene will make **timely** determinations as to the event being a qualifying event and which regulated service employees (if any) are required to be tested according to the rule.

This railroad will identify the appropriate personnel who must be tested and then ensure that specimens are collected and shipped.

Collection of Urine and Blood Specimens: Employee specimens will be collected at a medical facility, i.e., hospital, clinic, physician's office, or laboratory where toxicological specimens can be collected according to recognized professional standards. Specimen collections will be accomplished using the FRA Post-Accident Toxicological Testing Kit. Specimens will be collected, packaged, and shipped via

express courier service by the railroad, to the FRA's designated post-accident testing laboratory.

Random Drug and Alcohol Testing – (49 CFR 219.601)

The railroad is responsible for ensuring that the random program meets regulatory requirements and is approved by FRA (see Appendix A). The principles which are required in the FRA regulation for the plan to be in compliance are attached (see Appendix B). The selection process will ensure that each regulated service person has an equal chance of being selected at every random selection. The random plan shall ensure that testing is accomplished at the beginning and at the end of the duty period for alcohol. The **minimum** annual random percentage of alcohol testing at either end of the duty period is 10 percent over the course of the year.

Regulated Service (Covered Service)

Current employers must test at a **minimum** of **25 percent annual rate for drugs and 10 percent annual rate for alcohol** for employees who perform regulated duties subject to the Federal Hours of Service Laws “**Covered Service**”. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

Drug and Alcohol: 50% to 60%

Regulated Service (Roadway Worker)

Current employers must test at a **minimum** **25 percent annual rate for drugs and 10 percent annual rate for alcohol** for employees who perform regulated duties defined as “**Roadway Worker**” in 49 CFR § 214.7. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

Drug and Alcohol: 50% to 60%

Regulated Service (Mechanical Employee)

Current employers must test at a **minimum** **50 percent annual rate for drugs and 25 percent annual rate for alcohol** for employees who perform regulated duties defined as “**Mechanical Employee**” in 49 CFR § 219.5. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

Drug and Alcohol: 50% to 60%

Random Testing Pools:

- a) Identify and maintain an up-to-date database or list of all personnel working in regulated service (at least once per quarter) and ensure they are all in the random pool(s). Identify how many random testing pools you have. For example, most short line railroads will have only one random pool, but larger railroads may have multiple pools:
 UTA has one FRA random testing pool. The testing pool is maintained on a monthly basis via UTA’s Human Resource Information System.
- b) Identify what regulated service employee crafts/functions are in each of the railroad’s random testing pool(s). For example, engineers, conductors, brakemen, switchmen, utility employees, hostlers, mechanical employees performing hostling duties, train dispatchers, signal maintainers, roadway workers, mechanical workers, etc.
 Licensed Engineers/Conductors
 Line and Signal Technicians
 Rail Technicians
 Mechanical Workers
 Train Dispatchers
 MOW Employees

Random Selection and Testing Procedures:

1. There is only one preferred method of selection: A computer program. The lottery style, e.g., drawing names out of a hat is no longer an acceptable method of selection. Identify the name of the **Computer Program** being utilized and provide a detailed description of the program below:

Name of the computer program being used

TRAQ through WorkforceQA (WFQA)

Detailed description of how the computer program functions:

UTA sends a list of all safety sensitive employees in the random testing pool to WFQA. WFQA then uploads the testing pool list to TRAQ, requiring the program to pull the number of employees to be tested based on UTA’s random testing rates. The names of the employees selected are exported and maintained in an Excel workbook by UTA.

2. Identify whether your railroad is making selections by name, ID number, train number, job number, etc.
 UTA is making selections by name.
3. Random Pools are in a consortium controlled by a Third-Party Administrator (C/TPA):
 Yes No
4. If using C/TPA consortium pools, please provide name of the C/TPA pool:

Utah Transit Authority maintains our own random pools.

5. Random Pools are in a stand-alone pool managed by a Third-Party Administrator (TPA):

Yes No

If your railroad is using a consortium/third party administrator to assist in random testing, identify the following information for the C/TPA (If you need to add additional fields use the “+” sign. If you need to delete a field use the “Undo Typing” button):

Name of C/TPA: WorkforceQA

Address: 2200 S Main Street, Suite 475, Salt Lake City, UT 84115

Contact Person: Mike Watts

Phone Number: 801-316-4126

Please mark the following services the C/TPA are performing for your railroad:

None

Random Pool Maintenance

Random Pool Selections

Collection Services – Drug

Collection Services – Alcohol

HHS Laboratory

Medical Review Officer (MRO)

Substance Abuse Professional (SAP)

Employee Assistance Professional (EAP)

Drug and Alcohol Counselor (DAC)

Other:

6. Identify how often your railroad is making selections, e.g., monthly or quarterly:

Utah Transit Authority will be making monthly selections.

Note: If selecting quarterly in order to maintain the deterrent effect of random testing for very small railroads and contractors, FRA is requiring each individual random testing pool established under subpart G to select and randomly test at least one entry per quarter, even if fewer tests are needed to meet FRA’s minimum random testing rates.

Objective Procedure, if making quarterly selections:

N/A

7. Identify how you determine whether a selection is to be tested for drugs, for alcohol, or both:

All employees selected to complete random tests will be required to complete both a drug and alcohol test.

8. Identify your testing “window,” e.g., 30 days:

Utah Transit Authority maintains a testing window of 30 days or not to exceed the end of the month as we have selected to complete monthly selections.

Note: If you are making monthly selections, the testing windows may not exceed 30 days and not past the end of the month. If you’re making quarterly selections, the testing window is 90 days but not past the end of the quarter.

9. Provide additional descriptions of your random testing selection procedure, as applicable:

Please contact Alisa M.J. Rosner for a complete overview of the FRA Random Selection Process. A basic overview has already been outlined.

10. This railroad will safeguard these selection records to ensure that information concerning collection dates and selections are not disclosed until necessary to arrange for collection or provide notifications.

11. These random testing records are required to be maintained for 2 years. This includes an electronic or hard copy “snapshot” of the random testing pool each time selections are made, a copy of the list of selected employees, a copy of the drug chain of custody form and/or alcohol testing form, and the reason for not testing any of the selected employees.

12. In the event that all or a clearly defined portion of the railroad is subject to an emergency such as a flood or severe ice storm, the ranking operations officer on duty is authorized to declare an emergency by completing a memorandum setting forth the facts necessitating this action. If such an emergency determination is made, the date/time of the emergency and random drug/alcohol tests that were suspended must be entered into the DER’s files. Random selections not administered because of the emergency are deemed void, and the selection numbers will be adjusted later to make the required percentage.

13. Only a substantiated medical emergency involving the selected person or an emergency involving an immediate family member (e.g., birth, death, or a medical emergency) provides the basis for excusing a regulated employee/person from being tested once notified. A medical emergency is defined as an acute medical condition requiring immediate emergency care. A person excluded under these criteria must provide substantiation from a credible outside professional (e.g., doctor, hospital, law enforcement officer, school authority, court official) which can be furnished prior to this release or

within a reasonable period of time after the emergency has been resolved. Such excluded (excused) persons will not be tested based on this selection.

14. Once the regulated service person selection is made, the DER will arrange notification. No prior notification will be given. A selected person will only be tested during his/her tour of duty, extended only long enough to complete testing but not to exceed Federal hours of service law requirements. The person, once notified, must proceed to the selected testing facility IMMEDIATELY. Identify how your railroad will notify selected employees: [Once the DER receives the FRA Random Selections for the applicable monthly period, select supervisors and managers within each employee's division are notified of all selections for their division. The supervisors and managers ensure that each employee is notified and reports to the collection site immediately after notification. Any issues are immediately reported to the DER for both documentation and investigation.](#)
15. The collection date and time during the selection period (testing window) will be varied by the DER to ensure that it cannot be anticipated. It is not necessary for the railroad to randomly select the "testing date."

V. Drug Testing Procedures

The designated collection agents will be qualified and follow the proper collection procedures as described in 49 CFR Part 40.

- a. The Medical Review Officer (MRO) will review drug test results as required in 49 CFR Part 40. All test results will be reported exclusively through the MRO.
- b. A laboratory certified by the Department of Health and Human Services/ Substance Abuse and Mental Health Service Administration (DHHS/ SAMHSA), under the Mandatory Guidelines for Federal Workplace Drug Testing Programs, will perform all drug testing.
- c. Test results will be reported from the laboratory only to the MRO for review and action consistent with 49 CFR Part 40.
- d. The name of the individual providing the specimen will remain confidential and will not be provided to the laboratory performing the test. The testing laboratory is only able to identify the specimen by the specimen ID number printed on the chain-of-custody form. The laboratory will only use a urine custody and control form consistent with the requirements of 49 CFR Part 40.
- e. The designated laboratory will only test for the drugs listed in 49 CFR 40.85.

- f. The MRO will verify the results and report (using procedures in 49 CFR Part 40) to the DER whether the test was positive or negative and the drugs for which there was a positive result.

VI. Alcohol Testing Procedures

Breath alcohol testing will be performed by fully trained and certified Breath Alcohol Technicians (BAT) using the National Highway Traffic Safety Administration (NHTSA) approved testing devices. The results will be documented on an approved Federal Breath Alcohol Testing Form and will be signed by the employee and the BAT. At the time of the alcohol test, the employee will receive a copy of the test result, with an identical copy being sent to the railroad's DER.

- a. Negative results. The DER will be mailed a copy of the negative test results.
- b. Positive results. The BAT will immediately and directly notify the railroad's DER if the test results are positive (0.02 percent or higher) who will take appropriate action to remove or restrict the employee from regulated service as required by Part 219.

VII. Drug Test Results

For any FRA testing, the railroad should as a "best practice" notify the employee in writing of test results.

Positive or Otherwise Non-Negative Results. If the laboratory reports the drug test result as POSITIVE or otherwise non-negative, the following procedures will be followed:

- a. The MRO will immediately inform the regulated service person of the result and offer the person the opportunity for an interview to discuss the test result. If the MRO has difficulty reaching the employee, the procedures set forth in 49 CFR 40.131 will be followed.
- b. The MRO will complete and document the review as required by 49 CFR Part 40 Subpart G, determining if the external chain of custody was intact, if the person has a legitimate medical explanation for the presence of any controlled substance, and whether there is any basis to question the scientific sufficiency of the test results. In the case of an opiate positive, the MRO will also make the special determinations required by the regulation.
- c. If the MRO verifies the test result as positive, the MRO will report the result to the railroad's DER. If the MRO determines that the result is non-negative and the non-negative result cannot be explained, the appropriate regulatory action will be pursued. The MRO will report the verified test result in accordance with 49 CFR § 40.163. The MRO will not provide the DER with

the quantitative test results unless the employee, as stipulated in the regulation, disputes the test.

Negative results. If the MRO has determined that the drug test is NEGATIVE, the MRO will accomplish the required administrative review and report the negative results to the railroad's DER in accordance with 49 CFR § 40.163.

Negative-dilute results. Unless the MRO directs a railroad to conduct a recollection under direct observation (for a result with creatinine greater than 2mg/dL but less than or equal to 5 mg/dL), per 40.197, a negative-dilute is considered a negative test, although a railroad may, but is not required to direct the employee to immediately take another test. Such recollections must not be collected under direct observation unless there is another basis to do so. A railroad must treat all regulated employees the same. For example, it must not retest some employees and not others. A railroad may establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations).

This railroad's policy for negative-dilutes that do not require re-collection under direct observation (when ordered by the MRO) is as follows:

Utah Transit Authority will consider a drug test result that produces a negative-dilute to be a valid negative test result.

VIII. Confidentiality

- a. Medical information a regulated person provides to the MRO during the verification process is treated as confidential by the MRO and is not communicated to the railroad except as provided in Part 40.
- b. Confidentiality of Federal drug or alcohol testing results will be maintained as required by the regulations. For example:
 1. The laboratory observes confidentiality requirements as provided in the regulations. This railroad does not advise the laboratory of the identity of persons submitting specimens. The laboratory performing the testing must keep all records pertaining to the drug test for a period of two years.
 2. All test results will remain exclusively in the secure files of the MRO. The MRO will observe strict confidentiality in accordance with the regulations and professional standards. The MRO will retain the reports of individual test results as required in Part 219 Subpart J.
 3. The DER will maintain all test results reported by the MRO, both positive and negative, in secure storage. The results will be retained as required in Part 219 Subpart J. Other personnel will be informed of individual test results only in the case of positive tests and authorized only on a need-to-know basis.

IX. Regulated Service Personnel Training Program (49 CFR 219.11)

Each regulated service person will receive a copy of this policy and the other information requirements in 49 CFR Part 219.23 (e) which clearly states the prohibitions required by the regulation. In addition, each regulated person will be given information concerning the problems caused by alcohol or controlled substances and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

X. Prescription Drugs (40 CFR 219.103)

The use of controlled substances (on Schedules II through V of the controlled substance list) is not prohibited if they are prescribed or authorized by a medical practitioner and used at the dosage prescribed or authorized. Either one treating medical professional or a railroad-designated physician should determine that use of the prescription(s) at the prescribed or authorized dosage is consistent with the safe performance of the employee's duties. Regulated service employees should also seek the advice of a medical professional whenever they are taking any over-the-counter drug that may adversely affect the safe performance of duties.

XI. Compliance with Testing Procedures

- a. All regulated service personnel/applicants requested to undergo a Federal drug and/or alcohol test are required to promptly comply with this request. This railroad expects all prospective and current regulated service personnel to exercise good faith and cooperation in complying with any procedures required under this policy. Refusal to submit to a Federal drug or alcohol test required under FRA rules, engaging in any conduct which jeopardizes the integrity of the specimen or the reliability of the test result, or any other violations of the prohibited conduct in 49 CFR 219.101 or 219.102 could subject the person to disciplinary action (up to and including termination), independent and regardless of any test result. This includes failure to show up on time for a drug/alcohol test, failing to remain at the testing site until the testing process is complete, etc. (see 40.191).
- b. All DOT Federal return-to-duty and follow-up urine specimens must be collected under direct observation (using the direct observation procedures in 40.67 (i)). Note that a SAP may also require return-to-duty and follow-up "drug" tests in addition to alcohol tests following an alcohol positive of 0.04 percent or greater.
- c. Direct Observation Urine Collection Procedures: The collector (or observer) must be the same gender as the employee. If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry "clean" urine and urine substitutes AND for watching the employee urinate into the collection container. The observer will request the employee to raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel; and lower

clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.

- 1) If the employee has a device, the observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of the testing form. The collector notifies the DER. This is a refusal to test.
 - 2) If the employee does not have a device, the employee is permitted to return his/her clothing to its proper position for the observed collection. The observer must watch the urine go from the employee's body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.
 - 3) Failure of the employee to permit any part of the direct observation procedure is a refusal to test.
- d. As a minimum, a regulated service person will be removed from FRA regulated service for a minimum of nine months if there is a finding of "refusal to test."

XII. Positive Test Results

- a. **Alcohol positive of 0.02 to 0.039:** Regulated service personnel should receive written notification of test results which are other than negative. A Federal positive drug test or a Federal alcohol test result of 0.02 percent or greater or a refusal to test will result in immediate removal from regulated service under FRA regulations. A positive alcohol test of at least 0.02 percent but less than 0.04 percent will result in the removal of the person from regulated service for at least eight hours. The railroad is not prohibited from taking further action under its own company policy.
- b. **Federal violation:** A regulated service person with an MRO verified positive drug test or a breath alcohol test result of 0.04 percent or greater (or a refusal) has violated Federal regulations and must be immediately removed from regulated service. Prior to or upon withdrawing the employee from regulated service, the railroad must provide notice to the employee of the reason for this action. If the employee denies that the test result is valid evidence of alcohol or drug use prohibited by 219.101 or 219.102, the employee may demand and must be provided an opportunity for a prompt post-suspension hearing. **See 219.104 (c) for the hearing provisions.**

Even if the railroad does not wish to keep the employee in its employment, it must provide the above hearing (if requested) and at a minimum provide the employee with a list of qualified Substance Abuse Professionals. Prior to returning to regulated service the employee will be required to undergo an evaluation by a qualified Substance Abuse Professional (SAP) that is railroad approved, to

determine the need for treatment and/or education. The employee will be required to participate and comply with the SAP-recommended treatment and any after-care or follow-up treatment that may be recommended or required.

After successful treatment, for a Federal positive drug test (or alcohol test result of 0.04 percent or greater), per the SAP's requirements, the person must provide a Federal return-to-duty urine specimen and/or breath specimen for testing (which is negative) prior to being allowed to return to regulated service. In addition, the person will be subject to additional unannounced Federal follow-up testing, as determined by the SAP, for a maximum period of 60 months, with a minimum of six tests being performed in the first twelve months (**engineers and conductors – SAP will require a minimum of 6 drug tests and 6 alcohol tests in the first 12 months**). Failure to comply with these provisions and remain alcohol and/or drug-free will result in subsequent removal from regulated service and could result in disciplinary action, up to and including termination. Note: Federal regulation does not guarantee the employee will maintain an employment relationship. This is determined via employer and employee negotiation. These Federal return-to-duty and follow-up drug tests must be collected under direct observation.

- c. Identify other employer sanctions (if applicable) for a Federal alcohol test result of at least 0.02 percent but less than 0.04 percent:
Under UTA policy, the employee will be immediately removed from duty without pay, provided there is no evidence of intoxication, use or diminished ability while on the job. Requirements to return to work include passing an evaluation by an DAC, signing a return-to-work behavioral agreement, and completing an alcohol test with a concentration measuring less than 0.02.

Identify other employer sanctions (if applicable) for a Federal alcohol test result of 0.04 percent or greater:

Under UTA policy, an employee with a confirmed alcohol test at 0.04 or greater will be terminated, since a person with this level of alcohol is under the influence and impaired. The employee will still be referred to an SAP for evaluation and assistance in dealing with the substance abuse issue.

Identify other employer sanctions (if applicable) for a Federal positive drug test: Upon receipt of a verified positive DOT drug test result, UTA will immediately remove the Covered Employee involved from performing Safety-Sensitive Functions. For all positive drug tests where a return to work is allowed, requirements for returning include referral to the SAP for evaluation, completing any treatment program that may be recommended, completing a negative return-to-duty drug and/or alcohol test, and signing a return-to-work behavioral agreement.

XIII. Self-referral, Co-worker referral, and Non-peer referral (optional) Policies

This railroad's policy to comply with 49 CFR Part 219.1001 and 49 CFR Part 219.1003 is as follows:

Employment Relationship. As per 219.1003(b), a regulated employee who enters and follows the tenants of this program as discussed below, will maintain his or her position upon successful completion of an education, counseling, and treatment program as specified by a Drug and Alcohol Counselor (DAC). Before the employee is charged with conduct sufficient to warrant dismissal, the employee must seek assistance through the railroad for his or her alcohol or drug use problem or be referred for such assistance by another employee or by a representative of the employee's collective bargaining unit.

Imminent Detection. An employee may not use the referral program for the purpose of avoiding the imminent and probable detection of a rule violation by a supervising employee. No employee may take advantage of self-referral after being notified of a testing event or while in imminent risk of being detected for possession of alcohol or controlled substances.

Reasonable Suspicion. In the case of a co-worker referral (which is mandatory), or a non-peer referral (which is optional), if the employee accepts the referral and has agreed to a Rule G waiver, there is no need for the railroad to perform a Federal reasonable suspicion test. If the Federal reasonable suspicion test occurs, the referral takes precedence and a written request shall be submitted to the FRA Drug and Alcohol Program Manager for permission for reclassification to non-DOT status. This will allow the employer to vacate the return-to-duty and follow-up (RTD/FU) requirements of the reasonable suspicion test violation. Thus, the co-worker referral will take precedence and all subsequent RTD/FU testing will be appropriately conducted under non-DOT/company authority as per Part 219 Subpart K. In this scenario, the reasonable suspicion positive test result(s) are not subject to 49 CFR Part 40.25 requests from any subsequent DOT-regulated employers.

In the case of a co-worker referral or a non-peer referral, when the employee does not accept the referral and does not agree to a Rule G waiver, the railroad must properly observe the employee for signs and symptoms of alcohol and/or drug use/misuse. If signs and symptoms are observed, the railroad must perform a Federal reasonable suspicion testing. In this scenario, the reasonable suspicion positive test result(s) are subject to DOT-regulated RTD/FU testing and 49 CFR Part 40.25 requests from any subsequent DOT-regulated employers.

Referral Sources. The railroad must specify whether, and under what circumstances, its policy provides for the acceptance of referrals from other sources, including (at the option of the railroad) supervisory employees. Identify acceptable referral sources besides the affected regulated service employee:

UTA managers, administrators, supervisors and union representatives

This railroad accepts referrals from non-peer sources?

Yes No

Examples of non-peer sources include friends and family, etc. that contact the railroad. A railroad representative will meet with the employee in person regarding the information and determine whether to the employee is unsafe to work with or in violation of 49 CFR Part 219. If the railroad representative determines that employee is unsafe, the employee may either accept or reject the referral.

If rejected, a railroad representative trained in signs and symptoms would perform a Rule G observation on the employee in question. If signs and symptoms are present, then the railroad representative would order reasonable suspicion testing of the on-duty employee.

General Conditions. If the employee accepts the referral, they must contact the DAC within 5 days.

The employee must cooperate with the DAC in the recommended course of counseling or treatment. Locomotive engineers and conductors that do not cooperate with the DAC will be considered to have active substance abuse disorders as per 49 CFR Part 240.119 and 49 CFR Part 242.115 and would have their confidentiality waived.

Once an employee has contacted the DAC, the DAC's evaluation shall be completed within 10 working days. If more than one evaluation is required, the evaluations must be completed within 20 working days.

No follow-up treatment, care, or testing shall exceed 24 months unless it involved a Part 219 violation.

Confidentiality. The railroad treats the referral and subsequent handling, including counseling and treatment, as confidential. With respect to a certified locomotive engineer, conductor or a candidate for certification, the policy of confidentiality is waived (to the extent that the railroad shall receive from the Employee Assistance Professional (EAP) or DAC, official notice of the substance abuse disorder and shall suspend or revoke the certification, as appropriate) if the person at any time refuses to cooperate in a recommended course of counseling or treatment.

Any drug and/or alcohol testing conducted pursuant to this railroad's referral policy is non-Federal testing because a violation of Federal regulations has not occurred.

Leave of Absence. The railroad will grant a minimum leave of absence that the DAC recommends completion of a primary education, counseling, or treatment program and to establish control over the employee's drug or alcohol abuse problem. An

employee with an active substance abuse disorder may not perform regulated service until the DAC reports that safety is no longer affected.

Return to Service. The employee will be returned to service on the recommendation of the DAC. The employee must be returned to service within five working days of the DAC's notification to the railroad that the employee is fit to return to regulated service and the receipt of a follow-up testing plan as per Part 219.1003(h)(2). The railroad may condition the employee's return on a return-to-duty medical evaluation.

This railroad requires a return-to-duty medical evaluation?

Yes No

Compensation. 49 CFR Part 219.1001(d)(1) does not require the railroad to compensate the employee for any period that the regulated employee is restricted from performing regulated service under the referral program. However, compensation at a nominal rate has been seen to markedly increase participation in the referral program to enhance safety at the railroad.

This railroad compensates employees while engaged in a referral program of education, counseling, and treatment?

Yes No

Compensation is at % of regular pay while participating in a referral program.

Self-referral: Regulated employees may contact the DAC at the following telephone and/or email address and contact hours:

To add additional fields for the below entries hit the + sign at the bottom right of the box. To remove the extra field hit the "Undo Typing" button. Be sure to hit the enter button after your last entry before you add an extra field with the + sign, this will create space between your entries.

Drug and Alcohol Counselor (DAC):

Contact person: Justin Olsen

Address: 860 East 4500 South, Ste 202, Salt Lake City, UT 84107

Phone Number: 801-262-9619

Optional Provisions.

1. The policy may provide that it does not apply to an employee who has previously been assisted by the railroad under a policy or program substantially consistent with 49 CFR Part 219.1005(c) or who has previously elected to waive investigation under 49 CFR Part 219.1005 (co-worker report policy). **Adopts this option:**

Yes No

If you checked the above option “No”, please identify how many times and/or at what intervals an employee may use the referral programs:

2. A referral policy may provide that the rule of confidentiality is waived if the employee at any time refuses to cooperate in a DAC’s recommended course of counseling or treatment; and/or the employee is later determined, after investigation, to have been involved in an alcohol or drug related disciplinary offense growing out of subsequent conduct. Identify whether you adopt the first, second, or both options:

Adopts Both Options:

Yes **No** **N/A**

Adopts 1st Option only:

Yes **No** **N/A**

Adopts 2nd Option only:

Yes **No** **N/A**

3. The policy may provide that, in order to invoke its benefits, the employee must report to the contact designated by the railroad either during non-duty hours (i.e., at a time when the employee is off duty); or while unimpaired and otherwise in compliance with the railroad’s alcohol and drug rules consistent with 219.1005(d).

Identify whether you adopt this optional provision:

Yes **No**

4. The policy may require successful completion of a return-to-service medical examination as a further condition on reinstatement in regulated service. Identify whether you adopt this optional provision:

Yes **No**

5. Other Optional Provisions:

Enter or paste text here

Co-worker referral General Conditions and Procedures.

1. The alleged violation must come to the attention of the railroad as a result of a report by a co-worker that the employee was apparently unsafe to work with or was, or appeared to be, in violation of Part 219 or the railroad’s alcohol and drug rules.
2. If the railroad representative determines that the employee is in violation, the railroad will immediately remove the employee from service in accordance

with its existing policies and procedures. The railroad must allow the employee the opportunity to accept the co-worker referral. If rejected, the railroad may proceed to reasonable suspicion testing based on signs and symptoms of prohibited alcohol or drug use as determined by a trained supervisor.

APPENDIX A

Once the FRA has approved a Random drug and alcohol testing plan, the railroad will receive an approval letter, which includes these conditions.

STANDARD APPROVAL CONDITIONS FOR RANDOM TESTING PROGRAMS

1. This approval is effective upon receipt with respect to all matters within its scope. FRA reserves administration jurisdiction over all approvals and may reopen review based upon experience gained during implementation (audits).
2. Approval of the subject random testing program does not constitute or imply the granting of a waiver or exemption from any provision of Federal law or regulation. Compliance with all applicable provisions of 49 CFR Parts 219 and 40 is required. All random program plans must be applied in accordance with the criteria listed in this Appendix A and Appendix B.
3. Approval is contingent upon the railroad making appropriate amendments to the program to conform to any pertinent regulatory amendments that may be issued hereafter. Any such program amendments that may be required shall be submitted to the Associate Administrator for Safety at FRA by the effective date of the subject regulatory amendments, or by the expiration of 30 days from publication of the regulatory amendments in the *Federal Register*, whichever is later.
4. Amendments to the program shall be submitted as required by 49 CFR 219.605 and 49 CFR 219.607 and 49 CFR 219.609 and shall not be implemented prior to approval. The following guidance is provided with respect to when a program is deemed to have been amended.
 - A. Any change in the selection methodology, the criteria for scheduling collections, non-availability criteria, or other structural element is a program amendment. Any change in the organizational level at which a function is carried out is a program amendment.
 - B. Substitution of incumbents performing the same function at the same organizational level (persons or contractors/volunteers) is not deemed to amend the program. Notification of these changes would be appreciated to assist FRA in maintaining a liaison but is not required.
 - C. Any change in a program that is occasioned by an amendment of an applicable DOT/FRA regulation and that involves the exercise of discretion to choose between or among one or more courses of action is a program amendment required to be filed under item 3 above. Any non-discretionary change in a program that is required by amendment of an applicable DOT/FRA regulation is not considered a program amendment requiring approval; however, the Office of Safety, FRA, would appreciate receipt of an informational copy of the revised program document showing current compliance.
 - D. Any case not addressed above may be resolved by contacting the Office of Safety, Administrator for Safety or that individual's delegate.

APPENDIX B

CRITERIA FOR ASSESSING DEPARTMENT OF TRANSPORTATION (DOT) RANDOM DRUG AND ALCOHOL TESTING PROGRAMS

Section I. Random Testing Pools

- A. Random pool(s) must accurately and completely include all regulated service personnel. Whoever is performing the safety-sensitive “regulated service”, regardless of job title or status, is subject to 49 CFR Part 219 requirements (supervisors, volunteers, contractors, etc.). Pool lists must be retained for a minimum of two years.
- B. An employer may not mix regulated service and non-regulated service personnel in the same pool.
- C. Multiple pools for an employer are acceptable.
- D. Employees do not need to be placed in separate pools for drug and alcohol testing selection.
- E. Employees from different DOT operating administrations can be included in the same pool. It is strongly recommended, however, that employers not mix groups of personnel subject to different drug or different alcohol testing rates (i.e., having some employees subject to a 50% rate for drugs and other employees subject to a 25% rate in the same pool). If they do, they must test the entire pool at the highest selection rate for any of the groups with personnel in the pool.
- F. Pools may not be diluted with regulated service personnel who rarely perform regulated service duties (i.e., less than once per quarter).
- G. Pools must be routinely updated (i.e., at least monthly for employers with either a changing workforce or seasonal employees; and quarterly for employers with a generally stable workforce).
- H. Besides individual employees, specific jobs (i.e., third shift main dispatcher at XYZ location) or operational units (i.e., trains) may also be pool entries. However, there may not be a significant difference in the size of the entries in the pool.
- I. Pool entries may not be constructed in a way which could result in a manager/supervisor having discretion as to who would be actually provide a sample (e.g., a specific job cannot be selected with multiple people working in it at the same time, but with only one to be tested).

Section II. Random Selections

- A. Everyone in a pool must have an equal chance of selection in each selection period.
 1. No individual, job, or operational unit may be removed from the pool if it is still actively performing regulated service. However, employees doing de minimus regulated service may be eliminated from the pool (see Section I.-F).

2. There may be no selections without replacement (i.e., an individual cannot be removed from the pool because he or she was previously tested).
 3. No selection weightings are allowed which would increase or decrease the chance of any individual being selected.
- B. The following selection options are acceptable. Note that manual selection using names or social security numbers drawn out of a hat (or equivalent) is no longer an acceptable practice:
1. Computer programs which randomly select entries from an employee list without apparent bias. The specific selection criteria used by the computer must be extensively detailed in writing, and each computer draw must be retained as a record for a minimum of two years; or
 2. Manual selection from a list of employees using a random-number table. The specific criteria used to select from the table must be documented in writing, including detail on how the initial starting point in the table was determined. Each draw, as well as a copy of the table portion used, must be retained as a record for a minimum of two years.
- C. If the employee testing pool is so small that it does not allow testing each selection period, then the employer must have in place a mechanism to randomly determine which selection periods will have selections and which will not. The specific criteria used to make this determination must be detailed in writing and the determination itself must be retained as a record for a minimum of two years.
- D. If required drug and alcohol testing rates are different (i.e., 25% for drugs and 10% for alcohol) and a single pool is being used, it is permissible to select one list of employees and designate a proportion for both drug and alcohol testing and a proportion for drug testing only. The specific criteria used to make this determination must be detailed in writing, and the master selection list with both sub-groups clearly identified must be retained as a record for a minimum of two years.
- E. Employers should carefully monitor significant changes in its workforce to ensure that an appropriate number of tests will be conducted each year. Unless otherwise directed by the DOT Operating Administration, changes in the employee base of greater than 10% in a quarter should result in a recalculation of total tests required.

Section III. Implementation of Random Collections

- A. Collections must be distributed unpredictably throughout the designated testing period, covering all operating days (including holidays) and shifts (24-hour clock). There is no expectation that day/night or shift collection distributions be equal but there must be sufficient testing to establish deterrence by generally mirroring employer operations.
- B. Collections must be unpredictable within a work shift (some collections must be conducted at the beginning, middle, and end). There is no expectation that “within-shift” collection distributions be equal. Sufficient testing must be

conducted at the start, middle and end of shifts to provide deterrence. Both beginning of and ending of shift collections are particularly important. For alcohol testing, at least 10% of successful collections must fall within each period of the shift.

- C. No discretion is allowed with collection dates or collection times which would result in a subjective choice by a field manager/supervisor as to who was actually collected. That is, if a test time frame is permitted in the employer's program, a manager/supervisor with knowledge of specific personnel assignments may not have discretion in the selection of who will be tested.
- D. Specific reasons for "no-tests" must be documented in writing by the employer, with records maintained for two years. Acceptable reasons for no-tests should relate to critical safety concerns, unforeseen or unpredictable significant adverse impact to operations, or employee illness or vacation.

Section IV. Records

All records which support the random testing program, including notes, memoranda, pool makeups, number tables, etc., must be retained for a minimum of two years.



What You Need to Know About Federal Drug and Alcohol Testing

Federal drug & alcohol testing in the railroad industry must comply with DOT and FRA Federal regulations/procedures. This flier is a cooperative effort to provide regulated employees like you with the information you need to comply with Federal testing. Any other testing would be conducted under company authority.

- DOT and FRA testing regulations (49 CFR Parts 40 and 219) apply to all regulated employees who perform work regulated by the Federal Hours of Service Laws (see 49 U.S.C. §§ 21101-21108) **or** performing duties as Maintenance-of-Way (MOW) workers as described in the definition of “Roadway Worker” in § 214.7 **or** employees performing Mechanical functions (MECH) duties covered by the definition of “Mechanical Employees” in § 219.5. (e.g., train and engine employees, dispatchers, signal employees, roadway workers and mechanical employees).
- Always conduct yourself in a business-like manner and do not joke or make fun of the collection process. Testing is part of your responsibilities as a safety-sensitive rail employee.
- Follow the specimen collector’s instructions; e.g., remove your coat and empty your pockets.
- Be alert during the collection process and save the copies of the forms that are given to you.
- The paper form that is used to record the testing information will identify whether the test is under Federal or company authority, and state the reason for the test. A special form is used for FRA post-accident testing.
- Only the results of a **Federal** test (positive, adulterated, or substituted drug test; positive alcohol test - concentration of 0.04 or more; or refusal) trigger Federal sanctions, which include engineer decertification under Part 240 and conductor decertification under Part 242.
- If you feel you have been wrongfully charged with a Federal drug or alcohol violation, you are entitled to a hearing per 219.104 (c).
- Testing for **drugs** requires a urine specimen. Testing for **alcohol** uses a breathalyzer or a saliva swab (blood is taken for FRA post-accident testing only).

Drug and Alcohol Prohibitions

You are in violation of Federal regulations if you are in possession of alcohol or illegal drugs while assigned to perform regulated service; or if you use alcohol on duty; or within 4 hours of reporting for regulated service; or after receiving notice to report (whichever is the lesser period). Use of illegal drugs is prohibited on or off-duty.

Alcohol Concentration Below 0.02: A regulated employer may not use a Federal test result below 0.02 for Federal or company action. Breathalyzers are not certified at levels below 0.02, so a test result below 0.02 is negative.

Alcohol Concentration 0.02 to 0.039: If you are on railroad property with an alcohol test result from 0.02 through 0.039, your test result is “positive” for alcohol, and the regulated employer must remove you from regulated service for at least 8 hours. The regulated employer is not prohibited from taking further disciplinary action under company policy.

Alcohol Concentration 0.04 or More and/or Illegal/Unauthorized Drug Use: If you test positive for illegal or unauthorized drugs, and/or if you test positive for alcohol at 0.04 or higher,

you are in “violation” of the Federal rules and the regulated employer must remove you from regulated service. To be allowed to return to regulated service, you must first:

- Complete the Federal return-to-duty requirements, including evaluation by a Substance Abuse Professional and any recommended education and/or treatment; and have a negative result on your Federal return-to-duty test.
- If the regulated employer chooses to return you to duty, you may be subject to Federal follow-up testing for up to 60 months. You will take a minimum of six follow-up tests in the year after you return to work.

Drugs Tested: A certified laboratory tests your urine specimen for marijuana, cocaine, opioids, amphetamines, and PCP (and additional drugs for FRA post-accident testing).

Non-Negative Drug Test: The testing laboratory will report a non-negative (positive, adulterated, invalid, or substituted result) to the regulated employer’s Medical Review Officer (MRO).

- If your test result is non-negative, the MRO will interview you to determine whether you have a legitimate medical explanation for your test result (for example, use of a prescribed medication).
- The MRO will inform you of your right to request a test of your “split specimen” at a different laboratory. The regulated employer may charge the cost of testing your split specimen back to you if your split specimen test result is positive; and you only have 72 hours to make this request.

Prescription and Over-The-Counter Medications

You must inform one of your treating physicians of all the prescribed and over-the-counter drugs you are taking so that your doctor can determine if your use of these drugs is consistent with the safe performance of your duties.

- You must use the medication at the doctor’s prescribed or authorized dosage.
- The regulated employer may require you to obtain prior approval for any drugs you are taking.
- **Use Only Prescriptions in Your Name:** You may only legally use medications prescribed for you. You are not authorized to use medication prescribed for someone else, such as medications prescribed for your spouse, parents, or children. Using someone else’s prescription drugs can result in a positive Federal test result.

Direct Observation Urine Collection

Federal regulations require a collector or observer to directly observe you while you provide your urine specimen if:

- Your previous urine specimen was out of normal temperature range; or
- The collector previously observed you attempting to tamper or substitute a specimen; or
- Your previous test result was invalid due to an interfering substance and you did not have a legitimate medical explanation; or
- Your split specimen could not be tested following a non-negative test result; or
- A Federal return-to-duty or follow-up test (after you’ve had a Federal positive test result or refusal to test). The collector (or the observer) must be of the same gender as you for direct observation collections.

Shy Bladder (If you have difficulty providing a urine specimen)

- After your first unsuccessful attempt to provide an acceptable specimen, you have up to 3 hours to produce a single specimen of sufficient volume (you can’t combine specimens). You can consume up to 40 ounces of fluid.
- If you do not provide a specimen within those 3 hours, you must undergo a medical evaluation to determine if there was a medical reason for your inability to do so. If a

physician determines that there was no medical reason for your failure to provide a urine specimen, you will be charged with a refusal.

- Hours of service limitations generally apply to random collections except when the collector determines a direct observation collection is required (as referenced above).

Refusal to Test

A refusal to take a Federal test usually has harsher penalties than a positive test result. **Never** refuse to cooperate with the testing requirements. Take the test and if needed, address any issues you have later. A refusal includes:

- Failure to appear for a test or remain at the testing site
- Failure to cooperate with the testing process
- Failure to provide a sufficient amount of breath or urine (without an adequate medical explanation as determined by a physician through a required medical evaluation)
- Adulteration or substitution of your urine specimen
- Failure to permit any part of the direct observation procedures.

Fatal Flaws

There are only a few procedural errors serious enough to be considered “fatal” flaws that cause a Federal drug or alcohol test to be cancelled. A fatal flaw is a non-correctable procedural error which calls into question whether the specimen tested was really yours or whether the test result on your specimen was correct (for example, if the specimen ID numbers on your specimen bottle do not match those on your test form).

Highway- Rail Grade Crossing Accidents

If you are involved in a collision at a Highway-rail grade crossing, the event would *not* normally meet the criteria for Post-Accident testing, unless it meets specific Human Factor criteria described in 49 CFR Part 219.201(5)(i-v).

Since FRA regulations cover specific criteria for post-accident testing at highway-rail grade crossings, State and local laws on toxicological testing after rail accidents may not apply. **But**, an officer can still require you to be tested if he or she has “probable cause” to suspect that you were impaired (this has to be more than just the fact that an accident occurred - for example, the officer finds an open beer bottle in the cab) at the time of the accident. FRA does **not** advise resistance to law enforcement action. You must comply if the officer decides to test you. A carrier officer should become involved in this discussion immediately.

Voluntary Referral and Co-Worker Report Policies

- All regulated employers must have both of these programs available if you decide to voluntarily initiate action to address a substance abuse problem, whether that problem is yours or that of a co-worker.
- If you ask for help or a co-worker refers you under one of these programs, the regulated employer must keep you in their employment, maintain your confidentiality, and provide you a leave of absence as specified by the Drug and Alcohol Counselor (DAC) for treatment.
- You must follow the program’s guidelines to maintain these employee protections. The regulated employer is required to offer you only one “bite at the apple,” but programs vary. Check with your employer.

For more complete information review 49 CFR Part 40 and Part 219, ask your union representative, or your regulated employer’s Designated Employer Representative (DER) to share additional information with you. Text of the CFR is available at:

<http://railroads.dot.gov/divisions/partnerships-programs/drug-and-alcohol>.

ADDITIONAL ATTACHMENT INFORMATION

To add additional fields for the below entries hit the + sign at the bottom right of the box. To remove the extra field hit the “Undo Typing” button. Be sure to hit the enter button after your last entry before you add an extra field with the + sign, this will create space between your entries.

Enter or paste any content that you wish to add to this document. Hit enter before using the + sign and adding another section

APPENDIX A.3 - UTA SUPPLEMENTAL DRUG & ALCOHOL POLICY

UTAH TRANSIT AUTHORITY POLICY

SUPPLEMENTAL DRUG AND ALCOHOL POLICY

Table of Contents

1) Purpose	2
2) Definitions	Error! Bookmark not defined.
3) Policy	2
A. Scope	2
1. Collective Bargaining Agreement	2
2. Safety-Sensitive Functions	3
B. Compliance	3
C. Alcohol Use	3
1. On-Duty Employees	3
2. Pre-duty Alcohol Use	4
3. Possession of Alcohol	4
4. Employees On Call	4
D. Drug Use	4
E. General Matters	5
1. Uniforms	5
2. Intoxication/Under the Influence at Work	6
3. Pay for Time and Transportation	6
4. Employer's Right to Inspection	6
5. Discovery of Illegal Drugs	6
6. Side Effects	6
7. Previous Positive Test or Refusals	7
F. Testing Procedures	7
1. Confidentiality	7
2. Confirmation of Tests	7
3. Split Sample Testing	7
4. Alcohol Testing	8
5. Medical Review Process	8
6. Substance Abuse Referral	8
G. Reasons for Testing	8
1. Pre-Employment Testing	8
2. Reasonable Suspicion Testing	9
3. Reasonable Cause Testing	9
4. Post-Accident Testing	10
5. Return-to-Duty Testing	10
6. Fitness-for-Duty Testing	10
7. Follow-Up Testing	11
H. Removal From Service	11
I. Voluntary Rehabilitation/Self-Referral	11
J. Return-To-Work Behavioral Agreements	11
K. Test Results	12
L. Treatment/Discipline	12
4) Cross-References	13

This policy describes UTA's Drug and Alcohol program requirements that are in addition to FTA and FRA requirements.

1) **Purpose:**

The purpose of this policy is to ensure worker fitness for duty and to protect employees, passengers, and the public from the adverse effects of Alcohol misuse and prohibited Drug use. Utah Transit Authority (UTA) is dedicated to providing safe, dependable, and reliable services to our passengers and to maintaining a safe, clean, healthy, and productive work environment for our employees. To accomplish this, it is the policy of UTA to maintain a workplace free from the misuse or influence of Alcohol and free from the unlawful manufacture, distribution, dispensing, possession, or use of prohibited Drugs. UTA also encourages employees to seek appropriate assistance when personal problems, including Alcohol or Drug dependency, adversely affect their ability to work.

UTA's Drug and Alcohol program is divided into three separate documents:

- A. UTA - Federal Transit Administration Drug & Alcohol Policy
- B. UTA - Federal Railroad Administration Control of Alcohol and Drug Use Model Part 219 Railroad Compliance Plan
- C. UTA - Supplemental Drug & Alcohol Policy (This policy)

This policy requires an annual review and approval by the Board of Trustees.

Each policy/document describes unique but compatible requirements and together constitute UTA's overall Drug and Alcohol policy. This policy does not impose requirements that are inconsistent with, contrary to, or frustrate FTA or FRA regulations.

UTA intends to make good faith efforts to maintain a Drug-free workplace through the implementation of this policy.

2) **Policy:**

A. **Scope.**

This policy describes UTA's Drug and Alcohol requirements that are in addition to the FTA and FRA Drug and Alcohol requirements as found in UTA-Federal Transit Administration Drug and Alcohol Policy (UTA-FTA Policy) and UTA- Federal Railroad Administration Control of Alcohol and Drug Use Policy (UTA-FRA Policy). It applies to all UTA employees and trainees when on UTA property or when performing any UTA related business, including those performing Safety-Sensitive Functions, whether on or off UTA property. It also includes off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and volunteers are expected to adhere to this policy as applicable. If found in violation of this policy, they will not be permitted to conduct UTA business and will be escorted from UTA facilities. UTA's Contractor employees are further required by the terms of their contract to abide by the terms of the Policy or face contract termination for default and/or expulsion from UTA facilities.

- 1. Collective Bargaining Agreement

- a. To the extent permitted by law, Drug and Alcohol testing of bargaining unit employees is also governed by the current Collective Bargaining Agreement(s) and any Side Letter agreements thereto.
2. Safety-Sensitive Functions
 - a. For Safety-Sensitive employees or Covered Employees, as defined by FTA and FRA, see UTA-FTA policy and UTA-FRA policy for FTA and FRA requirements.
 - b. UTA has evaluated all jobs in the organization and determined which jobs may require employees to perform Safety-Sensitive Functions. Any new job classifications developed will be analyzed by UTA's DER and the Human Resources department to determine if the new job requires employees to perform Safety-Sensitive Functions.

B. Compliance.

Compliance with this policy is a condition of employment for all UTA employees, and violation will result in disciplinary action up to and including termination of employment. All employees are subject to urine Drug testing and breath Alcohol testing as provided herein.

1. The Drug-Free Workplace Act

Pursuant to the Drug-Free Workplace Act, the unlawful manufacture, distribution, dispensation, sale, possession or use of a controlled substance is prohibited on UTA's property or other work site. Any employee violating this provision will be immediately terminated and reported to law enforcement officials.

2. Refusal to Test

Any employee's refusal to take a UTA required Drug or Alcohol Test violates this policy. UTA will follow the same guidelines as found in UTA-FTA policy in determining when a refusal has occurred. Under UTA Policy, a refusal to take any required Drug or Alcohol test or any attempt to tamper with or otherwise falsify test results is reason for discharge.

Any employee who refuses to take a required Drug and/or Alcohol test, will be immediately removed from performing duties and employment will be terminated.

If an employee's Drug or Alcohol test is deemed a shy bladder or shy lung refusal, UTA will follow guidance outlined in 49 CFR Part 40. If a shy bladder or shy lung evaluation reflects a valid medical reason for the shy bladder/lung, the employee may be permitted to return to work unless a negative result is required. Otherwise, employment will be terminated.

C. Alcohol Use.

1. On-Duty Employees

Employees may not consume Alcohol while on duty. No employee should report for duty or remain on duty when their ability to perform assigned functions is adversely affected by Alcohol. Employees who report to work and are tested with Alcohol levels of 0.02 or greater will be removed from service and disciplined in accordance with this policy.

An employee exhibiting behavior indicating possible Alcohol abuse may be subject to an intervention by UTA, which may include confrontation, Alcohol testing, referral to an SAC, and follow-up testing as recommended by the SAC.

The ingestion of Alcohol for eight hours following an accident by an employee involved in the accident is prohibited unless the employee has already performed a required Alcohol test or has been otherwise dismissed by the investigating supervisor.

2. Pre-duty Alcohol Use

Employees are not to consume Alcohol within five (5) hours of starting work. This does not, however, guarantee that an employee's system will be free of Alcohol after five hours of cessation of drinking. The employee is still accountable for using Alcohol responsibly and reporting to work free from the influence of Alcohol.

3. Possession of Alcohol

Employees may not possess an open or unopened container of Alcohol at work (except for unopened UTA commemorative Alcoholic beverages present in UTA buildings), This includes during breaks and lunches. . Employees may not transport Alcohol in a UTA Vehicle or distribute, transact, or sell Alcohol while at work or while on UTA property.

Employees who find containers of Alcohol left by customers on UTA property (such as an operator who finds a container on a bus or train) will remove it from view of customers, dispose of the container as soon as practicable, and immediately report it to their immediate supervisor, manager, or Transit Control Center (TCC). Failure to adhere to a requirement of this paragraph may result in the termination of employment.

4. Employees On Call

Employees may not use Alcohol during the hours that they are on call.

- a. An employee who is on call must acknowledge the use of Alcohol at the time they are called to report to duty and the inability to perform their job duties.
- b. An employee must take a UTA Alcohol test if the Employee has acknowledged the use of Alcohol but claims ability to perform their job Function.

D. Drug Use.

1. Use of illegal Drugs is prohibited at all times. Prohibited Drugs under UTA Policy include but are not limited to:

- a. Prohibited Drugs (see definitions)
- b. Legal Drugs that are misused
- c. Prescription Drugs not prescribed for the person using them
- d. Any substance that causes mental or physical impairment on the job, or raises concerns about an employee's ability to safely perform job functions

2. Notifying UTA of Criminal Drug Conviction

As a condition of employment and pursuant to the Drug-Free Workplace Act, if an employee is convicted of a criminal Drug offense occurring in the workplace, the employee is required to report it to UTA no later than 5 days after such conviction. Employees convicted of Drug-related offenses that arise in the workplace will be terminated from employment.

UTA is required, within 10 days after receiving notice of an employee's conviction of Drug-related offense, to notify any agency with which UTA has a federal procurement contract, and any agency which has provided a federal grant under which UTA is operating, performing work, or having work performed. UTA must also take appropriate personnel action against such an employee. To comply with the Drug-Free Workplace

Act, disciplinary action must be taken within 30 calendar days after receiving notice of the employee's conviction.

3. Legal Drugs

The appropriate use of legally Prescribed Drugs and over-the-counter medications is acceptable. However, when using any medication, the directions and warning label must be followed, especially where mental functioning, motor skills, or judgment may be adversely affected.

a. Prescribed Drugs

All prescriptions must be administered properly and issued in the employee's name by a licensed health care professional. It is the employee's responsibility to follow the dosing instructions correctly. Covered employees must complete and submit a Medication Approval Form to UTA's DER within 7 days of returning to work while taking a taking prescription medications that carries a safety warning. Additional requirements for Covered Employees regarding UTA's medication reporting process are contained in UTA's - FTA Drug & Alcohol Policy.

b. Over-The-Counter Drugs

Employees may use over-the-counter Drugs while working, provided the employee follows the instructions and warning labels, and the Drug does not have the potential for impacting performance or safety (when used as directed under normal conditions). Employees who experience any performance-altering side effects should discontinue using the medication and consult their personal medical advisors to see if an alternate medication can safely be used. Employees who engage in a hazardous activity, such as driving or working around equipment, with an over-the-counter Drug in their system which affects performance, judgment, or safety, are subject to discipline, including termination, under this policy.

c. Medical Cannabis

Employees who do not perform safety sensitive functions fall under the provisions of the Utah Medical Cannabis Act, and thus approved medical use is allowed.

Employees who are approved for a medical cannabis card have the responsibility to understand and comply with all applicable provisions of the Act and are responsible for safely performing job duties. Should a non-safety sensitive employee be required to complete a drug test in accordance with this policy that produces a positive result for marijuana (cannabis), the employee will be required to demonstrate that they had a valid medical cannabis card at the time of the incident that triggered the drug test. This will be done by providing a Utah Department of Health & Human Services (DHHS) Release of Information Form to UTA's DER within 3 days of the test result which will allow DHHS to email UTA's DER a verification letter confirming whether the employee was a card holder at the time of the incident. Failure to provide such documentation as required, or not having an approved medical cannabis card at the time of the incident, will result in the consequences for positive tests as described in this policy.

E. General Matters.

1. Uniforms

Employees may not enter bars, taverns, liquor stores or private clubs, or drink Alcohol in public while wearing a UTA uniform, employee badge or UTA branded clothing. Furthermore, employees may not be intoxicated or under the influence of a prohibited

substance in public while wearing a UTA uniform, employee badge or UTA branded clothing.

2. Intoxication/Under the Influence at Work

Any time a supervisor or other UTA official possesses reasonable suspicion that an employee reporting for duty is intoxicated or under the influence of a prohibited substance or otherwise not fit for duty, the employee will be suspended from job duties pending an investigation and verification of condition. An employee found to be under the influence while working will be removed from duty and will be subject to termination.

3. Pay for Time and Transportation

Except for pre-employment and return to duty tests, UTA Drug and Alcohol screens may be conducted just before, during or immediately after an employee's regular work period. Employees who are on active duty will be paid for time spent in taking the test, including time spent traveling to the location of the test or exam from the workplace.

- a. UTA will pay for the costs of transportation if the testing is conducted at a place other than the work site. Employees may be reimbursed for personal Vehicle mileage for this purpose.
- b. In accordance with the Collective Bargaining Agreement, UTA will provide for transportation to the residence of a bargaining unit employee who, as a result of UTA Drug or Alcohol testing conducted after the end of the employee's regularly scheduled shift, does not otherwise have transportation home.
- c. UTA will compensate an employee at the employee's regular rate of pay, including applicable overtime required by law for time spent traveling to and from a UTA designated Drug and Alcohol testing site if such travel is required before or after the employees regularly scheduled shift, except that no such compensation will be paid to an employee undergoing a return-to-duty testing following a positive test result.

4. Employer's Right to Inspection

UTA reserves the right to inspect all personal property brought onto the Authority's premises. Upon reasonable suspicion of violation of this Drug and Alcohol policy, based on facts, circumstances, evidence, physical signs and symptoms or a pattern of performance or behavior that would cause a supervisor or manager to conclude that an employee may be intoxicated, has diminished ability, or may be under the influence of a prohibited substance. This property includes Vehicles, packages, briefcases, backpacks, purses, bags and wallets. In addition, the Authority may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations.

5. Discovery of Illegal Drugs

Employee who discovers any illegal Drugs on UTA property, at any stops, platforms and/or on any company Vehicle must immediately contact UTA police.

6. Side Effects

Employees using a support service Vehicle who experience performance altering side effects or who do not feel fit for duty, regardless of previous approvals, must consult their personal health care professional and immediately refrain from performing hazardous activities, including driving and working with machinery. Employees using a support service Vehicle should inform their supervisor, managers or dispatcher that they do not feel fit for duty and may be excused for this reason until the issue is resolved.

7. Previous Positive Test or Refusals

A Covered Employee or applicant who has previously failed or refused a DOT Drug and/or Alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan — including all follow-up testing — **meeting DOT requirements**. The entire treatment plan (including follow-up testing) must be completed before any applicant is considered for employment.

F. Testing Procedures.

Non-Federal Tests done according to UTA policy will follow the DOT guidelines where possible for consistency and reliability.

1. Confidentiality

UTA affirms the need to protect individual dignity, privacy, and confidentiality through the testing process. Therefore, UTA will only release test records and results to those authorized to receive such information. UTA will follow the guidelines below in dealing with testing records for UTA Tests as well as FTA and FRA tests.

a. Testing Records

1. Drug and Alcohol test records will be kept in a secured area with controlled access.
2. Employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of Prohibited Drugs or misuse of Alcohol, including any records pertaining to their Drug or Alcohol tests as permitted under federal regulations. UTA shall promptly provide the records requested by the employee in accordance with UTA's Records Department process. Access to an employee's records shall not be contingent upon UTA's receipt of payment for the production of those records.
3. UTA will release information regarding an employee's record as directed by the specific, written consent of the employee authorizing release of the information to an identified person as permitted under federal regulations.
4. In a grievance, hearing, lawsuit, or other action involving the employee, UTA may release relevant information to the decision-maker, and to those who need to know the information to assist with the case. Such information may also be released to representatives from state or federal agencies when required.

2. Confirmation of Tests

An initial Drug screen will be conducted on each urine specimen. For those specimens that are positive, a confirmatory test will be performed. For Drugs not specified in 49 CFR Part 40, a UTA Drug test will be considered positive if the amounts present are above the minimum thresholds established by the applicable government agency or by UTA, and the MRO determines that the test is a verified positive test.

3. Split Sample Testing

All urine samples will be collected using the Split Specimen method of Drug testing, in which the employee's urine sample will be split into two bottles: (1) a Primary Specimen or "Specimen A" and (2) a Split Specimen or "Specimen B". All initial testing will take place on Specimen A. Specimen B is preserved to give the option to have the Split Specimen tested if needed.

In the event of a verified positive UTA Test result, or a verified adulterated or substituted result, the employee can request that the Split Specimen be tested at a second laboratory. Utah Transit Authority guarantees that the Split Specimen test will be conducted in a timely fashion. Such a request must be made by the employee in writing

or verbally to the MRO within 72 hours of the time the MRO provides the notification to the employee that the test is verified positive, adulterated or substituted. The second laboratory is only required to run a confirmatory test for the specific substance which appeared in the Primary Specimen. If the Split Specimen reveals no measurable presence of the Drug in question, the former positive test will be cancelled.

UTA will pay the full cost of the Split Specimen test.

The method of collecting, storing, and testing the Split Specimen will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

4. Alcohol Testing

UTA Tests for Alcohol Concentration will be performed by a trained Breath Alcohol Technician.

A screening test will be given first. If the initial test indicates an Alcohol Concentration of 0.02 or greater, a second Alcohol Confirmation Test will be performed after a waiting period of at least 15 minutes but not more than 30 minutes and the employee will be immediately removed from duty. See Section L. Treatment and Discipline for actions to be taken with a confirmed Alcohol Concentration of 0.02 or greater.

5. Medical Review Process

UTA will follow the same **MRO** review process for UTA Tests as is described in UTA-FTA Policy for FTA required tests.

6. Substance Abuse Referral

An SAC will evaluate employees who test positive for the presence of prohibited substances on a UTA Test or receive a confirmed alcohol test result between 0.02 - 0.039 on an FTA or FRA Alcohol test. UTA may also refer an employee to a SAC when issues related to substance abuse arise or are suspected.

The SAC will determine what assistance or training the employee needs in resolving problems associated with substance abuse or misuse. Assessment by a SAC does not shield an employee from disciplinary action nor guarantee reinstatement.

An employee who is allowed to return to duty must properly follow the rehabilitation program prescribed by the SAC. The employee must pass a UTA Return-to-Duty Drug and/or Alcohol Test as recommended by the SAC, sign a return-to-work behavioral agreement as outlined in section J of this policy, and be subject to unannounced follow-up tests for a period of up to sixty (60) months, as determined by the SAC. The cost of any treatment or rehabilitation services not covered by the employee's health insurance carrier will be paid directly by the employee.

G. Reasons for Testing.

1. Pre-Employment Testing

All applicants who receive a contingent offer of employment with UTA shall undergo urine Drug testing prior to beginning employment and no more than seventy-two (72) hours after the contingent offer is extended unless an exception is granted in writing by UTA's DER for extenuating circumstances. Applicants for non-Safety-Sensitive Functions will take a UTA Test. If UTA does not receive a verified negative Drug test result for an applicant who has received a contingent offer, the offer will be rescinded, and the applicant may not be permitted to work for UTA.

- a. If a pre-employment Drug test is canceled, UTA will require the employee or applicant to take another pre-employment Drug test.

An applicant who fails or refuses any type of UTA Drug Test will be disqualified from employment for a period of 12 months. An applicant who has previously failed or refused a pre-employment UTA Drug test must provide UTA proof of having successfully completed a treatment plan with a substance abuse professional prior to further consideration for employment.

2. Reasonable Suspicion Testing

A Reasonable Suspicion referral for testing is a UTA Test which can be conducted on any employee, and will be made on the basis of facts, circumstances, evidence, physical signs and symptoms, or a pattern of performance or behavior that would cause a supervisor or manager to suspect that an employee may be intoxicated, has diminished ability, or may be under the influence of a prohibited substance. For Covered Employees, a UTA reasonable suspicion test can be conducted when the **“reasonable suspicion”** definition under FTA is not met, but there are long-term or other indications of possible Drug use or Alcohol misuse. A supervisor or other UTA official who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

If an Alcohol test required by this section is not administered within two hours following the Reasonable Suspicion determination, the UTA official shall prepare and maintain on file a record stating the reasons why the Alcohol test was not promptly administered. If an Alcohol test required by this section is not administered within eight hours following the determination, the UTA official shall cease attempts to administer an Alcohol test and shall state in the record the reasons for not administering the test.

3. Reasonable Cause Testing

a. Operation of Non- Revenue Service Vehicles while on UTA Business

Any UTA employee, when operating their own or other non-revenue service vehicle on UTA business will be required to undergo a non-DOT Reasonable Cause drug and alcohol test as soon as practicable following any accident or incident in which:

1. An individual dies; or
2. An individual is injured and immediately receives medical treatment away from the scene of the accident; or
3. One or more vehicles is damaged and is transported away from the scene by a tow truck or other vehicle.

UTA employees will immediately report accidents to their supervisor. The employee’s direct supervisor or designee will authorize the drug and alcohol test.

b. Non-Vehicular Industrial Accidents

Employees will be required to undergo a non-DOT Reasonable Cause drug and alcohol test if they are involved in a non-vehicular industrial accident that does not meet the FRA Reasonable Cause requirements as outlined in 49 CFR 219.403 (see UTA-FRA Policy for FRA Reasonable Cause testing requirements) and results in:

1. Damage to property; or
2. Disabling damage to equipment; or
3. A person being immediately transported to receive medical treatment.

The responding supervisor or manager has reasonable cause to believe a policy, law, or rule violation may have played a role in the cause or severity of the accident. UTA shall test any employee whose performance could have contributed to the accident,

as determined by the responding supervisor or manager using the best information available at the time of the decision.

Employees will immediately report work-related injuries to the Workers' Compensation Administrator or to the employee's immediate or on-duty supervisor.

If an Alcohol test required by this section is not administered within two hours following the Reasonable Cause determination, the UTA official shall prepare and maintain on file a record stating the reasons why the Alcohol test was not promptly administered. If an Alcohol test required by this section is not administered within eight hours following the determination, the UTA official shall cease attempts to administer an Alcohol test and shall state in the record the reasons for not administering the test.

4. Post-Accident Testing

Employees will immediately report vehicular accidents to their supervisor. This includes accidents that occur when operating their own or other non-UTA vehicle while on UTA business. Except as required under the FTA or FRA regulations, an employee will not be required to undergo a Post-Accident Drug and Alcohol test.

An employee may be required to complete a Reasonable Suspicion or Reasonable Cause Drug and Alcohol Test after a work-related injury or vehicular accident (See Section G).

5. Return-to-Duty Testing

Where a return to work is allowed, an employee who has a verified positive Drug test result on a non-DOT-required test or has reached out for assistance through the Voluntary Rehabilitation Program outlined in this policy must be evaluated by a SAC, be released to duty, pass a non-DOT return-to-duty Drug and/or Alcohol test and sign a Return to Work Behavioral Agreement before returning to duty. An employee who has a confirmed Alcohol test result of 0.02 to 0.039 will follow the same process but will be required to pass a non-DOT return-to-duty Alcohol test.

Per UTA policy, employees returning to work following an extended medical-related absence of two weeks or more may be required to submit to a physical exam. See the following fitness-for-duty testing section.

6. Fitness-for-Duty Testing

In accordance with the Collective Bargaining Agreement, and per UTA policy, UTA may require an employee to submit to a physical examination by a physician selected and paid by UTA. If UTA requires a fitness-for-duty examination pursuant to the Collective Bargaining Agreement or when questions about fitness arise, UTA may also require the employee to submit to Drug and Alcohol testing if:

- a. the physician has reason to believe that the employee should be tested for Drugs or Alcohol; or
- b. the physician cannot conclude that a physical reason unrelated to Drugs or Alcohol caused, or is causing, the concern that led to the fitness for duty examination.

However, if UTA requires a fitness-for-duty examination, UTA will not also require the employee to submit to Drug and Alcohol testing if the physician concludes that the reason for the concern that led to the fitness for duty examination is a physical impairment unrelated to Drugs or Alcohol.

7. Follow-Up Testing

Employees who have properly complied with the return-to-work process will be required to undergo follow-up Drug and/or Alcohol testing as specified by the SAC. Employees returning to work after testing positive on a UTA Test will be required to undergo UTA follow-up tests. UTA follow-up tests may also be given in other situations when recommended by a health care professional or SAC.

H. Removal From Service.

Employees who undergo an FTA or FRA required Post Accident, Reasonable Suspicion or Reasonable Cause, or UTA Reasonable Suspicion, Reasonable Cause, or Fitness-for-Duty Drug and/or Alcohol test will be removed from service until test results are received. Employees will be paid their regular pay while awaiting such results.

Employees who undergo FTA or FRA Random or FTA, FRA, or UTA Follow Up tests will be permitted to return to their normal duties upon completion of the test(s). Employees who undergo FTA, FRA, or UTA Return-to-Duty Drug and/or Alcohol tests will be permitted to return to work if the results of the tests are negative as outlined in Section J of this policy.

If the results of the test are non-negative, employees will be disciplined according to this Policy.

I. Voluntary Rehabilitation/Self-Referral.

Employees who have a substance abuse or dependency problem may ask for assistance from UTA in overcoming these problems or may contact UTA's Employee Assistance Program directly for confidential help (see EXHIBIT 1). The Human Resources Department and/or the DER can also provide referral assistance. Employees may use available medical benefits and vacation, sick, and personal leave as required for an approved program of treatment. Employees may also be granted a medical leave of absence if necessary.

Employees will not be disciplined for taking steps toward rehabilitation if they come forward before a disciplinary issue arises, or before being notified of a pending Drug or Alcohol test. Self-reporting just after being notified of a test does not release an employee from the responsibility of taking the test, and it also does not qualify as voluntary rehabilitation. Employees who do come forward must, however, commit to resolving the problem. Employees may be required to take a leave of absence if there is a question about their ability to work safely and productively. Supervisors should participate, as appropriate, in the employee's rehabilitation efforts. Employees may use their health insurance or the Employee Assistance Program for rehabilitation. The employee must pay for other programs or counselors. Upon returning to work, employees will be required to enter into a return-to-work behavioral agreement as defined in Section J and may be subject to follow-up testing as recommended by the SAC to ensure that they are complying with the rehabilitation.

J. Return-To-Work Behavioral Agreements.

Employees who have tested positive for Drugs or Alcohol due to a UTA Test or are otherwise found to be in violation of this policy may be offered a second chance. Under circumstances in which a second chance is offered, employees will be required to sign a return-to-work behavioral agreement as a condition of reinstatement. The agreement will at a minimum include, but is not limited to:

1. An agreement to refrain from using any prohibited substances in violation of UTA policy.

2. An agreement to submit to unannounced follow-up testing for a period of 12 months to 60 months, as determined by the SAC.
3. An agreement to have no future positive tests, whether for Drugs or Alcohol.
4. An agreement to abide by the treatment recommendations made by the SAC, including successful completion of any treatment program or substance abuse prevention class as applicable; to follow specified after-care requirements as defined by the SAC; and to submit continuing documentation to verify participation.
5. An agreement to complete a return-to-duty Drug and/or Alcohol test which must return a negative result.

After obtaining a statement of compliance with treatment from the SAC, the employee will be required to sign the return-to-work behavioral agreement and complete a return-to-duty Drug and/or Alcohol test that must return a negative result before coming back to work.

Violation of the return-to-work behavioral agreement is cause for termination.

K. Test Results.

Any result below minimum test thresholds for Drug testing or concentration levels under 0.02 for Alcohol testing will be considered a negative test result.

Results of Drug tests that show an initial laboratory positive for Prescribed Drugs that are properly used will be verified by the **MRO** and reported to UTA as negative.

Any employee with a confirmed positive Drug test result, as certified by the **MRO**, or a confirmed positive Alcohol test shall immediately be removed from duty.

1. Negative Dilute Result

UTA will consider a UTA Drug Test result that is negative but dilute to be a valid negative test result and will not require a recollection. However, an immediate recollection under direct observation will be conducted if directed by the **MRO** (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL).

L. Treatment/Discipline.

1. Consequences of Positive UTA Tests or Refusals

a. Positive UTA Alcohol Test

When a confirmed Alcohol test result of 0.02 or greater is received, the Employee involved must be immediately removed from performing job duties.

1. Level of 0.02 to 0.039

Following a BAC of 0.02 to 0.039, the employee will be immediately removed from duty without pay and will be required to follow the Return-to-Duty testing process as outlined in this policy.

2. Level of 0.04 or greater

Following a BAC of 0.04 or greater, an employee will be terminated, since a person with this level of Alcohol is under the influence and impaired.

b. Positive UTA Drug Test

Upon receipt of a verified positive UTA Drug test result, UTA will immediately remove the employee from duty. The employee will be placed on leave without pay for a minimum of 21-30 days and will be referred to an SAC for evaluation and assistance in dealing with the substance abuse issue. The SAC will evaluate the employee's situation and determine recommended education and/or treatment as

well as an appropriate time for the employee to take a return-to-duty test after determining that the employee has successfully complied with prescribed education and/or treatment. Where a return to work is allowed, the Return-to-Work Behavioral Agreement process must be completed before returning to work. (See section J)

1. Second Positive Test

An employee who receives a second positive Drug or Alcohol test result, after a previous positive UTA Drug or Alcohol test is subject to immediate termination.

2. Refusal to Test

Any kind of refusal to take a required UTA Drug or Alcohol test will result in immediate removal from duties, referral to a qualified SAC and termination of employment.

c. Probationary Period

Upon receipt of a confirmed Alcohol test result of .02 or greater or a verified positive Drug test, an employee newly hired to the agency still within their probationary period is subject to immediate termination.

3) Cross-References.

- 49 C.F.R. Part 655 – Prevention of Alcohol Misuse and Prohibited Drug use in Transit Operations
- 49 C.F.R. Part 40 – Drug and Alcohol Regulations
- 41 U.S.C. 701 through 707 – Drug-Free Workplace Requirements for Federal Contractors
- 49 C.F.R. Part 219 – Control of Alcohol and Drug Use
- UTA.01.08 Records Management and Access
- UTA.01.18 Federal Transit Administration Drug & Alcohol
- UTA-Federal Railroad Administration Control of Alcohol and Drug Use Policy
- Collective Bargaining Agreement between UTA and ATU Local 382
- Collective Bargaining Agreement between UTA and Teamsters
- Utah Medical Cannabis Act

Exhibit 1

Resources and Information

1. **UTA's Designated Employer Representative:**

Any questions regarding this policy or any other aspect of UTA's Drug-free and Alcohol-free workplace programs should be directed to the UTA's drug and alcohol program team:

Designated Employer Representative
Drug & Alcohol Program Manager
669 West 200 South, Salt Lake City UT 84101
Office Phone: (385) 299-6026
Email: DER@rideuta.com

2. **Substance Abuse Professionals/Substance Abuse Counselors:**

UTA's Employee Assistance Program (see SharePoint):

https://rideuta.sharepoint.com/sites/Human_Resources/SitePages/Employee-Assistance-Program.aspx

National Association for Alcoholism and Drug Abuse Counselors (NAADAC)
(Substance Abuse Professional Network)
1-703-741-7686

<https://www.naadac.org/sap-directory>

3. **Other Treatment Programs:**

A) Public treatment agencies and information for Utah can be found at www.hsdas.utah.gov.

B) Another resource is the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov/>. This site provides contact information for substance abuse treatment programs by state and city.

C) Some community resources include:

- SAMHSA'S National Helpline: 1-800-662-HELP (4357). SAMHSA's National Helpline is a free, confidential, 24/7, 365-day-a-year treatment referral and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders.
- Highland Ridge Hospital: (888) 986-3545. Operating 7 days a week, 24 hours per day, providing information, advice and referrals for any Alcohol or Drug problem.
- Wasatch Crest Treatment: 800-385-3507. Adventure-based experimental therapy program that offers both gender-specific and mixed-gender care to those struggling with substance use disorders (SUDs).

APPENDIX B

APPENDIX B.1 - AUTHORIZATION FOR TRANSIT POLICE OFFICERS TO CARRY FIREARMS

- 1) **Purpose:** UTA values the life and safety of all persons. Accordingly, this policy is intended to allow the Public Safety Manager to implement Department Policies and Procedures for arming UTA Police Officers within the limits set forth in this Policy.

- 2) **Policy:** UTA Police Officers are authorized to carry and use firearms in accordance with UTA Police Department Policies # 314 (Firearms), # 300 (Use of Force), # 313 (Officer Involved Critical Incidents), Utah Code § 76-2-404 (Law Enforcement Officer Use of Deadly Force), 18 U.S.C. § 926B and 926C (Law Enforcement Officers Safety Act), and the provisions set forth below:
 - A. The UTA Police Department will retain all firearm training records for each Transit Police Officer. On a yearly basis, the Public Safety Manager will review and certify that all Transit Police Officers have met qualification standards equal to or more stringent than POST standards.
 - B. UTA, through its Public Safety Manager, will ensure that the Transit Police Officers in their capacity as employees of UTA are adequately insured against federal claims or causes of action relating to the Transit Police Officers' job duties in general, and to their enumerated authority to use force and firearms in particular.

- 3) **Superseding Clause:** This policy supersedes any prior directives or authorizations relating to the arming of UTA Police Officers.

APPENDIX C

APPENDIX C.1 – DEFINITIONS LIBRARY

TERM	DEFINITION
457 Deferred Compensation Plan	A plan established under 26 U.S.C. 457 of the Internal Revenue Code the purpose of which is to enable employees to build tax preferred savings to be used for their expenses in retirement
Accessible	A program, service, or facility that can be accessed and capable of being used by an individual with a Disability, in compliance with the ADA
ADA	Americans with Disabilities Act, as amended from time to time
Administrative Employee(s)	An Employee who is not subject to the Collective Bargaining Agreement
Advances	An amount of money paid to an employee of UTA before the time specified on travel authorization
Affidavit of Qualifying Domestic Partnership	A form with qualifying documentation that must be completed, reviewed, and approved to cover a Domestic Partner on Health Benefits or issue a Domestic Partner a Transit Pass
Appeal	The process by which a case is reviewed and parties request a formal change to an investigation outcome
Applicant	An individual who submits an application for employment to the UTA. This includes both internal and external job Applicants
Applicant Information	Information collected about an Applicant obtained from the Applicant and used by UTA to determine whether the Applicant will be considered for a second review for the position for which the Applicant is applying, including an Applicant's Identification Number(s), and an Applicant's Criminal Conviction information, Criminal History Record, and Consumer Report, as relevant. <i>See</i> Utah Code 34-46-102(5),
Approved Leaves of Absence	A Family Medical, Medical Leave, Non-Renewable Leave, or Military Leave that the Employee has received notification of approval from the Total Rewards Benefits Administrator that the leave was approved
Arrest	Physical detention in a jail or holding facility of an individual by the police or other person acting under the law in connection with a crime
Assigned Place of Work ("APW")	An employee's assigned place of work (the place where an employee is asked to report by their supervisor). Telework does not change an employee's APW
At Risk	Any member of the public who is unable to take care of themselves or unable to protect themselves against significant harm or serious exploitation

ATU Representative	A UTA Employee who is also a member of the Amalgamated Transit Union (ATU) who has been selected to act as a representative of the ATU in a formal capacity within UTA
Authentication Token	A mechanism to prove the identity of a user electronically
Authorized Personal Use	Any personal use that is authorized pursuant to this policy. As provided in Utah Code 76-8-402(1), a Public Servant may use UTA Property for a personal matter and personal use of UTA Property is allowed when: (A)(i) the Public Servant is authorized to use or possess the Public Property to fulfill the Public Servant's duties owed to UTA; (ii) the primary purpose of the Public Servant using a possessing the Public Property is to fulfill the Public Servant's duties to UTA; (iii) the personal use is in accordance with this policy; and (iv) the Public Servant uses and possess UTA Property in a lawful manner in accordance with this policy; or (b) the personal use of UTA Property is incidental, such as when: (i) the value provided to UTA by the Public Servant's use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the Public Servant's personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of UTA Property by a Public Servant that is not prohibited by applicable state or federal law. Any lawful personal use of UTA Property by a Public Servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this policy. UTA recognizes that third parties may benefit indirectly or directly from a Public Servant's personal use, or official use, of UTA Public Property, which benefit indirectly or directly from a Public Servant's personal use, or official use, of UTA Public Property, which benefit is specifically condoned and authorized by this policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule, or ordinance
Authorized User	Any User who is authorized to use a specific Technology Resource. Authorization may be based on job title, job roles, or other methods of access control. Authorization will be determined by the Technology Department in consultation with the data owner
AWOL	Absent without authorized leave
Bargaining Unit Employee	An Employee who is subject to a Collective Bargaining Agreement
Benefit Plan Year	The 12-month period that establishes when benefits begin and end, when annual elections may be made or changed, and when applicable deductibles, out-of-pocket maximums, and other plan provisions reset.

	The Benefits Plan Year for all UTA benefit plans begins May 1 through April 30 of the following year
Business Meals	Meals where UTA business is discussed and/or beneficial ideas for UTA are shared
Business Relationship or Doing Business With	An entity or individual who has or is seeking a contract with UTA, seeks or receives grant funding from UTA, provides grant funding to UTA, receives payments for good or services from UTA or for whom UTA pays for goods or services
Cardholder Data	The card number, as defined by PCI DSS, that identifies the issuer and the particular cardholder account by itself or in conjunction with the cardholder name, expiration date, cardholder address, cardholder social security number, or any other type of cardholder identifying information. Applies to data stored on hard copy media (such as reports and receipts), electronic media (such as computers, hard drives, Portable Devices), and stored in databases or in transaction logs.
Chain of Command	The established line of managerial authority through which information, decisions, approvals, concerns, and responsibilities are communicated within UTA. The Regional General Manager (RGM), General Manager (GM), Director, or Chief Officer in the Employee's Chain of Command are of sufficient leadership level to determine and enforce the applicability of policy
Charge	An accusation of crime by complaint, indictment, or information by a policy authority, attorney general, state or federal prosecutor, or grand jury
Chemical	Any substance, or mixture of substances
Chief Officer	The executives over each office of UTA, reporting directly to the Executive Director
Child	A biological, adopted, foster, or legal dependent of the Employee or Employee's spouse.
Consolidated Omnibus Budget Reconciliation Act (COBRA)	The act which provides Employees, Former Employees, Retired Employees, spouses, former spouses, and dependent children the right to continue health coverage when coverage is lost due to a qualifying event
Collective Bargaining Agreement (CBA)	An active, negotiated agreement between UTA and a labor union that establishes terms and conditions of employment for a group of UTA employees represented by the union
Collision Insurance	The type of insurance rental car companies typically offer via a loss damage waiver or collision damage waiver (LDW or CDW)
Communications	Include, but are not limited to, statements made during meetings, conferences, conversations, virtual meetings, and via other live digital means

Company Property	All vehicles, facilities, parking structures, and grounds that are owned, occupied, or operated by UTA. Company Property does not include outdoor smoking locations designated for the public, in compliance with local, state, and federal law
Compensating Control	Any data security measure that is designed to satisfy the requirement for some other security measure that is deemed too difficult or impractical to implement. A Compensating Control must provide a similar level of defense to comply with any legal, regulatory or contractual requirements
Compensation Plan	The plan outlining the factors used to determine compensation for Administrative Employees
Complainant	The party who makes a Complaint
Complaint	A form of communication that expresses an objection to something that is perceived as unfair, unacceptable, or otherwise not up to normal standards
Confidential Information	Non-public information, files, documents, records, plans, and other material relating to UTA disclosed by UTA during the course of an Employee's employment, information developed or learned by an Employee during the course of employment, and information regarding UTA's technology, techniques, processes, research, test results, agreements, employees, marketing, sales, business plans, strategies, strategic legislative plans and agendas, investigations, unpublished financial information, budgets, and projections. This information is considered confidential, unless such information is otherwise contained in a record classified as a Public Record in accordance with the Government Records Access Management Act (GRAMA), Utah Code 63G-2-101 <i>et seq.</i>
Conflicts of Interest	A personal or economic interest, Outside Employment or volunteer opportunity, outside interest, or other circumstance or relationship that could give rise to a risk or impair an Employee's professional judgment or ability to discharge their duties in an ethical manner consistent with the best interests of UTA. Conflicts of Interest may arise in situations including, but not limited to, financial, purchasing, procurement, data control and oversight, or Hiring of Relatives
Consumer Report	A report from a Credit Reporting Agency that contains information about an Applicant's or Employee's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the contractor's eligibility to work under an agreement with UTA or any other purpose authorized under 15 U.S.C. 1681b. <i>See</i> 15 U.S.C. 1681a(d)(1). Credit Report includes the Experian credit report referred to in any policy.

Contractor	An individual, Consultant, Vendor, or other business entity that provides services to UTA pursuant to a contract or agreement and is not classified as a UTA Employee
Controlled, Private, or Protected Information	Any record, data, document, communication, or information that is classified as controlled, private, or protected under the Utah Government Records Access and Management Act (GRAMA), Utah Code 63G-2-101 <i>et seq.</i>
Covered Employee	A person, including an applicant, trainee, or transferee, who performs or will perform a Safety Sensitive Function as defined by FTA or FRA
Criminal Conviction	A verdict or finding of guilt after a criminal trial or a plead of guilty or no lo contendere to a criminal charge. <i>See</i> Utah Code 34-52-102(2)(a). Criminal conviction does not include an expunged criminal conviction. <i>See</i> Utah Code 34-52-102(2)(b)
Criminal History Record	Information obtained from a Fingerprint Background Check, name check, warrant of arrest information, or information from Utah's Criminal Investigations and Technical Services Division's files. <i>See</i> Utah Code 53-10-108(2)
Critical Incident	An accident or incident involving serious human injury, death, or imminent threat of serious human injury or death and any Transit Public Safety Officers ("TPSO") who uses deadly force in the course of performing their work
Critical Incident Defusing	A brief discussion with a counselor from UTA's contracted provider immediately following a Critical Incident. A Critical Incident Defusing may be conducted by telephone or at the employee's place of employment
Critical Incident Debriefing	An in-person follow up meeting with a counselor from UTA's contracted provider immediately following a Critical Incident
Date of Permanent and Total Disability	The date an Employee who is eligible to receive pension benefits qualifies for disability benefits, as defined by the UTA Employee Retirement Plan and Trust Agreement, or UTA's Long Term Disability Contract, and is deemed permanently disabled and is approved for Waiver of Premium under UTA's Life Insurance Contract
Date of Retirement	The date of an Employee who has elected to receive a retirement benefits from the pension plan and meets the definition of a Retired Employee

Department	
Dependent	<p>An Employee or Retired Employee's A) Legal Spouse, B) Surviving Legal Spouse, if such Employee or Retired Employee is deceased, C) Employee's or Retired Employee's Domestic Partner, D) Unmarried children by birth, legal adoption, or legal (court appointed) guardianship that are the age of 26 or younger on January 1st, E) Unmarried children by birth, legal adoption, or legal (court appointed) guardianship of any age and who are incapable of self-support because of mental or physical disability, which disability i) is a medically determinable physical or mental impairment which can be expected to last for a continuous period of time, ii) Prevents such children from being able to engage in substantial gainful employment to the degree they can achieve economic independence, and iii) leaves such child chiefly dependent upon the Employee, Retired Employee, or the surviving Legal Spouse of a deceased Employee or Retired Employee for support, D) Parents who qualify as the Employee's or Retired Employee's dependents for federal income tax purposes, G) Foster child, provided the child is less than 26 years old.</p> <p>For Health Benefits coverage, an eligible Dependent is defined in the benefit summary plan documents and benefits guides.</p>
Designated Employee	Positions identified by the Executive Director to complete financial disclosure forms. At a minimum, Designated Employees will include UTA's Executive Director, Staff Appointed as an Authority Officer, and Chief Officers
Designee	An individual designated by an employee or retiree
Disability	A physical or mental impairment that substantially limits one or more major life activities and includes: a history or record of such an impairment; being regarded as having such an impairment. Note: Disabilities can be visible and invisible. Per

	the legislative intent of the ADA, this definition must be broadly interpreted
Discrimination	The unequal treatment of individuals with respect to the terms and conditions of their employment, based on their belonging to a Protected Category
Dangerous Weapon	a) any item capable of causing death or serious bodily injury; or b) a facsimile or representation of the item when (i) the employee's use or apparent intended use of the item
DOT	The United States Department of Transportation
Dual Coverage	A benefits eligibility situation in which two UTA Employees are both eligible for Health Benefits and are married or share Dependent Children. UTA does not permit Employees to be enrolled in Health Benefits as the subscriber and as a Dependent
Educational Assistance	Financial assistance reimbursed to an Employee for the cost of courses in which an Employee enrolls and successfully completes. Course expenses must be approved by the Employee's cost center manager to be eligible for reimbursement
EEO Officer	The individual responsible for implementing the EEO Program and ensuring that policies and programs are carried out
Electronic Device(s)	Cellular phones, smart phones, smart watches, tablets, and any other device on which one can text, make phone calls, and/or access the internet. Excluded from this definition are communication and navigation devices specifically authorized by the appropriate UTA Executive, including radios, tablets used for route navigation, and GPS devices
Electronic Eavesdropping	In-person unauthorized electronic recording by use of an electronic recording device of any communications made by UTA employees without the knowledge of the person making such communications, whether the operator of the recording device is physically present during the communications
Electronic Recording Devices	Tape recorders, video recorders, Dictaphones, pocket recorders, cassette tape players/recorders, cellular phones, AI0powered transcription tools, voice and video recording applications, recording features of virtual meeting software, and telephonic tape or digital recording devices
Eligible Employees	An individual to whom UTA has extended an offer of employment who is currently living 50 miles or more away from his or her new UTA work location

Employee	A person employed by UTA on a Regular Full-Time, Regular Part-Time, or temporary basis, including an Administrative Employee or a Bargaining Unit Employee. Employee does not mean an independent Contractor, a person working for an agency that provides staffing recourses to UTA, or a person hired by a contractor performing work for UTA
Employee Concern	A complaint or concern of an employee relating to the Employee's relationship with UTA or the employee's co-worker or supervisor, duties, work environment, or other aspect of employment
Employee Driven Participation Campaign	An informal campaign initiated by Employees designed to solicit funds or project participation by direct contributions.
Employee Driven Participation Campaign Approver	The Solicitor's Chief Officer or the Executive Director
Employee Assistance Program (EAP)	A UTA sponsored benefit program that provides Employees and eligible family members with short-term counseling, assessment, referrals, and support services for personal, family, financial, legal, emotional, substance abuse, workplace, and other life challenges that may affect health and wellbeing. EAP is provided to all UTA Employees
Equal Employment Opportunity Program	A comprehensive written document with a detailed results-oriented set of procedures designed to analyze relevant labor market data, as well as employment practices to identify possible barriers to participation of individuals of all Protected Categories in all levels of the workforce
Equal Opportunity	Qualified individuals have a full and fair opportunity to compete for hiring, promotion, and other employment opportunities following all statues and regulations that prohibit employment Discrimination and provide employees and job applicants protections and remedies against employment discrimination
Ethics / Ethical Behavior	The commitment to act with integrity, honesty, fairness, accountability, and stewardship in carrying out organizational responsibilities. Ethical Behavior requires placing the interests of UTA and the public above personal gain, avoiding Conflicts of Interest, using public resources responsibly, and making decisions that maintain public trust and confidence
Ethics Committee	A committee composed of the Ethics Officer, Legal Counsel, and an Executive appointed by the Executive Director. In the event that a member of the Ethics Committee is involved in a matter brought before the Ethics Committee, then the Executive Director will appoint another Employee to temporarily serve on the Ethics Committee or designate an independent investigator to investigate the ethics complaint(s) relating to any member(s) of the Ethics Committee

Ethics Officer	The individual appointed by the Executive Director to serve as UTA's authorized representative for Ethics related matters
Executive or Executive Team	The Executive Director and the Chief Officers of UTA
Executive Director	The senior most Chief Officer of UTA, reporting directly to the Governor of the State of Utah
Exempt	An Administrative Employee who is Exempt from the overtime provisions of the Fair Labor Standards Act
Extended Evaluation Period	Transit Police Officers and Transit Communication Dispatchers and Trainees will be subject to an additional Extended Evaluation Period of nine months. The Extended Evaluation Period begins once the employee's Introductory Period is completed. During the Extended Evaluation Period, Transit Police Officers will be evaluated to ensure they are fully field trained and demonstrate technical proficiency. Transit Communication Dispatchers and Trainees will be evaluated to ensure they are fully trained and proficient
Extended Family Member	A brother, sister, step-brother/sister, grandparent and grandparent-in-law, grandchildren, brother/sister in law
Facility	all or any portion of buildings, structure, site improvements, elements, vehicles, equipment, pedestrian routes, parking lots, or vehicular ways located on a site
Fair Labor Standards Act ("FLSA")	The federal law which establishes basic labor standards including minimum wage, overtime rules, child labor protections, and record keeping to protect employees from unfair pay practices and unsafe working conditions.
Family and Medical Leave Act ("FMLA")	The federal law that grants eligible employees the right to take unpaid, job-protected leave for certain family and medical reasons
Financial Disclosure Form	A form completed by a Designated Employee within thirty (30) days from the date of hire and each year by October 31 throughout the term of employment to disclose a Personal Financial Interest
Fingerprint Background Check	the submission of fingerprints to the Utah Bureau of Criminal Investigation and Federal Bureau of Investigation. <i>See</i> Utah Code 17B-2a-825(1).
First Report of Injury Form	The report that is completed after a workplace accident or incident and submitted to the Workers' Compensation Administrator.
Flexible Spending Account	An account governed by the IRS in which an employee may elect to contribute a designated tax-free dollar amount for a defined period of time to use for qualified medical expenses
Floating Holiday	Up to two days per payroll year, in addition to the ten Holidays recognized by UTA, for the Employee's personal use

FML/FMLA	Family Medical Leave as governed by the Family Medical Leave Act of 1993
Financial Disclosure Form	A form used for Designated Employees to disclose actual or potential Conflicts of Interest
Former Employee	An individual whose employment with UTA has ended, regardless of the reason of separation, including resignation, retirement, termination, layoff, expiration of employment, reduction in force, or discharge
Fraud	Intentional deception used to gain an unauthorized benefit or cause harm, resulting in loss to others
Gift or Gratuity	A) Anything of economic value that is paid, loaned, granted, given, donated, or transferred to an Employee by anyone outside of UTA. B) Gift does not include 1) Snack items or beverages (but not meals) of Nominal Value provided in the ordinary course of business meetings, 2) Unsolicited advertising or hospitality materials such as pens, pencils, notepads, calendars, toys, trinkets, or other items given for advertising or hospitality purposes of Nominal Value, 3) Items given to employees by individuals with long-standing social or family relationships, under circumstances that make it clear the relationship, rather than the Employee's position at UTA, is the motivating factor, and 4) Items of Nominal Value made available to the general public or all attendees at a conference or event
GRAMA	The Utah Governmental Records Access and Management Act, codified at Utah Code Ann 63G-2-101
Harassment	Unwelcomed visual, verbal, or physical conduct engaged in on account of a person's actual or perceived belonging to a Protected Category
Hatch Act (5 U.S.C. 7321 – 7326)	A federal law that applies to UTA as a recipient of federal funding and includes restrictions regarding partisan elections and political activity for UTA employees
Hazardous Chemical	Any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified
Health and Wellness Centers	The onsite health and wellness clinics and the PACE Wellness Program
Health Benefits	The medical, prescription drug dental, and other health related benefit coverages offered to eligible Employees and their eligible Dependents.
Help Desk	Information technology help desk
Hire Date / Hiring	An Employee's initial date or subsequent date of employment with UTA. The date an Employee began in their current position
Holiday	The paid Holidays listed in this policy
Home	The place where an employee resides

Hot Jobs	Jobs that the hiring Executive and the Chief People Officer, or designee, have determined are hard to recruit and fill due to unique market forces for that specific profession/skillset; including very low unemployment rates, high level of job/position demand in the local market for the job type, high levels of turnover in the market for the job type, and/or highly specialized skills are required
Identification Number(s)	An individual's Social Security Number, Date of Birth, or Driver License Number
Immediate Family Member	A spouse, child (including step or foster), son/daughter-in-law, and parent (including step and in-law)
Intra-State Medical Waiver	A waiver of medical conditions that would normally render an operator ineligible for a DOT medical card as determined by the State of Utah in accordance with Utah Code Ann. 53-3-303.5
Introductory Period	An Administrative Employee's first 90 calendar days of employment with UTA
Investigation	A thorough search for facts, especially those that are hidden or need to be sorted out in a complex situation. The goal of an Investigation is usually to determine what, when, why, and how something happened. Investigations are usually formal and official
Investigator	Someone who carries out Investigations, including by collecting information by talking to witnesses and informants, collecting physical evidence, or searching records.
Investment Property	A rental or commercial real property
IRS	Internal Revenue Service
IRS Mileage Rate	Standard IRS published mileage rate for business use based on an annual study of the fixed and variable costs of operating an automobile
Job	A collection of tasks, duties and responsibilities assigned to an Employee
Joint Insurance Committee (JIC)	The committee that reviews and determines the Health Benefits offerings for Bargaining Unit Employees
Joint Insurance Trust (JIT)	The account in which contributions are made to pay for Bargaining Unit Health Benefits
Juvenile Adjudication	(a) A finding by a court that the facts in a petition or criminal information alleging an individual committed an offense when the individual was younger than 18 years old have been proved; or (b) an admission or plea of no contest under Utah Code 80-6-306. <i>See</i> Utah Code 34-52-102(3)

Label	The appropriate group of written, printed, or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging
Label Elements	The specified pictogram, hazard statement, signal word, and precautionary statement for each hazard class and category
Labor Market	Compensation data collected from a combination of geographical, industrial, and/or occupation categories which is used to determine the market value of a job. Preferred labor markets include transit, government and nonprofit
Legal Spouse	An individual who is lawfully married to either a UTA Employee or Retired Employee. A lawful marriage can be documented with a marriage certificate. Legal Spouses of deceased Retired Employees and deceased Employees are included. Common law spouses are excluded
LMS	Learning Management System
Local Official	An elected member of a local government. It also means an individual appointed to or employed in a position in a local government if that individual occupies a policymaking position, makes purchasing or contracting decisions, drafts ordinances or resolutions, makes rules, determines rates or fees, or makes adjudicative decisions. A Local Official also means the immediate family members described in this definition
Long-Term Temporary Employee	A Long-Term Temporary Employee must be hired through a competitive recruitment process and may be Full-Time or Part-Time
Lottery or Raffle	Any distribution of property by chance among persons who have paid or contributed something of value for the chance of obtaining it
LTD	A benefit offering for eligible Employees that provides financial payment if the Employee meets the eligibility criteria of total disability
M&IE Rate	The U.S. General Services Administration published allowable meals and incidental expenses reimbursement the federal government gives to employees who travel on business. The M&IE Rate is determined by a table, which details permitted expenses based on where one is traveling and other factors.
Management	Executives, managers, supervisors, and other individuals with hiring, firing, and disciplinary responsibilities, or any employee who is responsible for supervising another UTA Employee
Management Review	A review of the Criminal History Record or Consumer Report of an Applicant or Employee by the Hiring Manager or Manager, the Department of Human Resources, the Labor

	Relations Office (as necessary), the Office of General Counsel.
Manager and/or Supervisor	Any employee who is responsible for supervising another UTA Employee
Matter of Public Concern	Issues that are subjects of legitimate news interests and issues that are of general interests and of value and concern to the public
Media	A representative, journalist, reporter, writer, photographer, camera operator, blog author, television, newspaper, radio magazine, website, or other published communication
Media Spokesperson	The person who manages all contact with the Media or as otherwise designed by the CCO
Members of the Public	Individuals who are not employees of UTA and who are not family members and personal friends of UTA employees
Merit Increase	A discretionary increase in an Employee's rate of pay based on their individual performance documented through the Performance Planning and Review process
Mileage Per Diem	Standard federal mileage rate businesses use to pay tax-free reimbursements to employees who drive their own cars for business purposes. The rate is published by the U.S. General Services Administration.
Minor	An individual under 18 years of age
NDA	A non disclosure agreement
New Employee	An Employee who has not previously been employed by UTA or was previously employed by UTA but has been separated from such employer for at least six (6) months
No Cause File	A written file or document which remains confidential for recordkeeping purposes only with restricted access to individuals on a need-to-know basis or as requested by the Records Office
Nominal Value	Having a market value of no more than \$20.00 in a single calendar year from any specific Vendor
Non-Exempt Employee	An Employee who is subject to the the overtime provisions of the Fair Labor Standards Act (FLSA) and is therefore eligible for overtime pay
Non-Renewable Medical Leave	A medical leave of absence that is non-renewable and is not governed by the FMLA and is in accordance with the Physical Examination section of the CBA.
Normal Commute	Transportation between an employee's Home and APW
Open Enrollment	The period of time each year in which an eligible Employee may elect to enroll or make changes to their benefit elections
OSHA	Occupational Safety and Health Administration

Outside Employment / Volunteer Opportunities	Employment or volunteer opportunities by an outside organization, self-employment, and any other business undertaking
PACE Wellness Program	The UTA wellness program that outlines steps to complete in order to receive a discount on the medical insurance premium
Paid Leave of Absence	An employee who is on an Approved leave of Absence and is receiving compensation from UTA through the use of accrued Personal Time, Vacation, Sick Leave, Serious Illness Account, Parental Leave, Workers Compensation, Short-Term or Long-Term Disability
Paratransit Manifests	The physical or electronic documentation containing customer name, pick-up address, drop-off address and time, customer notes specific to The Americans with Disabilities Act, origin-to-destination requests, special address directions, or service point information used by Paratransit operators
Parent	A biological, foster, adoptive, parent-in-law, stepparent, or legal guarding of the Employee or Employee's spouse
Pay Grade	The range of pay established for particular Jobs that outlines the minimum, mid-point, and maximum rate of pay (Formerly know as Pay Lane)
Payment Card Industry Data Security Standards (PCI DSS)	Data security standards developed by the major payment companies (Visa, MasterCard, Discover, American Express and JCB) as a guideline to help organizations that process card payments prevent fraud, hacking, and various other security vulnerabilities and threats
Per Diem	An amount of money allots to you for daily expenditure, such as for food on business related travel
Personal Expenses	Non-business-related expenses, including transportation costs unrelated to Authority business, alcoholic beverages, entertainment; and gifts, or any other expense related to other person purpose.
Personal Financial Interest	Any type of financial interest consisting of cash, real estate, securities, potential employment or offer of employment, contract, or other item of tangible dollar value whether held by the Employee, the employee's spouse, or other Immediate Family Member
Personal Meals	A written or printed detailed statement acknowledging that something has been paid for or that goods have been received.
Personal Time	A Bargaining Unit Employee time off benefit as defined by the Collective Bargaining Agreement
Pictogram	A composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about the hazards

	of a chemical. Eight pictograms are designated under this standard for application to a hazard category.
Portable Devices	Includes, but is not limited to, any laptops, PDAs, Smartphones, and other removable storage devices such as Flash (thumb) Drives
Precautionary Statement	A Phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling
Procurement	Obtaining goods or services through TUA's Supply Chain Department
Protected Activity	Actions taken in good faith in furtherance and support of equal employment opportunity or in opposition of discrimination, harassment, or retaliation related to an individual or group's belong to a Protected Category for all employees including but not limited to acting as a complainant, witness, advocate, investigator, or adjudicator
Public Office	Any position obtained as a result of a partisan general or special election whose duties overlap an area served by UTA
Public Property and Property	Interchangeable and mean and include any real or personal property that is owned, leased, held, operated, or managed by UTA, including Public Property that has been transferred by UTA to an independent contractor for the purpose of providing a program or service for or on behalf of UTA. In the event and to the extent the Public Property is consumed or rendered effectively valueless to UTA as a program or service is provided to UTA by an independent contractor or as the Public Property is utilized by UTA employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or UTA management deems fit, unless otherwise directed by UTA. <i>See Utah Code 76-8-101(5)</i>
Public Servant	An appointed official of UTA; an employee, consultant, or independent contractor of UTA; or a person (including an individual, an entity, or an organization) hired or paid by UTA to perform a government function. <i>See Utah Code 76-1-101.5(16)</i> . A person becomes a "public servant" upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant
Reasonable Accommodation	Changes to UTA's employment policies, practices, and procedures to enable qualified individuals to fully participate in UTA's employment processes considering their religious belief, disability, pregnancy, need to breastfeed, or gender identity

Reasonable Relocation Allowance	A payment to the Eligible Employee for a portion of his or her expenses associated with relocation, which may include expenses associated with the actual moving of household goods and/or the reimbursement for travel expenses and temporary lodging and meals for the Eligible Employee and his or her spouse and any other dependents to the new work site for a period of no more than 15 days
Re-Certification	The process of verifying the need for continued leave or whether the employee's actual leave patterns are consistent with the previous medical certification provided
Regular Full-Time Employee	An Employee who is regularly scheduled to work forty (40) hours per week, twelve (12) months per year
Regular Part-Time Employee	An Administrative Employee who is scheduled to work less than thirty (30) hours per week, twelve (12) months per year and a Bargaining Unit Employee who is scheduled to work twenty-five (25) hours or less per week, twelve (12) months per year
Relative	A father, mother, husband, wife, son daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or individual in a personal relationship of a romantic or intimate nature
Report	A concern brought forward by a UTA employee in good faith regarding a potential violation of Fraud, waste, abuse, Ethics, illegal conduct, or UTA policy
Reporter	An employee who makes a Report in good faith regarding a potential violation of Fraud, waste, Ethics, illegal conduct, or UTA policy
Required Minimum Distribution (RMD)	The minimum amount that a participant must withdraw each year from an eligible retirement plan, as required by the Internal Revenue Code
Responsible Party	An employee who has been designated by their manager as the FML expert in a department or business unit for time keeping, monitoring, and assisting employees applying for FML
Retaliation	A form of unlawful discrimination or harmful action that occurs when an employer, person, or a group takes adverse action against an employee, applicant, or other covered individuals because they filed a charge, Complaint, or grievance or is engaged in a Protected Activity including participation in an Investigation or lawsuit

<p>Retired Employee</p>	<p>An Employee of UTA who meets the following criteria: 1) The Employee has reached at least age 55, 2) The Employee is vested in the pension benefit pursuant to the vesting schedule as defined in the UTA Employee Retirement Plan and Trust Agreement, 3) The Employee continues to be employed by UTA until their Date of Retirement or Date of Permanent and Total Disability, 4) The Employee elects a pension benefit as a monthly benefit or a lump sum distribution which is contiguous with their UTA employment or meets the criteria described under the Date of Permanent and Total Disability definition, and 4) The Employee's employment has not been involuntarily terminated.</p> <p>A vested Employee who withdraws their contributions plus interest as a payout of the value of the pension benefit in lieu of the pension benefit is not considered a Retired Employee</p>
<p>Retiree Medical Account ("RMA")</p>	<p>An individual account funded by converting accrued, unused Sick Leave or Personal Time for Employees who retire and meet the definition of Retired Employee. The RMA provides post-employment medical expense reimbursement for all eligible expenses as defined by under Internal Revenue Service Publication 502.</p>
<p>Return to Work Examination ("RTW")</p>	<p>A required medical examination with UTA's occupational medical provider to determine whether the Employee is able to safely and effectively perform the essential functions of their position following an illness, injury, medical leave, or other absence</p>
<p>Romantic Relationship</p>	<p>An intimate relationship between Employees who are not married to each other and who are not living together that exceeds that of friend or peer. Romantic relationships include, but are not limited to, dating or engaging in sexual activity</p>
<p>Safety Data Sheet (SDS)</p>	<p>The written or printed material concerning a hazardous chemical</p>
<p>Safety Management System (SMS)</p>	<p>The formal, management lead, organization wide, data drive approach to managing safety risk and assuring effective risk mitigation.</p>

Safety-Sensitive Job/Position	A job which includes one or more of the following duties: 1) operating a Revenue Service Vehicle, including when not in revenue service; 2) operating a non-Revenue Service Vehicle, when required to be operated by a holder of Commercial Driver's License; 3) controlling dispatch or movement of a revenue service vehicle; 4) maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service; 5) carrying a firearm for security purposes; 6) performing inspections, repairs, or maintenance of signal systems; 7) performing mechanical activities (including mechanical tests or inspections) on railroad rolling equipment or its components; and 8) performing Maintenance of Way (MOW) duties
Security Incident	Any activity that harms or represents a serious threat to the whole or part of UTA's Technology Resources that there is an absence of service, inhibition of functioning systems, including unauthorized changes to hardware firmware, software or data, unauthorized exposure, change or deletion of confidential data, activities contrary to the UTA's corporate policies, or a crime or natural disaster that destroys access to or control of these resources.
Sensitive Data	Any data which has been classified as private, controlled, protected, SSI (Sensitive Security Information) or confidential in UTA's Records Management Policy or as designated under Federal and State law, policy, or regulation
Sensitive Position	A position that (1) is safety sensitive, (2) may affect the safety or well-being of UTA patrons, (3) may affect the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles; (4) handles personally identifiable information, financial information, or other sensitive information including personal health information; (5) works in security-sensitive areas; (6) handles security-sensitive information, including information system technologies; or (7) accesses designated security-sensitive areas. <i>see</i> Utah Code 17B-21-825(2)
Sensitive Position Disqualifying Conviction	a Criminal Conviction of (1) a felony under federal or state law within the last 10 years; (2) a violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage; (3) a crime involving moral turpitude; or (4) two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug. <i>See</i> Utah Code 17B-2a-825(3)(a).

Serious Health Condition	As defined by the Family and Medical Leave Act, an illness, injury, impairment, or physical or mental condition that involves an overnight stay in 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 qualifying family member from participating in school or other daily activities
Serious Illness	An illness, injury, impairment, or physical or mental condition which requires overnight hospitalization (including prenatal care), including the period of incapacity or subsequent treatment in connection with the overnight care.
Serious Illness Account	A Bargaining Unit Employee benefit for use as defined by a Collective Bargaining Agreement in the vent of a Family Medical Leave qualifying event for the employee's own illness.
Service Animal	Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. This definition is consistent with the United States Department of Transportation's (DOT) definition which can be found in the DOT's ADA regulations at 49 C.F.R. § 37.3
Service Modification	Changes to UTA's operational policies, practices, and procedures to ensure that UTA transportation services are Accessible to and usable by individuals with disabilities
Service Unit	A division of UTA
Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964
Sick Leave	An Administrative Employee time off benefit for use in the event of an employee illness, injury, or medical appointment
Short-Term Temporary Employee (including Intern)	A Short-Term Temporary Administrative Employee shall be used for work which is intended for one limited job or set of closely related jobs caused by an unusually heavy workload, special project, or to cover for Vacation and Sick Leave relief for no longer than one (1) year. A Short-Term Temporary Employee is considered Part-Time and must be scheduled to work less than thirty (30) hours per week
Slotted	A job is placed in a Pay Grade by lining it up with other jobs deemed to be of comparable worth within the organization. This is generally done when no market data exists and/or internal equity is deemed a priority

Social Media	Online and electronic technologies that people use to interact, including, but not limited to, blogs (web logs), wikis, social networking, Really Simple Syndication (RSS) feeds, social book marking, video sharing, photo sharing, game sharing, podcasts, instant messaging, and any other type of electronic forum or platform
Solicitor	An Employee who volunteers to assist in the solicitation of contributions from Employees during an Employee Driven Participation Campaign
Subordinate	An Employee who is subject to the authority or control of a Supervisor or Manager
Supervisor Starting Wage	The starting pay for supervisory positions supervising bargaining unit employees
Tangible Gift	A gift with a value low enough and with infrequency enough so as to make accounting for it unreasonable. Tangible gifts under a specified value constitute a De Minimum Fringe benefit, which is excluded from IRS Code 132(a)(4). For the purposes of this policy, the allowable value of a tangible gift is up to \$99
Technology Resource(s)	Any desktop, laptop, hardware, software, data, storage media, removable storage media (such as CDs and USB drives), electronic communications devices and networks (including, but not limited to, wired or wireless networks, e-mail, fax, phones, cell phones, audio an digital recordings, phone systems, voice mail and cloud solutions, offsite storage, Software as a Service or Infrastructure as a Service).The term also includes any operational procedures and processes used in the collection, processing, storage, sharing, or distribution of information within, or with, any access beyond ordinary public access to the UTA's shared computing and network infrastructure
Threat Assessment Team	A team responsible for assessing, evaluating, and recommending appropriate action in all situations involving Threats of Violent Behavior or Violent Behavior. The Threat Assessment Team members include the Director of HR, Public Safety Manager, Security Director, and UTA Legal Counsel, or their designees. The Director of HR will serve as the chairperson of the Threat Assessment Team. As appropriate, the chairperson may include the supervisor, manager, or Executive of the threatened and Threatening Employee on the Threat Assessment Team
Threat of Violent Behavior	Includes, but is not limited to, any veiled, conditional, or direct threat of Violent Behavior, as defined in this policy, made verbally, in written form, or by conduct

Threatening Employee	an employee who has, or reportedly has, committed an act of Violent Behavior or Threat of Violent Behavior toward UTA employees, UTA Facilities, UTA Vehicles, or UTA customers
Tobacco	Any tobacco products including cigarettes, electronic cigarettes, vapes, cigars, pipes, smokeless tobacco, chewing tobacco, and any other products containing tobacco
Training	any type of organized learning such as In-person Learning Training (ILT), computer-based training (CBT), virtual learning experiences, seminar/workshop, or conference held on-site or off-site
Transit Communication Center Staff	Any employee working in any of the following communication centers. Transit Communication Center, Flex Radio Control Center, Light Rail Radio Control Center, or Commuter Rail Communication Center
Transit Control Center ("TCC")	The transit communications center supporting bus operations and the Transit Police.
Trusted Network	A Technology Resource which UTA uses to conduct its internal business and is controlled and protected by the Technology Department. The WiFi segment used by personally owned devices is not considered a Trusted Network
Union Business Leave	Leave granted for an elected bargaining unit employee to become a full-time representative of the Amalgamated Transit Union Local 382
Unpaid Leave of Absence	An employee is on an approved Leave of Absence and is not receiving any compensation from UTA in the form of vacation, personal time, sick leave, workers' compensation, or disability benefits
Untrusted Network	A communication network that is internal or external to the networks belonging to UTA and which is out of UTA's ability to control or manage
Users	Individuals using UTA's Technology Resources including all full time and part time employees and individuals who work under an agreement with UTA such as contractors, consultants, vendors, volunteer, and other persons in similar positions.
UTA Facility	Any facility, property, or structure owned, leased, or used by UTA except that for purposes of this policy. UTA Facility does not mean a transit station, platform, ticketing office, bus stop, or other designated passenger waiting area, public parking lot, park and ride lot, or a room in use for a publicly-noticed meeting
UTA Incident Commander	The first responding UTA transit police officer arriving at the incident scene or the UTA transit police officer assuming command by rank or assignment
UTA Intranet	Internal website for UTA Employees

UTA Legal Services	An Assistant Attorney General assigned to provide legal services to UTA
UTA Non-Revenue Vehicles	Vehicles owned by UTA, but not normally used for the provision of revenue service for passengers
UTA P-card	A type of commercial card that allows authorized UTA employees to take advantage of the existing credit infrastructure to make electronic payments for a variety of business expenses (e.g., goods and services)
UTA Property	UTA owned, leased, held, operated, or managed equipment, vehicles, office supplies, devices, tools, facilities, land, and other UTA-owned personal and real property.
UTA's Total Rewards Team	The UTA team responsible for the administration and oversight of Employee benefit programs, retirement programs, wellness programs, and onsite Health and Wellness Centers
UTA's Third Party Pension Administrator	The company contracted by the Pension Committee to administer the UTA Employee Retirement Plan and Trust Agreement
UTA Vehicle	Any vehicle owned, leased, or operated by UTA, including but not limited to a passenger bus, light rail vehicle, commuter rail, vanpools, and service vehicles
Vacation	An Administrative and Bargaining Unit Employee time off benefit that may be used for time away from work
Vendor	An outside entity that currently has a business relationship with UTA, is seeking a business relationships with UTA, or is reasonably likely to seek or form a business relationship with UTA in the future
Vehicle	Any vehicle owned by UTA for revenue or non-revenue purposes, including car-sharing programs
Violent Behavior	Any act of physical, verbal, or psychological aggression, or the destruction or abuse of property by any person. Violent Behavior includes, but is not limited to, intimidating, threatening, or hostile behaviors, physical abuse, vandalism, arson, sabotage, use or brandishing dangerous weapons, and carrying Dangerous Weapons (except as provided for by law) on UTA Vehicles or in UTA Facilities
Work Area	Electronic mail, voice, mail, and bulletin boards that are designated for Union business but are not designated for general solicitations
Workplace	Any location, whether permanent or temporary, whether on UTA property or not on UTA property, where an Employee performs work related duties, included, but not limited to, buildings, parking lots, UTA Vehicles, and locations of travel between work assignments