



EMPLOYEE HANDBOOK

September 2021



Reference Numbers & Websites

Reference Numbers and Websites			
HR Hotline	405-297-1588 405-297-3346	Ethic Hotline	405-297-2227 OKC4ethics@okc.gov
Payroll	405-297-2173	Maintenance	405-297-3962
Benefits	405-297-2144	Dispatch/Safety	405-297-2468
Employee Assistance (EAP)	800-343-3822	ATU Local 993	405-306-3047
Embarkok.com	Okcpeople.okc.gov	Embarkok.com/HRhelp	

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Welcome

For more than 50 years, EMBARK has offered safe, reliable transportation for the citizens and visitors of Oklahoma City. Beginning with just 18 buses in 1966, we've grown to into a robust transit system that includes streetcars, river cruises, parking garages and more.

As an industry leader in public transportation and more importantly, as the place where you choose to work, you need to know the keys to be successful during your career with EMBARK.

EMBARK's vision is to provide "world class transportation accessible to all, and all want to access it."

With a clear picture of our destination through our Vision and Mission, our Core 4 Values — *be safe, be there, be open and be kind* act as our compass. Living into our values guides our decisions and ensure we stay on course.

In all that we do, we focus on three key audiences - our employees, our customers and our board - to create a great place to work, enhance the status, use and understanding of our services, and preserve confidence in what we do with key stakeholders.

No matter what your current title, role or tenure is, your help is essential to the success of EMBARK. You are integral to the success of our organization and we couldn't do it without you.

Whether we're creating an inclusive and empowering work environment, improving our customers' experiences or cultivating strong relationships with key stakeholders, our Vision, Mission, Values and this handbook will help guide you through every decision.

Thank you for joining us on this adventure and helping us navigate life on the road.

Sincerely,



Jason Ferbrache
Chief Navigator

The Vision

EMBARK will be world-class transportation that is accessible to all, and all want to access it.

The Mission

EMBARK's mission is to be a self-sustaining transportation network that removes barriers of location and socioeconomic status, while elevating the status and use public transportation, so all of central Oklahoma can safely and quickly reach their destination.

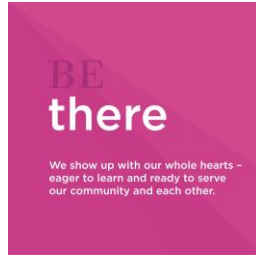
The How

Three routes, or initiatives, will lead us toward our vision – promoting personal change and strengthening our abilities.

- Employee- Create a great place to work.
- Customer- Enhance the status, use, and understanding of our services.
- Board- Preserve the confidence of the Board, City Council, and RTA

Our Values

Our everyday actions and behaviors will keep us on route - even when roadblocks arise.



Our values serve as our compass- an unwavering guide to help us stay on the right path.

1.0 Introduction

It is important to note this Employee Handbook highlights the policies and practices at EMBARK and should serve as a helpful reference. However, the heart of EMBARK runs through The Roadmap, our Vision, Mission and Core Values. Should you ever have a question about The Roadmap or anything in this Employee Handbook, we encourage you to speak to your manager or a member of our Human Resources team.

Early in your employment with EMBARK, you will realize that we have very high expectations for our employees. These expectations are necessary to sustain our growth and achievement in the transit industry and as the area's regional provider of transit services. EMBARK is committed to challenging you, recognizing your achievements, supporting your skill development, and providing appropriate compensation and benefits to help you realize your career goals and objectives. Through this partnership, we are confident that our future will be mutually beneficial.

1.1 Purpose

The purpose of this Employee Handbook (hereon referred to as "Handbook") is to establish and maintain a uniform system for managing employee matters; to comply with applicable employment laws; and to provide for the standards, terms, and conditions of employment with Central Oklahoma Transportation and Parking Authority (COTPA) dba EMBARK, and any of its direct or indirect subsidiaries or Divisions (collectively known as "EMBARC" throughout the remainder of this document). It is further intended that these policies and procedures, as amended from time to time, serve as a guide for employees of EMBARK in their routine work activities for the success of both EMBARK and individual employees.

The policies and procedures set forth in this Handbook describe the terms, conditions, and standards of employee operations for EMBARK, the content of which is neither contractually binding upon EMBARK nor restrictive in terms of amendment or interpretation by EMBARK. Employees are expected to familiarize themselves fully with the content of this Handbook.

The policies contained in this Handbook shall be effective April 30, 2021 and shall be subject to modification by EMBARK with or without notice as circumstances dictate. These policies supersede and control any prior or pre-existing policies, whether written or oral.

If any policy or procedure contained herein is contrary to law or public policy, the non-enforceability of such policy or provision shall not affect the continuing validity and enforceability of all other policies or provisions.

Please read these policies carefully. If you have any questions regarding the policies stated herein, please contact your manager or a member of our Human Resources team.

2.0 Employment

EMBARC has a policy of maintaining appropriate classifications of employees to make sure that all legal requirements are maintained so there is no discrimination in terms of benefit plan eligibility and payment of compensation in accordance with federal and state laws. The purpose of this procedure is to define EMBARK's employee classifications for benefit plan eligibility. For questions regarding classification of employees for purposes of wage laws please contact Human Resources.

Human Resources will classify employees in accordance with the following procedures to ensure that all appropriate employees are offered the appropriate benefit enrollment opportunities.

Division managers are responsible for advising Human Resources and requesting changes in status.

2.01 "AT-WILL" Employment

EMBARC is an "at-will" employer. This means the employment relationship can be terminated with or without cause, with or without notice, at any time, at the option of either EMBARK or the employee, except as otherwise provided by law. EMBARK's status as an "at will" employer may not be modified in any way by statements contained in the Handbook or any other handouts, guidebooks, employment applications, recruiting materials, memoranda, or any other materials provided to applicants or employees in connection with their employment. No representative of EMBARK has the authority to modify this policy for any applicant or employee or to enter into any oral agreement contrary to this policy. Further, the Administrator of EMBARK has the authority to enter into a separate individual written employment agreement with an applicant or employee.

2.02 Employment - Collective Bargaining Agreements

Represented Employees are employees working for EMBARK and are covered by a Collective Bargaining Agreement (CBA).

In those instances when the CBA between EMBARK and Amalgamated Transit Union (ATU) Local 993 conflict with respect to a certain policy or procedure, the CBA will govern with respect to the bargaining unit members in the ATU.

In those instances when changes in the law or the CBA between City of Oklahoma City and the American Federation of State, County & Municipal Employees (AFSCME) result in a conflict of policy or procedure, the CBA will govern with respect to the bargaining unit members in AFSCME.

2.1 Employment Status Categories

EMBARC uses status categories to make distinctions in benefits and conditions of employment among its employees. Every individual who is in an active work status and receives a paycheck from EMBARK is considered an active employee.

2.1.1 Regular Full-Time Employees

Regular full-time employees are those that regularly work a minimum of thirty (30) hours or more per week on a continuous basis or in accordance with rotation or calendar schedules.

2.1.2 Regular Part-Time Employees

Regular part-time non-seasonal job is scheduled to work on average less than 30 hours per week or 1,508 per year and does not include benefits.

2.1.3 Probationary Employees

Probationary employees are those in their first 90 days of employment who are eligible to become a member of the ATU Local 993 Bargaining Unit. However, if employee is covered by AFSCME's CBA or is not a member of a Collectively Bargained Unit, the probationary period will be the first 6 months of employment. During the probationary period, EMBARK management may review the probationary employee's performance and determine if the employee should be allowed to move to a position as a regular full-time or regular part-time employee.

2.1.4 Non-represented Employees

Anyone employed by EMBARK that works in any job classification with exception of those job classifications represented by the Amalgamated Transit Union, Local 993 and AFSCME.

2.1.5 Represented Employees

Employees that are covered by the ATU Local 993 CBA and AFSCME CBA. The ATU Local 993 CBA and AFSCME CBA are written legal contracts between the employer and the respective Union representing the employees covering negotiated topics such as wages, hours, and terms of employment.

2.2 Job Classification Plan

The Human Resources Division develops and maintains a Position Classification Plan for all non-represented positions within EMBARK. The plan will group together positions that are similar in nature; have approximately the same level of difficulty and responsibility; require comparable skills, knowledge, and abilities at the time of recruitment; and which may be fairly compensated by a general range of pay. Wages and classifications for represented employees are negotiated in their respective Collective Bargaining Agreement.

2.2.1 Maintenance of the Job Classification Plan

The Human Resources Manager is authorized by the Administrator to review and audit existing positions. New classifications will be subject to approval by the Administrator or his/her designee.

2.2.2 Purpose of the Classification Plan

The Job Classification Plan will be used to determine if classifications are consistent with the duties performed; establish required skills, knowledge, and abilities for each classification; assist in analyzing work distribution, areas of responsibility, lines of authority, and other pertinent relationships between individuals and groups of positions; assisting in projecting personnel, service, and operational costs for annual budgets; provide a basis for developing work performance and productivity standards; establish lines of promotional opportunities; identify employee educational

and training needs; ensure uniform and meaningful titles for all positions; and, supply the foundation for the compensation program and other aspects of the personnel system.

2.2.3 Classification and Allocation of Positions

The Human Resources Division shall classify each position based on the nature of the primary tasks performed, level of difficulty, responsibility, skills, knowledge, abilities, work aptitudes, physical requirements, and working conditions required to perform the essential job functions of each position. All classes of positions involving the same character of work but differing as to the level of difficulty and responsibility, shall be grouped into a class. Compensation or the pay range scale shall not be a factor in determining the classification of any position. The example of duties set forth in classification specifications or job descriptions are not all inclusive or restrictive. All components of the position will be considered when determining the classification. Division managers shall report to the Human Resources Manager all organizational and program changes that will significantly alter or affect existing positions or proposed new positions.

2.2.4 Classification Changes

An employee may request a position classification review when the actual work performed does not conform to the job description. The classification review must be requested through the immediate supervisor and/or Division Manager on the form specified by the Human Resources Manager. When the Human Resources Manager receives a request to reclassify a position to a different classification, the request may be denied if the findings reveal the new duties and responsibilities can be reasonably assigned to the present classification or another position. A reclassification occurs when a position classification is changed to a different classification as a result of a job audit. Pay rate adjustments as the result of a reclassification to a different pay range will be applied in accordance with the latest approved step ranges.

2.2.5 Classification Specifications

The Human Resources Manager will maintain a master set of all approved job classification specifications. Classification position concepts or job descriptions are descriptive only and not restrictive. They reflect the primary duties and responsibilities of the position(s) that are assigned to the respective classifications and do not exclude less frequently assigned duties and responsibilities not specifically listed in the classification position specifications.

2.3 Fair Labor Standards Act ("FLSA") Classifications

The FLSA is a federal law requiring that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

2.3.1 Exempt Employee

Employees whose position meets specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from overtime pay requirements.

2.3.2 Non-exempt Employee

Non-exempt employee denotes any part-time or full-time employee who is not exempt under the FLSA sections described above. All non-exempt employees are required to clock-in and out for time worked.

If you have a question as to whether you are classified as an "exempt" or "non-exempt" employee, please contact Human Resources.

2.4 Employment Offers

All offers of employment for internal and external candidates are conditional, subject to an applicant's satisfactory results of the following: (1) background investigation; (2) required licensures and (3) education verification (if applicable to the job requirements); (4) driving record check (if required by the position); (5) reference check; (6) production of documents sufficient to demonstrate identity; (7) authorization to work in the United States as required by the Immigration Reform and Control Act; (8) pre-employment drug tests; and/or (9) physical assessments (as required by the position).

2.4.1 Entrance Salary

Step 1 of the pay range shall be the normal beginning salary step for new employees. However, new employees may be appointed at a salary up to the mid-range upon recommendation of the Division Manager to the Human Resources Manager. To justify appointments above the midrange, the Division Manager through the Human Resource Manager must submit for approval to the Administrator or his/her designee documentation of all the following:

- a) Qualified individuals cannot be hired at Step 1 of the salary range.
- b) The applicant possesses exceptional qualifications for the position.
- c) There are no other applicants with comparable qualifications.

2.4.2 Employment in Multiple Positions

No EMBARK employee shall simultaneously occupy or serve in more than one position in EMBARK service, be compensated for serving in more than one such position or receive compensation from more than one Division if a conflict of interest is established.

2.4.3 Arrest and Conviction Records

Arrest or conviction records may disqualify a candidate from EMBARK employment under any of the following circumstances:

- (1) Three (3) or more moving traffic violations (excluding parking tickets) within the last thirty-six (36) months will be disqualifying *if* the job description for the position requires possession of commercial or non-commercial driving license.
- (2) Any unpardoned felony conviction or plea of *nolo contendere* may be disqualifying for EMBARK employment, depending on the nature of the conviction, how much time has passed since the conviction, and the relation to the duties of the position sought.
- (3) Any unpardoned conviction(s) involving the following offenses may be disqualifying, including but not limited to, moral turpitude; non-consensual sex acts; distribution or

trafficking of controlled dangerous substances; assault and battery with a dangerous weapon; or any offense involving a minor as a victim.

- (4) Any applicant who has been convicted of a felony, is a current defendant of a Victim Protection Order (VPO) or has been convicted of a misdemeanor crime of Domestic Violence, will not be considered for employment **for any classifications requiring a commission to carry a firearm**. Misdemeanor convictions will be evaluated on an individual basis and may be disqualifying **for any classifications requiring a commission to carry a firearm**.
- (5) Any applicant with a pending felony or misdemeanor charge (other than minor traffic violations) will be ineligible for hire until a final disposition of the charge is made.
- (6) Any applicant who has been convicted of a cardinal infraction in their current or prior employment will be ineligible for employment. Cardinal infractions are defined in the Definitions section at the end of this Handbook.
- (7) Any conviction that has been pardoned or expunged will not be considered in an employment decision.
- (8) If it is determined that information obtained through the applicant's criminal records check makes the applicant unsuitable for the position being sought, the Human Resources Manager or designee will notify the applicant within 3 business days and provide a copy of any criminal record information.
 - a. The applicant will be given seven (7) business days to provide information that negates the validity and relevance of the criminal record. If the information obtained through the criminal records check cannot be invalidated by the applicant, the applicant will be eliminated from consideration for employment.
 - b. In determining an applicant's suitability for a position, the Human Resources Manager or designee will consider information including, but not limited to:
 - i. Relevance of the crime to the position sought.
 - ii. Nature of the work to be performed; and
 - iii. Recency of the conviction
- (9) The new-hire probationary period for individuals convicted of a felony and who, at the time of employment with EMBARK, are on probation or parole, will be extended to conform to the ending date of the probation or parole. Any parole violations may be cause for immediate termination. In the event an employee is hired while on criminal probation, the new-hire probationary employee is required to notify his/her supervisor that he/she is on criminal probation, the nature of the crime, and provide information concerning the length of the criminal probation, and any changes to the criminal probationary period, including revocation of the criminal probation.

2.5 Employment References and Verification

We will provide employee references and/or verifications of employment upon oral or written request. EMBARK will only verify dates of employment and job title unless appropriate authorizations signed by the current or previously employed individual are supplied by the requester for information beyond what is stated in this policy.

2.6 Employment Records

If you wish to examine your personnel file, you must contact Human Resources and review the file with a member of the Human Resources team. The contents of the personnel file are considered property of EMBARK and will not be released to the employee.

2.7 Employment of Minors

Regular employees must be 18 years of age or older. Hiring of students or others who are 16 or 17 years old must be approved by the Human Resources Manager with approval of the Administrator or his/her designee. Safety sensitive positions require employees to be a minimum of 21 years old at time of hire.

2.8 Nepotism and Personal Relationships

2.8.1 Nepotism

In general, employment of immediate family members is allowed, provided approval is obtained by the Administrator or his/her designee prior to extending an offer and there is no direct or indirect reporting conflict of interest. If there is a direct or indirect reporting conflict of interest, approval must be obtained prior to extending an offer. EMBARK reserves the right to review and act on any situation where a perceived or actual conflict of interest may exist.

2.8.2 Consensual Romantic Relationships in the Workplace

Consensual romantic relationships that are welcome and voluntary do not constitute sexual harassment under the law. However, dating relationships between supervisors and subordinates are prohibited. EMBARK may take appropriate action for violations of the policy, which may include transfer of one or either person, discontinuing the reporting relationship, and/or disciplinary action up to and including termination.

2.9 Orientation and Training

Newly hired employees will be scheduled for training and orientation by Human Resources in coordination with Training Department. EMBARK will provide special training programs when considered necessary or as required by government regulations.

2.10 Promotions, Performance Evaluation, Job postings, Demotions, and Transfers

2.10.1 Job Postings

EMBARC has a policy of promoting from within whenever practical to fill open positions. We strive to promote the most capable and experienced individual, based on demonstrated ability to assume greater responsibility. Positions posted for internal applicants will be posted to the [EMBARC Application Tracking System website](#). Should EMBARK determine it needs to recruit to attract the most qualified individual for a specific job opening the job opening will be posted on-line to external applicants at the same time it is posted for internal applications.

2.10.2 Performance Evaluations

EMBARK non-represented employees will have a performance evaluation annually. The evaluation will be performed by the immediate supervisor or Division Manager. The performance evaluation will be shared with the employee. A successful evaluation may include a step increase. Step increases will be one step. A request for more than a one-step increase will require approval by the Administrator or his/her designee.

2.10.3 Demotions

A demotion may be necessary when:

- 1) A recently promoted employee does not satisfactorily fulfill the requirements of the new position,
- 2) The responsibilities of a position changed, and the incumbent does not fulfill the new requirements,
- 3) The incumbent can no longer meet the essential functions of the position with or without reasonable accommodation, or
- 4) An employee requests a demotion because of serious dissatisfaction in his/her current position.

In all these instances, a vacancy must be available in a lower classification to demote to.

A demotion may be initiated by the incumbent or the immediate supervisor. In either case, the affected employee must agree to the demotion by signing a letter of agreement specifically outlining the reasons for the demotion and the employee's willingness to accept the demotion. The Administrator or his/her designee must approve all demotions. Employees asked to accept a demotion or who ask for a demotion should apply for a position in a lower classification for which they are qualified.

2.10.4 Transfers

Newly hired employees must remain in the position to which they were hired for a minimum of six (6) months before being eligible for transfer to another work section. Employees who complete a minimum of six (6) months of employment while remaining in good standing may apply for and be considered for a transfer if they meet the minimum qualifications for the position.

Employees who transfer to a new position within EMBARK will assume a new probationary period of at least ninety (90) days. If the employee or supervisor is unsatisfied with the position or performance, the employee may be allowed to transfer back to their previous position, or a similar position should there be an opening. If no vacancy is available, layoff, resignation, or discharge must occur (with the possible exception involving disabilities, where reasonable accommodation will be made, if possible).

Exceptions to the transfer policy may be considered based on best interest of operations of business and when mutually agreed upon by employee and Division Manager.

2.11 Reduction in Force (RIF)

If a RIF is unavoidable, whenever possible those with the most longevity will be retained in preference to those with less years of service. Any reduction in force must take into consideration whether the more senior employee has the ability, capacity, and willingness to perform the available job.

2.11.1 Longevity/Seniority and RIF

An employee cannot be retained solely based on longevity. The employee must be capable of performing the available job with little or no additional training required.

2.11.2 RIF Notices

Notices of RIF will be in writing to the affected employee(s) thirty (30) calendar days before the effective date of the layoff, if possible, but no later than two (2) weeks prior to the effective date.

2.11.3 RIF Process and Exceptions

A reduction in staff is a management decision. However, management will generally follow the guidelines noted below for RIF's and potential employee recalls:

- (a) The first individuals laid off will be probationary employees, followed by those with the shortest period of service seniority as defined below.

Exception: Less senior employees whose specific skills or special abilities are needed for an essential task will be retained if no senior employee can assume the task with little or no training

- i. **Seniority.** For the purposes of RIF, seniority is based on continuous service. Separations of more than seven days are subtracted from seniority, unless the separation is an authorized leave such as those defined in the Family Medical Leave Act (FMLA), Military Leave, Sick Leave, or Vacation Leave policies. Employees on unpaid leave do not accrue seniority for the duration of the leave.
- ii. **Displacement.** More senior employees may be permitted to displace an employee with less seniority in a RIF situation only if the more senior employee can perform the job. When applying to displace a less senior employee, you will have your demonstrated skill, proven sense of reliability and responsibility, education, and special abilities taken into consideration prior to being allowed to displace an employee with less seniority. You may also be asked to take a test proving your ability to perform the job.

2.11.4 RIF and Benefits

Employees will retain group insurance benefits until the last day of the month following the month of layoff. An employee on layoff will not accrue benefits. Employees will be entitled to Consolidated Omnibus Budget Reconciliation Act (COBRA) benefits as required by federal law.

2.11.5 RIF Recall Process and Exceptions

Employees will be recalled from a layoff in reverse order of layoff. The more senior staff members (those laid off last) will be recalled first.

Exception: Those employees whose skills and abilities are needed for an essential task may be recalled before a more senior employee if the more senior employee cannot assume the task with little or no training.

2.11.6 Recall Notices and Recall Refusals

Employees will be recalled via a registered letter to the current mailing address on file with EMBARK's Human Resources. If the recalled employee does not respond as directed in the letter within fifteen (15) calendar days, they will be terminated.

An employee on layoff may refuse to return to work performing a job dissimilar from the duties, responsibilities, or pay associated with the job from which they were laid off without losing recall rights. An employee on layoff who declines an opportunity for recall to a job similar to the duties, responsibilities, or pay associated with the job from which they were laid off will be considered to have voluntarily terminated their employment.

Employees on layoff for more than one (1) year must submit a request to Human Resources to have their name maintained on EMBARK's active list for recall and must reapply for a similar position when it becomes available.

2.11.7 RIF and Probationary Employees

Employees who have not completed their probationary period before the date of layoff will not be recalled from a layoff. Employees in a probationary period during a layoff will be given the opportunity to apply for a vacancy.

2.11.8 RIF and Represented Employees

Represented employees should refer to the applicable CBA.

2.12 Termination of Employment

While we hope that employment with EMBARK will be long lasting, the employment relationship can be terminated with or without cause, with or without notice, at any time, at the option of either EMBARK or the employee, except as otherwise provided by law.

2.12.1 Voluntary Resignations

Voluntary resignations are classified into the following two (2) categories:

1. Written or verbal notification to your supervisor indicating intent to resign;
2. Failure to call or show up for work after being released to work by a doctor from any type of approved medical leave of absence.

Employees are expected to provide a minimum of two weeks' notice to their manager of their intention to separate from EMBARK. It is expected that written notification will be provided to the employee's manager. Quitting without proper notice may result in ineligibility for rehire.

2.12.2 Failure to Report – No Call/No Show

Employees are expected to notify their supervisor they will be late or unable to report to work one (1) hour before the start of their scheduled workday. Failing to call or show up for work on a scheduled workday within a timely manner for the workday is considered a voluntary resignation. Employees that do not contact their supervisor between the start and end of a single workday may be terminated.

2.12.3 Involuntary Termination

Involuntary terminations are management-initiated terminations. This may include, but is not limited to, employee misconduct, poor performance, client request, layoffs, reductions, and divestitures.

It is impossible to list all specific forms of employee misconduct that are considered unacceptable in the workplace that may lead to an involuntary termination. However, types of misconduct considered inappropriate include, but are not limited to, poor behavior, violent acts, tardiness, absenteeism, unsatisfactory performance, dishonesty, insubordination, theft (including Trust time), fraud, damage or misuse of Trust property, safety violations, and policy violations.

In some cases, opportunities to improve behavior or performance may be provided via coaching, verbal counseling, written disciplinary action, or performance improvement plans. However, EMBARK reserves the right to take appropriate disciplinary action up to and/or including termination as determined to be necessary without prior verbal or written warning or prior discipline.

2.12.4 Termination of Employment

Employees who terminate their employment with EMBARK are required to complete the termination process. This process includes following written directions regarding the return of any EMBARK property, identification badges, keys and access devices; completing required forms; obtaining appropriate clearances and signoffs of termination paperwork as directed; and, scheduling and completing an exit interview with Human Resources.

2.12.4.1 Termination Process

Termination Forms: Upon termination, the employee's supervisor is responsible for submitting a Separation of Employment Form to Human Resources upon earliest notification of termination, voluntary or involuntary. Should an employee resign without providing notice, his/her last day worked shall be recorded as the final day of employment. Paid time off will not be granted during the final notice period unless approved in advance by the employee's supervisor. Employees are not eligible for any paid holiday which occurs after the last day of work.

Return of Property: Any property issued by EMBARK must be returned prior to the time the final paycheck is provided. This includes but is not limited to, name badges, keys, uniforms, technology, and tools.

2.12.4.2 Exit Interview

When an employee leaves EMBARK, he/she may receive an e-mail with an on-line exit interview from Human Resources. The exit interview will be sent within 90 days of the employee's last day of employment. The exit interview survey is to give employees an

opportunity to express their reasons for leaving EMBARK and constructive feedback to improve EMBARK.

2.12.4.3 Wages and Benefits

Final Wages and Paycheck. Final payment of any wages due will be issued on the next regular scheduled payday unless mandated otherwise by state law. Final pay will consist of all hours worked from the last pay period to the last day and hour of work, in addition to any accrued hours deemed compensable under EMBARK policy. The final paycheck may be reduced by the amount or value of other setoffs as allowed by law and normal deductions required. Upon termination, EMBARK will withhold the amount of insurance premiums necessary to maintain benefit coverage through the end of the month in which termination occurs. The final paycheck may be issued as a paper check and mailed to the employee address on file unless prior arrangements have been made with EMBARK's payroll officer. An employee who resigns is not eligible for any non-wage payment payable on or after the employee's initial notice of resignation.

Relocation Allowances and Final Wages. If the employee was granted a relocation allowance and the employee is terminated for any reason other than an event which is designated by EMBARK as a "reduction in force" or elects to voluntarily terminate employment during the first twelve (12) months following the relocation, the employee shall repay a pro-rata share of the relocation allowance.

Continuation of Benefits Following Termination. All benefits shall cease upon termination except for those provided for in this Handbook or those that may be continued by law under the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

2.12.5 Designation of Rehire Status

Every employee separated from EMBARK employment for any voluntary or involuntary reason must be assigned a rehire status by their current supervisor on the Separation of Employment Form. The supervisor must assign a designation of rehire status based on the designations and criteria below and referenced in Appendix Table 1:

Eligible	This status indicates "Yes", the person is eligible for rehire throughout the EMBARK organization.
Eligible 3	This status indicates "No", the person is not eligible for rehire throughout the EMBARK organization for a period of three (3) years following the date of employment termination. The Division Manager or supervisor must specify the reason(s) for this designation. The three (3) year rehire status period will be deemed to have expired thirty-six (36) months after the separation date of the former employee.
Not Eligible	This status indicates "No", the person is not eligible for rehire permanently. The Division Manager or supervisor must specify the reason(s) for this designation.

Conditional This status indicates “Conditional”, meaning the person is eligible for rehire subject to meeting certain requirements, i.e., ability to successfully pass a pre-employment physical, including drug testing, ability to attain appropriate credentialing prior to employment as required by the position, ability to perform the job functions, obtain driver’s license, etc. For a Conditional designation, the Division Manager or supervisor must specify the conditions that must be met in order to be eligible for rehire with EMBARK.

2.12.6 Former Employee Request for Rehire Status Review

To obtain a review prior to the expiration date of a designated “Eligible 3” rehire status, a permanent “Not Eligible” status, or a “Conditional” status, the former employee must submit a request in writing to the Human Resources Manager. A request will not necessarily result in any change of rehire status.

The written rehire review request must include two (2) favorable letters of recommendation, one of which must come from an employer for whom the individual has worked since leaving EMBARK. The request and letters of recommendation will be reviewed by the Human Resources Manager, the former employee’s Division Manager and an Assistant Director. If the termination involved a safety violation, the Safety Officer must be involved in the rehire decision. Upon review, the Human Resources Manager will inform the requesting former employee and the former Division Manager of any decision to change an assigned rehire status.

2.12.7 Conditions Governing Eligibility for Rehire

Employees who voluntarily resign or who fail to satisfactorily complete probation with no disciplinary actions instituted should be coded as either Eligible or Conditional (for job performance factors) referenced in Appendix Table 1 and would not be subject to the three (3) year waiting period. Quitting without proper notice may result in ineligibility for rehire or future placement.

Employees who resign subject to discipline in progress shall be coded as either Eligible 3 or Not Eligible (depending upon the disciplinary infraction) and will not be eligible for rehire for a period of up to three (3) years, excluding termination for cardinal infractions. Eligibility for rehire does not guarantee applicant a position.

Employees who have been terminated in the course of disciplinary action or who have been terminated as a result of disciplinary action (excluding termination for cardinal infractions) will be coded as Eligible 3 and will not be eligible for rehire for a period of three (3) years. Such employees may reapply after three (3) years of separation from EMBARK service.

Employees who have been discharged for the commission of a cardinal infraction are not eligible for rehire and should be coded Not Eligible.

When a person is rehired after a prior discharge that was coded Eligible 3 or Conditional as defined in 2.12.5, it is understood that he/she serves a one (1) year probationary period. This means that EMBARK can again terminate the rehired employee for any violation of policy and/or procedure,

provided the allegations are sustained after conducting a predetermination hearing. The rehired employee shall be on notice that for any offense, he/she may be discharged without right of appeal during the first one (1) year after the rehire date. The rehired employee will be required to sign a Last Chance agreement in the presence of and witnessed by the Human Resources Manager.

2.12.8 Rehire and Years of Service

EMBARC does not give credit for prior service including seniority to rehires. The new hire date will be used to calculate seniority and years of service for rehires. Any exception must be authorized by COTPA Administrator.

2.13 Retirement

EMBARC has no mandatory retirement age. Those employees who meet the eligibility requirements outlined in the COTPA Pension Plan and are retiring will be given the option of:

1. being paid for earned, but unused annual leave and sick leave in a lump sum and having their date of separation become effective when they leave service, or
2. exhausting accrued annual leave and sick leave time prior to the effective date of retirement. Employees selecting option two (2) will not accrue additional annual leave or sick leave time nor receive payment for paid holidays during the terminal leave period.

To obtain more information concerning the COTPA Pension Plan or to make an appointment for retirement counseling, employees should contact Human Resources.

3.0 Workplace Expectations

Our goal at EMBARK is to create a positive work environment where employees can thrive and live our four core values: Be Safe, Be There, Be Open and Be Kind. To achieve this, we have provided a non-exclusive chart of the dos and don'ts of common workplace behavior that can help us achieve our mission.

DO	DON'T
Treat customers, community members and fellow employees with respect, trust, and dignity always.	Use profane language, offensive gestures, racial slurs, sexist, harassing, or threatening comments or behaviors.
Show up to work dressed for success including your badge, uniform, and personal protective equipment.	Show up for work disheveled, disorganized or in possession of any personal items that are not appropriate to have on work premises.
Earn trust by honoring agreements, schedules, keeping promises, practicing confidentiality, honesty, and integrity.	Be late or absent from work, fail to meet agreed upon deadlines and perform daily tasks in a business-like manner.
Work as part of the team. Provide support and help to fellow employees; ask for and give assistance, share lessons learned from successes and failures.	Horseplay, behave disorderly or interfere with the performance of your coworkers.
Accept responsibility and be accountable for your actions. Work to resolve disagreements in good faith and accept and honor the decision.	Lie, argue in a disrespectful manner, sleep on the job, or shun your responsibilities.

Communicate honestly, openly and in a timely manner, listen to others' point of view.	Bicker, gossip and be close minded to others' perspectives.
Work to understand and promote organizational goals, policies and procedures and workplace responsibilities.	Be insubordinate, refuse to comply with instructions or take constructive criticism.
Act in the best interest of the organization in an ethical and responsible manner.	Engage in acts of dishonesty, manipulation, fraud, bribery, theft, sabotage or misuse or destruction of Trust property.
Provide positive recommendations for solving problems.	Ignore issues that might impede EMBARK's ability to provide safe, efficient, reliable services to our community.
Promote the organization, its mission, and services it provides to the community.	Speak to members of the community, customers, or coworkers disparagingly about the organization.

3.1 Civility

Employees must always treat the public and other employees with respect and courtesy. Each employee must perform his/her duties so as not to cause unnecessary hardship or inconvenience to other employees. The use of offensive or profane language, or the abusing, slandering, or intimidating of any employee may result in immediate termination.

3.2 Dress Code and Personal Appearance

EMBARC maintains a business casual environment. As a public servant organization, we must project a professional image. Employees are expected to dress appropriately according to the requirements of their position.

3.2.1 Personal Hygiene

Maintaining your appearance is very important to success. Part of the impression you make on others depends on your choice of dress, personal hygiene, and courteous behavior. A daily regimen of good grooming and hygiene habits is required. In general, the following guidelines will prevail for every employee:

- All employees will be required to practice appropriate personal hygiene, including regular bathing, use of deodorant and the attention to proper mouth and dental care.
- Fingernails shall be kept clean and trimmed to a length that allows the employee to fully grip the steering wheel to allow for safe operation of Trust vehicles.
- Hair for both male and female employees will be clean and neatly groomed and or brushed so that it will not present an extreme, ragged or unkept appearance.
- Beards and mustaches are permitted so long as they are neatly trimmed, do not interfere with the job and present a professional image.

3.2.2 Personal Appearance

Each Division may have a separate dress code due to the job duties and safety requirements. Should an individual's dress appearance not meet the standards or create a safety risk, the employee may be asked to return home or the dressing room to change and might face disciplinary action.

Employees are expected to direct specific questions about job duty dress code requirements to their Division manager or immediate supervisor. In general, the following guidelines will prevail for every employee:

- Employees are expected to exhibit personal pride in a clean and neat appearance.
- Employees should not come to work in shorts, ripped or disheveled clothing. Clothing and accessories that display obscene, harassing, bullying, vulgar, racially expressive, politically motivated or sexually explicit wording or pictures is strictly prohibited.
- Tattoos and body art must not be visible on the face, chest or neck. Tattoos that display obscene, harassing, bullying, vulgar, racially expressive, politically motivated or sexually explicit wording or pictures must be covered.
- Placing of foreign objects under the skin, or body mutilation for the purpose of artistic expression must not be visible.
- Piercing jewelry must be limited to ears and no gauges are allowed.
- Jewelry selections should be made to minimize risk during the performance of your duties.

4.0 Disciplinary Action

Actions which would interfere with the operations of the organization or an employee's ability to perform their job in a safe, efficient, and productive manner will warrant disciplinary action.

In most cases, a progressive approach to disciplinary action will be utilized, but in no way does this guarantee a progressive approach or alter the "at-will" employment status of any employee.

Violations of our Core Values, handbook, employment standards, job descriptions or policy and procedures may result in one or more the following corrective actions:

Corrective Action	Documentation Placement
Interactive discussion	Division File
Training	Division Training File
Counseling	Employee File
Verbal warning	Division File
Written warning	Employee File
Disciplinary probation period	Employee File
Suspension	Employee File
Termination of employment	Employee File

A great deal of consideration and investigation is placed into the determination of corrective action such as: the seriousness of the infraction, previous disciplinary infractions of the employee, circumstances surrounding the matter and past precedence. In considering disciplinary action, an employee's total performance, attitude, and previous infractions are taken into consideration. Past precedence may be taken into consideration of any disciplinary action but will not dictate the final disciplinary action taken.

4.1 Due Process

If it is determined that suspension without pay or termination of any employee should need to occur, the Division Manager or designee will hold a meeting prior to the suspension or discharge with the employee within ten (10) business days of notification of the possible violation. The employee will be provided a written notice that includes an explanation of the policy that was violated and the proposed disciplinary action to be taken. During the meeting, the employee will be given the opportunity to respond and review any evidence provided by EMBARK. A written documentation with the results of the meeting, and any determined disciplinary action will be submitted to the employee's file and a copy to the employee within ten (10) business days of the final meeting.

4.2 Grievance Process

If the employee disagrees with the disciplinary action, the employee may file a grievance with the Assistant Director of Administration or Operations within two (2) days of receiving the disciplinary action. The employee will be given up to five (5) days to gather or prepare a response to the action as referenced in Section 4.1 Due Process. The employee may be placed on Administrative Leave without pay during this time period. The Administrator may extend the response or grievance process to ensure proper Due Process at their discretion. In the event the employee is found innocent of the charges warranting suspension or discharge, the Administrative Leave without pay, if applied, will be removed, and the employee will be compensated for the days off and the employee will be returned to duty.

4.3 Ignorance of Rules

Ignorance of a rule, policy directive, or order will not be accepted as an excuse for non-compliance. Ignorance of any such rule, policy directive, or order will be considered non-performance of duty and enough cause for discipline, up to and including termination. It is each employee's responsibility to be aware of, understand and have a thorough knowledge of all directives governing his/her responsibilities. If any employee does not understand or has any doubt as to the meaning of any directive, that employee shall contact his/her supervisor or Human Resources Division.

5.0 Inclusivity, Anti-Discrimination, Anti-Harassment and Retaliation

EMBARC believes that diversity embraces the understanding that everyone is unique and recognizes everyone's individual differences. EMBARK is committed to fostering, cultivating, and preserving an environment of inclusivity.

All employees of EMBARK have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and all other Trust-sponsored and participative events.

All employees are required to complete biennial (once every two years) anti-discrimination awareness training to enhance their knowledge to fulfill this responsibility.

5.1 Equal Employment Opportunity Policy

EMBARC believes that all persons are entitled to equal employment opportunities and does not discriminate against employees or applicants because of race, religion, sex (including transgender status, sexual orientation, gender identity, or pregnancy), national origin, age, physical or mental disability, protected veteran status, ancestry, genetic information, or any other basis protected by federal, State or local law. Equal employment opportunities will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, benefits, training, promotion, transfer, discipline, layoff, and termination.

EMBARC will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship and so long as the individual does not pose a direct threat to health or safety. Requests for accommodations should be made to the Human Resources Division.

All employees are required to comply with our Equal Employment Opportunity Policy. Managers and supervisors are expected to cooperate fully in meeting our equal employment opportunity objectives.

5.2 Scope

Any person an employee encounters during the normal course of business is covered by this policy. This includes all applicants and employees regardless of position, title, grade, seniority, or function, as well as clients, temporary workers, visitors, independent contractors, and vendors. No one is exempt from this policy.

5.3 Discrimination

All employment decisions, such as hiring, promoting, training, and rewarding, will be made exclusively based on job-related criteria (e.g., employees' knowledge, skills, abilities, and performance). Disciplinary actions will be taken based on employees' behavior and performance, and not on any legally protected status. Discrimination of any kind based on of race, religion, sex (including transgender status, sexual orientation, gender identify, or pregnancy), national origin, age, physical or mental disability, protected veteran status, ancestry, genetic information, or any other basis protected by federal, State or local law is prohibited and subject to appropriate disciplinary action. EMBARK is proud of its record in providing equal employment opportunity to all and will pursue the elimination of any indication of discrimination by every means at its disposal.

5.4 Harassment

Harassment consists of any verbal, written, visual, or physical acts that are offensive in nature, intimidating, unwelcoming, or that could reasonably be perceived as objectionable or interfering with work performance. For example, if an employee engages in conduct intended to provoke someone else, or makes inappropriate comments about a person's race, color, age, national origin, sex (including transgender status, sexual orientation, gender identity, and pregnancy), religion, veteran status, disability (perceived or actual), genetic information, sexual orientation, marital status, political affiliation, or status as a parent, those actions likely constitute harassment or discrimination, and therefore, violate this policy. Harassment of any sort by supervisors, managers, co-workers, contractors, vendors, or patrons will not be tolerated. All employees should maintain a productive and professional work environment characterized by mutual respect.

Harassment may occur through various methods including, but not limited to, personal contact, in writing, over the telephone, through e-mail, and on the intranet. In addition, faxing, emailing, or texting explicit or suggestive materials (to include cartoons) may constitute harassment if the one who sees it is offended, or if someone whom you do not intend to see it does see it and is offended. The means by which harassing behavior is conducted does not change its inappropriateness.

5.4.1 Sexual Harassment

Sexual harassment refers to behavior of a sexual nature which is unwelcome and personally offensive to its recipient or other witnesses. Sexual harassment is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship. It is illegal and strictly against EMBARK's policy for any employee, male or female, to harass another employee by making or subjecting any person to unwelcome sexual advances or requests for sexual favors, or to engage in any unsolicited verbal or physical conduct of a sexual nature. Such actions of a sexual nature constitute "sexual harassment" when:

1. Submission to such conduct is made explicitly or implicitly a condition of an individual's employment.
2. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, offensive, or hostile to the employee or other witnesses.

Some examples include, but are not limited to, unwelcome intentional physical contact; sexually oriented propositions; sexual jokes and innuendo (innuendos include suggestive sexual comments); sexual advances or requests for sexual favors; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering or touching; sexually based obscene comments or gestures; display of sexually suggestive objects or pictures; and, any other type of physical, verbal, or visual conduct of a sexual nature.

Any conduct that meets these definitions is a violation of the Trust's policy against sexual harassment. However, employees should understand that the Trust's policy against sexual harassment is not limited to conduct that meets this legal definition. Employees may be disciplined for any inappropriate and unwelcome behavior, regardless of whether a court would consider it harassment or not.

5.5 Retaliation

Any act of retaliation against an employee who reports, participates in an investigation of harassment, discrimination, intimidation, or is otherwise involved in such an inquiry is strictly prohibited. Any employee found to have retaliated against another person will be subject to discipline, up to and including termination.

5.6 Reporting

EMBARC is committed to the prevention of any type of unlawful harassment, intimidation or discrimination, and any associated retaliatory behavior.

Employees should remember that a good first step in resolving a problem of harassment, discrimination, intimidation, or retaliation is to directly confront the person you feel is engaging in the harassing, discriminating, intimidating, or retaliatory behavior, by clearly communicating what behavior is unwelcome. In many instances, this alone will stop the behavior because the person does not realize the inappropriateness of the conduct, however such direct communication is not a requirement.

If an employee feels uncomfortable directly communicating with the person regarding the issue, allegations of harassment, discrimination, intimidation, or retaliation may be reported in any manner that effectively communicates the message the employee desires to send. This includes reporting in writing, orally, by email, letter, memo or note, or any other reasonable means. EMBARK encourages all reports to be made in writing to have a clear and complete account of your perception of the situation. The most beneficial reports will include at least:

1. The dates and times of all incidents of harassment, discrimination, or retaliation; and
2. The names of all parties alleged to be involved as participants, witnesses, recipients, or who otherwise could corroborate or refute the facts; and
3. A detailed, factual description of the harassment, discrimination, intimidation, or retaliation.

If you feel that you have experienced or observed (as a witness) sexual or other unlawful harassment, intimidation, discrimination, or retaliation, you are obligated to report the incident immediately to your supervisor, Human Resources Division, or any other member of management. If you do not feel comfortable reporting an issue directly to your supervisor, then immediately report the incident directly to the Human Resources Division or another member of management.

5.7 Investigations

In most cases, an investigation will follow the reporting of behavior believed to constitute policy violations. Any such investigation will be designed to address the allegations made and will usually include interviews of the persons directly involved and witnesses, and a review of any documentary items that tend to support or refute the allegations. Investigations will be kept as confidential as practical, but confidentiality cannot be guaranteed.

5.8 Determinations

In instances where enough information is available, EMBARK will promptly make factual and disciplinary determinations about the alleged conduct; however, employees should keep in mind that some inappropriate behavior might not be reflected in documents or witnessed by other people. In those situations, individual credibility determinations will be made. EMBARK will do its best to gather the most accurate information needed to make a fair and just decision. These credibility issues should not discourage an employee from reporting harassment, intimidation, or discrimination, but should illustrate the importance of having documents, witnesses, and other information available to assist EMBARK in reaching its determination. All determinations will be based upon a totality of the circumstances then known by EMBARK.

5.9 False Claims

Harassment, discrimination, and retaliation claims are very serious matters, in part because of the way they can affect people and their careers. Accordingly, while all legitimate claims of harassment, discrimination, or retaliation must be reported, such claims must never be fabricated or lodged without the utmost sincerity. Any person found to have intentionally falsified a claim of harassment or discrimination will be subject to discipline, up to and including termination.

5.10 Discipline

Upon determination of substantiation of claims, appropriate disciplinary action will be taken. Disciplinary actions may include a range of solutions, from oral or written warnings up to and including immediate termination. This includes first-time offenders. All disciplinary decisions will be made on a case-by-case basis.

5.11 Training

Training on awareness, prevention and stopping harassment is required on an annual basis for all supervisory staff members and bi-annually for non-supervisory staff members. Additional training is available at the request of the Division Manager

6.0 Ethics

This Code of Business Conduct and Ethics Policy applies to all COTPA Administrator(s), Trustees, and employees, as well as to the Administrators (or similar governing body), officers, and employees of each affiliate and subsidiary of COTPA. Such Administrators, officers, and employees are referred to herein collectively as the “Covered Parties.”

COTPA is proud of the values with which it conducts business. It has and will continue to uphold the highest levels of business ethics and personal integrity in all types of transactions and interactions. To this end, this Code serves to: (1) emphasize COTPA’s commitment to ethics and compliance with the law; (2) set forth basic standards of ethical and legal behavior; (3) provide reporting mechanisms for known or suspected ethical or legal violations; and (4) help prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in COTPA’s course of business, this Code serves only as a guide. Confronted with ethically ambiguous situations, the Covered Parties should remember COTPA’s commitment to the highest ethical standards and seek advice from supervisors, managers, or other appropriate personnel to ensure that all actions they take on behalf of COTPA honor this commitment.

6.1 Code of Business Conduct and Ethics

It is COTPA’s policy that all business is conducted in strict accordance with the law and in keeping with the highest level of business ethics. In all matters pertaining to the operation of COTPA, no member of the COTPA Board of Trustees, Officer, or employee of COTPA shall have any relationship or engage in any activity, which might:

- A. Involve or lead to personal obligation which could impair the objectivity of such person's judgment; or
- B. Imply to others that favoritism or obligations exist between COTPA or its Trustees, Officers, or employee and any other party.

6.1.1 Conflict of Interest

No member of the Board of Trustees, Officers, or employee of COTPA shall participate in the selection of, or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the Covered Parties set forth below has a financial or other interest in the firm selected for award:

- A. Any Trustee, Officer, employee, or agent
- B. Any member of the immediate family of any Trustee, Officer, employee, or agent
- C. The partner of any Trustee, Officer, employee, or agent
- D. An organization which employs or is about to employ any of the above.

Any interest as an owner, partner, joint venture, or stockholder of two percent (2%) or less in any such organization shall not be deemed a "financial interest" prohibited hereunder.

A conflict of interest exists when a person's private interest interferes in any way with the interests of COTPA. A conflict can arise when an employee takes actions or has interests that may make it difficult to perform his or her work for COTPA objectively and effectively. Conflicts of interest may also arise when an employee, or members of his or her family, receive improper personal benefits as a result of his or her position at COTPA. Loans to, or guarantees of obligations of, Covered Parties and their family members may create conflicts of interest. It is almost always a conflict of interest for a Covered Party to work simultaneously for a competitor, customer, or supplier. Employees must avoid using their Trust contact to advance their private business or personal interest at the expense of COTPA, its clients, or affiliates.

Conflicts of interest may not always be clear-cut, so if you have a question, you should consult with your supervisor, manager, Human Resources, or Administrator. COTPA legal counsel may be contacted if circumstances warrant. Any employee who becomes aware of a conflict or potential conflict should bring it to the attention of an appropriate supervisor, Division Manager, or a Human Resources representative. All COTPA Trustees and executive officers of COTPA shall disclose any material transaction or relationship that reasonably could be expected to give rise to such a conflict. No action may be taken with respect to such transaction or party unless and until such action has been approved. If an employee has a personal interest in a matter before the COTPA Trustees, the employee should disclose the interest to all Trustees and should recuse himself or herself from substantive participation in the discussion and any vote on the matter.

Employees must never allow themselves to be placed in a position where their personal interests are in conflict, or could be in conflict, with the interests or business of COTPA. Employees must avoid any situation or activity that compromises, or may compromise, their judgment or ability to act in the best interest of COTPA. Employees must promptly disclose to COTPA material information regarding any relationship, ownership or business interest (other than non-controlling investments in publicly traded corporations), whether direct or indirect, that the employee or a member of his/her immediate family has with any person, or in any business or enterprise, that creates a conflict of interest.

6.1.1.1 Corporate Opportunities

Covered Parties are prohibited from taking for themselves opportunities that are discovered using COTPA property, information, or position without the consent of the Board. No employee may use COTPA property, information, or position for improper personal gain, and no employee may compete with COTPA directly or indirectly. Employees owe a duty to COTPA to advance its legitimate interests whenever possible.

6.1.2 Gifts and Gratuities

All gifts or other gratuities from any party having or seeking to establish a business relationship with COTPA are discouraged and contrary to this declared policy. This policy is not intended to prohibit ordinary and accepted courtesies of business, such as promotional desk calendars, diaries, pencils, and occasional meals, but is intended to prohibit receipt of valuable gifts and extended or expensive hospitality. Proper personal conduct requires that:

- A. Gifts or other gratuities, which might adversely affect the exercise of a Trustee's or employee's judgment in matters pertaining to COTPA or tend to impair public confidence in COTPA must never be accepted.
- B. Entertainment in any form must not be accepted if either party might feel obligation or if a third party might infer that an obligation exists.
- C. If luncheon or dinner meetings occasionally are desirable for the conduct of business, the COTPA Trust should pay the expenses of an appropriate share of such meetings.
- D. The members of COTPA Board or COTPA employees shall neither solicit nor accept gratuities, discounts, favors, or anything of monetary value from vendors, contractors, or potential contractors.

Employees of COTPA are prohibited from engaging in activities with vendors that promote personal interests ahead of the interests of COTPA or otherwise create a conflict of interest. Any employee's solicitation or acceptance of a kickback, bribe, or loan from a vendor is a violation of policy.

Following a report, prompt and appropriate investigative action will be taken when and as warranted in the judgment of the COTPA Director. Any vendor who violates Trust policy will be subject to removal from COTPA's approved vendor list. Any employee who violates this policy may be subject to termination and/or possible legal sanctions.

6.1.3 Surplus Property

COTPA employees, spouses and immediate family members that reside in the home are prohibited from participating in the purchases of any surplus COTPA or City property, including real estate, vehicles, equipment, or supplies. This policy includes all assets of the Trust regardless of value or the method of disposal.

6.1.4 Outside Activities/Interests

It is not COTPA's desire to discourage or limit the freedom of its personnel to engage in and maintain outside activities and interests which do not interfere with the performance of their duties. It is only when there is a possible conflict of interest that COTPA is concerned. Where a conflict or potential conflict does develop, the person should disclose promptly and fully to the Municipal Counselor all

pertinent facts; the questionable as well as the obviously objectionable. In many instances, the only consequence will be a disqualification of the person from participating in a particular transaction, or a finding that the condition appearing questionable to an employee is not significant. In other cases, it may prove advisable for the person to dispose of the outside interest or for other measures to be taken.

6.1.5 Compliance Procedures

We must all work together to ensure prompt and consistent action against violations of this Code. In some situations, however, it is difficult to know if a violation has occurred. Because we cannot anticipate every situation that will arise, it is important that we have a way to approach a new question or problem. Make sure you have all the facts and keep these steps in mind:

- Ask yourself: What specifically am I being asked to do? Does it seem unethical or improper? Use your judgment and common sense. If something seems unethical or improper, it probably is.
- Clarify your responsibility and role. In most situations, there is shared responsibility. Are your colleagues informed? It may help to get others involved and discuss the problem.
- Discuss the problem with your supervisor or contact the OKC 4Ethics Hotline number (405) 297-2227. The online reporting form may be found at InsideOKC. The email address is 4ethics@okc.gov.
- Ask first, act later. If you are unsure of what to do in any situation, seek guidance before you act.

6.1.6 Fraud Intolerance

COTPA has established systems and internal controls to provide reasonable assurance of the prevention and detection of fraud and to encourage reporting by COTPA employees of improper governmental action taken by officers or employees. The term fraud refers to, but is not limited to: intentionally entering false or erroneous information into electronic software systems; any dishonest act; forgery or alteration of any official document; misappropriation of funds, supplies, equipment, or COTPA or City materials; improper handling or reporting of money or financial transactions; profiting by self or others as a result of inside knowledge; destruction or intentional disappearance of records, furniture, fixtures, supplies, or equipment; accepting or seeking anything of material value from vendors or persons providing services or materials to COTPA for personal benefit; or any similar or related irregularities.

Employees are required to sign a statement upon employment acknowledging they have received, read, and understand COTPA's fraud policy and agree to comply with it. Fraudulent acts will not be tolerated and may result in disciplinary action up to and including termination from employment. Fraudulent acts will be pursued to the fullest extent and may result in criminal charges. Improper actions are actions undertaken by an employee in the performance of their official duties that: 1) are in violation of any federal, state, or local law; or 2) constitute an abuse of authority; or 3) create a substantial, specific danger to public health or safety; or 4) constitute a waste of public funds.

Improper actions do not include common personnel actions, such as the processing of grievances or alleged violations of labor (collective bargaining) agreements.

6.1.6.1 Accountability for Violations

If COTPA or its Board determines that this Code has been violated, either directly, by failure to report a violation, or by withholding information related to a violation, the employee may be disciplined for non-compliance with penalties up to and including termination. Such penalties may include written notices to the individual involved that a violation has been determined, demotion or re-assignment of the individual involved, and/or suspension with or without pay or benefits. Violations of this Code may also constitute violations of law and may result in criminal penalties and civil liabilities for the employee and COTPA. All Covered Parties are expected to cooperate in internal investigations of misconduct.

6.1.7 Reporting

An employee who has reason to believe that there may have been an instance of fraud, improper action, or other illegal act in connection with a City program, function or activity shall report it immediately to a supervisor or manager, the Director of COTPA, or the City Auditor's Office. An employee may also report such instances by contacting the OKC 4Ethics Hotline. Failure to report such instances may result in disciplinary action up to and including termination.

The City Auditor shall be notified by the Administrator or department contact of all such instances reported. Reported incidences will be appropriately investigated as expeditiously as possible. When an investigation confirms that fraud or an illegal act(s) has occurred, appropriate corrective action will be taken, up to and including termination. An employee terminated under this section will not be eligible for rehire.

Under most circumstances, an employee's supervisor should be the first point of contact. However, the Office of the City Auditor has established the OKC 4Ethics Hotline to provide employees a vehicle to anonymously (if desired) report fraudulent or inappropriate activity by City and COTPA employees or those doing business with the City. City and COTPA employees can call the OKC 4Ethics Hotline 24 hours a day, 7 days a week. Information gathered from the OKC 4Ethics Hotline calls, intranet reporting, or email will remain confidential to the extent permitted by law. The OKC 4Ethics Hotline number is (405) 297-2227. The online reporting form may be found at InsideOKC. The email address is 4ethics@okc.gov.

For calls that are matter of public safety or imminent danger, employees should dial 911. For concerns relating to sexual harassment or other forms of discrimination, employees should contact Human Resources at (405) 297-2485.

6.1.8 Whistleblower Policy

An employee who reports a suspected incident of fraud or illegality, a safety, health, or security concern, or assists in an investigation shall be protected from retaliation. However, an employee who believes that they have experienced retaliation for making a genuine report or assisting in an

investigation shall report this as soon as possible to the EMBARK Director, Human Resources or City Auditor.

Retaliation towards an employee who has come forward to raise a genuine concern under this policy or who has participated in an investigation of a suspected violation under this policy is strictly prohibited. Any such conduct will be grounds for disciplinary action, up to and including termination.

However, whistleblowing does not protect the employee from disciplinary action for his/her involvement if found to be in violation of this policy.

6.2 Outside or Secondary Employment

EMBARC hopes that employees will not find it necessary to seek additional outside employment, however we expect all *employees* planning to accept any outside employment to notify Human Resources within seven (7) days of accepting additional outside employment in writing on the approved form for such notice. Any outside activity must not interfere with the employee's ability to properly perform his or her job duties at EMBARK.

Secondary employment which causes the employee to report to work at EMBARK in a mentally or physically fatigued condition could jeopardize the safety of the employee, co-worker, the public or cause unsafe or adverse performance of EMBARK job responsibilities. An employee whose secondary employment interferes with safe, successful performance of Embark job responsibilities may be sent home and/or required to resign from the secondary employer.

If you have outside employment at the time of hire, you are required to disclose the employment and management will thoroughly evaluate any potential conflict to make sure that there will not be any interference with your employment responsibilities with EMBARK. If, in the opinion of EMBARK management, any secondary employment of any EMBARK employee conflicts with this policy, that employee must relinquish such secondary employment, or it will be considered just cause for termination of employment with EMBARK.

6.3 Political Campaign Participation

EMBARC policy is in no way intended to deprive employees of the privilege of participating in the political process, rather it is intended to define the proper role of public employees in political activities. The following policies apply to all EMBARK employees:

- Use of EMBARK equipment or property on behalf of any political campaign is prohibited.
- Display of political campaign material.
- EMBARK employees may voluntarily become involved in a political campaign on their own time, outside of their normal working hours. Support of any campaign, either by endorsement utilizing EMBARK titles or position or by wearing an EMBARK uniform or EMBARK-labeled clothing or outerwear is prohibited.
- Should an employee choose to run for an elected Public office, the employee will be required to forfeit EMBARK employment upon filing as a candidate for these offices.

Any employee whose conduct or activity is not in keeping with this policy will be subject to disciplinary action, up to and including termination of employment. Any questions, clarifications, or problems related to this Policy should be directed to the Human Resources Manager.

6.4 Document Retention Policy

In the course of your job duties, you may record or report important EMBARK information including, but not limited to, examples such as accounting reports and confidential and/or proprietary business information used in the regular course and scope of conducting EMBARK business. Further, in accordance with EMBARK's internal control procedures, you are required to properly document and report all business and financial transactions honestly, completely, and accurately. Under no circumstances should you create false or misleading records or documents, nor should you alter or untimely destroy any business documents or transactions held in physical or electronic form.

EMBARC records or documents should only be destroyed in accordance with EMBARK's record retention policy. If you are unsure of the policy about a document, you should contact management prior to destruction activities. You should immediately cease the destruction of documents if you learn of reasonably anticipated, threatened or pending litigation against the organization or any subsidiary relating to the organization, subpoenas, or a pending audit or governmental investigation, and/or notified and identified as a legal custodian. If you are instructed by anyone to destroy or shred documents outside of EMBARK's normal records management retention schedule you are required to report such request to the EMBARK Administrator.

7.0 Drug Free Workplace Policy

In accordance with the guidelines set forth in the Drug-Free Workplace Act ("Act") of 1988, it is the policy of EMBARK that the unlawful manufacture, distribution, dispensing, possession, or use of an illegal chemical substance and/or alcohol during working hours or on EMBARK property including buildings, parking lots, and vehicles is prohibited.

As a condition of employment, each employee must:

1. Abide by the terms of EMBARK's Drug-Free Workplace Policy; and
2. Notify EMBARK of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Pursuant to the Act, "conviction of a criminal drug offense" includes a finding of guilt (including a plea of no contendere) or imposition of sentences by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes. These include the manufacture, dispensation, use, or possession of any controlled substances defined in Paragraph 5157 (3) of the Act. Although the Act only addresses violations "occurring in the workplace", any employee who has violated any provision of EMBARK's policies relative to alcohol and/or drugs will be subject to appropriate disciplinary action, up to and including termination.

7.1 Purpose

The policy contained herein is established to ensure a drug free workplace at EMBARK in the interest of the employees and the public. EMBARK will strive to balance respect for individual privacy with the need to keep a safe and productive work environment; however, EMBARK is committed to, and will aggressively pursue the goal of this policy to maintain a substance abuse free workplace.

7.2 Scope

This policy describes the current practice of EMBARK and its subsidiaries and will be interpreted, administered, and amended by EMBARK at its sole discretion. This procedure is not intended to and does not confer legal rights to any employee or entity or impose legal obligations on EMBARK. Participation in EMBARK's Drug Testing program is a condition of continued employment. This policy covers all applicants, rehires and current employees, including temporary employees.

7.3 Medical Marijuana Use, Possession, and Being Under the Influence

Under this Policy, employees and applicants with valid Oklahoma medical marijuana licenses will not be discriminated against or penalized solely based upon their status as a medical marijuana license holder. However, EMBARK prohibits all employees, including those with valid medical marijuana licenses, from consuming, possessing, or being under the influence of marijuana when at a place of employment or while working. This prohibition applies to any of the Trust's premises, properties, or work sites, including but not limited to exterior areas, parking locations, personal vehicles or EMBARK vehicles. The prohibition also applies to customer, client or other third-party locations or premises where an employee is performing work or providing services. If an employee's work obligations include transportation or travel, then the prohibition against marijuana consumption, possession and being under the influence applies to that transportation or travel time.

7.4 Drug and Alcohol Testing

In order to help protect the public and employees from any individual employees who may be impaired by drugs or alcohol while performing tasks that could cause serious physical harm, EMBARK has established the following classifications of employees who are subject to testing:

7.4.1 Safety Sensitive Employee Classifications

Employees who engage in activities deemed safety sensitive will include, but are not limited to:

- the handling, packaging, processing, storage, disposal, or transport of hazardous materials,
- the operation of a motor vehicle, other vehicle, equipment, machinery, or power tools,
- repairing, maintaining, or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage,
- performing duties in the residential or commercial premises of a customer, supplier, or vendor,
- the operation, maintenance or oversight of critical services and infrastructure, including but not limited to, electric, gas, and water utilities, power generation or distribution,

- the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment, or transport of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component,
- preparing or handling food or medicine,
- carrying a firearm, or
- direct patient care or direct childcare.

This employee group will be hereinafter referred to as “Safety Sensitive Employees” within this Drug Free Workplace Policy. These Safety Sensitive positions may also be subject to DOT rules for obtaining and maintaining a valid Oklahoma CDL license as a condition of employment.

7.4.2 Non-Safety Sensitive Employee Classifications

All other employees in a position not listed in 7.4.1 are not classified as Safety Sensitive Employees and will hereinafter referred to as “Other Employees in this Drug Free Workplace Policy.”

7.4.3 Organization Units Affected

All EMBARK locations are affected, including all EMBARK subsidiaries.

7.4.4 Definitions

- **Accident** – for purposes of this policy an accident is an occurrence involving the death of an individual, damage to property, or which involves an injury to an employee or other person.
- **Trust Property** – any building, office, job site, EMBARK vehicle, or any location where the employee is carrying out duties and responsibilities related to employment by EMBARK.
- **Controlled Substance Abuse** – includes drugs for which the employee does not have a current, valid prescription or prescribed drugs not being used for prescribed purposes or in a prescribed manner that could have a negative impact on the employee’s safety or the safety of others.
- **Illegal Drugs** – certain controlled substances, the possession of which is unlawful, pursuant to the laws or regulations of any federal, state, or local jurisdiction, or that are legally obtainable but have not been legally obtained, including prescription drugs obtained without a valid prescription, any drug legally prescribed in one jurisdiction but being used in another jurisdiction in which it is currently illegal, or synthetic or other intoxicants where the usage of such may impair a person’s judgment or ability to perform job functions are considered to be illegal. For the purposes of this policy, should two jurisdictions overlap and have opposing regulations, laws, or rules regarding the legality of a drug, federal jurisdiction shall apply. Examples of Illegal Drugs as listed in Schedule 1 of the Controlled Substances Act, include street drugs such as, but not limited to, cocaine, heroin, marijuana, and phencyclidine; controlled substances such as amphetamines, methamphetamines, opiates, and barbiturates; and synthetic and other intoxicants such as K-2, Spice, synthetic cannabis, and bath salts. For further information regarding medical marijuana exceptions, please reference 7.3 MEDICAL MARIJUANA USE, POSSESSION, AND BEING UNDER THE INFLUENCE.
- **Incident** – for purposes of this policy an incident is an occurrence of a serious or potentially serious accident that may have been caused by human error, or any violation of established safety, security, or other operational procedures.

- **Medical Review Officer (“MRO”)** – a licensed physician who is responsible for receiving and reviewing laboratory results generated by EMBARK’s drug and alcohol testing program and evaluating medical explanations for a certain test result.
- **Random Pool** – for selection purposes, the employee’s classification and/or EMBARK shall mandate the random pool in which the employee is placed.
- **Random Testing** – Random testing will be administered and spread reasonably throughout the calendar year, when given.
- **Sample** – a urine, saliva, hair, or breath specimen provided by an individual for the purposes of drug and alcohol testing pursuant to this policy. Only samples deemed appropriate by the Federal Transit Administration, United States Department of Transportation for drug and alcohol testing shall be collected.

7.5 Policy Objectives

Employees who use Illegal Drugs or engage in controlled substance or alcohol abuse on or off-duty tend to be less productive, less reliable, and prone to greater absenteeism, resulting in the potential for increased cost, delays, and risk in EMBARK’s business. Each employee of EMBARK has the right to work in a drug-free environment. For these reasons, EMBARK does not tolerate Illegal Drug use, sale, possession, or Controlled Substance Abuse by any employee, contractor, subcontractor, or temporary employee. Employees classified as Safety Sensitive must adhere to the regulations set forth by the Division of Transportation and the Federal Transit Administration regarding EMBARK drug and alcohol policy.

To the extent any portion of this policy is determined to be contrary to the requirements of any of those applicable local, state or federal laws, rules or regulations, it is the intent of EMBARK to conduct its program prohibiting drug and alcohol abuse in the workplace and any alcohol or substance screening in connection therewith and in accordance with those legal guidelines, and EMBARK may do so even if this policy has not been modified to address such inconsistencies. Any exceptions to this policy will be submitted and reviewed by EMBARK’s legal counsel.

7.5.1 Searches and Inspections

EMBARK reserves the right at all times and without prior announcement to have authorized personnel conduct searches and inspections of an employee’s personal effects, including but not limited to, lockers, baggage, vehicles, and offices located on EMBARK property for the purpose of determining if an employee is in possession of any illegal or unauthorized items. These searches could be conducted at any time without prior announcement. Such illegal and unauthorized items discovered may be taken into custody and turned over to the proper law enforcement authorities. An employee who refuses to be searched or who is found to be in violation of the policy may face disciplinary action up to and including termination. This policy applies to all employees, including temporary employees working for EMBARK.

NOTE: Contractors and subcontractors and employees of those entities are also subject to searches and inspections pursuant to the terms of their agreement with EMBARK.

7.5.2 Authorized Use of Prescribed or Over the Counter (“OTC”) Drugs

An individual’s proper use of prescription (controlled medications) and over-the-counter drugs as part of prescribed treatment by a licensed physician does not constitute a violation of this Policy. However, an employee undergoing medical treatment with any drugs, whether prescribed or OTC, which may impair his/her physical or mental ability to safely perform his/her duties should immediately report this treatment to his or her supervisor. EMBARK will determine whether a temporary change should be made to the employee’s job assignment during the period of treatment. If the use is on-going in connection with a disability (as defined under the Americans with Disabilities Act), EMBARK will engage in a dialogue with the employee to determine what reasonable accommodation, if any, might be provided. (*Reference internal web form/Report form for Rx meds*)

7.5.3 Oklahoma Medical Marijuana and Patient Protection Act

Employees with a valid Oklahoma medical marijuana license can be disciplined, up to and including termination, if (a) the employee works in a position classified as “safety-sensitive” and (b) test positive for marijuana or its metabolites.

7.5.4 Prohibitions

EMBARC’s Drug Free Workplace Policy prohibits the following:

- Use, possession (including in body fluids or tissue), manufacture, distribution, dispensation, or sale of Illegal Drugs, equipment, and paraphernalia or Controlled Substance Abuse, whether on or off EMBARK property and whether during working or non-working hours.
- Storing any Illegal Drug in a locker, desk, automobile, or another repository on EMBARK property.
- Testing positive for Illegal Drugs.
- Use, possession (including in body fluids, tissue, or breath), sale or distribution of alcohol, or being under the influence of alcohol on EMBARK property, or in EMBARK supplied vehicles, whether during working or non-working hours, except as authorized by EMBARK;
- Refusal to consent to or provide a Sample for a drug and/or alcohol test as required by this policy.
- Tampering with or adulterating any Sample submitted for testing or submitting a false Sample for testing.
- Failure to immediately notify EMBARK of use of any prescribed or OTC medication which contains warnings or restrictions indicating that use of the medication may jeopardize the employee’s ability to safely perform his/her duties; and
- Failure to comply with rules and regulations promulgated under any testing program maintained by EMBARK pursuant to such rules and regulations.

7.6 Testing

EMBARC has established a testing program for Illegal Drugs and Controlled Substances for all applicants and employees. EMBARK reserves the right to conduct Pre-Employment, Fit-for-Duty, Return-to-Duty, Pre-Transfer, Random, For Cause/Reasonable Suspicion, Post-Accident, Scheduled-Periodic, and Post-Rehabilitation Follow-up drug and alcohol tests. Under this Policy, EMBARK may test for alcohol and/or drugs, including marijuana.

7.6.1 Pre-Employment

EMBARC will test all applicants, including new employees and rehires. Each offer of employment for a position shall be conditioned upon the successful completion of a test for Illegal Drugs and Controlled Substance Abuse as defined by this policy. Any applicant who is confirmed positive shall be rejected for employment and may be ineligible for hire for twenty-four (24) months.

7.6.2 Random Testing

All safety sensitive employees will be subject to random testing at any time with no advance notice. Each random draw from the pool will ensure each employee in the pool an equal chance of selection.

7.6.3 Fit for Duty Testing

All DOT safety sensitive employees who have been on an approved leave for ninety (90) days or more will be subject to a return-to-work test for Illegal Drugs and Controlled Substances. DOT Safety sensitive employees who have been on an approved leave for less than ninety (90) days that have been prescribed medication that could create safety or performance related concerns will be subject to a return to duty drug test.

7.6.4 Return To Duty Testing

Before an employer allows a driver to return to duty to perform a safety-sensitive function after the driver has violated prohibitions of 49 CFR 382, Subpart B, that driver must first do the following:

- Be evaluated by a substance abuse professional (SAP).
- Participate in/complete the treatment program prescribed.
- Pass a drug and/or alcohol return-to-duty test with the following results:
- Alcohol with a result indicating an alcohol concentration of less than 0.02;
- and/or
- Controlled Substances with a result indicating a verified negative result for
- drug use.
- Have a documented follow-up testing schedule

7.6.5 For Cause/Reasonable Suspicion Testing

When EMBARK has reasonable belief that an employee has used Illegal Drugs or engaged in Controlled Substance Abuse or prohibited alcohol use, whether during working hours or non-working hours, on or off EMBARK property, EMBARK may require the employee to submit a Sample for testing For Cause/Reasonable Suspicion, as outlined in EMBARK's Drug and Alcohol policy. *(Reference Internal Web Form-Reasonable suspicion request form)*

The decision to test must be based on a reasonable and an articulated belief that the employee is using an Illegal Drug, Controlled Substance, or prohibited alcohol on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable Illegal Drug use, Controlled Substance Abuse, or prohibited alcohol use. The employee's supervisor shall make the decision to test an employee.

In deciding reasonable belief, the factors that may be considered include, but are not limited to, the following:

- Adequately documented pattern of unsatisfactory work performance (including excessive or unexplained absenteeism or tardiness), for which no apparent non-impairment related reason exists, or change in an employee's prior pattern of work performance, especially where there is some evidence of drug-related behavior on or off the work site.
- Physical signs and/or symptoms consistent with Illegal Drug or prohibited on-the-job alcohol use or Controlled Substance Abuse or a report of drug or alcohol use while at work or on duty.
- Other evidence of Illegal Drug use, possession, sale, or delivery while on or off duty or other evidence of on-the-job alcohol use or Controlled Substance Abuse.
- An Incident or an occurrence of a serious or potentially serious Accident that may have been caused by human error, or any violation of established safety, security, or other operational procedures.
- Reasonable Suspicion testing will be based on similar factors in those jurisdictions where that category of testing is controlled by applicable statutes.

7.6.6 Post-Accident Testing

Provided the criteria for an Accident is met, EMBARK shall take all reasonable steps to test employees whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the Accident. An employee is required to undergo Post-Accident testing as soon as possible when the employee or another person has sustained a work-related injury. EMBARK reserves the right to test an employee if property has been damaged, including damage to equipment.

If an employee is injured, unconscious, or otherwise unable to provide consent to the test, EMBARK will request that the hospital or medical facility obtain a sample. If an employee is conscious and he/she can provide consent to the test, the sample shall be collected. If an employee who is subject to Post-Accident testing is conscious, able to provide a test Sample normally (in the opinion of a medical professional), and refuses to be tested, that employee may be terminated.

7.6.7 Post-Rehabilitation Follow-up Testing

Any employee may be required to undergo testing without prior notice for a period of up to two (2) years commencing with the employee's return to work following participation in any dependency treatment.

TESTING METHODS AND COLLECTION PROCEDURES

- A. The collection of samples shall be performed under reasonable and sanitary conditions by qualified testing personnel.
- B. A sample shall be collected in sufficient quantity for splitting into two separate specimens to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen.
- C. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a

- manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
- D. Sample collection shall be documented, and the documentation procedures shall include:
 - 1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and
 - 2. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information.
 - E. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration.
 - F. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any initial positive test result by gas chromatography-mass spectroscopy.
 - G. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.
 - H. Trust will use reliable testing services and facilities to ensure the appropriate performance of drug and/or alcohol tests and the protection of the chain of custody of the sample.

Confidential Explanation by Individual

Any individual testing positive or who has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a medical review officer.

7.6.8 Records

EMBARC shall maintain, as confidential records, separate from other personnel records of an employee and/or an applicant, all test results and related information. Upon request, an employee or applicant tested shall be provided those documents for inspection and copying. Testing and all related records are the property of EMBARK and an employee's record will be retained as long as that employee is active. Applicant's records will be kept for one year.

7.6.9 Re-Test/Appeals Procedures

If it is determined there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of an Illegal Drug or Controlled Substance Abuse, the original specimen must be re-tested by our MRO if the employee or applicant requests this at the time the test results are given. The re-test will be at the employee or applicant's expense. If the re-test comes back negative, the employee will be reinstated with EMBARK and EMBARK will reimburse the individual for the cost of the subsequent confirmation test.

7.7 Consequences for Violation of the Drug Policy

EMBARC reserves the right to take disciplinary action, up to and including termination, based on any test confirmed positive or any other violation of this policy. An employee who fails testing or refuses to submit to

testing as required by this policy will be subject to immediate termination or will not be eligible for hire. An individual who attempts to alter, temper, or manipulate any testing samples will be subject to immediate termination, or will not be eligible for employment, as the case may be.

If an employee tests positive for a Post-Accident or For Cause/Reasonable Suspicion test, that employee will be immediately removed from his/her duties. The employee will not be allowed to return to his/her duties unless the tests are confirmed negative. If the test is confirmed positive, the employee may be terminated.

Any employment action taken because of a violation of this policy will be final and not eligible for appeal.

POLICY CHANGES

Any part of this Policy may be changed by EMBARK with ten (10) days' notice or due to negotiations with a recognized collectively bargained unit.

7.8 Employee Assistance Program

EMBARC provides a confidential Employee Assistance Program ("EAP") through EMBARK's health insurance carrier. Counseling services are available to employees and immediate family members for Illegal Drug use or Controlled Substance Abuse or alcohol abuse and associated problems. EAP counselors are available 24 hours a day. (*Reference Internal Web Posting/Drug and Alcohol Policy*)

8.0 Workplace Safety, Security, and Health

Workplace safety outlines the policies and the processes to protect employees from work related illness and injury. This includes the precautions to secure the physical workplaces.

8.1 Workplace Violence

EMBARC strives to provide a safe workplace for all employees. We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. Examples of prohibited conduct, including but are not limited to:

1. Causing physical injury to another person.
2. Making threatening remarks.
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
4. Intentionally damaging employer property or property of another employee.
5. Possession of a weapon while on EMBARK property or while on EMBARK business (except as specifically permitted by state law or policy exception); and
6. Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situation must be immediately reported to a supervisor or Human Resources, Call 911 for any emergency. Reports may be made anonymously, and all reported incidents will be investigated. Reports or incidents will be handled appropriately. Confidentiality will be maintained to the extent we are able. EMBARK will actively intervene at any indication of a possibly hostile or violent situation.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Any person engaged in a violent or illegal act on EMBARK's property will be reported to the proper authorities and may be fully prosecuted.

If at any time you feel that you are in imminent danger, please call 911.

8.2 Accident/Incident Reporting

In the event an employee is involved in an accident and/or incident, including but not limited to, a car accident in an EMBARK owned vehicle, slip, and fall, medical emergency, or is injured on the job, the employee is required to report the injury to his/her onsite direct supervisor immediately, and in writing within 24 hours of the accident/incident.

Represented Employees should reference their respective CBAs.

8.3 Workers' Compensation Information

The employee must notify his/her supervisor by the end of his/her shift, of any injuries no matter how slight. Failure to report or to follow Worker's Compensation procedures may be grounds for denying any resulting claim against EMBARK. EMBARK is self-insured to cover the cost of work incurred injury or illness. Benefits help pay for your medical treatment and part of any income you may lose while recovering. Employees will be required to use leave without pay or leave accruals except sick leave for the first three days of injury. Specific benefits are prescribed by law depending on the circumstances of each case. Work related injuries must be reported immediately to the employee's supervisor and an On-The-Job Injury Report Form must be completed within 24 hours of the injury.

It is the policy of EMBARK to provide a workplace free from recognized hazards that are likely to cause death or physical harm to its employees. In accordance with State of Oklahoma's OSHA Standard's Act and the Federal OSHA Act both of 1980.

Employees are responsible for participating in health and safety programs as required, and for following safe work practices and procedures and specified in written programs, protocols, and policies. Failure to follow safety policies, rules, or regulations, or any conduct that places the employee, fellow employees, or citizens at intentional risk, shall be grounds for disciplinary actions up to and including termination. Violations and/or other safety concerns shall be reported to the Safety Division, your supervisor, Division Manager, EMBARK Director. Again, ignorance of the rules is not an excuse. (*Reference internal Web Handbook- Safety Rulebook*)

8.4 Weapons

Any employee, with the exception of a commissioned peace officer, is prohibited from possessing or concealing weapons, dangerous instruments or firearms while on duty or while in the performance of services for EMBARK, or while in EMBARK uniform or in an EMBARK vehicle, regardless of whether the employee is on EMBARK property or not. The prohibition includes employees holding a handgun license.

This shall not include transportation of weapons that can be lawfully transported in motor vehicles in the employee's personal vehicle; however, brandishing the weapon or use of the weapon for the purpose of intimidation or threat of bodily harm shall be a violation of this handbook.

The use of items not normally considered weapons or dangerous instruments, such as pocketknives or tools capable of causing physical harm, for intimidation or threat of bodily harm shall be a violation of this policy. Violation of this could result in disciplinary action up to and including termination.

If at any time you feel that you are in imminent danger, please contact 911.

8.5 Security/Visitors

EMBARC Administration Building is a secured building with employee only access. Visitors must request access at the main entrance at each EMBARK building, including 2000 South May Avenue. Employees are expected to exercise reasonable care to maintain the safety and security of EMBARK, our customers and their personal property. When expecting visitors to EMBARK, employees should inform the front desk reception prior to their arrival. Personal visitors are not allowed in badged areas of the building unless alternate arrangements have been made. Visitors must enter through the main entrance front doors, opening badge-in doors that are employee access only for visitors is prohibited.

8.6 Employee Identification and Communications

All EMBARK employees receive a photo identification and access card. The card is programmed to provide access to EMBARK facilities as needed based on the employee's work schedule, job assignment, and job duties.

On occasion visitors access badges will be made available, most usually in instances of new hire orientation, until a personal badge is issued.

8.6.1 Employee and Spouse Transportation Benefits

An employee's EMBARK photo identification and access card can be shown to receive free transportation on any EMBARK bus, the Oklahoma City Streetcar and River Cruise. After completion of the initial employment probationary period, an employee may also request an identification card for his/her spouse to access free transportation services on any EMBARK bus, Oklahoma City Streetcar, or River Cruise.

Upon separation of employment, all identification and access cards must be returned to EMBARK. Employees must pay \$10.00 if the identification pass is not returned upon separation.

8.7 Tobacco and Smoke Free Workplace

Smoking, vaping, chewing tobacco, or any tobacco or tobacco synthetic products is not allowed on EMBARK property in compliance with Oklahoma City Ordinance #25294, which bans smoking or other forms of tobacco usage at all City owned facilities. As a trust of the City of Oklahoma City, EMBARK (COTPA) is a smoke free workplace.

EMBARC property is defined as any EMBARK-owned building, premises, parking garages, bus shelters, bus stops, non-revenue service vehicles, revenue service vehicles including streetcars and river boats, any maintenance vehicles or equipment including forklifts, maintenance service trucks, and any vans, cars, or other vehicles owned by EMBARK or any of its subsidiaries.

The SMOKE FREE WORKPLACE policy applies to all EMBARK employees, visitors, guests, contractors, and family members of employees. There is no designated smoking area on any EMBARK property. Use of tobacco products must be done before or after work or while on an assigned break or lunch period; and only if the employee is not on any area of EMBARK property and with consent of the employee's supervisor.

Tobacco products include, but may not be limited to; chewing tobacco products, any nicotine or smoking device that causes any vapor, mist, smoke, or the like to be emitted through its use.

9.0 Attendance

Your commitment to a career with EMBARK is the foundation of our success. Together, we provide a vital and dependable service to our city. Attendance and compensation policies are set to achieve our goal of a meaningful career for our employees and quality transportation service for our riders.

9.1 Business Hours

EMBARC reserves the right to establish the time and duration of working hours as required by work demand, efficient management, and any applicable laws per duty location.

EMBARC Administration offices are open 8:00am to 5:00pm Monday through Friday, when referencing workdays for notification purposes, Monday through Friday will be the observed work week. The work period shall be forty (40) hours in a seven (7) day period from Saturday through Sunday.

EMBARC Operations and Maintenance Divisions operate seven (7) days a week, 365 days per year, with varying times to meet the requirements and demands of transportation.

9.2 Attendance

Attendance is a condition of employment and is a vital portion of every position. Employees are expected to arrive at work as agreed upon with the Division Manager and be prepared to begin their workday timely.

9.2.1 Employees Responsibility to Notify

Employees are expected to notify their supervisor if they will be late or unable to report to work at least thirty (30) minutes in advance or as soon as possible due to an emergency prior to the scheduled workday. In the event the employee fails to contact his/her supervisor between the start of his/her scheduled workday and the end of the workday and patterns of absenteeism or tardiness will result in disciplinary action up to and including termination.

Failure to call or show up for work on time for a scheduled work assignment for three (3) consecutive workdays is considered voluntary resignation and will be regarded as job abandonment. However, EMBARK reserves the ability to terminate employment for failing to call or show up for work on any occasion.

Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record so long as the employee calls in within the agreed time frame of the FMLA documentation.

Represented Employees should refer to their respective CBAs for additional attendance policy information.

9.2.2 Non-Exempt Time Tracking

It is a job requirement that non-exempt employees must "clock in" at the beginning of their shift and "clock out" at the end of work each day. Additionally, employees are to "clock out" at the beginning of lunch breaks or when they leave the job site and "clock in" when they return from lunch or when they return after being away from the job site.

9.3 Flexible Work Schedule Policy

The EMBARK Administrator designates authority to Division managers to establish flexible work schedules in his/her Division that cover core operating hours and manage assignment of schedules in accordance with the general provisions of this policy. Represented employees please reference your CBA.

10.0 Pay and Compensation

10.1 Paydays and Manner of Payment

EMBARC paydays are bi-weekly and paychecks are issued every other Friday for part-time and full-time employees. If a scheduled payday falls on a holiday, the employee will be paid on the previous workday. All employees will be paid by direct deposit, or payroll card. New hire employees will receive their first payroll in the form of a paper check to be available from their Division Manager or designee.

10.2 Payroll Timekeeping

Each non-exempt (hourly) employee will be required to clock in and out daily. All employees are required to approve their digital timecard at the end of each pay period. The employee's supervisor will check the accuracy of all entries in the timekeeping system prior to signing final approval. **Note: Failure to clock in and out daily or report absences on a timely basis can result in a delay of payment and disciplinary action.**

Any errors discovered in an employee's time sheet are to be reported immediately to the supervisor who will make proper notations to explain the error and/or adjustment. Valid payroll errors discovered after payroll has processed for the current payroll period will be corrected when the error has been resolved. Should an employee be inadvertently overpaid, the employee should report the error to Payroll immediately. Any errors of overpayment will be deducted from future earnings.

EMBARC strictly forbids any non-supervisory employee from entering information on another employee's time report, falsifying another's person timecard, or providing falsified information on one's own time sheet. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

10.3 Overtime Pay

EMBARC may require an employee perform overtime work to meet business operation needs. When it is necessary to work overtime, you will be asked to cooperate as a condition of your employment. Only non-exempt employees are entitled by law to receive overtime pay. Eligible employees are required to record and report all overtime hours worked at the time such additional hours are worked. All overtime must be authorized in advance by a supervisor or Division Manager. Working overtime without pre-approval may result in disciplinary action, up to and including termination.

Under applicable federal and state law, non-exempt employees who perform overtime work will be paid at time and a half for actual hours worked over forty (40) hours in the workweek. Time off for any reason, including, but not limited to, paid leave or holidays will not be counted in determining overtime compensation as these hours do not represent actual hours worked.

10.4 Garnishments and Other Deductions

Deductions from an employee's gross pay period earnings are of two types: mandatory and voluntary.

- Mandatory deductions are those required to be made by EMBARK by law, court order, or other legal influence. Such deductions include state and federal income tax withholding, social security, and wage garnishments.
- Voluntary deductions are those requested by an employee to be made on his/her behalf and may include such items as the employee's contributions to health insurance, optional retirement plans, savings accounts, and charitable organizations.

Mandatory deductions will be made automatically by EMBARK in accordance with applicable legal requirements. In the case of mandatory deductions such as state and federal income tax, where EMBARK must rely on information provided by an employee, it will be the sole responsibility of the employee to provide legally accurate information. The applicable mandatory federal withholding tax rate will be used for any supplemental salary payments.

Attachments made to employee paychecks by legal authority of wage garnishment, regardless of cause, will be regarded as a mandatory deduction in the amount and for the time specified in the order. Voluntary deductions will not be made without the employee's written consent or authorization, except where permitted by law and EMBARK policy.

10.4.1 Deductions for Exempt Employees

Exempt employees are paid on a "salary basis," which means only certain deductions are allowed from their pay. Either partial-day or full-day deductions may be made.

In addition to the deductions set out above, the FLSA permits deductions from pay when:

- an exempt employee is absent from work for one or more full days for personal reasons and have exhausted available leave hours, other than sickness or disability.
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- to offset amounts employees, receive as jury or witness fees, or for military pay;
- for unpaid disciplinary suspensions of one or more full days imposed in good faith for violating EMBARK policy,
- in weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

10.4.2 Improper Deductions

EMBARC prohibits any improper deductions from the salaries of exempt employees. If an employee believes that an improper deduction has been made, he/she should immediately report this information to Human Resources.

Reports of improper deductions will be investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made on his/her next scheduled paycheck.

10.5 Tuition Reimbursement

EMBARC recognizes that improved job skills and educational development is valued and is encouraged. Full-time employees may be reimbursed for tuition and required fees, up to a maximum of \$1,250 per semester (spring, fall) per fiscal year. Procedural requirements and eligibility must be met along with funds availability. EMBARK retains the right to amend or terminate this program at any time.

Tuition refunds will only be considered for full-time employees who have completed at least one (1) continuous year of full-time employment prior to the date on which the course begins.

Tuition reimbursement will not be awarded to any employee who qualifies for, or is receiving grants, scholarships, veteran's benefits or any other public or private educational benefits, if the benefit covers the tuition expenses for which the employee would otherwise be eligible.

Employees who resign or are terminated from employment within two years from the date of reimbursement (other than termination resulting from a reduction in force) must re-pay the Central Oklahoma Transportation & Parking Authority the full amount of reimbursement monies received.

The reimbursement for a course shall be calculated against tuition rates and mandatory fee schedules. Any cost above the established rates shall be borne by the employee. Human Resource will confirm each semester the tuition amounts established by the institutions that EMBARK employees are attending.

- The course must be a serious technical or intellectual undertaking offered on a term or semester basis and benefit EMBARK. Courses must be taken for credit hours at an accredited college, university, or junior college. Successful completion must improve the competence of the employee.

- Course attendance must be on the employee's own time and must not interfere with his/her regular job.
- Courses will not be approved for reimbursement if the same subject matter is offered by EMBARK or the City of Oklahoma City, at no expense to the employee, during the fiscal year.
- GED courses will not be reimbursed. Human Resources will assist employees with identifying agencies that offer the GED.
- Subject to available funding, employees will be reimbursed up to \$1,250 per semester (fall, spring, summer).
- Remedial classes taken at an accredited college, university, or junior college are eligible for reimbursement even though they do not confer credit hours.

Application Period		For Course Completed	
<i>Beginning Date</i>	<i>End Date</i>	<i>Beginning Date</i>	<i>Ending Date</i>
January 1 st	January 31 st	September 1 st	December 31 st
June 1 st	June 30 th	January 1 st	May 31 st
September 1 st	September 30 th	June 1 st	August 31 st

11.0 Leave (Annual Leave, Sick, FMLA and LOAs)

For more information on the leave policies, contact the EMBARK Human Resource Team.

11.1 Time Off

EMBARC employees receive various types of time off accruals, the following is a list for non-represented employees. Represented employees should refer to the CBA.

11.1.1 Annual Leave

Non-represented COTPA employees will accrue annual leave as follows:

Years of Services	Hours Accrued Per Pay Period
First day through 4 years	4 hours
5 through 9 years	4 hours 37 minutes
10 through 14 years	5 hours 32 minutes
15 through 19 years	7 hours 5 minutes
20+ years	7 hours 41 minutes

The date for computing annual leave accruals (leave anniversary date) shall be the start date of full-time employment with EMBARK. New hire probationary employees are not allowed to use annual leave until successful completion of the probationary period. Time must be continuous; breaks in employment will require the employee to begin accruals at rehire.

Annual leave will not accrue during any leave exceeding two consecutive bi-weekly payroll periods including, but not limited to, family and/or medical leave (FMLA), personal leave of absence, sick leave, worker's compensation leave, bereavement leave, special leave, administrative leave, or annual leave.

Annual leave must be scheduled at least two (2) business days in advance and approved by the employee's supervisor. No employee shall be entitled to use more annual leave than accrued.

11.1.1.1 Maximum Accrual

An employee with six (6) months to ten (10) years of full-time service can accrue a maximum of 250 hours of annual leave. Annual leave not utilized will roll over each year up to the maximum accrual. An employee with more than ten (10) years of full-time service can accrue a maximum of 400 hours of annual leave. Annual leave not utilized will roll over each year up to the maximum accrual.

11.1.2 Holiday Pay

EMBARC's Human Resources will publish the annual schedule of holidays that EMBARK, and its affiliates will observe during each calendar year. Active, regular full-time employees are eligible to receive their regular rate of pay for each observed holiday. A holiday that occurs on a Saturday or Sunday will be observed by EMBARK on either the preceding Friday or the following Monday.

Non-exempt (hourly), non-represented employees whose regular work schedule requires they work during the holiday are not entitled to additional time off. The employee will be compensated for working the holiday at two (2) times their regular rate of pay. If a holiday occurs during a period of annual leave, the employee will be granted holiday pay on the observed holiday instead of reducing the employee's paid leave available.

Exempt (salaried) employees whose regular work schedule requires they work during the holiday are entitled to an alternative day off. They must work out the date with their supervisor and utilize the alternative day off within 30 days after the holiday they were required to work.

An employee on an unpaid leave of absence, in an unpaid status, or utilizing sick leave on a scheduled workday that falls on the day before or the day after the holiday is not eligible to receive holiday pay. All non-represented, full-time, regular EMBARK employees receive the following paid holidays provided they are not in an unpaid status on a scheduled workday that falls on the day before or the day after the holiday.

New Year's Day	Veteran's Day
Martin Luther King's Birthday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

An employee may, upon approval of the immediate supervisor, be absent for a holiday other than the days specified here (such as a religious holiday). For such occasions, the employee must take annual leave for that time off.

Represented employees should refer to the applicable CBA for the policies governing holidays.

11.1.3. Sick Leave

Non-represented EMBARK employees will accrue 3.05 hours (three hours three minutes) of sick leave per pay period worked up to a total of 80 hours per year. Employees may accrue sick leave up to a maximum of 1,500 hours. Sick leave time may be taken as earned and there will be no minimum

amount of sick leave usage required. A doctor's statement may be required before sick leave usage is approved.

11.1.3.1 Sick Leave Pay Outs

Sick leave accumulated will not be paid upon termination except in cases of retirement with at least two weeks' notice, in accordance with the COTPA Pension Plan or upon the death of an employee to his/her estate. The maximum amount of sick leave payout upon death to an employee's estate or at retirement shall not exceed 1,000 hours.

11.1.3.2 Sick Leave Bonus

The plan year for sick leave is December 1 through November 30. Any employee not charged with an absence due to sickness in each quarter will receive a sick leave bonus of eight (8) hours that may be utilized as 8 hours of compensation or additional sick or annual leave for that quarter. Employees are not eligible for sick leave bonus until they have participated in the sick leave plan for one (1) year. Upon termination of employment for any reason, employees shall be paid for all earned bonus sick leave benefits at the regular rate of pay. Represented employees should refer to the Collective Bargaining Agreement.

11.1.3.3 Sick Leave Donation

Employees absent from work due to an approved FMLA qualifying condition may receive donated sick leave from other COTPA employees, provided the employee has exhausted all accrued leave to include annual, sick and bonus accruals. (Note: City employees cannot donate leave to COTPA employees and vice versa.) Donated sick leave can only be received and used for an FMLA qualifying condition during the twelve (12) week FMLA entitlement period.

To donate sick leave, the donating employee must have an accrued sick leave balance of at least eighty (80) hours. Donated sick leave will be on an hour-for-hour basis. The maximum amount of sick leave that can be donated to a single employee by any one employee shall be twenty-four (24) hours per FMLA twelve (12) week entitlement period.

Sick leave donations are for occurrences of extended leave (more than three days). However, sick leave donations may be used for intermittent use after an employee returns to work from extended leave. An employee who returns to work on a reduced-schedule basis may continue to access any donated sick leave until the employee returns to full-duty work. Sick leave donations should be requested prior to the need for usage to arise, since sick leave donations can only be applied to FMLA absences that occur within the current pay period, and sick leave donations cannot be applied retroactively to dates outside of, or prior to, the current pay period.

Requests for sick leave donations must follow established procedures. Personal solicitations for sick leave donations are prohibited. Any employee found soliciting sick leave donations for personal use or on behalf of another employee may be subject to disciplinary action. Sick leave donation requests will be posted on employee bulletin boards throughout EMBARK's

facilities. Employees desiring to donate sick leave should complete the Sick Leave Donation Authorization Form and submit to Human Resources.

Sick leave donations shall remain anonymous and confidential outside of the payroll officer that processes the donated leave.

Represented employees should refer to the applicable section within the Collective Bargaining Agreement (CBA).

11.1.4 Bereavement

Each employee shall be entitled to bereavement leave of three (3) days with full pay in the event of a death in his or her immediate family. Immediate family for this policy will be defined as the employee's:

- spouse (significant other) and mothers and fathers in-law
- parent (biological/step/legal guardian)
- child (biological/step/adopted/legal guardian) and sons and daughters in-law
- siblings, sisters and brother's in-law
- grandparents
- grandchildren

Other uncompensated bereavement leaves may be granted at the discretion of the employee's supervisor. Obituaries, death certificates, orders of service will be accepted by the payroll office as documentation to support the compensated time.

11.1.5 Inclement Weather

In the event the EMBARK corporate or subsidiary office is officially closed for a full or partial day due to inclement weather, full and part-time employees may be eligible to use accrued leave following the official announcement from the City of Oklahoma City that the Liberal Leave Policy for weather is being activated.

Represented employees should refer to the Collective Bargaining Agreement (CBA) regarding inclement weather and protection of service.

11.1.6 Jury Duty

Employees are entitled to a leave of absence to attend legally required jury duty. A copy of the summons notice for jury duty must be submitted to the employee's supervisor. Employees must notify his/her supervisor on the first working day after receiving the notice. During the period of jury duty, employees are expected to report to work on any days or partial days they are not required to be in court. When reporting back to work at the conclusion of jury duty, employees must present proper evidence provided by the court of their jury service. Employees are entitled to full pay while serving by remitting their jury pay to EMBARK. The employee shall endorse the jury duty check over to EMBARK. Please see Human Resources for endorsement directions to be deposited to EMBARK.

11.2 Leave of Absence

11.2.1 Military Leave of Absence

It is EMBARK's intent to protect the job rights and benefits of those who serve or seek to serve our country in the Armed Forces of the United States. These rights include any employee who is returning from active duty or from reserve training on duty. EMBARK provides unpaid leave for any employee who is required to attend annual training or service with a branch of the United States military or any reserve or National Guard units. At the employee's option, accrued leave can be substituted for all or a portion of this unpaid leave. Employees should notify their supervisor and Human Resources within forty-eight (48) hours of receiving their order of the dates they will be absent due to military leave.

If an employee is drafted or enlists in active duty in a branch of the United States military, the employee may be entitled to reinstatement with EMBARK at the end of such service. In this regard, EMBARK strictly complies with applicable federal statutes, including but not limited to the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

11.2.2 Family and Medical Leave Act (FMLA)

11.2.2.1 Purpose

The purpose of this policy is intended to inform employees of their rights and responsibilities under the FMLA. This policy is further intended to comply with the FMLA and all regulations thereto, and all terms herein shall be defined and interpreted to comply with the FMLA and all regulations thereto.

11.2.2.2 Eligibility and Requirements

Leave under the Family and Medical Leave Act of 1993, as amended, (the "FMLA") is available to all U.S. based employees of EMBARK who: (1) have worked for EMBARK for at least twelve (12) months; and, (2) have worked at least 1,250 hours during the twelve (12) months immediately preceding the commencement of FMLA leave; and, 3) if at least fifty (50) employees are employed by EMBARK within seventy-five (75) miles of the employee's worksite. Such employees are referred to as "Eligible Employees" in this policy. FMLA leave is not available to ineligible employees or to non-employees.

11.2.2.3 Basic Leave Entitlement

In compliance with the FMLA, EMBARK will provide Eligible Employees with up to twelve (12) workweeks of unpaid, job protected FMLA leave per single twelve (12) month period for FMLA qualifying reasons. EMBARK will also provide Eligible Employees with up to twelve (12) workweeks of leave for military family leave for exigent circumstances per single twelve (12) month period and up to twenty-six (26) workweeks of leave per single twelve (12) month period for care of a covered service member (see "Military Family Leave Entitlements" under 9.10.4).

Eligible Employees caring for or as a returning service person are entitled to a combined total of twenty-six (26) workweeks of leave for any FMLA-qualifying reason during a single twelve (12) month period, provided that Eligible Employees are entitled to no more than twelve (12) workweeks of leave for any reason other than for care of a covered service member. EMBARK determines the single twelve (12) month period in which the Eligible Employee can take FMLA leave by measuring a "rolling" twelve (12) month period backward from the date the Eligible Employee commences any FMLA leave.

FMLA qualifying reasons include:

- incapacity due to pregnancy, prenatal medical care, or childbirth.
- leave to care for the Eligible Employee's child after birth, placement for adoption, or foster care.
- leave to care for the Eligible Employee's spouse, son, daughter, or parent, who has a "serious health condition"; or
- a "serious health condition" that makes the Eligible Employee unable to perform the Eligible Employee's job.

For purposes of this policy and the FMLA, a "Serious Health Condition" is an illness, injury, impairment, 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 Eligible Employee from performing the functions of the Eligible Employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the "continuing treatment" requirement may be met by:

- a period of incapacity of more than three (3) consecutive, full calendar days combined with at least two (2) visits to a health care provider within thirty (30) days of the first day of incapacity (absent extenuating circumstances), or one visit to a health care provider resulting in a regimen of continuing treatment under the supervision of the health care provider. The first (or only) in-person visit to a health care provider must occur within seven (7) days of the first day of incapacity
- incapacity due to pregnancy or prenatal care
- incapacity or treatment for a chronic Serious Health Condition
- incapacity that is permanent or long-term due to a Serious Health Condition that does not respond to treatment; or
- absences to receive (or recover from) multiple treatments for restorative surgery or a condition that would result in incapacity for more than three (3) consecutive, full calendar days if left untreated.

Other conditions may also meet the definition of continuing treatment as defined under the applicable FMLA regulations. Please contact the Human Resources Division for further information.

If leave is taken for more than one of the eligible reasons listed above, a total leave of twelve (12) workweeks is allowed; not twelve (12) workweeks for each eligible reason. Spouses who are both employed by EMBARK are entitled to a combined total of twelve (12) workweeks of leave (not twelve (12) workweeks each) for the birth or adoption of a child or for the care of a parent with a Serious Health Condition.

11.2.2.4 Military Family Leave Entitlements

Under a Qualifying Exigency Leave, an Eligible Employee with a spouse, son, daughter, or parent on covered active duty or who is being called to covered active-duty status in the National Guard, Reserves, or regular Armed Forces deployed to a foreign country is permitted to take unpaid, job-protected FMLA leave for a total of twelve (12) workweeks during any twelve (12) month period to address certain qualifying exigencies. Qualifying exigencies may include any of the following:

- Short-notice deployment (notice of seven (7) days or less) – up to seven (7) days of leave is allowed
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling sessions provided by someone other than a health care provider (nonmedical).
- Rest and recuperation of up to fifteen (15) days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave
- Post-deployment activities within ninety (90) days of the termination of the covered military member's duty
- Parental care for military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; or
- Additional activities to which EMBARK, and the Eligible Employee may agree and under times and duration agreed to between EMBARK and Eligible Employee.

Under Military Caregiver Leave, an Eligible Employee is permitted to take up to twenty-six (26) workweeks of leave per single twelve (12) month period to care for a "Covered Servicemember" that is the Eligible Employee's spouse, son, daughter, parent, or next of kin.

A Covered Servicemember is: 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list for a serious injury or illness; or 2) a veteran who was terminated or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the Eligible Employee takes FMLA leave to care for the veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A "serious injury or illness", for purposes of Military Caregiver Leave, is distinct from the definition of Serious Health Condition and shall be defined as set out in the applicable FMLA regulations. For further information, please ask a member of the Human Resources Division.

The single twelve (12) month period available for Military Caregiver Leave commences on the first day of FMLA leave to care for the covered servicemember and ends exactly twelve (12) months later. This leave entitlement is applied to each covered service member on a per-injury basis, except that no more than twenty-six (26) workweeks of leave may be taken within any single twelve (12) month period.

11.2.2.5 Benefits and Protections

During FMLA leave, EMBARK will maintain an Eligible Employee's health and other insurance coverage on the same terms as if the Eligible Employee had continued to work. Eligible Employees are responsible for payment of their insurance premium contributions for coverage to continue during any period of unpaid absence. The Eligible Employee must contact Human Resources to make payment arrangements.

If an Eligible Employee's premium payment is more than thirty (30) days late, EMBARK will no longer be obligated to maintain insurance coverage for that Eligible Employee. If a premium payment is late, the Eligible Employee will be mailed a notice at least fifteen (15) days before coverage would cease, informing the Eligible Employee that coverage will be terminated on a set date that is at least fifteen (15) days after the date of the notice unless the premium payment is received.

EMBARK may recover its share of health insurance premiums and other premiums paid by EMBARK on the Eligible Employee's behalf during a period of unpaid FMLA leave from the Eligible Employee if the Eligible Employee fails to return to work after the FMLA leave entitlement has been exhausted or expires, unless the Eligible Employee's failure to return is due to the continuation, recurrence, or onset of a Serious Health Condition which would otherwise entitle the Eligible Employee to FMLA leave, or to circumstances beyond the Eligible Employee's control.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an Eligible Employee's leave. Other than when reinstatement can be lawfully denied, most Eligible Employees shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms upon return from FMLA leave.

11.2.2.6 Intermittent Use of Leave

Under certain circumstances, Eligible Employees do not need to use FMLA leave in one block of time. When medically necessary, leave can be taken intermittently (in separate blocks of time due to a single health condition) or by taking reduced schedule leave (reducing the usual number of hours or work per workweek or workday, usually by moving the employee from full-time to part-time while on FMLA leave). Leave will be accounted for in fifteen (15) minute increments. If the medical certification indicates that intermittent leave or reduced schedule leave is needed beyond a single twelve (12) month period, recertification is required. Leave due to qualifying exigencies or Military Caregiver Leave may be taken on an intermittent or reduced schedule leave basis.

Employees are not entitled to intermittent or reduced schedule leaves for the birth or placement of a child, unless the mother or the child has a Serious Health

Condition, and such leave is medically necessary.

The Eligible Employee and EMBARK shall attempt to work out a schedule for such intermittent and reduced schedule leave that meets the Eligible Employee's needs without unduly disrupting EMBARK's operations, subject to the approval of the health care provider. In certain circumstances, EMBARK may require the Eligible Employee to transfer, temporarily, during the period that the intermittent or reduced schedule leave is required, to an available alternative position for which the Eligible Employee is qualified and which better accommodates recurring periods of FMLA leave than does the Eligible Employee's regular position. The alternative position will have equivalent pay and benefits. When the Eligible Employee can return to full-time work, the Eligible Employee will usually be placed in the same or equivalent position as when the FMLA leave commenced.

11.2.2.7 Abuse of Leave

Employees may not take leave pursuant to this Policy to work for compensation for another employer or person. Any such leave is prohibited and will be considered an unapproved leave of absence and the employee will be subject to discipline, up to and including termination.

Employees who fraudulently use available leave pursuant to FMLA or use leave for a reason other than the purpose for which the leave was requested, will be subject to discipline, up to and including termination.

Employees who have excessive absences beyond absences or leave pursuant to FMLA, other applicable law, or EMBARK's other leave policies may be subject to discipline, up to and including termination.

11.2.2.8 Limitations on an Employee's Right to Reinstatement

An Eligible Employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the Eligible Employee had been continuously employed during the FMLA period.

11.2.2.9 Termination of Leave

Approved FMLA leave can terminate in several ways, including when an Eligible Employee: (1) returns to work, (2) does not return to work when the approved FMLA leave expires, (3) accepts employment elsewhere or provides unequivocal notice of intent not to return to work when the approved FMLA leave expires, (4) behaves while on leave in such a manner that would cause termination if still actively at work, or (5) violates this policy by, among other things, obtaining FMLA leave fraudulently or using FMLA leave for a reason other than the purpose for which the leave was requested.

11.2.2.10 Substitution of Paid Leave and Worker's Compensation Absences

FMLA leave is unpaid leave. However, Eligible Employees will be required to use

any accrued annual leave or sick leave, during FMLA leave and, in certain circumstances, may be entitled to substitute leave and benefits under short term disability plan or other similar EMBARK leave policies or plans (all collectively referred to as “Other Leave Plans”) during FMLA leave.

The term ‘substitute’ means that the paid leave available under Other Leave Plans will run concurrently with and will count against the Eligible Employee’s unpaid FMLA leave entitlement. By doing this, Eligible Employees may receive compensation from the Other Leave Plans during a period of otherwise unpaid FMLA leave.

Any worker’s compensation absence that would otherwise qualify for leave under this FMLA Policy will run concurrently with and will count against the Eligible Employee’s unpaid FMLA leave entitlement. Unpaid Leave taken to care for a family member as defined under FMLA shall count toward an annual leave slot, if available, as described in Article I, Section 13.

EMBARC cannot guarantee Eligible Employees that they will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms after FMLA leave is exhausted, even if remaining leave is available under Other Leave Plans or law.

11.2.2.12 Employee Responsibilities

Employees must provide at least thirty (30) days advance notice to EMBARK of the need to take FMLA leave when the need is foreseeable. When planning medical treatment, the employee must consult with EMBARK and make a reasonable effort to schedule the treatment so as not to disrupt unduly EMBARK’s operations, subject to the approval of the healthcare provider. If thirty (30) days’ notice is not possible, the employee must provide notice as soon as practicable and must comply with EMBARK’s normal call-in procedures.

Employees must provide enough information to EMBARK’s Human Resources Division to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. ‘Enough 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 EMBARK Human Resources if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An Eligible Employee’s failure to provide both timely and sufficient notice may result in the delay in the start of the Eligible Employee’s FMLA leave. Further, an employee who fails to follow EMBARK’s usual and customary notification procedures, absent unusual circumstances, may be subject to discipline and any leave request may be delayed or denied. No action on the part of EMBARK or

any of its representatives shall be interpreted as a waiver of employee's FMLA notice requirements under 29 C.F.R. §§ 825.302(g), 825.304(e).

Eligible Employees must provide complete and sufficient certification forms within fifteen (15) days of receipt of EMBARK's request, unless it is not practicable despite the Eligible Employee's diligent good faith efforts. Failure to submit these forms on a timely basis may delay FMLA leave or result in denial of the leave request. Once on leave, if Eligible Employees need more or less leave time than originally anticipated, Eligible Employees must provide at least a two (2) days notice to EMBARK of the changed circumstance where foreseeable.

If EMBARK has reason to doubt the validity of the initial certification, the Eligible Employee may be required to obtain a second medical opinion at EMBARK's expense (except for Military Caregiver Leave certifications affiliated with DOD, VA, or TRICARE.), and a third medical opinion if the first two differ. Recertification, at the Eligible Employee's expense, will be required at the expiration of the initial leave certification if continued leave is needed and may otherwise be requested as permitted by law. Failure to timely return a recertification may result in a denial of FMLA leave.

Eligible Employees must also provide a fitness-for-duty certification from their health care provider indicating that they are able to safely resume work and perform the essential functions of their job. The fitness-for-duty certification must be returned to Human Resources for review and approval prior to the Eligible Employee's requested return-to-work date. Failure to return a fitness-for-duty certification may result in a delay of the Eligible Employee's restoration of employment.

11.2.2.13 EMBARK'S Responsibilities

EMBARK will timely issue a Notice of Eligibility and Rights and Responsibilities notification informing employees requesting leave of their FMLA eligibility. If eligible, the notice will specify any additional information, including certification forms that may be required as well as the employees' rights and responsibilities. If not eligible, EMBARK will provide a reason for the ineligibility.

Upon receipt of enough information to determine whether the leave is for an FMLA-qualifying reason (i.e., upon receipt of the certification form), EMBARK will timely issue a Designation Notice informing Eligible Employees: 1) if leave will be designated as FMLA-protected and 2) for scheduled FMLA leave, the amount of leave to be counted against the Eligible Employees' leave entitlement, if known at the time of the designation of the leave. If it is not possible to provide the amount of leave to be counted against the Eligible Employee's leave entitlement at the time of the designation of the leave, then the Eligible Employee has the right to request this information once in a thirty (30) day period (if leave was taken in the thirty (30) day period). The Designation Notice will also contain information

concerning the Eligible Employee's return to work, including the requirement that the Eligible Employee present a fitness-for-duty certification indicating that the Eligible Employee can perform the essential functions of the Eligible Employee's position. If EMBARK determines that the leave is not FMLA-protected, EMBARK will also timely issue a Designation Notice to the Eligible Employee stating the reason that the leave is not FMLA-protected.

11.2.2.14 Key Employees Under FMLA

EMBARK retains the right to deny reinstatement to "Key Employees" upon its determination that substantial and grievous economic injury will result. The employee will be given notice that he or she is considered a "Key Employee" as soon as practicable after receipt of a request or designation by EMBARK of an absence as FMLA leave. If a determination is made of substantial and grievous economic injury, the employee will be notified in writing, with such notice being served in person or by certified mail. Leave cannot be denied, but reinstatement can.

11.2.2.15 Unlawful Acts and Enforcement

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or
- Terminate or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the U.S. Division of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights than the FMLA.

11.2.2.16 Questions

Questions regarding FMLA should be directed to Human Resources or at Embarkok.com/helpdesk.

11.3 Leave of Absence Policy

(amended 1-1-2014 per negotiation with ATU, Local 993)

A personal leave of absence is considered a privilege. In granting a leave of absence, the employee's service record and circumstances requiring the leave will be considered. A leave of absence is granted with the expectation that the employee will return to regular employment.

EMBARK Employees Only:

An EMBARK employee who would like to request a personal leave of absence must use and fully complete the Leave of Absence (LOA) request form. The completed LOA request form will then be

submitted to the Division Manager. Upon verification of the information, Human Resources will submit to the EMBARK Administrator or his/her designee for review and recommendation. Upon approval, the employee may be allowed up to ninety (90) days of leave if they have completed their first year of service and up to 30 days if the employee is within his/her first year of service with EMBARK. A personal leave of absence requires all accrued leave is utilized and the remainder of the LOA will be unpaid leave.

To be eligible, an employee must have been employed for at least twelve months and worked at least 1250 hours during the previous 12-month period.

Employees on approved leave of absence will be prohibited from taking outside employment for the duration of their leave of absence. Non-compliance could result in termination of employment.

Failure to return to work upon expiration of a leave of absence will result in discharge of the employee. An employee returning from an unpaid leave of absence within the authorized time limit will be returned to his/her former or similar position.

11.4 Benefits and Employee Status While on a Leave of Absence

11.4.1 Seniority

Seniority will only be continued for employees on a Personal Medical Leave of Absence. All other leave of absence events will result in a loss of that time being counted towards seniority.

Except for certain key employees all employees upon returning from leave will be restored to the same or an equivalent position that he or she held when the leave began. The Authority will require certification of fitness to return to work after leave for illness of the employee.

11.4.2 Annual and Sick Leave

Annual and Sick Leave will not be accrued during any period of approved unpaid Family Medical Leave or Leave of Absence.

11.4.3 Insurance

Insurance coverage for an employee on authorized Family and Medical Leave of Absence will continue as if he/she was still an active employee for the duration of the leave. The employee will continue to be responsible for paying the portion of the family coverage insurance premium that is normally withheld by payroll deduction. The employee portions must be received by the Human Resource Office no later than the 5th of every month to continue family coverage.

11.4.4 Pension

An employee on authorized Family and Medical Leave of Absence will be responsible for making the pension contribution during the leave of absence. Should an employee fail to make the appropriate pension payments during a leave of absence

the amount due the Pension Plan will be deducted from his/her subsequent payroll check(s).

11.4.5 Miscellaneous Payroll Deductions

The employee is responsible for paying any obligations that were previously paid through payroll deduction for the durations of their leave of absence.

12.0 Information Technology

EMBARC provides computing equipment and network infrastructure to empower its employees and service customers.

12.1 Acceptable Use Policy

12.1.1 Purpose

This Acceptable Usage Policy (“AUP”) governs the use of EMBARK’s network and computing assets for compliance with local, state, and federal law.

12.1.2 Scope

All EMBARK employees, contractors, temporary employees, third party personnel, network, and computing assets are subject to this policy.

12.1.3 Usage

Occasional use of the network and computing assets for personal use are permitted; however, users must be aware that the services provided are tools for performing their job functions. Usage must not interfere with job responsibilities or duties; be of reasonable duration and frequency; not be pornographic, obscene, unlawful, encouraging of unlawful conduct, threatening, defamatory, vulgar, hateful, racially or ethnically offensive, and/or insensitive; and, not violate any other EMBARK policies.

All hosts connected to the corporate network must be continuously running antivirus software. Users should not apply operating systems or application updates to their systems.

12.1.4 Unacceptable Usage

This section defines some of the activities that are not permitted on EMBARK’s computing and network assets. Exceptions to these and other restrictions may be considered following a review by the City of Oklahoma City’s Information Technology Division.

Prohibited Network Activities

Prohibited Local Computer Activities

Users may not assign fixed IP addresses to their Trust computer without the written consent of the City of Oklahoma City’s Information Technology Division. Users may not run server services on their systems. This includes web servers, database servers, and FTP servers. These services often have vulnerabilities that can be used to compromise the user’s system. Users are prohibited from installing software for which the user or EMBARK does not have a license.

12.1.5 Email Usage

All e-mail addressed to domains owned by EMBARK or its clients is the property of EMBARK. At any time, a user's e-mail may be forwarded to another employee without the user's consent. Personal email accounts may not be used for conducting EMBARK business. However, in certain situations personal email accounts may be necessary for system access purposes and notifications, but advance, written permission is required.

Users are prohibited from using the e-mail system to send unsolicited e-mail messages for outside commercial ventures, religious or political causes, and/or outside fraternal organizations. Messages that contain hate speech, defamatory, discriminatory, harassing, offensive, or inappropriate sexual references are prohibited. Likewise, messages that contain derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes, or sexual preferences are also prohibited. Users are advised that EMBARK can employ technology to control messages prohibited by this AUP.

12.1.6 Mobile Phones and Other Personal Devices

Mobile phones, cell phones, and other similar personal devices may be provided to employees for EMBARK use. These devices are subject to the same Usage and Unacceptable Usage guidelines as other EMBARK systems and/or technologies. In addition, personal use of these devices should be minimal and should never interfere with the performance of job duties or subject EMBARK to additional costs. These devices should be password protected and users must report any lost or stolen device within twenty-four (24) hours. Users are required to ensure that their use of these devices follows the EMBARK Mobile Device Policy (EM-POL-100.16) . Personal cell phone usage at any of our worksites is prohibited while on assignment. Personal cell phones can be used during breaks or lunch times.

12.1.7 Security

EMBARC employs various technologies to assure the security of its networking and computing assets. No attempt should be made to bypass these systems. To ensure the best possible level of protection, EMBARK's firewalls and screening devices must be the sole ingress and egress points between the internet and EMBARK's internal networks. Likewise, users are not permitted to establish connections to external networks or hosts through dial-up, radio frequency, or tunneling without the consent of management.

Anti-Virus software is required to be installed and running on all computers connected to EMBARK network. The software will be installed and configured by IT provider. Employees are responsible for safeguarding assets and must immediately report lost, damaged or stolen equipment. Employees may be held liable for lost, damaged, or stolen equipment. Users must follow other EMBARK policies regarding security including confidentiality and proprietary information.

12.1.8 Passwords

Employees should not use the same password for EMBARK resources that is used to access personal internet or other information services. Help with resetting a password on your PeopleSoft employee portal should be directed to the front desk. A user that believes that a password has been compromised must report the incident immediately.

12.1.9 Privacy

EMBARC asserts its ownership of all data created, stored, and transmitted across its network. EMBARC reserves the right to audit and review all data created, stored, and transmitted across its network. Users are advised that they have no expectation of privacy on EMBARC network and computing assets except where prescribed by Federal or State statutes.

12.1.10 Enforcement

Users found to have violated this policy will be subject to disciplinary action up to and including termination. Third party users in violation will have their access terminated and the project suspended.

12.2 EMBARC Provided Equipment

12.2.1 Cell Phone

EMBARC may provide a cellular phone to employees for the sole purpose to be used for EMBARC business. The Division Manager must first approve of the cellular phone for the employee and submit an EMBARC helpdesk ticket with the approval.

If the cellular phone needs to be a different model than the base model (current model with no device charge to EMBARC excluding monthly fees) the manager must also include justifications for the increased expense in the helpdesk ticket.

EMBARC IT will make the final approval and submit the order if needed.

12.2.2 Tablet and Laptops

EMBARC may provide a tablet or laptop to employees for the sole purpose to be used for EMBARC business. The manager must first approve of the device for the employee and submit an EMBARC helpdesk ticket with the approval.

EMBARC IT maintains a standard hardware list for which the device will be ordered from. EMBARC IT will make the final approval and order the device if needed.

12.2.3 Data Plans

EMBARC's policy on data plans only allows one data plan for employees. If the employee has both an EMBARC provided cellular phone and a tablet/laptop, then only the cellular phone will have a data plan. The tablet/laptop will only have WiFi for a data connection.

12.2.4 Return of Equipment

Upon leaving EMBARC, the employee is responsible for returning all equipment provided to them including the device and any cables, adapters, etc. that were provided by EMBARC. EMBARC may take any and all available remedies to recover the costs of unreturned property.

The device or devices must first be cleared with EMBARC IT to make sure no personal locks on the equipment, such as personal PINs on Apple devices, so the device can be wiped and reused later.

12.2.5 Temporary Equipment Checkout

EMBARC may allow employees to check out equipment provided the manager approves and submits a helpdesk ticket justifying why the equipment is needed and the return date of

equipment. EMBARK IT has the final approval on checking out the equipment. The employee is not allowed to take any equipment off EMBARK property without approval from EMBARK IT.

The employee must return the equipment in like condition of when it was checked out. In the event the equipment is not returned in like condition, the employee will be responsible for replacement cost and/or repairs.

12.3 Social Media Policy

EMBARC understands that social media is a common way to share your life and opinions with family, friends, and co-workers. However, the use of social media also presents certain risks and usage carries certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

For the purpose of this policy, the term social media applies to all means of communicating or posting information or content of any sort on the internet, including your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with EMBARK, as well as any other form of electronic communication ("Social Media Communication").

This policy applies to any Social Media Communication, whether it occurs during working hours or non-working hours. This Policy applies to any Social Media Communication, whether transmitted or received on personal devices and networks or transmitted or received through devices and networks provided by EMBARK. EMBARK reserves the right to monitor and review any Social Media Communications as permitted by law.

12.3.1 Using Social Media at Work

Refrain from using social media while on working time or on equipment EMBARK provides unless it is work-related as authorized by your manager. Use of social media which interferes with or detracts from job performance is prohibited. Do not use EMBARK's email addresses to register on social networks, blogs or other online tools utilized for personal use.

12.3.2 Confidential Information

Maintain the confidentiality of EMBARK's trade secrets, confidential information, customer information, or attorney-client privileged information. This may include, but is not necessarily limited to, information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

12.3.3 Other Trust Policies

Employees are prohibited from creating or disseminating Social Media Communications that violate EMBARK's policies, including but not limited to: Equal Employment Opportunity, Code of Business Conduct, Acceptable Use, Workplace Violence, Anti-Discrimination, Harassment, and Retaliation Policies. Any Social Media Communications that, as described within these respective policies, are deemed to be discriminatory, harassing, retaliatory, unlawful, obscene, or physically threatening

toward Trust employees, business associates, customers or people who work on behalf of EMBARK are prohibited.

12.3.4 Media Contacts

Employees should not speak to the media on EMBARK's behalf. All media inquiries should be directed to the Administrator of EMBARK.

12.3.5 Discipline

Employees who violate this Policy are subject to discipline, up to and including termination.

13.0 Privacy Policy

EMBARC is committed to providing a safe working environment for all employees and protecting the assets and equipment of EMBARK. In pursuit of this objective, EMBARK has implemented this privacy policy.

13.1 Purpose

The purpose of this policy is to:

1. Document and communicate the privacy policy for EMBARK.
2. Promote a safe environment by deterring acts of harassment or assault.
3. Deter theft and vandalism and assist in the identification of individuals who commit damage on/off EMBARK property.
4. Assist with internal and/or external investigations; and
5. Comply with applicable federal, state and/or local ordinances.

13.2 Scope

This policy applies to all employees, property, and/or interests owned or under direct control of EMBARK.

13.3 Policy

EMBARC reserves the right to inspect all personal property brought onto EMBARK's premises, including vehicles, packages, briefcases, purses, and other personal effects. In addition, EMBARK may inspect any areas on EMBARK's premises, including storage areas, file cabinets, desks, and workstations. Furthermore, EMBARK may determine if, and under what circumstances EMBARK's buildings and grounds are equipped with video surveillance devices. These devices will observe and record public areas for safety and security reasons, as well as aid in the internal and/or external investigation process.

13.4 Responsibility

EMBARC's Safety Division shall manage, safeguard, and audit the use of video surveillance and all equipment used to control, record, store, and view video surveillance data. Only individuals authorized by EMBARK'S Safety Division or anyone authorized in writing by the Administrator shall have access to video surveillance, or be permitted to install, remove, or adjust video cameras and any related equipment, including software necessary to view video. Only individuals authorized by the EMBARK Administrator or their

appointed representative shall have the authority to inspect an employee's personal property brought onto EMBARK's premises and/or conduct searches in the workplace.

13.5 Guidelines

All workplace searches conducted by EMBARK will follow applicable state and federal privacy laws.

- EMBARK's communications services and equipment, including messages that are transmitted or stored, are the sole property of EMBARK.
- Communications equipment and services include mail, e-mail, text messaging, instant messaging, courier services, facsimiles, telephone systems, personal computers, video equipment and tapes, tape recorders and recordings, pagers, mobile/cellular phones, and bulletin boards.
- As set forth in the Acceptable Use Policy, there is no expectation of privacy in regard to any electronic communications or computer usage and any device and its communications and data that is utilized for work purposes on EMBARK's network is the sole property of EMBARK.
- The video surveillance devices will only monitor areas where individuals do not have a legitimate expectation of privacy. For example, video surveillance may monitor hallways, parking lots, work areas, and offices, but not restrooms.
- Video surveillance cameras placed outside will be positioned only where it is reasonably necessary to protect external assets or to provide for the personal safety of employees.
- Video surveillance will be conducted in a reasonable manner.
- Video surveillance cameras may have audio recording capabilities; or any such audio capabilities will and will be enabled if they are available, as necessary for an investigation and approved by EMBARK Chief Safety Officer.

13.6 Notification

EMBARC may conduct a search in the workplace at any time, with or without police involvement, at the sole discretion of EMBARK Chief Safety Officer. EMBARK may access and monitor employee communications and files as it considers appropriate. Surveillance may be monitored twenty-four (24) hours a day, seven (7) days a week unless such would conflict with a CBA.

13.7 Use/Disclosure of Video Surveillance/Workplace Searches

EMBARC has the right to seize all drugs, paraphernalia, weapons, or any other inappropriate items or materials found on EMBARK's premises during a workplace search and may turn over such evidence to the appropriate authorities for testing or prosecution.

Video surveillance may be used to identify the person or persons responsible for policy violations, criminal activity, actions considered disruptive to EMBARK operations, or any action that may be of interest to EMBARK on or off EMBARK property.

Video surveillance may be used by and/or provided to law enforcement agencies in accordance with applicable state and federal laws.

Upon authorization by EMBARK Administrator or designee(s), video surveillance may be used by EMBARK for any necessary purpose.

Notwithstanding any of the above, EMBARK may use video surveillance in EMBARK's possession for any lawful reason.

13.8 Retention of Recordings

All video surveillance deemed to have significant investigative value shall be kept. EMBARK shall determine if video surveillance images should be retained at its sole discretion.

14.0 Additional Policies

14.1 Commercial Driver's License Policy

This policy is supplemental and subordinate to the Federal regulations referenced under 49 CFR, Parts 383 and 391, Commercial Driver Licensing Standards, Requirements, and Penalties, which shall take precedence should a conflict occur. The reference Federal regulations and this policy are applicable to all EMBARK employees who are required to possess a commercial operator's license.

EMBARC will not knowingly allow an employee to: (1) operate a commercial motor vehicle if the employee has more than one license; (2) operate a commercial motor vehicle if the employee's license has been suspended, revoked, or cancelled; or, (3) operate a commercial motor vehicle if the employee has been disqualified under Federal Motor Carrier Safety Standards.

14.1.1 Single Licensing Requirement

EMBARC employees required to possess a commercial operator's license shall hold only one driver's license (Oklahoma). Any other licenses should be returned to the State of issuance.

14.1.2 Reports of Moving Violations

EMBARC employees required to possess a commercial operator's license must report all moving violations, both in their personal vehicle or in any EMBARK vehicle, to EMBARK. Notification must be made before the beginning of their next shift after conviction of the violation to Human Resources. Conviction is defined as the final judgement on a verdict of finding of guilty or forfeited bond or collateral as a result of proceedings upon any violation. Payment of a traffic citation or refusal to submit under any State statute are both considered a "conviction" under this policy.

Failure to notify of a motor vehicle violation will result in disciplinary action, up to and including termination based on the offense.

Reports of moving violations shall be made in writing to Human Resources and must include all the following information: Completed form and a copy of receipt of paid ticket.

14.1.3 Notification Requirements for Driver License Suspension, Revocation, or Cancellation

Employees required to possess a commercial operator's license must notify EMBARK if their license has been suspended, revoked, or canceled, or if he/she has been disqualified from driving under the Federal Motor Carrier Safety Standards as referenced in the Section 33 of the ATU CBA. This notification shall be made to EMBARK Human Resources and must be made before the end of the business day, Monday through Friday, excluding holidays, following the day of such loss of privilege.

14.1.4 Enforcement and Disciplinary Action

Failure to comply with any provision of the Federal regulation or this policy by any EMBARK employee required to possess a Commercial Driver License will constitute grounds for disciplinary action.

The disciplinary action for possessing more than one license, failing to report moving violations, and/or failing to execute and provide a Certificate of Compliance with EMBARK will result in disciplinary action up to and including termination.

Failure to report a driver license suspension, revocation, or cancellation to EMBARK as required or operating an EMBARK vehicle while the employee's driver license has been suspended, revoked, or cancelled will result in termination.

14.2 Lost and Found

Employees may turn in found items and retrieve lost items at the dispatch desk in the Operations Division. Items found on EMBARK buses or property shall be turned in by employees to the supervisor on duty, recorded and stored in the operations dispatch office. Unclaimed items will be disposed of or donated after 30 days with management discretion.

14.3 Bulletin Boards

Each EMBARK Division and/or office area has a bulletin board where general employee notices, correspondence, items required by law, and safety information are posted for employee review. Employees are expected to review bulletin board information daily and to comply with all posted changes in Trust policy and/or procedure.

Space permitting, employees may post personal items on specified bulletin boards. All personal notices must be approved by the Division Manager prior to being posted on the bulletin boards. The notice shall include the date it was posted. All personal notices will be removed after being posted for two weeks. Any notices the Division Manager or Administrator deems to be offensive or in poor taste will be removed. In no case will an employee be allowed to remove any official item, or personal notice of another employee to make room for theirs.

14.4 Suggestions

We encourage you to suggest methods to improve quality and efficiency in the Trust. Submit your suggestions in writing to your supervisor or Human Resources. Your suggestion should be detailed so that the system or procedure can be adequately evaluated.

ACRONYMS

AFSCME	American Federation of State, County & Municipal Employees
ATU	Amalgamated Transit Union
CBA	Collective Bargaining Agreement
CDL	Commercial Driver's License
COBRA	Consolidated Omnibus Budget Reconciliation Act
COTPA	Central Oklahoma Transportation and Parking Authority
DOT	Department of Transportation
FLSA	Fair Labor Standards Act
FMLA	Family Medical Leave Act
FTA	Federal Transit Administration
RIF	Reduction in Force
VPO	Victim Protection Order

DEFINITIONS

The following definitions have been provided to assist you in understanding the contents of this handbook.

Absence	A period in which the employee is not present for work as scheduled.
Accident	For purposes of this policy an accident is an occurrence involving the death of an individual, damage to property, or which involves an injury to an employee or other person.
Cardinal Infractions	Include, but are not limited to: (1) Stealing, misappropriation of EMBARK property, reckless disregard for EMBARK equipment or property, gross insubordination. (2) Conduct unbecoming an employee, on or off duty, where the nature and notoriety are so serious that current employees and/or citizens are exposed to great potential risk or refuse to work with the employee. Examples of such conduct include crimes of moral turpitude such as sexual abuse, arson, drug trafficking, armed robbery, murder, or mayhem, etc.
Trust Property	Any building, office, job site, equipment, furniture, device, EMBARK vehicle, or any location where the employee is carrying out duties and responsibilities related to employment by EMBARK.
Discharge	Involuntary termination of employment initiated by EMBARK for cause.
Disciplinary Probation	The period of time, as determined by an employee's supervisor, in which an employee will be closely monitored and expected to improve any unacceptable performance of which he or she has been advised, to an acceptable standard.
Division Manager	Designated as the lead manager of a Division within the EMBARK organizational structure.
Employee, Exempt	Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from overtime pay requirements.
Employee, Full-Time	Regular full-time employees are those that regularly work a minimum of thirty (30) hours or more per week on a continuous basis or in accordance with rotation or calendar schedules.
Employee, Non-Exempt	Employees whose positions do not meet FLSA and state exemption tests and who are paid a multiple of their regular rate of pay for hours worked more than forty per week.
Employee, Non-Represented	Anyone employed by EMBARK to work in any job classification with exception of those job classifications represented by the Amalgamated Transit Union, Local 993 and AFSCME.

Employee, Part-Time	Regular part-time non-seasonal job is scheduled to work on average less than 30 hours per week or 1,508 per year and does not include benefits.
Employee, Regular	An employee filling a classified regular position for which continuing future need is expected for an indefinite period. This definition is in no way meant to imply that EMBARK offers or guarantees lifetime employment or employment for any specific duration to any employee.
Employee, Represented	Employees that are covered by the ATU Local 993 CBA and AFSCME CBA. The ATU Local 993 CBA and AFSCME CBA are written legal contracts between the employer and the respective Union representing the employees covering negotiated topics such as wages, hours, and terms of employment.
Employee, Temporary	An employee who is hired on an "emergency" basis only and can work on a full or part time basis as required by the work to be completed. These employees are not eligible for Trust benefits, except for an EMBARK bus pass, which must be returned upon termination of their employment with EMBARK.
Grievance	An expression by an employee of dissatisfaction relating to wages, hours of work, workplace safety, perceived unfair or inequitable treatment or discipline, or other conditions of employment.
Officer	Individual who has the ability to use their position to influence a position of COTPA's (i.e., City Manager, Assistant City Manager, Finance Manager, etc.)
Release	Involuntary termination of employment initiated by EMBARK due to the inability of the employee to perform satisfactorily the duties of his position.
Seniority	Preferential treatment giving advantages to those employees who have been on the job a longer period.
Serious Health Condition	Serious Health Condition is an illness, injury, impairment, 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 Eligible Employee from performing the functions of the Eligible Employee's job, or prevents the qualified family member from participating in school or other daily activities.
Student Interns	High school, college or university level students employed by EMBARK to work on projects and assignments arising in the usual course of business operations. Student interns will work less than 1,500 hours in a calendar year.
Weapons	All types of firearms, switchblades, knives and knives with a blade longer than four inches, dangerous chemicals, explosives, ammunition and other dangerous material or items. (Dangerous material or items include but are not limited to objects carried for the purpose of injuring or intimidating people).

Appendix 1: Eligibility for Rehire

Reason for Leaving EMBARK	Eligibility for Rehire
Voluntary Resignation	Eligible
Retirement	Eligible
Temporary Employment Ends	Eligible
Orientation and Evaluation Period termination: depending on circumstances	Eligible
Reduction in Force	Eligible
Loss of required credential	Eligible for Rehire once credentials have been reestablished
Attendance Violation	Ineligible
Poor Performance	Ineligible
Unsafe Work Practices	Ineligible for One Year
Job Abandonment (quit without notice) or ongoing documented attendance issues that have been addressed through the corrective action process to include termination and no other disciplinary issues	Ineligible for Three Years
Orientation and Evaluation Period termination: depending on circumstances	Ineligible
Resignation – in lieu of discharge	Ineligible
Inappropriate Behavior	Ineligible
Felony Conviction	Ineligible
Failure of a test for controlled substances administered during the hiring or transfer process	Ineligible for One Year
Negotiated Settlement	Ineligible
Falsification of credentials or application information	Ineligible
Theft	Ineligible
Sleeping on the Job	Ineligible
Weapons Possession	Ineligible
Acts of Workplace Violence	Ineligible
Loss of a required credential for criminal conviction	Ineligible
Breach of Confidentiality	Ineligible
Commission of Crime	Ineligible