



COMMUNITYTRANSIT
TRANSPORTATION FOR EVERYONE
of Watertown/Sisseton, Inc.
"We're Here to Get You There"

COMMUNITY TRANSIT, INC.
OF
WATERTOWN/SISSETON, INC.

**Includes the service areas of CAMPBELL CO, EDMUNDS, CO.,
McPherson CO., SPINK CO., FAULK CO., MARSHALL CO.,
DAY CO., BROWN CO. and ROBERTS CO., plus the MILBANK
and LENNOX AREA 'S of South Dakota**

**PERSONNEL AND POLICY
MANUAL**

Created March 19, 2019 (Updated May 4, 2020)

Created March 2019

A Welcome to Our New Employees

It is with pleasure that we welcome you to the staff of Community Transit of Watertown/Sisseton, Inc. This new position with us is one of which you can be proud.

To our program participants and others in the community with whom you will have contact as an employee, YOU are the Transit. The extent to which the Transit is considered friendly, knowledgeable, efficient, reliable, and trustworthy will be measured by how others see these qualities in you. We hope that you will use your talents in a way that enhances the customer relations. If, during the course of your employment, you find ways to improve the Transit operations or services, or to save the Transit unnecessary expenses, we welcome your ideas.

The Community Transit of Watertown/Sisseton, Inc. Board of Directors approved the following policies and regulations of this document to be effective October 1, 2019.

The Personnel Policy and Procedures Manual that follows has been prepared to guide you in better understanding our policies, procedures, and practices concerning employment matters. Also, these policies are to ensure fair and consistent administration for the benefit of all employees. You are expected to know its contents and keep it handy for periodic reference. As changes are made to this manual, we will ensure that you get replacement pages so that your copy always remains current.

As you start employment with Community Transit of Watertown/Sisseton, Inc. you will find that your co-workers are ready to assist you, and you will receive on-the-job guidance to acquaint you with your new duties and responsibilities.

Again, we welcome you to our team of hard-working and talented staff, and please accept our wishes for success in your new position.

Sincerely,

Community Transit of Watertown/Sisseton, Inc. Administrators and Board of Dire

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Community Transit of Watertown/Sisseton, Inc. History

Community Transit of Watertown/Sisseton, Inc (hereinafter referred as CTWSI) is a private non-profit corporation existing to provide public transportation to citizens of CTWSI service area.

Sisseton Community Transit was incorporated in May of 1992 and was under Area IV Nutrition/Transportation prior to that date and provided transit to six counties in NE South Dakota.

Watertown Area Transit, Inc. was incorporated in 1998. Prior to forming Watertown Area Transit, Inc., transit was under the management of Inter-Lakes Community Action Inc., and called Codington County Transit.

The Transit Director(s) and a Board of Directors are responsible for the overall operation of CTWSI.

Notice to All Employees

The purpose of this Personnel Policy and Procedures Manual is to provide CTWSI employees with a common reference to the basic information that governs an individual's employment with CTWSI.

The authority to enforce the provisions set forth in this manual rests with the Transit Director(s) who will adopt and enforce such policies and procedures as are unique to a specific department but which are not inconsistent or in conflict with the policies and procedures adopted by the Board of Directors.

This manual neither implies nor establishes a contract of employment between CTWSI and the employee. The contents of this Personnel Policy and Procedures Manual summarizes current CTWSI policies and programs and are intended as guidelines only. CTWSI retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished personnel policies or practices of CTWSI, without advance notice, without cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment. As such, the contents of this manual do not constitute the terms of an employment contract. Employment with CTWSI is on an "at-will" basis, i.e., that employment can be terminated by either party for any reason and with or without notice.

MISSION STATEMENT

Date Created: March 2019

Community Transit of Watertown/Sisseton, Inc is committed to provide coordinated transportation services to citizens of our service area by enhancing quality of life, livability, self-sufficiency and freedom through mobility.

VALUES

Date Created: March 2019

Community Transit of Watertown/Sisseton, Inc Values:

1. Safety;
2. Accountability;
3. Teamwork;
4. Accessibility;
5. Customer Service;
6. Efficiency/Coordination

INTRODUCTION OF CTWSI POLICIES

The Personnel Policy and Procedures Manual is essential to the administration of a successful and cohesive agency and serves a number of purposes:

1. CTWSI objectives are made clear through policy statements.
2. CTWSI and personnel responsibilities are detailed.
3. Authority to take action on personnel matters is defined.
4. Consistency in CTWSI policies is assured.
5. Current CTWSI programs, benefits, policies, and guidelines are summarized and may be amended, varied, or eliminated at the discretion of the CTWSI Board of Directors.
6. The Board of Directors reserves the right to review, revise, and interpret policies and procedures in the best interest of CTWSI.

The ultimate objective is a satisfying and constructive experience for the employee, and to that end the mission of CTWSI is effectively accomplished.

1.0 Purpose and Use

Date Created: March 2019

CTWSI enacts the Personnel Policy and Procedures Manual to ensure all personnel issues are adhered and to provide personnel administration. CTWSI has assigned all personnel issues to the Transit Director(s). In the event a question arises out of this Manual, please forward them to the Transit Director(s).

The policies and procedures for personnel administration are enacted by CTWSI in order to further the following goals:

1. To provide a uniform and sound personnel administrative system throughout CTWSI.
2. To inform employees of the general policies and procedures of CTWSI and the benefits and obligation of employment with CTWSI.
3. To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and comply with federal and state law.
4. To serve as written documentation of CTWSI commitment to fair employment practices and equal employment opportunity.
5. To promote and encourage communication between the Transit Director(s)/Assistant Director and the employees.
6. To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.1 Administration

Date Created: March 2019

The Board of Directors has approved the adoption and implementation of this Personnel Policy and Procedures Manual. The Board of Directors reserves the exclusive right to hire, promote or release the Transit Director(s). The Board of Directors vests the Transit Director(s) with the authority and responsibility for the selection of all other staff personnel which the Director(s) may delegate to an authorized designee. The Board of Directors vests the Transit Director(s) with the authority and responsibility for carrying out the policies, procedures and intent of this manual, to include power to employ, promote, and assign duties and responsibilities, train, discipline or reward employees within the guidelines of this manual. Situations not covered by written policies will be handled by the Transit Director(s) with concurrence of the Board of Directors. All changes or amendments to the personnel policies must be approved by the Board of Directors.

1.2 Application

Date Created: March 2019

This Manual and all amendments hereto shall apply to all employees. In the event of a conflict between these policies and state or federal law, the terms and conditions of that law shall prevail.

CTWSI specifically reserves the right to repeal, modify or amend any of these policies with or without notice.

1.3 Disclaimer

Date Created: March 2019

CTWSI recognizes that South Dakota is an employment at-will state and will maintain the employment at-will status of all employees.

This Manual does not confer a contract of employment. The policies, procedures, rules and benefits contained herein are subject to change. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.

CTWSI does not recognize verbal or implied contracts for employment. Only the Transit Director(s) has the authority to enter into any agreement of employment. Such employment agreements will only be valid and binding when the agreement is set forth in a written document signed by the employee and CTWSI Transit Director(s).

1.4 Conflict of Interest

Date Created: March 2019

A conflict of interest is defined as an actual or perceived interest by a staff or board member in an action that results in, or has the appearance of resulting in, personal, organizational, or professional gain. Officers and members are obligated to always act in the best interest of CTWSI. This obligation requires that any officer or member, in the performance of organization duties, seek only the furtherance of the organization's mission. At all times, officers and board members are prohibited from using their job title or CTWSI's name or property, for private profit or benefit. Officers and board members must observe regulations regarding conflicts of interest in contracts and grants.

A. The officers and members of CTWSI should neither solicit nor accept gratuities, favors, or anything of monetary value from contractors/vendors. This is not intended to preclude bona-fide organization fund raising-activities.

B. No officer, or member of CTWSI shall participate in the selection, award, or administration of a purchase or contract with a vendor where, to his knowledge, any of the following has a financial interest in that purchase or contract:

1. The officer or member;
2. Any member of their immediate family;
3. Their partner;
4. An organization in which any of the above is an officer, director or employee;

5. A person or organization with whom any of the above individuals is negotiating or has an arrangement concerning prospective employment.

C. Disclosure – Any possible conflict of interest shall be disclosed by the persons or persons concerned.

D. Board Action – When a conflict of interest is relevant to a matter requiring action by the Board, the interested person(s) shall call it to the attention of the Board and said person(s) shall not vote on the matter. In addition, the person(s) shall not participate in the final decision or related deliberation regarding the matter under consideration. When there is a doubt as to whether a conflict exists, the matter shall be resolved by vote of the Board, excluding the person(s) concerning whose situation the doubt has arisen.

E. Record of Conflict – The official minutes of the Board shall reflect that the conflict of interest was disclosed and the interested person(s) did not participate in the final discussion or vote and did not vote on the matter.

POLICY TWO

EMPLOYMENT

CTWSI is committed to providing equal employment opportunities for all persons regardless of race, gender, color, national origin, creed, age, economic status, religion, disability, veterans' status, sexual orientation, medical condition or to any other protected group status.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, recruiting, layoff and recall, promotions, training, terminations, working conditions, compensation, fringe benefits, retirement plans, disability leave and other terms and conditions of employment.

CTWSI complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment, or any other harassing conduct prohibited by law. CTWSI considers harassment and discrimination in all forms to be a serious offense. Employees who have been subject to prohibited discrimination or harassment should immediately report the incident to the Transit Director(s) or if the Transit Director(s) is unavailable or is the source of the discrimination or harassment, to the EEO Officer. A member of the CTWSI Board of Directors has been appointed to serve as the EEO Officer. The name and contact information of the EEO Officer is posted within the facility.

State and Federal laws and regulations that CTWSI follows includes: The Equal Pay Act of 1963; The Civil Rights Act (Title VII) of 1964 and 1991; Executive Order 11246; The Age Discrimination Act of 1969; Title IX of the Educational Amendments of 1972; Section 503 of

the Rehabilitation of 1973; Fair Labor Standards Act; United States Codes; Code of Federal Regulations; Pregnancy Discrimination Act; Americans with Disabilities Act; Veterans' Rehabilitation Act of 1974, Immigration Reform and Control Act of 1986; Immigration Act of 1990; etc. Brenda Hanten

2.0 Discrimination Complaint Procedure

Date Created: March 2019

It is CTWSI policy to comply with applicable federal, state, and local laws, ordinances and statutes concerning equal employment opportunity and nondiscrimination. The Transit pledges that it will make a determined and sustained effort to prevent and eliminate any discrimination within the organization, in part by implementing the complaint procedure outlined below. This commitment also extends to giving full consideration to the employment of disabled or handicapped persons for work for which they are qualified.

CTWSI has adopted a complaint procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC).

Any individual who believed that he/she or a specific class of individuals has been subjected to unlawful discrimination may, by himself/herself or by any authorized Representative, file a complaint.

A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

- A. Initial complaints should be directed to the Transit Director(s). The Transit Director(s) and the individual complainant should attempt to resolve the complaint at this level. The Transit Director(s) shall have ten (10) working days from the date he/she was made aware of the complaint in official written form to provide a written proposed resolution for the complaint to the complainant. Note: In the event the employee does not feel comfortable going to the immediate Transit Director(s), they should pass over this step and begin the process with the Equal Employment Opportunity Officer (EEOO).
- B. In the event the complainant is not satisfied with the action of the immediate Transit Director(s), they shall have ten (10) working days from receipt of the formal written proposed resolution from the Transit Director(s) to forward the complaint to the EEO Officer. The EEO Officer will attempt to resolve the complaint at this level. Upon receipt of the formal complaint, in written form, the EEO Officer shall conduct an informal investigation and have ten (10) working days to provide a written proposed resolution to the complainant regarding the complaint.

- C. In the event the complainant is not satisfied with the proposed resolution of the EEO Officer, they shall have ten (10) working days from receipt of the formal written proposed resolution from the EEO Officer to forward the complaint to the Board of Directors.
- D. Upon receipt of a formal written complaint, the Board of Directors shall promptly conduct a thorough investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint. In most cases, a neutral third party will be utilized in the conduct of the investigation to ensure impartiality and proper proceedings. Thirty (30) calendar days will be allowed to insure adequate opportunity for all involved parties to present information and to insure the investigating authorities have sufficient opportunity to prepare findings of facts and conclusions. At the end of this time, the investigating authority shall provide his/her findings of facts and conclusions to the Board of Directors. Upon receipt of this information the Board of Directors shall have ten (10) working days to provide a formal written proposed resolution to the complainant, again this may be written by the neutral party who investigated the complaint.
- E. Files and records of all complaints filed shall be maintained by the EEO Officer.
- F. Nothing in this complaint procedure shall be construed as preventing an individual from pursuit of other remedies including filing a complaint with any federal agency(s) he/she believes is appropriate or with the EEOC.

2.1 American’s with Disabilities Act

Date Created: March 2019

The American’s with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the area of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that *“no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity”*.

CTWSI has adopted this policy to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

2.1.1 Requesting and Accommodation

Date Created: March 2019

Qualified individuals with disabilities may make requests for a reasonable accommodation to the Director. On receipt of an accommodation request, the Transit Director(s) and the EEO Officer will meet with the individual requesting the accommodation to discuss and identify the precise limitations resulting from the disability and the potential accommodation that CTWSI may make

to accommodate the limitations. The Transit Director(s), Board of Directors and the EEO Officer, and, if necessary, along with the individual's physician and other necessary professionals at CTWSI will determine the feasibility of the requested accommodation, considering various factors as permitted by law.

2.1.2 Complaint Procedure

Date Created: March 2019

Any individual who believes that he/she or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by CTWSI may, by himself/herself or by any authorized representative, file a complaint. Please refer to Section 2.0 for appropriate complaint process.

2.2 Sexual Harassment/Harassment

Date Created: March, 2019

It is the goal of CTWSI to have a workplace free of harassment, regardless of whether the harassment is of a sexual nature or in reference to race, gender, color, national origin, creed, age, economic status, religion, disability, veterans' status, pregnancy, sexual preference, medical condition or to any other protected group status. Any behavior that creates or contributes to an intimidating, bullying, hostile, or offensive environment is absolutely prohibited and will result in disciplinary action, up to and including termination. The Board of Directors and management at all levels are responsible for taking corrective action to prevent sexual harassment/harassment in the workplace.

2.2.1 Sexual Harassment Defined

Date Created: March 2019

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonable interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment has two definitions, they are:

- A. Quid Pro Quo – Quid Pro Quo is a threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct, or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
- B. Hostile Work Environment – A hostile work environment is any conduct or communication of a sexual nature which has the purpose or effect of substantially

interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee. Sexual harassment may include such actions as: sex-orientated verbal “kidding”, “teasing”, or “jokes”; foul or obscene language or gestures; display of foul or obscene printed or visual material; physical contact such as patting, pinching, or brushing against another’s body; and demand for sexual favors. While such conduct generally can amount to sexual harassment only if it is both unwelcome and either severe or pervasive, the agency nonetheless discourages any such conduct in the workplace, regardless of the circumstances.

Any number of actions may constitute sexual harassment, including but not limited to the following:

1. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
2. The harasser can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
3. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
4. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
5. The harasser’s conduct is welcome or unwelcome.

2.2.2 Workplace Harassment

Date Created: March 2019

Harassment consists of unwelcome conduct, whether verbal, physical, or visual that is designed to threaten, intimidate, coerce or in any other manner make someone uncomfortable.

Harassment includes conduct that denigrates or shows hostility or aversion toward an individual during the scope of employment because of his or her protected status or that of his/her relatives, friends or associates.

CTWSI believes that every employee has the right to a working environment free from all harassment.

2.2.3 Conduct and Complaint Procedure

Date Created: March 2019

Everyone at CTWSI and especially management is expected to avoid any behavior or conduct that could be interpreted as unlawful harassment. All employees should also understand the

importance of informing the individual whenever that individual's behavior is unwelcome, offensive, in poor taste or inappropriate.

- A. Employees – If an employee believes that he/she has been subject to harassment, sexual harassment or any unwanted sexual attention, he/she should:
1. Employees who feel they have been subjected to harassment/sexual harassment from the Transit Director(s), fellow employees, or program participants shall make his/her feelings known to the offender. If the problem is not resolved, they shall contact the Transit Director(s), and/or EEO Officer.
 2. An employee has the right to raise the issue of harassment/sexual harassment without fear of reprisal.
 3. Employees need to conduct themselves in a manner so as to avoid a charge of harassment/sexual harassment by fellow employees or program participants.
 4. Anyone guilty of submitting falsified information or false claims of harassment/sexual harassment will be subject to disciplinary action, up to and including termination of employment.
 5. All incidents of harassment/sexual harassment or inappropriate sexual conduct should be reported. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint could be considered evidence of vexatious intent the part of the accuser.
- B. Transit Director(s)/Supervisors – Transit Director(s)s must deal expeditiously and fairly with allegations of harassment/sexual harassment whether or not there has been a written or formal complaint.
1. Act promptly to investigate harassment/sexual harassment or inappropriate sexual oriented conduct.
 2. Be cognizant of potential discrimination and harassment in the workplace.
 3. Be receptive to complaints.
 4. Supervisors to report complaints to the Transit Director(s) or if the Transit Director is the source of the discrimination or harassment, to the EEO Officer immediately.
 5. Assure that all complaints are put in writing and signed by the employee making the complaint.
 6. The complaint should specify circumstances, time, date and witnesses as defined in the Complaint Procedure in 2.2 of the Equal Employment Opportunity Policy.
 7. Maintain confidentiality of employee complaints.
 8. Assure the employee that there will be no reprisal.
 9. Cooperate fully with the other management and the Equal Opportunity Officer during the investigation.
 10. Realize the seriousness of the complaint to all employees involved and

- handle the situation with sensitivity.
11. Take corrective action to prevent prohibited conduct from reoccurring.

The Transit Director(s) who knowingly allows or tolerates sexual harassment/harassment of any nature is in violation of this policy and subject to disciplinary action.

C. Equal Employment Opportunity Officer – As designated by the Board of Directors, the EEO Officer must:

1. Provide guidance, investigate charges, and recommend appropriate action. All claims shall be thoroughly investigated.
2. Maintain record of complaints and follow-up investigative procedures and results.
3. Shall instruct victims on the complaint process.
4. Shall have all complaints in writing and signed by claimant. Complaint shall include specific circumstances, date, time and witnesses.

2.3 Title VI of the Civil Rights Act of 1964

Date Created: March 2019

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color and national origin. CTWSI is committed to a policy of non-discrimination in its conduct of business. In its administration of federal funds for transit operations for various federally funded programs, it recognizes the importance of equitable and accessible transportation services from the community it serves.

A copy of the policy regarding CTWSI's Title VI complaint procedure and form is available from the Transit Director(s) and is on file with the South Dakota Department of Transportation.

POLICY THREE

EMPLOYEE CONDUCT

3.0 Workplace Violence

Date Created: March 2019

It is CTWSI's desire to maintain a safe environment for the employees and program participants to conduct business and fulfill its mission. For the purposes of this policy, violence and threats of violence include, but are not limited to:

- A. Any act involving physically assault,
- B. Any substantial threat to harm or to endanger the safety of others.
- C. Behaviors or actions interpreted by a reasonable person as carrying the potential of violence and/or acts of aggression.
- D. Any substantial threat to destroy property.
- E. Possession on work site of any weapon or dangerous instrument (e.g., any type of firearms, certain knives, brass or metal knuckles, etc.), unless required by position duties.

Threatening behaviors, acts of aggression and violence will result in appropriate action by CTWSI, up to and including termination. Civil and criminal penalties will be pursued as deemed appropriate. It is the responsibility of every employee of CTWSI to take any threat or violent act seriously, to consult with appropriate personnel and to take action as recommended by these resources and guidelines.

Please notify the Transit Director(s) regarding any actual or perceived violence occurring. In the case of an emergency, call 911.

3.1 Drug and Alcohol Policy

Date Created: March 2019

CTWSI maintains a zero tolerance for alcohol and drug usage in or around the agency. All potential new hires are subject to a pre-employment drug screen, thereafter are subject to random, post-accident, return to duty, reasonable suspicion and follow-up drug/alcohol testing. CTWSI follows State and Federal laws and acts regarding prohibited substances; usage; testing requirements and procedures; prohibited conduct of employees; consequences/disciplinary actions; and grievance and appeal procedures. All new employees must have 60 minutes of Drug/Alcohol training prior to driving. New employees will read and become familiar with CTWSI's Drug and Alcohol Policy Manual. A What Employees Need to Know About Drugs and Alcohol manual is given to all newly hired employee and must be read and reviewed by employee and management. An acknowledgment form will be signed and dated by new employees stating they have received the training. Any employee who is under the influence of drugs or alcohol will be subject to termination. Employees who test positive on a drug or alcohol test or refuse such test as required by CTWSI policy will be terminated. For the sake of the employee's own safety and the safety of all others who work for CTWSI, all employees shall report to management any suspected abuse of drugs and or alcohol. For all safety sensitive issues, employees see the Drug and Alcohol Policy Manual.

3.2 Outside Employment

Date Created: March 2019

CTWSI recognizes that employees seek additional employment during off hours. CTWSI asks its employees to remember that, their position with CTWSI is their prime responsibility. Outside employment by a person who is employed by CTWSI is subject to the following conditions:

- A. Such employment shall not interfere with the efficient performance of the employee's duties with CTWSI.
- B. Such employment shall not involve a conflict of interest or conflict with the employee's duties with CTWSI.
- C. Such employment shall be of a legal nature and not reflect negatively on CTWSI.
- D. Such employment shall not occur during the employee's regular or assigned working hours.

If the Transit Director(s) determines that outside employment is interfering with the employee's performance or creates an actual or apparent conflict of interest, the employee may be asked to terminate the outside employment. CTWSI does not consider outside employment to be an excuse for poor job performance, tardiness, or absenteeism. If outside employment leads to these problems, disciplinary action may occur, up to and including termination.

3.3 Seat Belt Policy

Date Created: March 2019

CTWSI is committed to doing everything possible to prevent injury to employees, and to protect the employees and the public from injury resulting from accidents. CTWSI realizes that safety belts are an important and efficient means to accomplish this goal. Therefore, it is CTWSI's policy that all employees, drivers and passengers shall be required to use seat belts when vehicles are moving. All passengers are to be seated and buckled before the vehicle proceeds. Any refusal or failure to comply with this policy shall be reported to the Director(s) immediately. Failure by the employee to comply with this policy or failure to ensure passenger compliance may result in disciplinary action.

3.4 Smoking Policy

Date Created: March 2019

Use of any tobacco related products, e-cigarettes or vaporizing devices is not permitted in any vehicle, office or structure which is owned or occupied by CTWSI. If on break, employees should exercise their best efforts to not use any of the products listed above in or near any vehicle, office or structure which is owned and/or operated by CTWSI.

3.5 Inclement Weather Policy

Date Created: March 2019

Employees are expected to make every effort to come to work whenever possible provided doing so will not jeopardize personal safety. Inability to come to work due to inclement weather should be reported to the Transit Director(s) as soon as possible.

When the National Weather Service and/or local Law Enforcement declares no travel advised within your local service area(s), CTWSI will be closed until the advisory expires. When a declaration comes during the work hours, employees are required to work until all passengers are safely transported. If safety of passenger transportation becomes an issue, notify the Director who will decide whether to continue CTWSI services for the day. Full time employees of CTWSI who were scheduled to work that day will still be paid. Part-time employees who were scheduled to work that day would receive pay (up to four hours max.) for their shift.

3.6 Office Conduct

Date Created: March 2019

Employees, paid consultants, and volunteers should conduct themselves in a businesslike manner commensurate with their job responsibilities. Individuals must avoid behavior that interferes with the operations or mission of CTWSI. In addition, employees, paid consultants and volunteers shall not promote personal, political or religious views or attitudes in the workplace. Such action may result in disciplinary action.

3.7 Conflict of Interest

Date Created: March 2019

All employees must avoid activities or relationships that conflict with CTWSI's interests or adversely affect CTWSI's reputation.

CTWSI employees are prohibited from soliciting gifts, money and/or gratuities from persons receiving benefits or services through CTWSI, or from persons or entities performing services for CTWSI under contract, or who are in a position to benefit from an employee's action. Under no circumstances may CTWSI employees accept cash gratuities in any amount from any participant, contractor or other entity. CTWSI employees must observe regulations regarding conflicts of interest in contracts and grants. Employees cannot accept employment or compensation or engage in any business or professional activity that might require disclosure of CTWSI's confidentially information. All employees will be required to maintain the confidentiality of records and information.

Employees must disclose actual or potential conflicts to the Transit Director(s) as soon as they become aware of them. Failure to make required disclosures or resolve conflicts of interest satisfactorily can result in discipline up to and including termination of employment.

3.8 Absenteeism and Tardiness

Date Created: March 2019

Employees are expected to be on the job, on time every day that they are scheduled to work. It is the responsibility of the employee to know their schedule and to check periodically for changes/updates to said schedule.

Unscheduled absences, late arrivals, and early departures are grounds for disciplinary action and will be reflected during the employee's annual performance review.

An employee absence from work due to illness or disability shall notify the Transit Director(s) within two (2) hours of his/her scheduled work shift or as soon as possible. If an emergency situation exists, indicate the nature of the situation and the expected length of absence. If an employee is absent two (2) consecutive days without proper notification, he/she may be considered to have voluntarily resigned his/her position. After three (3) consecutive sick days, documentation from a treating physician approval may be required prior to an employee's return to work. However, the Transit Director(s) may request a documentation from a treating physician for any unscheduled absence. Any employee found to have no legitimate reason for an unscheduled absence may be subject to disciplinary action.

3.9 Dress Code

Date Created: March 2019

It is important that staff members present a professional image to the public. Office staff are required to be in clean, business casual dress while on duty. T-shirts with offensive logos, sweatpants, and are not considered appropriate professional dress.

CTWSI will provide some apparel with the company logo on them to Transit drivers to be worn while on duty. All drivers reporting for duty must be clean, neat and dressed in the uniform. Upon termination of employment, Transit drivers are to return all CTWSI issued apparel to the office. Uniforms are not allowed for use off the job, except worn on the way to and from work, and should not substitute for personal attire.

Blue jeans are acceptable attire to be worn by all staff as long as they are clean and do not have holes in them. In the summer, denim or khaki shorts may be worn by the drivers (no athletic/gym shorts shall be worn while on duty. All uniform/shirts shall have long or short sleeves. Sleeveless tops are not acceptable. Flip-flops and garden style shoes are not allowed. Sandals are acceptable for office staff.

In the event an employee is found to be wearing inappropriate attire to work, that employee will be asked to go home and change and will be unpaid for the time absent from the workplace.

Exceptions to the dress code may be made by the Transit Director(s) depending upon the activities for the day.

3.9.1 Hair/Hygiene

Date Created: March 2019

An employee's hair must be neat and clean. Drivers should maintain a hairstyle that will not cover the eyes, or will not otherwise impede the safe operation of the vehicle.

Employees must either be clean shaven or facial hair must be properly trimmed and neat in appearance.

Personal hygiene must be kept up to the highest possible standards.

In the event an employee is found to be in violation of personal grooming and hygiene standards, that employee will be asked to go home and return when standards are met. Any time absent from the workplace for this purpose will be unpaid.

3.10 Confidentiality

Date Created: March 2019

During the course of employment, employees of CTWSI will be working with the public, passengers, businesses, contractors and will encounter information considered confidential. Maintaining this confidentiality is important to CTWSI's organization and passengers. Employees must refrain from discussing passengers with those outside of CTWSI and be aware of the potential for written material that can be viewed and spoken words that can be overheard by those with no right to know. Employees should only communicate essential passenger medical information/condition when using the radio that others might hear.

3.11 Computer/Electronic Communications

Date Created: March 2019

CTWSI uses computers and other computer operated technology to increase the efficiency and to perform work related tasks. CTWSI strives to provide up-to-date equipment to accomplish this goal. Use of all computer technology is expected to be for work-related purposes only. Employees may use company computers/Internet to enhance computer skills when all work assignments are complete. Only software and electronic systems approved by the Transit Director(s) can be installed on the computers.

Staff will receive training on the use of equipment and software required to complete their work assignments and scheduling. All staff is expected to become proficient with the electronic equipment and communications devices that are required to complete their job assignments.

Any electronic content that a reasonable person would consider defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, religion or disability is prohibited.

Employees in possession of company equipment such as cellular phones and iPad are expected to protect the equipment from loss, damage or theft.

Texting while driving is prohibited by CTWSI in all situations and illegal in the State of South Dakota.

3.11.1 Responsibilities

Date Created: March 2019

No computer games may be loaded on the computers or tablets and no computer games may be played.

3.12 Telephone Usage

Date Created: March 2019

Proper use of telephones, voice mail, texting, and other components of CTWSI's telephone system is important in controlling costs, ensuring effective communications, and maintaining productivity. While the telephone system is intended to be used for business purposes, CTWSI recognizes that some personal calls are necessary. Employees are permitted to make and receive personal calls that are urgent or extremely difficult or impractical to schedule outside of work hours. Such calls should be infrequent and as brief as possible. Whenever possible, employees should make personal call(s) during meal or break periods. City, State and Federal laws prohibit use of hand-held mobile telephones (texting) while vehicles are in motion. When possible, vehicles must pull over in a safe location if it becomes necessary to use the cell phone.

3.12.1 Voice Mail

Date Created: March 2019

Voice mail, like the other components of CTWSI's telephone system, is intended for business use. All messages are agency records. While voice-mail passwords are intended to limit access to authorized people only, employees should not have an expectation of privacy in connection with voice-mail messages and should use the system accordingly. Employees with voice-mail messages should access them promptly and delete old messages.

3.12.2 Violations

Date Created: March 2019

The use of CTWSI's telecommunications system to make or send fraudulent, unlawful or abusive calls or messages is prohibited. Employees are to report any threatening, intimidating,

or harassing telephone calls to the Transit Director(s). Any employee identified as making a fraudulent, unlawful, or abusive calls or messages is subject to disciplinary action and possible criminal prosecution. If harassing calls originate from outside CTWSI, law enforcement may be notified. Violations of this policy can result in criminal charges and prosecution, as well as discipline, up to and including discharge.

3.13 Nepotism

Date Created: March 2019

The policy of employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities and to avoid circumstances of favoritism and discrimination. Thus, the employment of immediate family members where an immediate family member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. It is permissible for family members to be employed in the same department provided there is no supervisory situation. For the purpose of nepotism, immediate family is defined as: parents, step-parents, spouse, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren or an individual who has acquired any of the above status through marriage. If employees become family members or a supervisory situation develops, CTWSI will make reasonable efforts to assign job duties so as to minimize problems with supervision, safety, security, or morale. If accommodations of this nature are not practical, the employees will be given 60 days to determine which of them will resign. If the employees cannot make the decision, the Transit Director(s) in consultation with the Board of Directors will decide which employee will remain employed.

3.14 Riots and Civil Disturbance

Date Created: March 2019

Employees are prohibited from using his/her positions in CTWSI to plan, initiate, participate in or otherwise aid or assist in the conduct of any rioting or civil disturbances. CTWSI will terminate from employment any employee who is determines, on the basis of substantial or material evidence, has been using his/her position to promote violence or disorder.

3.15 Direct Action

Date Created: March 2019

CTWSI 's duties of advocacy on behalf of the participants sometimes means self-help involvement of the participant leading to such direct activities as peaceful and lawful assembly to address grievances from those believed capable of alleviating them. However, forms of direct action which, by threatening law and order, aggravate the alienation of the participant from the rest of society or interfere with orderly democratic processes, or are antagonistic to the purposes of CTWSI, are inconsistent with CTWSI's policies and will not be tolerated. Therefore, employees of CTWSI are prohibited in connection with the performance of his/her duties from participating in, planning or otherwise assisting in any picketing or protest or other form of direct action which is unlawful.

3.18 Political Activity

Date Created: March 2019

Employment with CTWSI may not be offered as a consideration or reward for support or defeat of any political party or candidate for public office, nor may any person, as an employee, engage in partisan political activity. Partisan political activity by CTWSI employees whose work is even partially funded by Federal funds is prohibited (Federal Political Activity Act, 5USC 1501 et seq.) and said employees cannot run for political office at the federal, state or local level.

POLICY FOUR

EMPLOYEE CLASSIFICATIONS AND STATUS CHANGES

4.0 General

Date Created: March 2019

Proper classification of employees is important to administering salaries, determining eligibility under CTWSI's employee benefit plan, and complying with employment and tax laws. CTWSI offers full-time, part-time and may offer temporary employment opportunities to meet a variety of staffing requirements and accommodate employee needs and preferences.

All employees, whether full-time, part-time, or temporary, are classified as either exempt or non-exempt for overtime and minimum wage requirements.

4.1 Employee Classifications

Date Created: March 2019

- A. Full-time/Part-time Employee – A full-time employee is employed by CTWSI to work a predetermined schedule of 32.5 average hours per week. A part time employee is employed to work fewer than 30 average hours per week. See Section 8 for explanation of benefits.
- B. Seasonal/Temporary Employee – A seasonal or temporary employee is employed by CTWSI for a specified period of time or for the duration of a specified and definable project. A seasonal or temporary employee is not eligible for vacation or sick leave benefits. The employee may receive payment for holidays during the time of employment in the event grant funds are available and at the discretion of the Transit Director(s). The position will not fall under the recruitment and selection process and advertising for this position is not required.

- C. Probationary/Regular Status – A new employee will be in probationary status for six months continuously after hire date. A regular status employee will have completed his/he probationary period of 6 months satisfactorily. See Section 8.0 for explanation of benefits.
- D. Nonexempt/Exempt Status –CTWSI classifies each employee or position as exempt or nonexempt:
Exempt employees are not subject to Federal and State overtime requirements. An employee is exempt if determined to be an executive, administrative, professional, computer specialist or outside sales representative as defined by the Federal Fair Labor Standards Act. Nonexempt employees are entitled to overtime pay of at least one- and one-half times (1 ½) his/her regular rate for hours worked in excess of 40 in any workweek. Any employee who is not classified as exempt is nonexempt. The work week for CTWSI starts on Sundays at 12:01 a.m.

4.2 Probationary Period

Date Created: March 2019

The probationary period is a training period in which a newly hired full time or part time employee of CTWSI is completing his/her first 6 months of continuous employment.

4.2.1 Purpose of Probationary Period

Date Created: March 2019

The probationary period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by the Transit Director(s) or designee. Generally, this period will be utilized to train and evaluate the employee's effective adjustment to work tasks, conduct, observance of rules, attendance and job responsibilities, and to allow for the release of any probationary employee whose performance does not meet expectations. The probationary period will be six (6) months continuously for all new employees.

If at the conclusion of the employee's probationary period, the employee's performance is deemed satisfactory to Transit Director(s) the employee shall then be advanced to the appropriate employment status. The Transit Director(s) may elect to fix the probationary period up to nine (9) months. No annual leave can be used by full time employees during any probationary period.

4.2.2 Leave of Absence

Date Created: March 2019

Probationary employees may be granted administrative leave or leave without pay for religious observances, emergencies, death in the immediate family or other reason deemed satisfactory to

the Transit Director(s) during the first 6 working months. No employee is eligible to use annual leave until completion of the probationary period.

4.2.3 Transfer or Promotion after Probationary Period

Date Created: March 2019

Any employee that changes position within CTWSI will undergo a new six (6) month probationary period. Such employees are eligible to use annual leave during this time, and all employee benefits will continue to accrue. A date of hire increase will be given during this period if applicable. All employees are eligible to apply for internal job postings.

Transit Director(s)

Date Created: March 2019

The Transit Director(s) is defined as any employee who has the authority to recommend, hire, promote, evaluate, train, demote, discipline or terminate employees. See the applicable Transit Director(s)'s job description.

4.4 Substitute

Date Created: March 2019

A substitute employee takes the place of or acts in the place of another employee. A substitute employee is hired with no specific number of hours or period of time, but is hired for a specific program(s). Substitute employees are not eligible for any employee benefits except those required such as FICA, workers compensation and unemployment insurance. These positions will not fall under the recruitment and selection process and no advertising is required.

(As all employees are hired conditionally on the basis of continuing fitness or need, these status categories or anything contained in these policies and procedures do not guarantee employment for any specific length of time or number of hours worked. Rather, employment is at the mutual consent of the employee and CTWSI and can be terminated at-will by the employee or CTWSI. CTWSI specifically reserves the right to repeal, modify or amend any of these policies, without notice, by the Board of Directors of CTWSI)

POLICY FIVE

RECRUITMENT AND SELECTION

5.0 General Policy

Date Created: March 2019

It is the policy of CTWSI to recruit and fill job vacancies with the most qualified applicant. CTWSI has two methods of recruiting qualified applicants: internal and external postings. CTWSI may elect to offer promotions or transfers to individuals already employed with CTWSI.

Employees shall be chosen on merit and fitness to fill a job vacancy. CTWSI recruitment efforts are based upon equal employment opportunity and conducted without regard to race, gender, color, national origin, creed, age, economic status, religion, disability, veterans 'status, sexual orientation, medical condition or to any other protected group status.

It is the policy of CTWSI to apply appropriate job-related standards to the condition of employment and to maintain such standards at a level consistent with the business goals of CTWSI, while at the same time giving consideration to affirmative action. CTWSI works to seek out individuals whose backgrounds are under-represented in CTWSI's workforce.

5.1 Implementation

Revision Date: March 2019

Each manager is responsible to ensure compliance with this policy. This includes initiating or supporting programs and practices designed to develop understanding, acceptance, commitment and compliance within the framework of this policy. All employees, the Transit Director(s) and supervisory personnel will comply with all applicable laws and regulations in applying this policy to achieve CTWSI objectives.

5.2 Job Announcement

Date Created: March 2019

Announcements for full-time and part-time job vacancies may include: the job title, program, a brief statement of duties and objectives of the position, the minimum qualifications and specifications, closing dates or application deadline, work week status and location to send application, resumes and any other information needed. All announcements and advertisements shall state that CTWSI is an "Equal Employment Opportunity Employer. Some announcements will not include detailed information about the position but will state that the job description can be viewed at the CTWSI office on the Web-site or mailed to them upon request.

5.2.1 Internal Posting

Date Created: March 2019

Job opening will usually first be made through written notice posted in the staff room by the Transit Director(s). Current employees will be given five (5) working days from the date of the

announcement to make application. Only regular status employees who have completed their probationary period are eligible to apply for internal job postings.

5.2.2 External Posting

Date Created: March 2019

In the event the position is not filled internally or there is no qualified candidate, CTWSI will follow procedures for advertising outside of CTWSI. In cases where a position must be filled quickly, concurrent advertising for the position within CTWSI and to the general public can be made. In such instances, current staff applying would be given first consideration.

The Transit Director(s) shall advertise all vacancies in such a manner that all prospective applicants, including those within a suspect classification may become aware that a position is open. Public announcement of employment opportunities may be advertised in a local newspaper; with South Dakota Job Services; radio stations; and/or social media. Public advertising will be no less than five (5) working days.

5.2.3 Emergency Hiring

Date Created: March 2019

CTWSI reserves the right to hire employees without a formal posting or advertising in the event of an emergency as determined by the Transit Director(s) or CTWSI Board.

5.3 Applications for Employment

Date Created: March 2019

Individuals interested in applying for a specific position with CTWSI must complete and submit an application form.

5.4 Eligibility

Date Created: March 2019

To be eligible for employment with CTWSI, applicants must be legally eligible to be employed in the United States as proven on the required I-9 form and meet all Federal and State age requirements necessary to obtain a valid and or Commercial Driver's License.

5.5 Qualifications

Date Created: March 2019

CTWSI maintains job descriptions on each position. This description establishes the minimum required levels of education and experience necessary to qualify for appointment, the physical

demands and the environmental conditions. Each job description may also contain desired skills or qualifications.

5.6 Disqualification

Date Created: March 2019

CTWSI disqualifies an application for employment if an applicant does not meet the minimum qualifications, knowingly has made a false statement on the application form and/or resume and/or has committed any dishonest practice during the selection process.

5.7 Screening Applications

Date Created: March 2019

All applicants submitted for any job posting will be reviewed by the Transit Director(s) or Board of Directors if the position is for the Transit Director(s). It is expected that no fewer than two (2) applicants will be interviewed, providing qualified applicants have applied.

5.8 Interviewing Process

Date Created: March 2019

The Transit Director(s) will interview the applicants unless the position is for a Transit Director(s), then the Chairperson of the Board of Directors will appoint Board members to interview the applicants. Information about the applicant gathered from review of the application form, screening comments, and observations during the interview will be used together for total analysis. Information used in making hiring decisions will be job related only and will comply with the Civil Rights Act of 1964. An Interview Evaluation Form will be used in the interviewing process. This form shall be retained by the Personnel Officer in the Application File.

5.9 Employee References

Date Created: March 2019

To be considered as a qualified applicant, candidates for positions with CTWSI must provide names, addresses and if applicable, the name of a supervisor or contact person from his/her last

places of employment. The job application form will include consent by the applicant for CTWSI to conduct reference checks on references as well as past and present employers. Comments will be recorded on the application form or on a sheet and stapled to the application. The person conducting the reference check will seek job-related information only.

5.10 Criminal Background Checks

Date Created: March 2019

As a condition of employment and in accordance with the Fair Credit Reporting Act, CTWSI is mandated by State and Federal law to conduct a criminal background check on designated positions. CTWSI will also conduct a criminal background check on all other potential employees. In addition to employees, volunteers may need to submit a criminal background check as deemed applicable to the volunteer's duties.

CTWSI does not perform credit checks, however criminal background checks may reveal information such as non-sufficient funds check and/or convictions.

Current employees are required to report any conviction for a criminal offense, which occurs during the time they are employed by CTWSI including traffic violations, vehicle accidents, speeding tickets, etc. while on or off duty. Failure to notify the Transit Director(s) of any conviction or accidents will be subject to disciplinary action including termination.

5.11 Drug and Alcohol Testing

Date Created: March 2019

The policy of requiring drug and alcohol testing applies to all employees of CTWSI and to any employee holding a Commercial Driver's License (CDL). All applicants shall undergo urine drug testing prior to employment. Negative drug tests will be required prior to further consideration for employment. Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substance on CTWSI premises, in transit vehicles, or while on CTWSI business will be immediately terminated and law enforcement shall be notified. Employees are subject to random drug and alcohol testing during employment with CTWSI.

5.12 Drivers History Check

Date Created: March 2019

A driver's history check will be conducted prior to employment for all positions held at CTWSI. Traffic violations may result in CTWSI refusing an offer of employment.

5.13 Selection

Date Created: March 2019

Selection to fill a job position is made on the basis of knowledge, skills, ability to perform the duties, and meeting the qualifications listed on the job description for the position. All selections will be made without regard to any suspect classification status.

5.14 Employment Offers

Date Created: March 2019

When a suitable candidate is identified, salary and working conditions will be discussed prior to making any conditional offer of employment. The conditional offers will be made in writing and will advise the applicant that they will be offered a position provided they successfully complete the criminal background check, drug and alcohol testing, reference checks and driver's history check.

5.15 Orientation

Date Created: March 2019

Each new employee will receive an orientation. Information from the Personnel and Policy Manual is reviewed and the employee signs acknowledgment that it is their responsibility to read and understand all policies and procedures for public transportation and employment with CTWSI. The orientation includes information on employee's rights, employee evaluations, payroll, pay periods, documents containing procedural steps for situations in public transportation, and a federal document making clear employees may not text or talk on the phone while driving a CTWSI vehicle. Also, included is information on mandatory training and the time line for completion. Other training opportunities are also discussed with the employee.

5.16 Acceptance of Employment

Date Created: March 2019

When a person has accepted the position, a letter will be sent to all other applicants announcing the position has been filled. After an individual has accepted employment with CTWSI, the Transit Director(s) will ensure that the necessary and proper paperwork is filed within the employee's personnel file.

5.17 Creating New Positions

Date Created: March 2019

In the event a new position is to be created by action of the Board of Directors, the Transit Director(s) will prepare a draft job description, which will be submitted to the Board of Directors for review and approval.

5.18 Program Mergers

Date Created: March 2019

In cases where another program/agency/company participates in a Board of Directors approved merger with CTWSI, the usual hiring procedure may be suspended, and qualified existing personnel may be retained from the merging program. The Board of Directors may suspend usual hiring procedures in such cases based upon the needs of CTWSI.

Any employee who is retained as the result of a merge would complete the usual introductory period required by CTWSI. The full-time employee would accrue sick and annual leave effective on the date of employment.

POLICY SIX

PERSONNEL RECORDS

6.0 Personnel Records

Date Created: March 2019

In collecting, maintaining, and disclosing personnel information, CTWSI makes every effort to protect employee's privacy rights and interests and prevent inappropriate disclosures about any employee. While complying with its governmental reporting and record keeping requirements, CTWSI makes every effort to ensure it handles all personal and job-related information concerning employees in a secure, confidential and appropriate fashion in accordance with the principles and procedures outlined below.

6.1 Confidentiality of Information

Date Created: March 2019

CTWSI treats personnel information as confidential and respects the need for protecting each employee's privacy by enforcing secure information handling procedures on the part of all personnel whose job duties involve gathering, retaining, using or releasing personal information about the organization's employees. CTWSI collects and retains only such personal information as it needs to effectively conduct business and administer its employment and benefit programs. CTWSI takes all possible steps to make sure that all personal and job-related information about employees is accurate, complete and relevant for its intended purpose. Wherever possible, CTWSI notifies affected employees if it needs additional personal information and gives these employees an opportunity to supply the requested data.

6.2 Security and Storage

Date Created: March 2019

All paper-based documents, relating to CTWSI's personnel record system, are kept in secure locked files in the Transit Director(s)'s office or safe. These files are accessible only to authorized personnel with a valid need to obtain specific information from an employee's personnel record. Employees also are granted access to their personnel files and records in accordance with the access procedures outlined below. All personnel files and records must remain in the Transit Director(s)'s office or safe at all times. If an individual with an authorized need to know requests review of the information in an employee's personnel file, the Transit Director(s) will allow review to occur during regular business hours.

6.3 Internal Disclosures

Date Created: March 2019

Supervisors and other authorized employees of CTWSI must obtain approval from the Transit Director(s) before access to personnel file information is granted. When information from an employee's personnel file is to be released or disclosed within the organization, CTWSI may notify the employee of the planned disclosure, if management views the disclosure as possibly intruding on the employee's privacy. However, routine or ordinary employment procedures, including, but not limited to, performance appraisals, merit increase review, promotion and transfer consideration, and disciplinary investigations normally are not subject to this notification procedure.

6.4 External Disclosures

Date Created: March 2019

On occasion, CTWSI must provide information and data from its personnel records and files to federal, state and local government agencies in accordance with record keeping and reporting requirements imposed by such agencies. In instances where a government agency requests information beyond that which it normally requires, CTWSI ordinarily advises the affected employees of the agency's information request. However, if an agency's information request occurs in the course of an investigation or if an agency asks CTWSI to keep such a request confidential, CTWSI, in its discretion, may comply with the agency's request. CTWSI ordinarily honors subpoenas demanding production of information with respect to any employee, but usually advises the employee of the subpoena and nature of the information requested, unless otherwise prohibited by law.

6.5 Records for Review

Date Created: March 2019

Employees generally have access to their following types of records:

- A. Employment applications
- B. Personnel actions forms, including those for hiring, promotions, salary changes and job title changes
- C. Form I-9, Employment Eligibility Verification form and other documents related to employment eligibility
- D. Form W-4 and related tax withholding information

- E. Attendance records
- F. Performance appraisals
- G. Awards and commendations
- H. Accident reports
- I. Warnings and reprimands (excluding documents prepared in connection with investigations or other documentation to support reprimands)
- J. Grievances filed by the employee
- K. Medical records (NOTE: At the discretion, CTWSI can release medical records to a physician of the employee's choosing rather than to the employee)
- L. Workers compensation information
- M. Fringe benefit enrollment and election forms, including designation of beneficiary forms
- N. Emergency contact information
- O. Biographical information

Note: CTWSI retains documents in accordance with record retention requirements under federal and state law. After the expiration of the applicable retention period, the records are destroyed. Consequently, certain historical documents might not be available for review.

The following types of documents are not part of an employee's general personnel records and are not accessible to employees:

- A. Re-employment reference information, including letters, telephone notes and memorandum secured from the employee's prior employers or persons who are not current employees of the Agency
- B. Medical records created or obtained by CTWSI that an employee can obtain directly from his/her physician or health care provider
- C. Records relating to investigations of policy violations, prohibited conduct or criminal offenses
- D. Documents developed or prepared for use in grievance or court procedures
- E. Documents related to staff planning or business planning, including management succession plans, management bonus plans and job assignment plans

6.6 Accuracy of Employee Information

Date Created: March 2019

To ensure that CTWSI's personnel files are up-to-date and contain accurate and complete information, employees are required to notify the Transit Director(s) of any changes that need to be made in the following categories: name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements or individual to notify in care of any emergency.

6.7 Correction or Deletion of File Information

Date Created: March 2019

Employees can request correction or deletion of information in his/her personnel records as appropriate by submitting a written request to the Transit Director(s). Within 30 calendar days of receipt of a written request to amend a record, the Transit Director(s) notifies the employee in writing that the amendment will be made as requested or that the amendment request has been denied. In cases where a requested amendment is denied, the Transit Director(s) must explain the reasons for refusing to make the change. A copy of the response must be placed in the individual's record if the request is denied. If the Transit Director(s) refused to amend or delete the record, the individual has the right to enter into the record a statement setting forth the reasons for the individual's disagreement.

6.8 Employee Files

Date Created: March 2019

The Transit Director(s) is responsible for completion and retention of the "Employment File". The Employment File for a position should contain the following:

- A. Job Announcement
- B. Copies of advertisements, including dates and how long they appeared in the publications in which they were run
- C. Copies of announcements mailed and where they were sent
- D. Any correspondence related to the recruitment and selection process
- E. Notations of telephone or face-to-face contacts
- F. Candidate applications and resumes of all applicants for the position
- G. Selected applicant data for the successful candidate (starting date, rate of pay, terms of employment)

The completed "Employment File", including the applications and resumes of all candidate applicants for a position, must be kept as required by Executive Order 11246, as amended. Completed employment files can be reviewed periodically by the EEO Officer or designee. Careful completion and retention of these files by the Transit Director(s) provides protection in two ways. The files provide documentation of "good faith" recruiting procedures and they also provide an official record for use in investigating complaints of discrimination in the selection process.

POLICY SEVEN

HOURS OF WORK AND COMPENSATION

7.0 General Policy

Date Created: March 2019

It is the intent of the Transit Director(s) to create a standard workweek within which an employee is expected to perform CTWSI services. The Transit Director(s) also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the Transit Director(s)'s intent that every employee be treated equal and fairly when expected to work odd or extended hours.

7.1 Standard Workweek

Date Created: March 2019

The standard work week is forty (40) hours unless otherwise stated for the purpose of calculating pay and overtime and begins at 12:00 am Sunday and ends at 11:59 pm Saturday

7.2 Standard Workday

Date Created: March 2019

A work schedule will be established for each employee. Any deviation from this schedule must be approved in advance by the Transit Director(s). Daily and weekly schedules may be changed to meet the needs of CTWSI at the Transit Director(s)'s discretion. The Transit Director(s) is encouraged to put schedules in writing and to announce changes as far in advance as possible for the convenience of the employee. The employee is responsible to check the schedule periodically for changes in said schedule. It is also the responsibility of schedulers/dispatchers to communicate said changes with the employee.

7.3 Break Periods

Date Created: March 2019

Meal periods are not included in paid work hours. However, in the event an employee is unable to leave and is subject to work during his/her meal period, the employee will receive a paid lunch break. Nonexempt employees must "sign out" during the meal break. Twenty-minute break periods are also permitted during the workday. These breaks are considered "paid time".

The break schedule below is defined for employees according to total daily hours worked:

1-3 hours = no break

3.5 to 5 hours = (1) 20-minute break

5.5 to 7 hours = (1) 20-minute break plus (1) lunch break

7.5 hours or more hours = (2)20- minute breaks plus (1) lunch break

Break periods may not be accumulated for time off, to leave work early or grouped together to provide a longer break period and breaks are not guaranteed to the employee. They shall be at

the discretion of the Transit Director(s). Breaks should be taken and arranged according to workload.

7.4 Pay Period and Pay Day

Date Created: March 2019

Payroll will be prepared in accordance with Federal and State regulations and shall depict the period of time covered by the payroll, the name, program or department, salary rate and amount due.

CTWSI operates the payroll on a bi-weekly pay period, therefore, there are 26 pay periods per year. Payment will be dated no later than every other Friday. Saturday before payday is the cut-off day for bookkeeping and wages earned beyond that date will be remitted during the next pay period. If the payday falls on a holiday, payment will be dated on the last working day before the holiday.

Under no circumstances will a paycheck be written for an employee in advance of the established pay date for a given pay period.

7.5 Time Reporting

Date Created: March 2019

Time reporting utilizes a time card and log system. Time cards are not to be removed from the office.

Each nonexempt employee is required to use their time card to keep a record of all hours worked and all hours not worked such as annual leave, sick leave, etc. for the purpose of calculating and issuing pay checks. These time cards must be certified by the Transit Director(s) or an individual authorized by the Transit Director(s). Intentional falsification of time cards may result in a disciplinary action.

7.6 Payroll Deductions

Date Created: March 2019

CTWSI is required to withhold Federal Income Tax and Social Security (FICA) from each employee's paycheck. Other deductions include contributions to the health insurance and other withholdings required by law or pre-selected by the employee.

7.7 Wages

Date Created: March 2019

Employees shall be paid at a rate no lower than the minimum hourly rate established by Federal or State law whichever is higher. Employees' salaries will be determined by the Transit Director(s) with consideration of past performance measures. The salary schedule shall be revised, as required, on the basis of a wage survey and shall reflect such things as the cost of living, wages of the local community and prevailing rates in the community. Changes in pay due to promotion, demotion, re-assignment and within-grade transfer will be effective at the beginning of the pay period following the date of the move or the action. Annual pay raises take effect at the beginning of the new Fiscal Year.

7.7.1 Wage Increases

Date Created: March 2019

Wage increases will be based upon employee merit and availability of funds. Increases are also at the discretion of the Transit Director(s) at the beginning of the new Fiscal Year.

7.8 Job Description

Date Created: March 2019

CTWSI job descriptions will identify the typical duties and responsibilities, the minimum qualifications required to obtain the position, any pertinent certifications necessary, as well as detailed information on mental and physical attributes, which are required or suggested for the position.

7.9 Overtime

Date Created: March 2019

All personnel with the exception of exempt personnel are covered by the Fair Labor Standards Act (FLSA). Under FLSA, personnel not exempted by reason of assignment of duties and salary level must be paid time and one half (1 ½) for overtime in excess of 40 hours in any work week. Employees covered by the overtime provision of FLSA shall not work more than 40 hours per week unless pre-approved by the Transit Director(s). Unauthorized overtime will be subject to disciplinary action. Hours paid but not worked such as holidays, annual leave, sick leave, administrative leave, etc. are not computed for the calculation of overtime. An employee has to physically work for the hours to be calculated for overtime purposes.

7.10 Exempt Employees

Date Created: March 2019

An exempt employee, as defined in FLSA, will be charged with either sick or annual leave when they are absent from work for one full scheduled workday, such as 8:00 am to 4:30 pm or 7:00 am to 5:30 pm. When necessary to work on a Saturday or Sunday, the employee may take a day off during that same workweek.

7.11 Expense Reimbursement

Date Created: March 2019

It is the policy of CTWSI to control and process all travel expenses. No employee shall be reimbursed for expenses incurred in going to and from work. Employees may be reimbursed for travel on official business in accordance with the budget.

7.11.1 Authorization

Date Created: March 2019

All CTWSI payments for travel by employees must be authorized in advance and must be supported by properly approved invoices, if applicable. Employees may be reimbursed for travel on official business in accordance with the budget. CTWSI utilizes the State of South Dakota reimbursement guidelines.

7.11.2 Travel Accommodations

Date Created: March 2019

Less than first-class travel accommodations shall be used in all instances except when:

- A. These accommodations do not exist or are not available within a reasonable time.
- B. Less than first-class would result in higher overall cost because of required routing, time urgency, baggage differential or other factors.
- C. Physical condition of the traveler or other extenuating circumstances requires the use of first-class travel accommodations.

An explanation of the reasons for traveling first-class must be shown as memorandum information submitted with the travel expense statement.

7.11.3 Travel Reimbursement

Date Created: March 2019

To be eligible for mileage reimbursement, the employee must supply proof of sufficient liability insurance to CTWSI. Mileage reimbursement is as follows:

- A. Employees shall be reimbursed in accordance with established State or other guidelines for use of private automobiles used on official business.
- B. Use of privately-owned automobiles for official travel must be approved by the Transit Director(s).
- C. At any time when it is cheaper and more convenient to use transit/commercial transportation, the employee has a choice of using his private vehicle or the CTWSI vehicle/commercial carrier but will be reimbursed at the lower rate. CTWSI will determine the most cost-effective method of transportation and will reimburse the employee for time, meals and transportation costs, based upon that determination.
- D. Employees must submit the proper travel voucher for reimbursement of travel on office business.

7.11.4 Per Diem and Pay Advances

Date Created: March 2019

Work assignments may take employees away from his/her home base at mealtime or overnight. Employees shall consult with the Transit Director(s) prior to trips to ensure that necessary procedures are followed. Travel advances will be paid in accordance with established policies. No travel advances are permitted for local travel.

7.11.5 Travel Guidelines – In or Out of Area

Date Created: March 2019

“In Transit Area” is defined as any travel within defined service area and “Out of Transit Area” is defined as any travel outside of defined service area.

When traveling outside of the CTWSI area, employees will be compensated according to Transit travel rates for mileage, lodging, meals, etc. When traveling within the CTWSI Area, employees will be compensated for mileage only, unless overnight travel is required. Meals, lodging, etc., will then be allowable. If an employee elects to drive rather than fly, mileage will not be reimbursed more than the cost of an airline ticket for the same distance.

- A. In-CTWSI Area – Travel expenses are generally related to the use of private automobiles. If an individual for business purposes is using a personal automobile, that individual, if authorized, may claim reimbursement on a mileage basis. The required travel form claiming mileage reimbursement is submitted as of the last day of each month and is due in the Transit Director(s)’s office by the fifth of the following month. Mileage cannot be accumulated month after month, as it is necessary to report the related expenses in the financial statements for the month in which the expenses were actually incurred. Failure to comply with this schedule may result in the disallowance of travel reimbursement at the discretion of management. Contact the Transit Director(s) to obtain the appropriate vouchers, statements and forms that will need to be completed.
- B. Out of CTWSI Area – All out of defined service area travel requires management approval prior to the trip. The submission of a travel request provides management with the necessary information to determine whether or not the trip is justified in accordance with the organization’s goals and objectives, as well as funding source rules and regulations. The travel request also provides for requesting a travel advance if needed in order to make the trip. When exact itinerary and cost information is unknown, travel advances should be based upon prudent estimates. Travel expense statements with attachments must be received by the Transit Director(s) within ten (10) days of return. Failure to submit within the ten (10) days may result in a loss of eligibility to receive authorized travel reimbursement. The Transit Director may be contacted for the appropriate voucher, statement or form to complete for reimbursement.

7.11.6 Meal Reimbursement

Date Created: March 2019

The per diem rate for approval for in-state and out of state travel shall be set at the State of South Dakota rates.

The schedule for computation of the meal allowances is as follows:

Breakfast: Leave before 5:30 a.m., return after 8:00 a.m.

Lunch: Leave before 11:30 a.m.

Dinner: Leave before 5:30 p.m., return after 8:00 p.m.

7.11.7 Lodging Reimbursement

Date Created: March 2019

When a CTWSI employee is traveling on approved or requested transit business, the following guidelines will apply:

- A. When a workshop or convention is scheduled at a particular hotel or motel, the room rate of that lodging site will be allowed. If the site is giving special rates for the particular meeting, that rate will be allowed.
- B. For routine travel not specifically related to conventions or workshops, the most reasonable rate of reputable lodging facilities in the area or town will be allowed. Taxi and other related costs may be reimbursed.

7.11.8 Receipts Needed

Date Created: March 2019

CTWSI requires actual receipts; photocopies are not acceptable of the following:

- A. Lodging receipts
- B. Airline ticket stub
- C. Rental car receipt
- D. Taxi if over \$5.00 for a one-way ride
- E. Airport parking receipt
- F. Car parking receipt

7.11.9 Bonus/Hazard Pay

Date Created: March 2019

Employees of CTWSI may be eligible for lump sum bonus payments when any or all of the following conditions are met. Adequate funds are available, no cost of living pay increases are given or when exemplary performance by individuals or organization is evident. Said Bonus/Hazard Pay shall be determined by Co-Executive Director(s) and approved by the Board of Directors prior to payment being issued. The amount of said Bonus/Hazard Pay may be based on seniority, level of position, duties performed, responsibilities, and/or percentage of gross annual income.

POLICY EIGHT

BENEFITS

8.0 Insurance, Retirement and Workers Compensation

Date Created: March 2019

The benefits that follow are those offered by CTWSI. Please refer to the necessary employee classification, as some or most of the benefits are afforded to the respective individual employee classification. Full details of the group insurance plan can be obtained from the Transit Director(s).

8.0.1 Health Insurance

Date Created: March 2019

Full-time employees (work week of 32.5 hours average) are eligible for health insurance benefits the first day of the month after 60 days of employment. Employees will pay 20 % of the cost of their monthly premium. Part-time and temporary employees are not eligible for health insurance benefits.

Employees may choose to opt out of health coverage provided by CTWSI. Employees who opt out will not be reimbursed monetarily for his/her portion of the health coverage premium. CTWSI assumes no liability or responsibility for the adequacy or inadequacy of the insurance coverage or other medical bills or expenses not otherwise covered by this plan.

When employees reach eligibility for Medicare coverage, he/she must enroll in Medicare.

8.0.2 Extended Health Coverage

Date Created: March 2019

In the event of an employee's termination of employment (except for gross misconduct or reduction of hours), the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage under CTWSI's group plan for up to 18 months. If the employee or any family member is disabled, the disabled individual and non-disabled family members are entitled to an additional 11 months of continuation coverage. In the event of an employee's death, divorce, or legal separation, or a retiree losing coverage under CTWSI's group plan, the spouse and dependent children of the employee or retiree have the option of purchasing continuing coverage under CTWSI's group health plan for up to 36 months.

Employees or qualified beneficiaries electing extended coverage (COBRA) are responsible for paying the cost of the extended health care coverage. The purchase price of continuing coverage is the full cost of the premium CTWSI pays for similarly situated active employees, plus administrative costs. During the 11 months of extended coverage for disabled employees or his/her family members, the cost of the premium rate may increase. By enrolling in the Health Care Continuation Plan (COBRA), employees and his/her family members receive the benefit of purchasing the same extensive coverage provided to active employees at favorable group rates.

This continuing coverage terminates before the expiration of the 18, 29, or 36-month period if the employee or qualifying family members become covered under another group health plan that provides comparable benefits and does not penalize the newly covered individual(s) for preexisting conditions. CTWSI's continuing coverage also terminates if premiums are not paid on time or if CTWSI discontinues all of its group health plans for all employees.

In order for CTWSI to meet its legal obligations in providing continuing health care coverage, all employees must inform the Transit Director(s) within 60 days of a change in status such as divorce or legal separation or when a dependent child reaches policy age limit. It also is essential that the Transit Director(s) have a current address for all employees and family members. This policy statement is a brief description of the Health Care Continuation Plan and does not fully explain employees' rights. Employees should read the notice he/she receives when he/she first enrolls in the group health plan or the Summary Plan Description for a full explanation. Copies of the notice and Summary Plan Description can be obtained from the Transit Director(s).

8.0.3 Disability Insurance

Date Created: March 2019

Disability Insurance is not available to employees.

8.0.4 Life Insurance

Date Created: March 2019

Life insurance is not available to employees.

8.0.5 Supplemental Insurance

Date Created: March 2019

There are supplemental insurance policies available for the employee, the employee is responsible for the entire cost and can pay for premiums through payroll deductions.

8.0.6 Retirement Benefit

Date Created: March 2019

It is not available to employees.

8.0.7 Worker's Compensation Insurance

Date Created: March 2019

All employees of CTWSI are insured in compliance with the workers compensation laws of South Dakota. There are well defined provisions that must be met to ensure that employees qualify for workers' compensation benefits. Detailed information is available on the South Dakota Department of Labor website.

When an employee is injured or contracts an occupational disease on the job, the employee must report it as soon as possible. Within three business days of occurrence, the employee must complete the First Report of Injury form outlining the circumstance of the injury or disease to the Transit Director(s) and/or supervisor responsible for filing the Employer's First Report of Injury. The Transit Director(s) must submit the First Report of Injury form to CTWSI's worker's compensation insurance carrier within seven days, excluding Sundays and holidays.

The employee must take the Medical Statement of Ability to Work form to the medical provider of their choice if they choose to seek medical attention. The supervisor should be notified, if possible, before the employee leaves for treatment. Information needs to be filled out by the medical provider such as treatment recommendations, return to work information, restrictions, and next appointment date, etc. and returned to the CTWSI office. Each time medical treatment is provided or consultation by a new medical provider is provided, another blank form must be completed by the medical provider and returned back to CTWSI.

In the event of an injury that requires immediate medical attention, the employee may take time from work to seek medical attention and be paid for that time. After care has been received, the employee will return to work unless directed by medical personnel to go home. In that case, the employee will call their supervisor and notify them. If the employee is unable to work because of a work-related injury for a period of at least seven consecutive calendar days, he/she is entitled to temporary total disability benefits. The benefit is computed at two-thirds of the employee's average weekly wage up to a state maximum allowed by State law per week. The benefits continue until the employee is released by the doctor to return to work in a full or partial capacity or until it is determined that the employee's condition has reached a point of maximum medical improvement. With Transit Director(s) approval, employees who have available annual leave time may use it to supplement their pay and offset the one-third (1/3) not provided through worker's compensation benefits. Under no circumstance will an employee's available annual leave be reduced to fewer than ten (10) hours when being used to offset the differential from their total temporary disability benefits.

CTWSI is committed to providing modified work, when possible, for employees who have been restricted by a medical provider due to a work-related injury or illness. Such work will be provided subject to availability. Work will be assigned due to the nature of the injury or illness and the limitations set forth by the treating medical provider. Failure to the employee to accept the employment, puts he/she at risk of loss of some or all of the workers' compensation benefits.

If an employee is released to part-time or modified work and is earning less than what he/she was earning at the time of the injury, the employee may be entitled to temporary partial disability benefits. Temporary partial disability benefits are calculated as half the difference between the average amount the employee was earning before the injury and the average amount the employee is earning or is able to earn in some suitable employment after the injury. The total

compensation for earnings and workers' compensation benefits may not be less than the amount received for temporary total disability, unless the employee refuses suitable employment. When CTWSI is unable to accommodate an employee's light-duty restrictions and does not offer work to the employee, he/she will still receive temporary partial disability benefits, but at a rate equal to the amount received for temporary total disability.

Employees on temporary modified duty must furnish a written update of their medical condition to the Transit Director(s) from the treating medical provider after each visit in order to remain in the reassigned job. Employees who decline temporary modified duty could be considered to have resigned their employment.

The workers' compensation insurer will investigate any/all reported claims. The workers' compensation insurer may deny any claim when the facts cannot be verified. There are provisions for an employee/employer to dispute a claim by mediation or administrative hearing.

In the event a CTWSI employee encounters an open and obvious danger at the work site, he/she may refuse to work at such site until such time as proper safety measures and/or tools are available. Any safety condition known to them must be reported immediately to the Transit Director(s).

8.1 Annual Leave

Date Created: March 2019

All regular full-time employees are encouraged to take annual (vacation) leave each year, as it promotes rejuvenation and a positive work environment. Part time and temporary employees are not eligible for annual leave.

Regular full-time employees shall accrue annual leave at a rate according to the following schedule:

Length of Service:	Length of Leave
First through the second year of service	% of hours worked times 3.08 hours per pay period*
Third through the seventh year of service	% of hours worked times 4.62 hours per pay period**
Eighth and additional years of service	% of hours worked times 6.15 hours per pay period***

*The hours earned of leave are based on 2 weeks of annual leave for 80 hours worked per pay period a year. (Formula: hours worked in a pay period divided by 80 equals percentage of hours worked in a pay period. This percentage multiplied by 3.08 would equal hours of annual leave earned in a pay period.)

**The hours earned of leave are based on 3 weeks of annual leave for 80 hours worked per pay period a year. (Formula: hours worked in a pay period divided by 80 equals percentage of hours

worked in a pay period. This percentage is multiplied by 4.62 would equal hours of annual leave earned in a pay period).

***The hours earned of leave are based on 4 weeks of annual leave for 80 hours worked per pay period a year. (Formula: hours worked in a pay period divided by 80 equals percentage of hours worked in a pay period. This percentage is multiplied by 6.15 would equal hours of annual leave earned in a pay period).

Administrative staff (Co-Director(s) and/or Director) shall receive paid vacation at a rate which shall consider time as an administrator as well as overall accumulative time with CTWSI at the following rates:

10 years of accumulative service – 4 weeks

11 to 15 years of accumulative time – 5 weeks

16 years or more of accumulative time – 6 weeks.

8.1.1 Administrative Guidelines

Date Created: March 2019

- A. Accruing Annual Leave – Accrual of leave begins on the first date of employment, however, full-time employees are not allowed to use until the probationary period (6 months) is successfully completed. Leave shall be earned and credited to employees at the rate defined above for each pay period, provided all other necessary provisions of this article have been met. The accrual date for leave is based on the anniversary year of hire.

- B. Scheduling of Annual Leave – annual leave must be scheduled with the Transit Director(s) at the earliest possible time prior to the use of such leave. CTWSI reserves the right, to disapprove requested time for annual leave for the purposes of maintaining the workforce. However, CTWSI will make every effort to accommodate employee's requests for time off. Leave days will be assigned on a first-come request basis without regard to length of service at CTWSI

- C. Leave Accumulation – A regular full-time employee may accumulate up to 6 weeks (240 hours) of annual leave. Time accumulated beyond that 6-week period will be lost if not used by the end of the calendar year.

- D. Termination of Employment – Regular status employees will be paid for his/her accrued annual leave balance upon termination of employment with CTWSI at his/her current rate of pay up to a maximum of two hundred forty (240) hours. Probationary employees will not be paid his/her accrued annual leave.

- E. Salary in Lieu of Annual Leave – Regular status employees who terminate, retire, are laid off or who are placed on a leave of absence may receive pay for earned but unused leave. In the event of death, earned but unused leave will be paid to the employee's designated

beneficiary. Active working employees may choose to take salary in lieu of annual leave (up to a maximum of 50 percent of accrued paid leave).

- F. Leave of Absence without Pay – Employees granted an unpaid leave of absence will not accrue any leave. Employees must exhaust their annual leave balance before being granted a leave with absence.
- G. Minimum Leave Used –Regular status nonexempt employees must take annual leave in no less than 1-hour increments. i.e. If an employee is gone for 1 ½ hours, 2 hours of annual leave will be charged to his/her account.
- H. Full-time employees must maintain 32.5 average hours per week to maintain benefits. Annual leave hours must be used to bring hours worked up to the 32.5 if actual work hours fall below 32.5. The employee may use up to 40 hours per week of a combination of annual leave and actual work hours. When an employee is gone the full work day, 8 hours of annual leave must be taken.

8.2 Sick Leave

Date Created: March 2019

Full-time employees shall accrue sick leave at a rate of 3.69 hours per pay period or 96 hours annually. Part-time and temporary employees are not eligible for sick leave.

8.2.1 Administrative Guidelines

Date Created: March 2019

- A. Sick Leave Pay – Sick leave benefits shall be paid at the employee’s regular rate of pay at any time the leave is taken. All employees shall use sick leave in relation to scheduled daily hours worked. The minimum charge to sick leave is one (1) hour with the exception of exempt employees.
- B. Using Sick Leave – Full-time employees may take their accrued sick leave at any time after beginning employment. Sick leave shall be granted (at Director(s) and/or Assistant Director discretion) for illness or disability of the employee or an employee's family member. For the purposes of this article, “family member” shall be deemed to mean an employee's spouse, child, step-child, parent, step-parent and/or assigned ward or legal guardianship of the employee. Sick leave may also be granted when an employee's family member is seriously ill, has a contagious illness and requires the specific care and attendance of the employee. Sick leave may be taken for medical, dental or optical examinations or treatment of the employee or the employee's family member.

An employee absent from work due to illness or disability shall notify the Transit Director(s) within 2 hours of his/her scheduled shift, or as soon as possible. If an emergency situation exists, the employee shall indicate the nature of the situation and the expected length of absence to the Transit Director(s). If an employee is

absent two (2) consecutive days without proper notification, he/she will be considered to have voluntarily resigned his/her position. After three (3) consecutive sick days, doctor approval may be necessary prior to an employee's return to work. However, the Transit Director(s) may request a physician's approval at any time. Any employee found to have abused his/her sick leave privileges may be subject to disciplinary action.

- C. **Sick Leave Accumulation** – Sick leave benefits not used during the calendar year in which they are earned may be carried over and used during the succeeding calendar years up to a maximum of 9 weeks.
- D. **Workers Compensation** – In cases of absence due to illness or injury for which Workers Compensation time-loss benefits are received, the employee may elect to use his/her sick leave to equal employee's total wage. However, the total payment shall not exceed the employee's regular pay.
- E. **Donated Sick Leave** – In the event that an employee must be absent from work due to catastrophic illness of themselves or a family member living in the household and they have used all accumulated sick leave and annual leave, other employees may donate banked sick leave hours or annual leave hours to that person with the approval of the Transit Director(s). Donated hours will be paid at the rate of the sick leave earned by the donating employee. No employee may donate more than 40 hours of sick leave at any one time. Annual leave hours which are donated to another employee must be considered sick leave hours when received. While using donated sick leave, employees do not accrue annual or sick leave.
- F. **Termination of Employment** – Upon termination of employment by either party, an employee will not be paid for accumulated sick leave.

8.3 Family and Medical Leave

Date Created: March 2019

The Family and Medical Leave Act (FMLA) of 1993 provide eligible employees with up to 12 weeks of unpaid, job-protected family and medical leave each year for certain family and medical reasons or up to 26 weeks for a family caregiver of an injured or ill service member. Employees are eligible if they have worked for at least one year and for 1250 hours over the previous 12 months. It can be taken either in one continuous absence or on an intermittent basis, for one or more of the following reasons:

- A. For incapacity due to pregnancy, prenatal medical care or child birth, to care for the employee's child after birth, or placement for adoption or foster care (this leave must conclude within 12 months of the birth or placement);
- B. To care for the employee's spouse, son or daughter (who is under eighteen years old, unless the son or daughter is not capable of self-care due to mental or physical

- disability), or parent, who has a serious health condition;
- C. For a serious health condition that makes the employee unable to perform the employee's job;
- D. For a qualifying exigency arising out of the fact that a covered military member (a spouse, son, daughter or parent) is on active duty or called to active duty status in support of a contingency operation (e.g. of reasons for leave: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities); or
- E. To care for a family member (spouse, son, daughter, parent or next of kin) who incurred a serious injury/illness as a result of active military service (up to 26 weeks combined FMLA leave in a single 12-month period.)

If the employee is entitled to paid annual or sick leave, the employee must use accrued leave during the 12-week leave required by law. Accrued sick leave will be used first when FMLA involves personal illness or disability of the employee or for serious/contagious illnesses of a family member living in the employee's household. After sick leave has been exhausted, annual leave will be used and then leave without pay will be used all of which will count towards the 12 weeks. 8.3 A. must need to be concluded within 12 months after birth or placement.

8.3.1 Definitions

Date Created: March 2019

- A. Child – An adopted child, a foster child, step-child, ward of person who is under age or is over age 18 but incapable of self-care because of a mental or physical disability and of whom the employee has custody.
- B. 12 Month Period – The 12-month period is defined as a rolling 12-month period measured forward from the date an employee uses any FMLA leave.
- C. Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- D. Health Care Provider – A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of South Dakota or any person determined by the U.S. Secretary of Labor to be capable of providing health care services.
- E. Intermittent Leave – Leave that occurs in blocks of time, or a reduction of the normal weekly or daily work schedule.

8.3.2 Notice of Absence

Date Created: March 2019

Employees must provide thirty (30) days advance notice of the need to take FMLA when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

8.3.3 Health Certification

Date Created: March 2019

Requests for leave due to a serious medical condition of the employee or member of the employee's family shall be verified by the certification of a health care provider which certification shall contain the following:

- A. The date when the serious health condition began;
- B. The probable duration of the condition;
- C. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- D. If the leave is due to the employee's serious health condition, the certificate must include a statement that the employee is unable to perform the functions of his/her job;
- E. If planned medical treatment is the reason for the leave and employee wants intermittent leave or leave on a reduced time schedule, the date when the treatment begins and the estimated duration of the treatment; and
- F. If the leave request is necessitated by a serious medical condition of the employee or the employee's child, spouse or parent, the certificate shall state that there is a medical necessity for the leave and an estimate of how long the leave will be.

The employee may be required to obtain a second opinion at the employer's cost from a second health care provider of the employer's choice. If the second opinion conflicts with the first opinion, the employer may request a third opinion at the employer's cost. The employer and the employee must jointly agree on the person providing the third opinion. The third opinion will be final and binding.

8.3.4 Intermittent Leave

Date Created: Created

FMLA leave may be taken intermittently whenever it is medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. For the birth or placement of a child, the Transit Director(s) must approve intermittent leave. If an exempt employee needs to work at a reduced leave schedule under FMLA, CTWSI may deduct from the employee's salary any partial day absences for any hours taken as intermittent or reduced schedule FMLA leave without causing the loss of exempt status.

8.3.5 Effect on Pay and Benefits

Date Created: March 2019

During the term of unpaid FMLA leave, no pay or other benefits shall accrue, with the exception of any group health benefits to include, life insurance, workers compensation, that were in effect at the time of commencement of such leave or new group health benefits which are provided by the employee during the FMLA leave. Group health insurance shall be continued in force for the duration of family or medical leave and CTWSI shall continue to pay that portion of benefits normally paid by the employer. The employee shall be responsible for the payment of any premiums he/she normally pays through payroll deductions. Such payments must be made by mail or in person to reach the Transit Director(s) no later than the last working day of the month prior to the next following month of insurance coverage. Employees may choose to opt out of the insurance and can be reinstated upon the employee's return to work provided he/she enrolls within 30 days of return to work.

During the term of paid FMLA leave (with the exception of using donated sick leave benefits as defined in section 8.2.E,) employees shall accrue annual and sick leave. Employee health insurance benefits to include life insurance, workers compensation, shall continue to be in effect with or without pay. CTWSI shall continue to pay their portion of benefits normally paid by the employer. The employee shall be responsible for payment of any premiums he/she normally pays through payroll deductions. Such payments must be made by mail or in person to reach the Transit Director(s) no later than the last working day of the month prior to the next following month of insurance coverage. Employees may choose to opt out of the insurance and can be reinstated upon the employee's return to work provided he/she enrolls within 30 days of return to work.

8.3.6 Spouses Employed at CTWSI

Date Created: March 2019

Spouses employed by CTWSI are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a child or parent (but not "parent-in-law") who has a serious health condition. CTWSI may allow in the case of a seriously ill child or in the event the other spouse is seriously ill, 12 weeks of leave for each spouse at the discretion of the Transit Director(s).

8.3.7 Failure to Return to Work

Date Created: March 2019

If the employee fails to return to work after FMLA leave is exhausted, the employee may be subject to disciplinary action or termination due to inability to perform the essential functions of the job.

8.3.8 Effect of Re-employment and Other Rights

Date Created: March 2019

Upon expiration of a duly authorized absence under this section, the employee shall be reinstated to the same position held at the time such leave commenced or an equivalent position with the same or increase in pay, benefits and other terms and conditions of employment. No employee shall be interfered with, discriminated against, disciplined, or otherwise restrained from exercising his/her rights under FMLA.

CTWSI will post on its premises, in conspicuous places a notice explaining the provisions of FMLA.

FMLA does not affect any other federal or state law, which prohibits discrimination. It does not supersede any state or local law which provides greater family or medical leave protection.

8.3.9 Key Employee Status

Date Created: March 2019

Under specified and limited circumstances, the Personnel Committee of the Board of Directors of CTWSI may refuse to reinstate certain highly paid “key” employees after using FMLA. In order to do so, CTWSI will notify the employee of his/her status as a “key” employee in response to the employee's notice of intent to take FMLA leave; notify the employee by certified mail (return receipt requested) as soon as the employer decides to deny job restoration and explain the reasons for the decision; and offer the employee a period of two weeks from the time of notification to return to work from FMLA after giving this notice.

A “key” employee is an exempt, salaried “eligible” employee who is among the highest paid ten percent of employees within CTWSI.

8.4 Leave of Absence without Pay

Date Created: March 2019

An employee, upon application in writing, may be granted by the Transit Director(s), leave without pay for a period up to twelve (12) calendar weeks. Such leave may be extended by the Transit Director(s) upon written application, but no leave without pay shall exceed one (1) year. An employee shall utilize all possible types of leave accumulated or available as listed in this manual when circumstances prevent them from being on the job. However, the Transit

Director(s) may, upon request of the employee, grant leave without pay before all types of accumulated leave are used if, in the opinion of the Transit Director(s), leave without pay is beneficial to CTWSI and the employee.

Allowing leave without pay does not guarantee that the same position will be open upon return. However, CTWSI will try to place workers in a comparable position if one is open at the time of return.

Leave without pay may be granted for the following reasons:

- A. Physical disability of the employee;
- B. The employee's entering upon a course of training or study for the purpose of improving the quality of his/her service to CTWSI or for the purpose of fitting the employee for promotion; or
- C. Extraordinary situations sufficient in the opinion of the Transit Director(s) to warrant such leave without pay.

Any employee on a leave without pay shall not accrue any annual or sick leave and any employee on an unpaid leave that goes over three of his/her normal workweeks shall not be entitled to any insurance benefits therefore, health and life insurance premiums, as applicable, will be the responsibility of the employee when on leave without pay for a period longer than three weeks. An exception would be in the case of approved FMLA leave.

8.5 Jury Duty

Date Created: March 2019

Each employee of CTWSI who is under proper summons as a juror or prospective juror may receive the difference between the fees received as juror and the employee's regular wage (if jury fees are less than the regular rate), or may turn the juror fee check over to CTWSI and be paid at the normal wage. An employee called for jury service is expected to work full time when not actually in court or doing something in connection with such service. Any employee reporting for jury duty must indicate "Jury Duty" on the time sheet for the time taken for this cause.

Employees will be paid by CTWSI for time taken for court appearances in cases in which he/she is personally subpoenaed, he/she will not be paid to appear on a voluntary basis. This time may be taken as annual leave or unpaid leave. Employees will be paid by CTWSI if they are subpoenaed to appear in court on a matter involving CTWSI.

8.6 Voting Time

Date Created: March 2019

CTWSI employee's whose work schedule does not enable time to vote during the times the polls are open shall be allowed up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

8.7 Military Reserve

Date Created: March 2019

- A. Military Active Duty – Employees serving in the Military Reserve, National Guard, or Naval Militia will be granted an unpaid leave of absence when they are called out for active service. There will be no loss of seniority for purposes of rate of pay and leave accrual. Employees may utilize his/her accrued annual leave. In the event an employee loses his/her eligibility for the health insurance plan, then the employee may utilize his/her COBRA (section 8.0.2)
- B. Reserve Training – Any employee required to participate in Reserve Training must present a copy of the orders. Any compensation received shall be deducted from the employee's salary and the difference of the CTWSI wages and the remuneration from the military shall be received by the employee or the employee may choose to use annual leave and keep the compensation.

8.8 Educational Leave

Date Created: March 2019

When an employee is authorized to enroll in an educational course and if these educational activities are scheduled during the employee's regular hours, the employee may use annual leave; use leave without pay; or arrange to trade-off education hours and other hours so as to make up the work hours missed. All of these arrangements must be approved by the Transit Director(s).

8.9 Funeral Leave

Date Created: March 2019

A maximum of five (5) workdays will be granted, depending upon employee's circumstances for bereavement of a family member. This is subject to the approval of the Transit Director(s). Any leave beyond five (5) days will be charged to annual leave.

8.10 Holidays

Date Created: March 2019

CTWSI recognizes and observes the following six (10) holidays as paid holidays for all **regular full-time** employees.

New Year's Day	Martin Luther King Day
Presidents Day	Good Friday
Memorial Day	Independence Day
Labor Day	Veteran's Day
Thanksgiving (Thur & Fri)	Christmas Day

Allowed holiday pay shall be defined as eight (8) hours of compensation for all regular full-time employees. All holiday pay is based on employee's regular rate of pay. Holiday pay shall not be used in the computation of overtime.

When a holiday falls on a Saturday, the preceding Friday is observed as a paid holiday. When a holiday falls on a Sunday, the following Monday is observed as the paid holiday.

8.10.1 Employees on Leave

Date Created: March 2019

Full time employees on annual leave or sick leave during a holiday will receive holiday pay and will not be charged for that day as annual leave or sick leave.

Full time employees who are on a paid leave will be eligible for holiday pay for a designated holiday observed during the paid leave of absence. An employee who is on an unpaid leave of absence will not be eligible for holiday pay for a designated holiday observed during the leave of absence.

8.11 Career Development and Training

Date Created: March 2019

CTWSI may provide employees, through a career development program, opportunities for advancement. The positions within CTWSI are structured in such a manner that they provide career development opportunities. Training is an integral part of career development and CTWSI will be responsible for aiding employees in obtaining appropriate training. Training will be of such a nature that it not only develops an individual's current skills, but also will give the individual skills, knowledge and tools to move upward to higher grade positions.

A record of all formal training and career development activities as deemed pertinent by the Transit Director(s) must be filed in the employee's personnel file. When CTWSI requires an employee to undertake training directly related to his/her job, the cost of tuition and fees will be paid by CTWSI. Training and career development resources include on-the-job training, various state and federal training sessions, courses offered through public schools and universities and in-house training, etc

POLICY NINE

SAFETY AND RISK MANAGEMENT

9.0 General Statement

Date Created: March 2019

Safety will be given primary importance in planning and operating CTWSI activities in order to protect employees against occupational injuries and illnesses, and to protect CTWSI against unnecessary financial burden and reduced efficiency. Each employee is responsible for the safety, well-being, and safe work conduct of themselves and those that report to or are assigned to him/her.

To carry out this policy, CTWSI will:

- A. Maintain safe and healthful working conditions.
- B. Furnish, within reason, the best available mechanical safeguards and personal protective equipment, where in its judgment, they are needed.
- C. Insist that all employees observe established safety regulations and practices and use the safety equipment provided.

Employees are responsible to abide by all CTWSI established policies as designed by each program, wear and use appropriately all personal protection equipment and to disclose to the Transit Director(s) any safety hazards.

9.1 Building Inspection

Date Created: March 2019

All buildings operated and occupied by CTWSI will be physically inspected in accordance with Federal Transportation Administration and South Dakota Dept. of Transportation requirements. CTWSI has developed and maintains a documented record of all facility inspections performed daily, weekly, monthly and annually. Any unsafe conditions will be documented, and the responsible party will be notified of the findings.

9.2 Fleet Safety Program

Date Created: March 2019

All CTWSI vehicles are maintained under an established maintenance schedule put forth by the manufacturer. At the time of the servicing, any additional mechanical problems are noted and corrected. All service is provided by a qualified on-staff mechanic or qualified service station or garage. The in-house mechanic, Transit Director(s) or other designated employee is responsible for maintaining a service record on transit vehicles and authorizing major repairs.

A Pre-employment Motor Vehicle Record (MVR) check is required on each individual who will be driving a CTWSI vehicle. An annual MVR check is required on all employees who drive CTWSI vehicles. More frequent checks will be performed on an individual basis if it would be in the best interest of CTWSI. MVR reports will be reviewed by the Transit Director(s) and the local insurance agent. Should a pattern of inappropriate conduct be evident, the Transit Director(s) will be informed. The Transit Director(s) will then discuss the MVR with the employee. At this time the employee will be told of the impending loss of CTWSI vehicle driving privileges should this pattern continue. In some instances, the employee's driving privileges can be revoked immediately. These include convictions of major violations that would cause revocation or suspension of his/her Commercial Driver's License and may result in CTWSI being unable to insure the employee. Federal and/or motor carrier regulations may be applicable to the driver's status.

Immediate revocation can also be imposed if the pattern of violations is such that it would be in the best interests of CTWSI or if CTWSI's insurance coverage would be jeopardized. Recommendations from the agent will be followed. When the employee's job is dependent on driving a CTWSI vehicle, revocation of driving privileges can result in termination of employment.

Mileage can be paid to the employee to drive his own vehicle if CTWSI vehicles are not available and it does not involve transportation of paying riders. Mileage would be paid according to current state rates. Employees receiving mileage in connection with any CTWSI business must submit a certificate of insurance covering the vehicle to be driven.

Any accident involving a CTWSI vehicle shall be reported to the Transit Director(s) immediately. The employee is also required to submit a copy of the accident report to the Transit Director(s) as soon as possible. The events surrounding the accident will be discussed with the employee. Any action that could have been taken to prevent the accident will also be discussed.

POLICY TEN

PERFORMANCE EVALUATIONS

10.0 Performance Evaluations

Date Created: March 2019

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and the employee. Performance appraisals will be conducted a minimum of once during the employee's introductory period (at the conclusion) and annually thereafter.

The performance evaluations are to be structured to each employee's position. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and to discuss employee goals and objectives. Evaluations will be conducted in a private meeting

between the employee and the Transit Director(s) and/or the Assistant Director, HR Manager or other designated personnel. Employees are required to sign his/her evaluation and will receive a copy. Signing does not imply agreement, but that the contents have been made known or discussed with the employee. CTWSI does maintain a formal performance evaluation form. Evaluations will be written and discussed with the employee by the Transit Director(s) and/or Assistant Director, HR Manager or other designated personnel and be placed in the employ's personnel file.

10.1 Evaluation Forms

Date Created: March 2019

Using the prescribed form, all employees shall be evaluated by the Transit Director(s) and/or Assistant Director, HR Manager or other designated personnel on an annual basis, with the exception of the introductory period.

All employees have the opportunity to make a statement on the evaluation form as to how they see their own job performance. Formal evaluations will be rated on a 1-5 scale, as defined below:

- A. Unsatisfactory
- B. Some Deficiencies evident
- C. Satisfactory
- D. Exceptional
- E. Clearly outstanding

Superior performance as well as any deficiencies will be documented. Any employee may be evaluated at any time by the Transit Director(s) and/or Assistant Director, HR Manager or other designated personnel when he/she deems an evaluation is warranted or when an evaluation is requested by the Board of Directors.

10.2 Performance Criteria

Date Created: March 2019

An employee performance evaluation shall take into consideration all job-related factors, which reflect the capability of the employee to fulfill the assigned duties of the position. These could include, but are not limited to:

- A. Ability and willingness to assume the responsibilities of the position.
- B. Ability to cooperate with other employees and the Board of Directors of CTWSI.
- C. Willingness to reflect in conduct and appearance an appropriate personal image to the public.
- D. The degree of knowledge or skill required to carry out job functions adequately and the ability to convey that knowledge to others, if necessary.

E. The dependability, promptness and such other characteristics as contribute to the efficient function of CTWSI.

Unsatisfactory performance could lead to further disciplinary action.

CTWSI recognizes that South Dakota is an employment at-will state and the intent of the Agency is to maintain the employment at-will status of all employees.

POLICY ELEVEN

SEPARATION FROM SERVICE

11.0 General Procedures

Date Created: March 2019

All employees who are leaving his/her job with CTWSI for any reason are asked to participate in an exit evaluation. On an employee's last day of employment, he/she is required to return all CTWSI property to the Transit Director(s). Final paychecks will be issued via direct deposit into appropriate employee bank account on the next regular payday. CTWSI makes every effort to ensure that all terminations and separations from employment are conducted in accordance with all provisions and requirements of applicable federal and state law.

11.1 Return of Agency Property

Date Created: March 2019

Employees are expected to return all CTWSI property at the time of his/her departure from service. CTWSI reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. CTWSI may take further action if necessary, to recover property.

11.2 Voluntary Separation

Date Created: March 2019

Voluntary separation is defined as a written resignation, extended absence with proper notification, or retirement. The employee initiates voluntary separation.

11.2.1 Resignation

Date Created: March 2019

An CTWSI employee may resign from CTWSI by giving the Transit Director(s) written notification of his/her resignation at least two (2) weeks or 15 days in advance of the last day of intended employment.

Transit Director(s) shall give thirty (30) days prior notice. Written resignations shall be supplied by the employee stating the general reasons for the individual's resignation. In extenuating circumstances, the Transit Director(s) or Board of Directors may accept the employee's resignation as taking effect immediately or for a shorter period other than defined above.

Appropriate paperwork will be completed prior to the employee's last working day, to include but not limited to retirement, insurance, payroll, etc.

11.2.2 Unnotified Absence

Date Created: March 2019

If an employee is absent for more than two (2) consecutive days without proper notification, he/she shall be considered to have voluntarily resigned his/her position with CTWSI. Re-in statement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the Transit Director(s).

11.2.3 Retirement

Date Created: March 2019

All employees are asked to notify the Transit Director(s) at least one month before his/her planned retirement date. During that time, the employee will be given the appropriate paperwork for retirement purposes.

11.3 Involuntary Separation

Date Created: March 2019

Involuntary separation is defined as a layoff or discharge of an employee. An employee does not initiate involuntary separation. Employees who are discharged are advised of his/her rights to continue participation in the CTWSI group health plan (if qualified). Employees discharged for gross misconduct are not required to receive advance notice and shall not be allowed to continue coverage under CTWSI's group health plan.

11.3.1 Layoff

Date Created: March 2019

The order to layoff shall be made at the discretion of the Transit Director(s) who shall give due consideration to seniority and to performance ratings. The objectives of the Transit Director(s) in such cases shall be to conserve for CTWSI the services of the most valuable employees. Each employee so affected shall be notified as far in advance of such layoff as may be possible, ideally 15 calendar days. Temporary employees shall be laid off before employees with regular status. The employee will receive written verification of the layoff from CTWSI. Use of annual leave during the lay-off period is dependent upon availability of funding. Employees with good standing will be provided opportunity to return as soon as a position opens and are qualified for that position, however this is not guaranteed.

11.3.2 Downsizing

Date Created: March 2019

Termination notices shall be received by the employee in writing at least fifteen (15) days in advance of the date of termination if possible.

11.4 Reference Policy

Date Created: March 2019

CTWSI will release only the name, dates of employment, job title, and wage scale to prospective employers of former employees if said information is available. No one other than the Transit Director(s) or designee is authorized to release work-related references. The completed Exit Interview form will be kept in a separate file from the employee's personnel file and is unavailable.

CTWSI recognizes that South Dakota is an employment at-will state and the intent of the CTWSI is to maintain the employment at at-will status of all employees.

POLICY TWELVE

DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE

12.0 Misconduct defined

Date Created: March 2019

The Transit Director(s) and Board of Directors are responsible for the enforcement of CTWSI policies. When discipline becomes necessary, it is the responsibility of the Transit Director(s) and/or to initiate and carry through the proper action.

12.1 Disciplinary Action

Date Created: March 2019

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action will be in the form of written reprimand, probation, suspension, demotion or reassignment, or dismissal as defined below. CTWSI may, but is not required to apply these actions progressively.

12.2 Defining Disciplinary Action

Date Created: March 2019

A. Written Reprimand – The Transit Director(s) may discipline an employee by written reprimand. The Transit Director(s) issues a formal written warning to an employee if the problem is not corrected within the specified time period. The written warning describes the problem, specifies the improvement that is expected, establishes a new time period for improvement and advises the employee that more serious discipline will occur if the employee fails to correct the problem. A copy of the written warning is placed in the employee's official personnel file and remains in the file.

B. Probation – Prior to probation for unsatisfactory performance, the Transit Director(s) may make a reasonable effort to resolve the problems with the employee. If this is not accomplished, the Transit Director(s) with the Board of Directors may notify the employee in writing that continued employment is in jeopardy and tell the employee what must be done to improve the situation. With this notice, notification will be given to the Board of Directors and the person will be placed in a one-month probationary status. The Transit Director(s) will monitor the employee's performance during the probationary period. Observations will be documented. A summary report will be written by the Transit Director(s) at the end of the probationary period and submitted to the Board of Directors. This summary report, signed by the Transit Director(s) and employee, will be placed in the employee's personnel file. The Transit Director(s) may extend this one-month probationary period at his/her discretion. Uncooperative behavior or negative attitudes which affect the work or morale of others at CTWSI may result in this one-month probationary period being lengthened

C. Suspension with or Without Pay – The Board of Directors and/or the Transit Director(s) together may temporarily suspend an employee with or without pay for disciplinary purposes depending on the circumstances. The suspension must be in writing, describing the problem, specifying the improvement that is or was expected, establishing a new time period for improvement, and advising the employee that more serious discipline will occur if the employee fails to correct the problem. A copy of the warning is placed in the employee's official personnel file and remains in the file. In addition to the warning all other applicable previous reprimands shall be included in the documentation. In the event an employee receives two (2) suspensions in a two-year (2) time period, the second suspension may be grounds for dismissal.

D. Demotion or Reassignment – The Board of Directors and/or the Transit Director(s) may reduce an employee's salary, assign the employee to a lower position, or change the employee's

duties within his/her current position or use any combination of the above for disciplinary purposes. Again, all documentation shall be intact including describing the problem, specifying the improvement that was expected, and advising the employee that more serious discipline will occur if the employee fails to correct the problem(s) or if work in the new position is below satisfaction. A copy of the warning is placed in the employee's official personnel file and remains in the file.

E. Dismissal – The Board of Directors and/or the Transit Director(s) may terminate an employee from CTWSI employment for disciplinary purposes. All documentation must be intact as outlined above. A copy of the dismissal is placed in the employee's official personnel file.

12.3 Steps for Disciplinary Action

Date Created: March 2019

The Transit Director(s) will issue the first or second offense if it is a written reprimand. If the disciplinary action involves a probation, suspension, demotion, reassignment or termination then such action will be issued by the Transit Director(s) and/or the Board of Directors.

12.4 Notification of Disciplinary Action

Date Created: March 2019

No disciplinary action, except verbal or written reprimands, of any employee will take effect unless the employee has been given written notice of such action and the notice has been delivered to him/her either in person or by first-class or certified mail in accordance with Section 12.2 prior to the effective date of the action.

12.5 Disciplinary Interview

Date Created: Created

When formal disciplinary actions are taken (probation, suspension without pay, demotion, reassignment or dismissal) the decision-making authority shall follow these steps:

- A. Notify the employee in writing of the proposed disciplinary action. The notice shall state the reason(s) for the action, including any prior disciplinary actions, dates and the facts of any other incidents upon which the present disciplinary action is based.
- B. Hold disciplinary interview to give the employee an opportunity to present reasons verbally or in writing, why the action should not be taken.
- C. Inform the employee in written form of the disciplinary action, effective date of the disciplinary action, and his/her right to appeal such decision, as followed in Section 12.7 by filing a written notice of disagreement. If the employee fails to appeal the decision within 7 working days, the action shall become final.

12.6 Signing Requirements

Date Created: March 2019

In all cases of formal disciplinary action, the employee will be required to sign the written notice of discipline and such notice shall be dated and placed in the employee's personnel file. If the discipline involves temporary suspension, the amount of time will be determined by the Transit Director(s), Assistant Director and/or the Board of Directors depending on the circumstances of the offense. If the employee refuses to sign the notice, the decision-making authority shall make a notation to that effect with the CTWSI Transit Director(s), Assistant Director or designee as a witness. The employee may submit a written statement of response to the disciplinary action which shall be attached to and remain with the disciplinary action in his/her personnel file. Documentation of such discipline may be submitted to the Board of Directors for review. In all instances in this policy where an employee is required to sign, signing does not imply an agreement with the action, only that the contents have been made known to or discussed with the employee.

12.7 Grievance Procedure

Date Created: March 2019

The purpose of this grievance procedure is to provide a just and equitable method for the resolution of grievances without discrimination, coercion, restraint, or reprisal against any employee or group of employees who may submit to or be involved in a grievance.

12.7.1 Definition of Grievance

Date Created: March 2019

A grievance is a complaint by an employee or a group of employees concerning the interpretation or application of the provisions of rules or regulations governing conditions of employment, personnel practices and procedure or condition(s) which have not been resolved satisfactorily in an informal manner between the employee(s) and management.

12.7.2 Submission of Grievance to Department Head

Date Created: March 2019

An employee shall place in writing and submit to the Transit Director(s) or Assistant Director the grievance within seven (7) calendar days following the day on which the grievance occurred or when the employee should have had reasonable knowledge of the occurrence. The written grievance shall contain a statement of the facts, the revision or provisions of the agreement, working condition or employment which the employee believes may be a basis for corrective action by the aggrieved employee. The first attempt at resolving of the grievance shall be an initial meeting with the employer at the level of the Transit Director(s) or Assistant Director.

This meeting shall be followed up by a written statement regarding the meeting and the Transit Director(s) or Assistant Director finding within two (2) days of the submission of the grievance. ** Note – In the event, the employee does not feel comfortable going to the Transit Director(s) or Assistant Director, he/she shall pass over this step and begin this process at the next available and appropriate step.

12.7.3 Conference with the Chairperson of the Board of Directors

Date Created: March 2019

Should the parties fail to agree upon a satisfactory disposition of the grievance, the matter may be referred within seven (7) calendar days by the employee to a conference with the Board Chairperson. A written answer to the grievance shall be submitted within ten (10) calendar days of the conference.

12.7.4 Requesting a Conference with the Board of Directors

Date Created: March 2019

In the event the grievance is not resolved under the procedures of Section 12.7.2 and 12.7.3, the employee may request, in writing, a hearing with a select committee of the Board of Directors within ten (10) calendar days of the decision being received by the employee under Section 12.7.2 and 12.7.3. The Board of Directors at its next regularly scheduled meeting shall review the recommendation of the select committee and have a hearing in executive session. A decision will be made by the Board of Directors and the employee notified within ten (10) days of said hearing.

12.7.5 Extension of Time Limits

Date Created: March 2019

Any time limits under any section may be extended by mutual written agreement of CTWSI and the employee.

12.7.6 Dropping a Grievance

Date Created: March 2019

At any time, the employee may dismiss or drop a grievance. This dismissal of the grievance shall not be viewed as precedent for a grievance or identical topic matter of another employee.

12.7.7 Filing a Grievance is a Serious Matter

Date Created: March 2019

This system is intended to protect the employee and give them a means of appeal in matters of importance. For example: A discharged employee who believes such discharge was without cause.