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**DATE: JUNE 30, 2022**  
**TIME: 9:45 AM**  
**PLACE: 901 N. Cameron Street, Harrisburg, PA 17101**  
**PURPOSE: 2022 June Board Meeting**

**ORDER OF BUSINESS**

1. Call to Order
2. Changes or Modifications to the Agenda
3. Public Comment: Accepted in Person or in Writing
4. Approval of Minutes
  - A. Meeting Minutes of January 27, 2022 (Pages 2-4)
5. Communications
  - A. Charles L. Duncan certificate of appointment from Dauphin County
6. Treasurer's Report – Provided as information only
7. Title VI Monitoring Program and Results Board Presentation (Pages 5-23)
8. Resolutions
  - A. RESOLUTION 2205 – ACCEPTANCE OF TITLE VI SERVICE STANDARDS AND MONITORING RESULTS (Pages 24-25)
  - B. RESOLUTION 2206 – ADOPTING TITLE VI PROGRAM UPDATE (Page 26)
  - C. RESOLUTION 2207 – APPROVING THE REVISING OF THE CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY FAMILY AND MEDICAL LEAVE POLICY (Pages 27-40)
  - D. RESOLUTION 2208 – APPROVING THE REVISING OF THE CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY DRUG AND ALCOHOL POLICY (Page 41-57)
  - E. RESOLUTION 2209 – APPROVING THE CERTIFICATION OF SECRETARY OF PENSION PLAN (Page 58)
9. Old Business
10. New Business
11. Staff Report
12. Adjournment

Next Meeting: TBD

## **MINUTES OF BOARD MEETING**

January 27, 2022

The regular meeting of the Authority's Board of Directors convened January 27, 2022, at 9:45 AM, at the office of rabbittransit located at 901 N. Cameron Street, Harrisburg, PA 17101. Chairman Eric Bugaile presiding. Present were board members: Bruce Weber, LaToya Bellamy, Chad Saylor, Al Bienstock, Scott Wyland and Richard Kotz. Jill Nagy, Counsel, was also present.

Administrative Staff Members present were: Richard Farr, Angela Bednar, Christopher Zdanis, Jenna Reedy, Jamie Leonard, Stephen Baldwin, Abby Davis, Eric Maguire, Brian Gillette, Jonathan Brouse and Nicole Hansen.

### ATTENDANCE

All members of the Board of Directors were present.

### CHANGES OR MODIFICATIONS TO THE AGENDA

No changes or modifications to the agenda.

### PUBLIC COMMENT

No public comment.

### ANNUAL REORGANIZATION

Richard Kotz, Chairman of the nomination committee, presented Resolution 2201 for the slate for nomination of the officers of the Board for the 2022 to 2023 year:

Nominations are as follows:

- Eric Bugaile- Chairperson
- Bruce Weber- Vice Chairperson
- Richard Kotz- Secretary
- Al Bienstock- Treasurer

With no nominations from the floor, Richard Kotz made a motion to close the nominations of the officers of the Board for the 2022 to 2023 year. Scott Wyland seconded the motion. Motion approved.

## APPROVAL OF MINUTES

LaToya Bellamy moved to accept the December 16, 2021, meeting minutes, seconded by Al Bienstock. Motion approved.

## COMMUNICATIONS

Scott Wyland's reappointment letter from Cumberland County was presented to the Board.

## TREASURER'S REPORT

The Treasurer's report was provided to the Board as information only.

## RESOLUTIONS

### RESOLUTION 2202 – A RESOLUTION ESTABLISHING SIGNATURE REQUIREMENTS FOR AUTHORITY CHECKING ACCOUNTS

Motion to approve was raised by Scott Wyland, seconded by Bruce Weber, and passed unanimously.

### RESOLUTION 2203 – CAT PROCUREMENT AND PURCHASING POLICY

Motion to approve was made by Richard Kotz, seconded by Bruce Weber, and passed unanimously.

## OLD BUSINESS

There was no old business.

## NEW BUSINESS

Chad Saylor noted that this would be his final Board meeting. He thanked the Board for a rewarding experience and stated he is excited to see the future success of the agency, which he knows is sure to come.

Eric Bugaile thanked Chad Saylor for all of his contributions to CAT. Eric Bugaile presented RESOLUTION 2204 HONORING BOARD OF DIRECTOR MEMBER CHAD SAYLOR FOR HIS YEARS OF SERVICE TO THE AUTHORITY 2014-2022. Motion to approve was made by Scott Wyland, seconded by Al Bienstock, and passed unanimously.

STAFF REPORT

There were no staff reports.

ADJOURNMENT

Motion to adjourn was made by Scott Wyland and seconded by Chad Saylor. The meeting adjourned at 9:56 AM.

Respectfully Submitted,



Richard Kotz  
Secretary

# County of Dauphin

This Certifies, that at the Regular Meeting of the Board of Commissioners of the County of Dauphin, held on Wednesday, the 23rd day of February, 2022

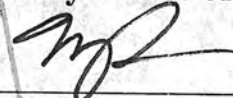
**CHARLES L. DUNCAN**

Was appointed as a Member of the

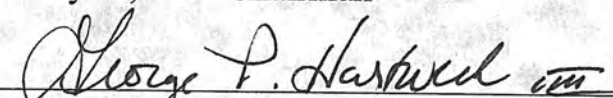
**Capital Area Transit Authority**

Term Expires December 31, 2024

Dauphin County Board of Commissioners

  
Mike Pries, Chairman

  
Chad Saylor, Vice Chairman

  
George P. Hartwick, III, Secretary

Attest:

  
J. Scott Burford, Chief Clerk

CAPITAL AREA TRANSIT  
TITLE VI MONITORING  
PROGRAM AND  
RESULTS BOARD  
PRESENTATION

## Capital Area Transit Monitoring Program

Federal Title VI regulations require that public transit providers that operate 50 or more fixed route vehicles in peak service that are located in an urbanized area of 200,000 or more in population must monitor the performance of their transit system relative to the transit service standards and policies. Providers must do so while comparing minority transit routes with non-minority ones.

Service standards and policies provide the framework for monitoring and assessing service. The analysis of performance for service standards on vehicle loads, headway, on-time performance, and vehicle assignment compare the measures for “minority” and “non-minority” routes as defined by the FTA. CAT has included all bus routes (a 100 percent sample) in the analysis comparing service standards.

The analysis of performance for service availability and distribution of amenities compares measures for “minority” and “non-minority” population in CAT’s service area. CAT will continue to monitor and evaluate performance in regard to established standards and policies triennially to ensure that service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Please refer to CAT’s Service Policies and Standards for a more detailed description of each respective standard and policy.

Monitoring results will be shared with the board three year base in align with this plan.

### **Vehicle Load**

Vehicle load standards establish the average maximum number of passengers allowed per vehicle to provide a safe and comfortable ride. CAT vehicle load standard identifies acceptable passenger loads by routes and at different times of the day to help ensure acceptable levels of passenger comfort and operating efficiency.

The table shows passenger capacity as the average maximum numbers of persons seated and standing during peak and off-peak hours. Maximum load factors of for the Fixed Route is 1.5 represents the maximum allowable passenger capacity, and are calculated by dividing the total actual capacity by the seated capacity of the vehicle. Data is derived from available samples from Automatic Passenger Counters (APC), and by customer reports. CAT routinely monitors vehicle load and capacity, and will continue to monitor and adjust schedules as necessary if vehicle loads surpass the adopted standard.

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
35' low floor bus	31	15	46	1.5
40' low floor (city)	38	19	57	1.5
40' low floor (suburban)	39	10	49	1.25
45' coach	55	0	55	1
60' Articulated Bus	65	33	98	1.5

Weekday Vehicle Load Standard Per Route CY 2019						
Route	MORNING 12:00 AM - 5:59 AM	AM PEAK 6:00 AM - 8:59 AM	MIDDAY 9:00 AM - 3:29 PM	PM PEAK 3:30 PM - 6:29 PM	NIGHT 6:30 PM - 11:59 PM	Minority Route
1	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
2	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	Y
3	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	Y
3/6	N/A	N/A	N/A	N/A	Under 1.5	Y
6	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	Y
7	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
8	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
9	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	Y
12	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
13	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	Y
14	N/A	N/A	N/A	N/A	N/A	Y
17	N/A	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
19	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	Y
20	N/A	Under 1.5	Under 1.5	Under 1.5	Under 1.5	Y
23	N/A	N/A	N/A	N/A	N/A	Y
27	N/A	N/A	N/A	N/A	N/A	Y
39	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	Y
81	N/A	N/A	N/A	N/A	N/A	Y
82	N/A	N/A	N/A	N/A	N/A	N
120X	N/A	N/A	N/A	N/A	N/A	Y
322	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	Y
Groc - E	N/A	N/A	N/A	N/A	N/A	Y
A	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	N
AB	N/A	N/A	N/A	N/A	N/A	Y
B	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	N
C	Under 1.5	Under 1.5	Under 1.5	Under 1.5	N/A	N
CX	N/A	N/A	N/A	N/A	N/A	Y
CY	N/A	N/A	N/A	N/A	N/A	Y
D	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	Y
F	N/A	N/A	N/A	N/A	N/A	N
M	N/A	Under 1.5	Under 1.5	Under 1.5	N/A	N
MX	N/A	N/A	N/A	N/A	N/A	Y



W	N/A	N/A	N/A	N/A	N/A	Y
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Weekend Vehicle Load Standard Per Route 2019					
Route	Service Type	SAT MORNING 12:00 AM - 8:29 AM	SAT PEAK 8:30 AM - 6:29 PM	SAT NIGHT 6:30 PM - 11:59 PM	Minority Route
1	Fixed	Under 1.5	Under 1.5	Under 1.5	Y
2	Fixed	N/A	N/A	N/A	Y
3	Fixed	Under 1.5	Under 1.5	N/A	Y
3/6	Fixed	N/A	N/A	Under 1.5	Y
6	Fixed	Under 1.5	Under 1.5	N/A	Y
7	Fixed	Under 1.5	Under 1.5	N/A	Y
8	Fixed	Under 1.5	Under 1.5	Under 1.5	Y
9	Fixed	N/A	N/A	N/A	Y
12	Fixed	Under 1.5	Under 1.5	Under 1.5	Y
13	Fixed	N/A	Under 1.5	N/A	Y
14	Fixed	N/A	N/A	N/A	Y
17	Fixed	N/A	Under 1.5	N/A	Y
19	Fixed	N/A	Under 1.5	N/A	Y
20	Fixed	Under 1.5	Under 1.5	Under 1.5	Y
23	Fixed	N/A	N/A	N/A	Y
27	Fixed	N/A	N/A	N/A	Y
39	Fixed	N/A	Under 1.5	N/A	Y
81	Fixed	N/A	N/A	N/A	Y
82	Fixed	N/A	N/A	N/A	N
120X	Fixed	N/A	N/A	N/A	Y
322	Fixed	N/A	N/A	N/A	Y
Groc - E	Fixed	N/A	N/A	N/A	Y
A	Fixed	N/A	N/A	N/A	N
AB	Fixed	N/A	N/A	N/A	Y
B	Fixed	N/A	N/A	N/A	N
C	Fixed	N/A	N/A	N/A	N
CX	Fixed	N/A	N/A	N/A	Y
CY	Fixed	N/A	N/A	N/A	Y
D	Fixed	N/A	N/A	N/A	Y
F	Fixed	N/A	N/A	N/A	N
M	Fixed	N/A	Under 1.5	N/A	N
MX	Fixed	N/A	N/A	N/A	Y
W	Fixed	N/A	N/A	N/A	Y

## Vehicle Headway

Vehicle headway by time of day for both weekday and weekend service is a measure of the level of service of a bus route. CAT minority routes and non-minority routes show comparable headway values with only a marginal difference between the types of routes. The table summarizes average headways by time period for weekday routes. Minority routes have a slightly lower headway, indicating slightly more frequent service in the peak periods. During the midday, minority routes operate on an average of 45 minute headways, compared to 60 minute headways on non-minority routes. During the evening period, the reverse is true, when minority routes operate on an average of 30-minute headways on minority compared to 45 minutes on non-minority routes. Across time periods, the difference in headways is negligible, and never more than three minutes. Headways drop between the peak period and the evening service period due to the nature of the service.

In addition to this, the established time bands (AM Peak, Midday, etc.) Show that many of the minority routes operate past the Evening time band into the Late Night and early Morning hours. Whereas most of the non-minority routes do not operate Late Night and Early Morning hours' service.

Weekday Headways Per Route						
	MORNING	AM PEAK	MIDDAY	PM PEAK	NIGHT	Minority Route
Route	12:00 AM - 5:59 AM	6:00 AM - 8:59 AM	9:00 AM - 3:29 PM	3:30 PM - 6:29 PM	6:30 PM - 11:59 PM	
1	30	30	30	30	30	Y
2	N/A	30	60	30	N/A	Y
3	30	30	30	30	N/A	Y
3/6	N/A	N/A	N/A	N/A	60	Y
6	30	30	30	30	N/A	Y
7	30	30	60	30	60	Y
8	30	30	60	30	60	Y
9	N/A	30	60	30	N/A	Y
12	30	30	45	30	45	Y
13	N/A	30	60	30	N/A	Y
14	N/A	N/A	N/A	N/A	N/A	Y
17	N/A	30	60	30	60	Y
19	60	30	60	30	N/A	Y
20	N/A	60	60	60	60	Y
23	N/A	N/A	N/A	N/A	N/A	Y
27	N/A	N/A	N/A	N/A	N/A	Y
39	60	60	60	60	N/A	Y
81	N/A	N/A	N/A	N/A	N/A	Y
82	N/A	N/A	N/A	N/A	N/A	N
120X	N/A	N/A	N/A	N/A	N/A	Y
322	N/A	45	60	45	N/A	Y
Groc - E	N/A	N/A	N/A	N/A	N/A	Y

A	N/A	30	60	30	N/A	N
AB	N/A	N/A	N/A	N/A	N/A	Y
B	30	30	60	30	N/A	N
C	60	60	60	60	N/A	N
CX	N/A	N/A	N/A	N/A	N/A	Y
CY	N/A	N/A	N/A	N/A	N/A	Y
D	N/A	45	60	45	N/A	Y
F	N/A	N/A	N/A	N/A	N/A	N
M	N/A	45	60	45	N/A	N
MX	N/A	N/A	N/A	N/A	N/A	Y
W	N/A	N/A	N/A	N/A	N/A	Y

Weekend Headways Per Route				
	SAT MORNING	SAT PEAK	SAT NIGHT	Minority Route
Route	12:00 AM - 8:29 AM	8:30 AM - 6:29 PM	6:30 PM - 11:59 PM	
1	45	45	45	Y
2	N/A	N/A	N/A	Y
3	45	45	N/A	Y
3/6	N/A	N/A	90	Y
6	45	45	N/A	Y
7	120	120	N/A	Y
8	90	90	90	Y
9	N/A	N/A	N/A	Y
12	45	45	45	Y
13	N/A	120	N/A	Y
14	N/A	N/A	N/A	Y
17	N/A	90	N/A	Y
19	N/A	120	N/A	Y
20	120	60	60	Y
23	N/A	N/A	N/A	Y
27	N/A	N/A	N/A	Y
39	N/A	120	N/A	Y
81	N/A	N/A	N/A	Y
82	N/A	N/A	N/A	N
120X	N/A	N/A	N/A	Y
322	N/A	N/A	N/A	Y
Groc - E	N/A	N/A	N/A	Y
A	N/A	N/A	N/A	N
AB	N/A	N/A	N/A	Y
B	N/A	N/A	N/A	N
C	N/A	N/A	N/A	N

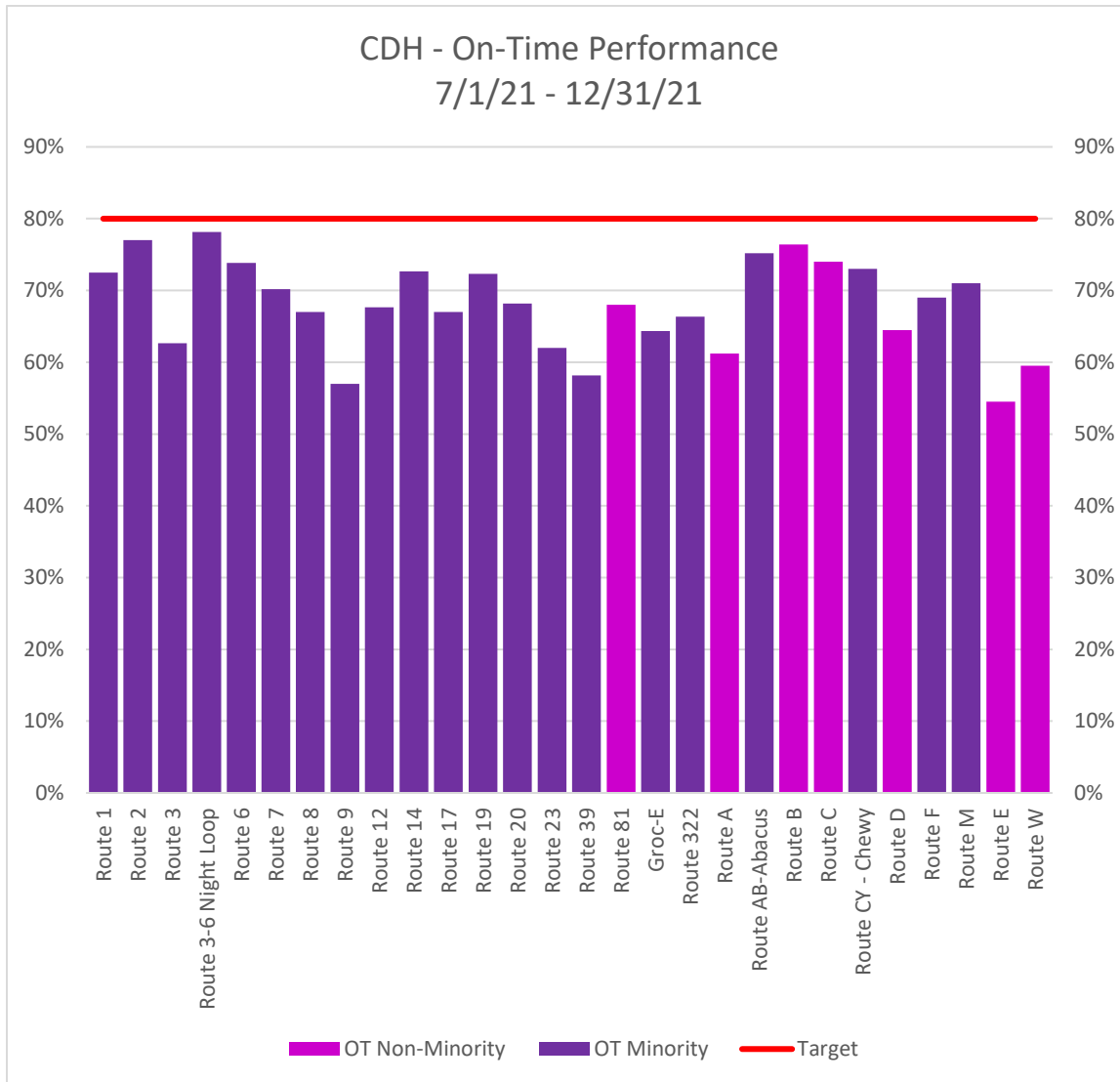
CX	N/A	N/A	N/A	Y
CY	N/A	N/A	N/A	Y
D	N/A	N/A	N/A	Y
F	N/A	N/A	N/A	N
M	N/A	120	N/A	N
MX	N/A	N/A	N/A	Y
W	N/A	N/A	N/A	Y

## On Time Performance

CAT's on-time performance standard for Fixed Route is that 80 percent of the trips arrive between one minute before and five minutes after the schedule time. On-time performance is tracked through the AVL system and monitored. Currently, 68% of the system's service is on-time, which is below the designated standard. Minority routes are on time 69% of the time, while non-minority routes are on-time 65% of the time.

OTP Minority/Low Income									
Route	Minority Y/N	Low Income Y/N	Target %	On Time	OT Minority	OT Non- Minority	Early	Late	Total
Route 1	Y	Y	80%	73%	73%		16%	12%	100%
Route 2	Y	Y	80%	77%	77%		5%	18%	101%
Route 3	Y	Y	80%	63%	63%		21%	16%	100%
Route 3-6 Night Loop	Y	Y	80%	78%	78%		4%	18%	100%
Route 6	Y	Y	80%	74%	74%		11%	16%	100%
Route 7	Y	Y	80%	70%	70%		14%	17%	101%
Route 8	Y	Y	80%	67%	67%		11%	22%	100%
Route 9	Y	Y	80%	57%	57%		31%	12%	100%
Route 12	Y	Y	80%	68%	68%		16%	17%	100%
Route 14	Y	Y	80%	73%	73%		12%	15%	100%
Route 17	Y	Y	80%	67%	67%		8%	25%	100%
Route 19	Y	Y	80%	72%	72%		3%	25%	100%
Route 20	Y	Y	80%	68%	68%		5%	26%	100%
Route 23	Y	Y	80%	62%	62%		13%	25%	100%
Route 39	Y	Y	80%	58%	58%		26%	16%	100%
Route 81	N	N	80%	68%		68%	13%	19%	100%
Groc-E	Y	Y	80%	64%	64%		14%	22%	100%
Route 322	Y	Y	80%	66%	66%		16%	18%	100%
Route A	N	N	80%	61%		61%	17%	22%	100%
Route AB- Abacus	Y	Y	80%	75%	75%		13%	12%	100%
Route B	N	N	80%	76%		76%	7%	17%	100%
Route C	N	N	80%	74%		74%	15%	11%	100%

Route CY - Chewy	Y	Y	80%	73%	73%		12%	15%	100%
Route D	N	N	80%	65%		65%	26%	10%	100%
Route F	Y	Y	80%	69%	69%		18%	13%	100%
Route M	Y	Y	80%	71%	71%		10%	19%	100%
Route E	N	N	80%	55%		55%	33%	13%	101%
Route W	N	N	80%	60%		60%	25%	16%	100%



### Service Availability

This section evaluates the performance of CAT according to the service standards and policies set forth in this Title VI Program to ensure both transit services are equitably

distributed across the service area, regardless of whether a route primarily serves minority or non-minority neighborhoods.

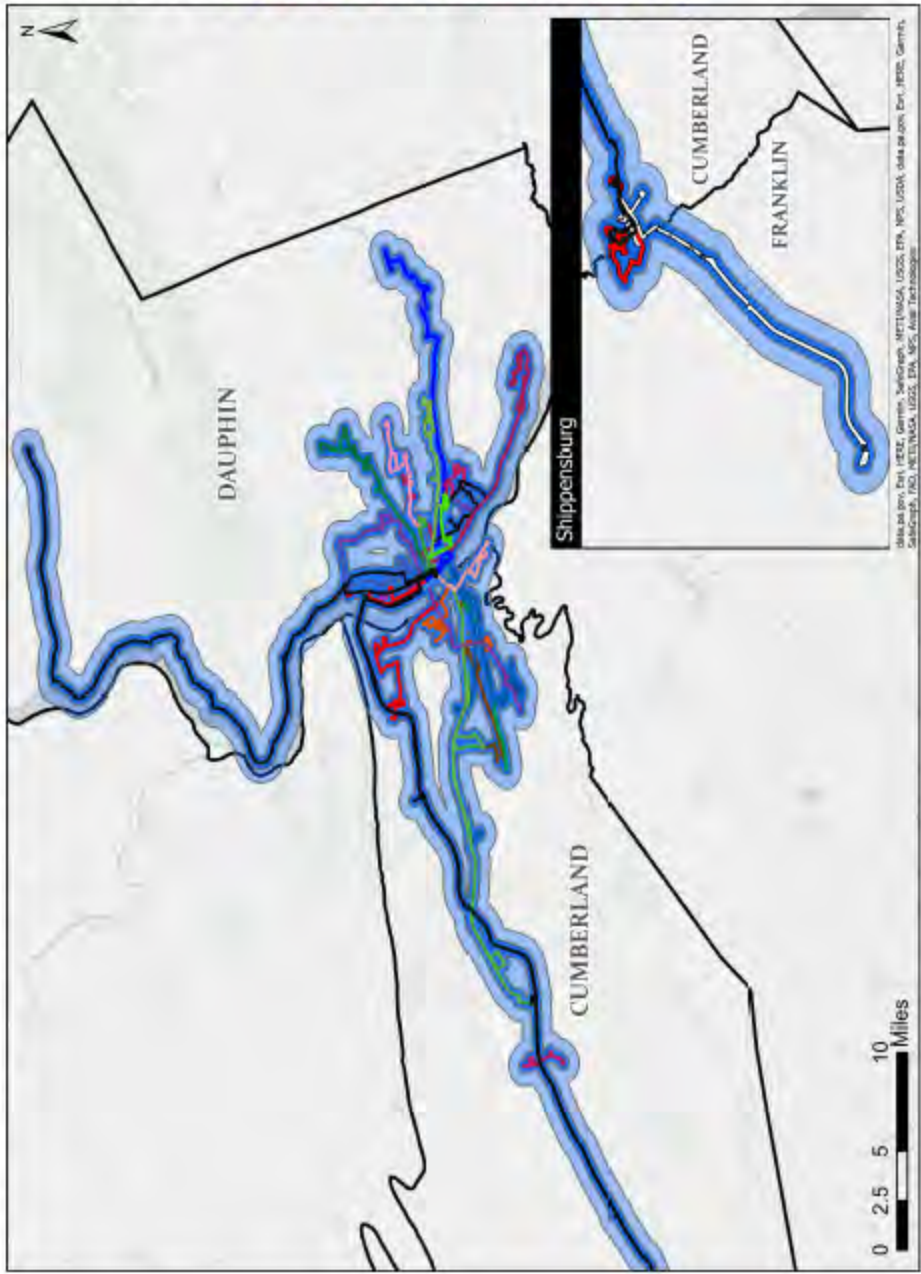
The FTA defines a minority bus route as one where one third or more of the route's Revenue miles fall within a minority Census Block Group.

Routes	Minority	Outbound	Inbound	Total
Route 1	Y	28	25	53
Route 2	Y	14	7	21
Route 3	Y	53	52	105
Route 3/6 Night Loop	Y	32	38	70
Route 6/13	Y	62	73	135
Route 7	Y	85	88	173
Route 8	Y	65	54	119
Route 9	Y	21	19	40
Route 12	Y	76	59	135
Route 14	Y	46	42	88
Route 17	Y	41	42	83
Route 19	Y	39	40	79
Route 20	Y	33	34	67
Route 23X	Y	24	20	44
Route 39	Y	30	32	62
Route 81X	Y	10	13	23
Route 322	Y	41	40	81
Route A	N	40	35	75
Route AB	Y	40	43	83
Route B	Y	57	55	112
Route C	N	53	54	107
Route CY	N	19	16	35
Route D	Y	45	47	92
Route E	Y	24	28	52
Route F	N	41	44	85
Route M	N	65	69	134
Groc - E	Y	39	33	72
Route W	Y	61	62	123

	<b>Total Population</b>	<b>Total Minority Population</b>	<b>% Minority</b>	<b>Total Low Income Population</b>	<b>Percent Low Income</b>
<b>ALL SERVICE AREA</b>	361365	99229	27.5%	64623	17.88%

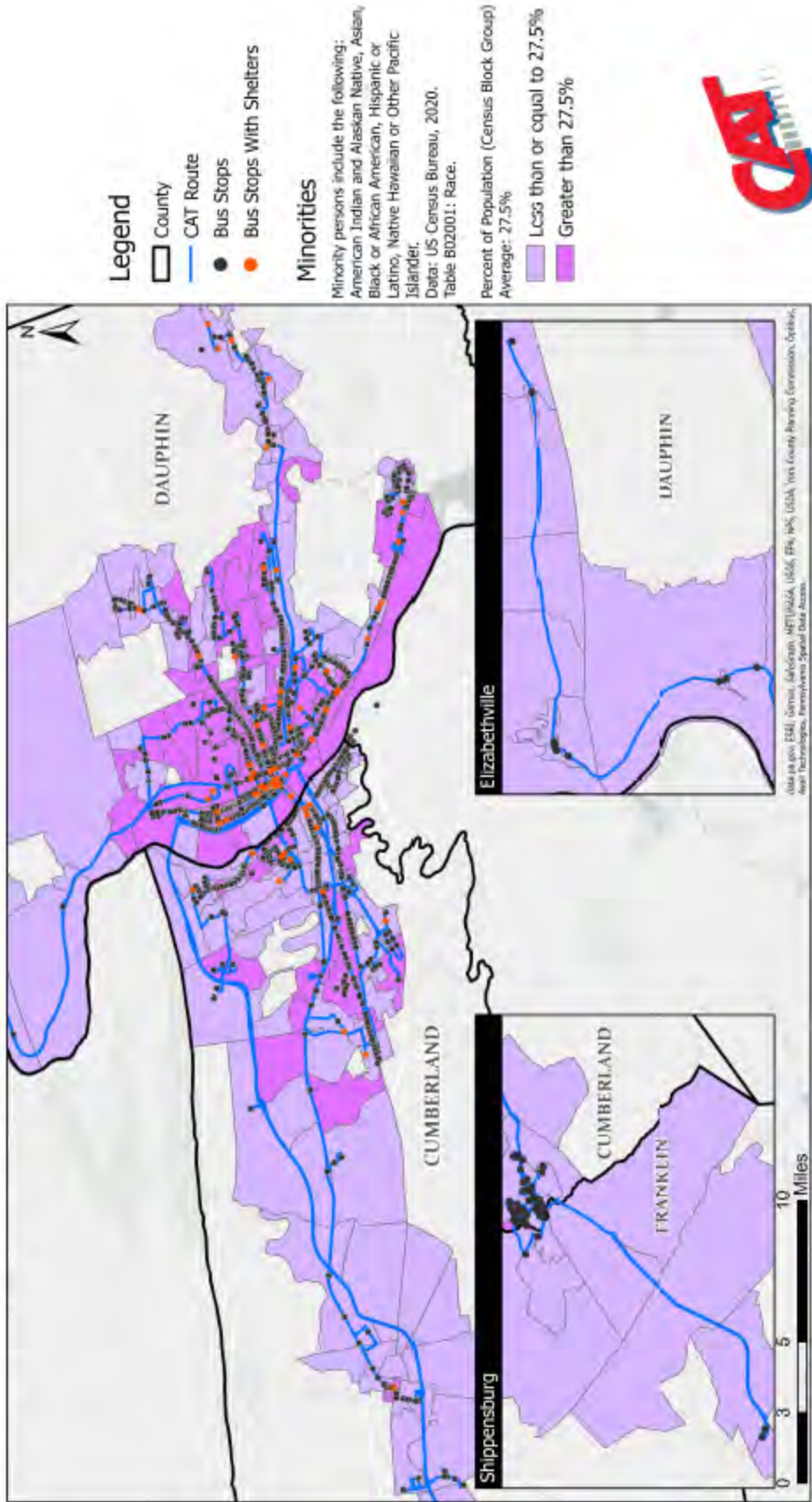
Routes	Total Population	Total Minority Population	% Minority	Total Low Income Population	Percent Low Income	Minority Route	Low Income Route
81X	73914	14999	20.3%	11955	16.17%	N	N
23X	40745	11402	28.0%	8959	21.99%	Y	Y
1	13879	10052	72.4%	5505	39.66%	Y	Y
2	7263	4167	57.4%	3033	41.76%	Y	Y
3	15158	7900	52.1%	3866	25.50%	Y	Y
3_6	16203	10076	62.2%	5104	31.50%	Y	Y
6_13	27414	17810	65.0%	11109	40.52%	Y	Y
7	31898	15027	47.1%	11061	34.68%	Y	Y
8	29843	15278	51.2%	6812	22.83%	Y	Y
9	14204	6809	47.9%	3366	23.70%	Y	Y
12	40884	18511	45.3%	9808	23.99%	Y	Y
14	31116	17565	56.5%	8456	27.18%	Y	Y
17	27277	18045	66.2%	8740	32.04%	Y	Y
19	27277	18045	66.2%	8740	32.04%	Y	Y
20	22429	12186	54.3%	5795	25.84%	Y	Y
39	21247	11054	52.0%	6010	28.29%	Y	Y
322	35221	13536	38.4%	8910	25.30%	Y	Y
114	31588	17456	55.3%	8710	27.57%	Y	Y
A	18962	5082	26.8%	4928	25.99%	N	N
AB	54057	24793	45.9%	14479	26.78%	Y	Y
B	27716	7455	26.9%	6929	25.00%	N	N
C	57366	14179	24.7%	10202	17.78%	N	N
CY	43489	14681	33.8%	7794	17.92%	Y	Y
D	29648	7845	26.5%	4900	16.53%	N	N
E	33181	9483	28.6%	7254	21.86%	Y	Y
F	33181	9483	28.6%	7254	21.86%	Y	Y
M	53976	14667	27.2%	9103	16.86%	N	N
W	53976	14667	27.2%	9103	16.86%	N	N
RRT_Red	15524	1779	11.5%	3575	23.03%	N	N
RRT_White	30312	3031	10.0%	5685	18.75%	N	N
RRT_Blue	9882	1351	13.7%	2546	25.76%	N	N

# CDH - Routes and Buffers





# CDH - Stops and Shelters



## Transit Amenities

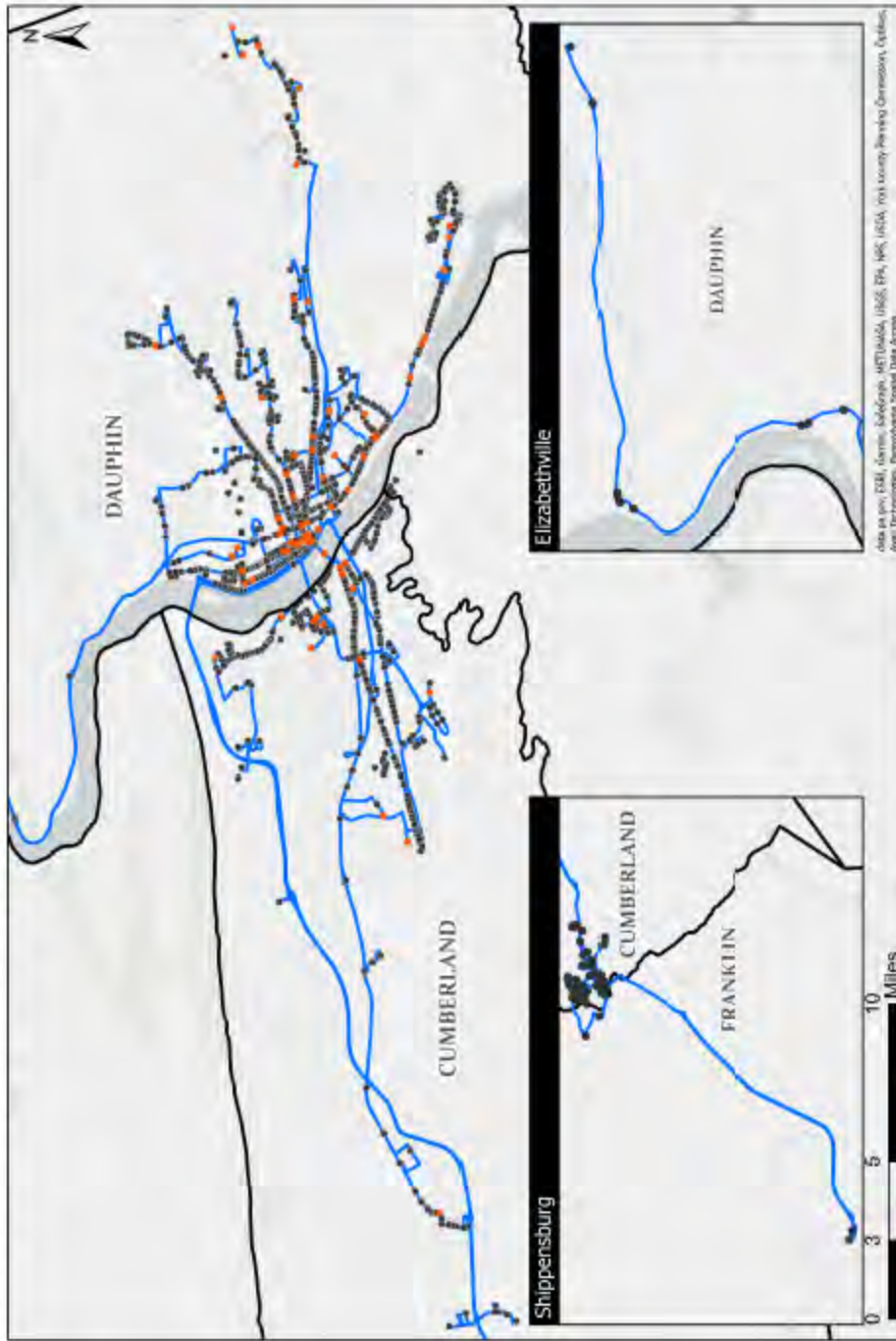
Transit amenities are items of comfort, convenience, and safety that are available to the riding public. It includes bus shelters, benches, trash receptacles, and lighting devices.

Stop Name	Posted Information	Shelter	Bench	Lighting	Trash Receptacles
W Harrisburg Pike & First St	No	Yes	Yes	Yes	No
W Harrisburg Pike @ Linden Centre	No	Yes	Yes	No	No
Hanover St & High St (Carlisle Courthouse)	No	Yes	Yes	No	Yes
Westport Dr @ PHEAA	No	Yes	No	No	No
2nd St & Lumber St	No	Yes	Yes	No	No
2nd St & Broad St	No	Yes	Yes	No	Yes
S Front St & R St	No	Yes	Yes	No	No
Mohn St & S Front St	No	Yes	Yes	No	No
S Front St & Strawberry Alley	No	Yes	Yes	Yes	No
Highland St opp. Livingston St	No	Yes	Yes	No	No
N Front St & Adams St	No	Yes	No	Yes	No
E Trindle Rd opp. S 34th St	No	Yes	No	No	No
Lemoyne Transfer Center	No	Yes	No	Yes	Yes
S Cameron St & S 13th St	No	Yes	Yes	No	No
Hummel Ave & S 3rd St	No	Yes	Yes	No	No
Market St & N 5th St (Lemoyne)	No	Yes	No	Yes	No
Market St & 3rd St (Lemoyne)	No	Yes	Yes	Yes	Yes
Gibson Blvd @ Juvenile Center	No	Yes	Yes	Yes	Yes
S Cameron St & Sycamore St	No	Yes	No	No	No
S Cameron St & Sycamore St	No	Yes	Yes	No	No
City Island (South Side Shelter)	No	Yes	Yes	No	No
City Island (North Side Shelter)	No	Yes	Yes	Yes	No
Sycamore St & S 20th St	No	Yes	Yes	No	No
S 2nd St & Vine St	No	Yes	Yes	Yes	No
Erford Rd @ Camp Hill Commons	No	Yes	Yes	No	No
Poplar Church Rd & Erford Rd	No	Yes	Yes	No	No
Derry St & Kelso St	No	Yes	Yes	Yes	No
Derry St & S 29th St	No	Yes	Yes	No	No
Market Square Transfer Center	Yes	Yes	Yes	Yes	Yes
Highmark Blue Shield (Camp Hill)	No	Yes	Yes	No	Yes
Chestnut St & S 4th St	No	Yes	Yes	Yes	No
N 3rd St & Walnut St	No	Yes	Yes	Yes	No
Harrisburg Transportation Center (Aberdeen St side)	No	Yes	Yes	Yes	Yes

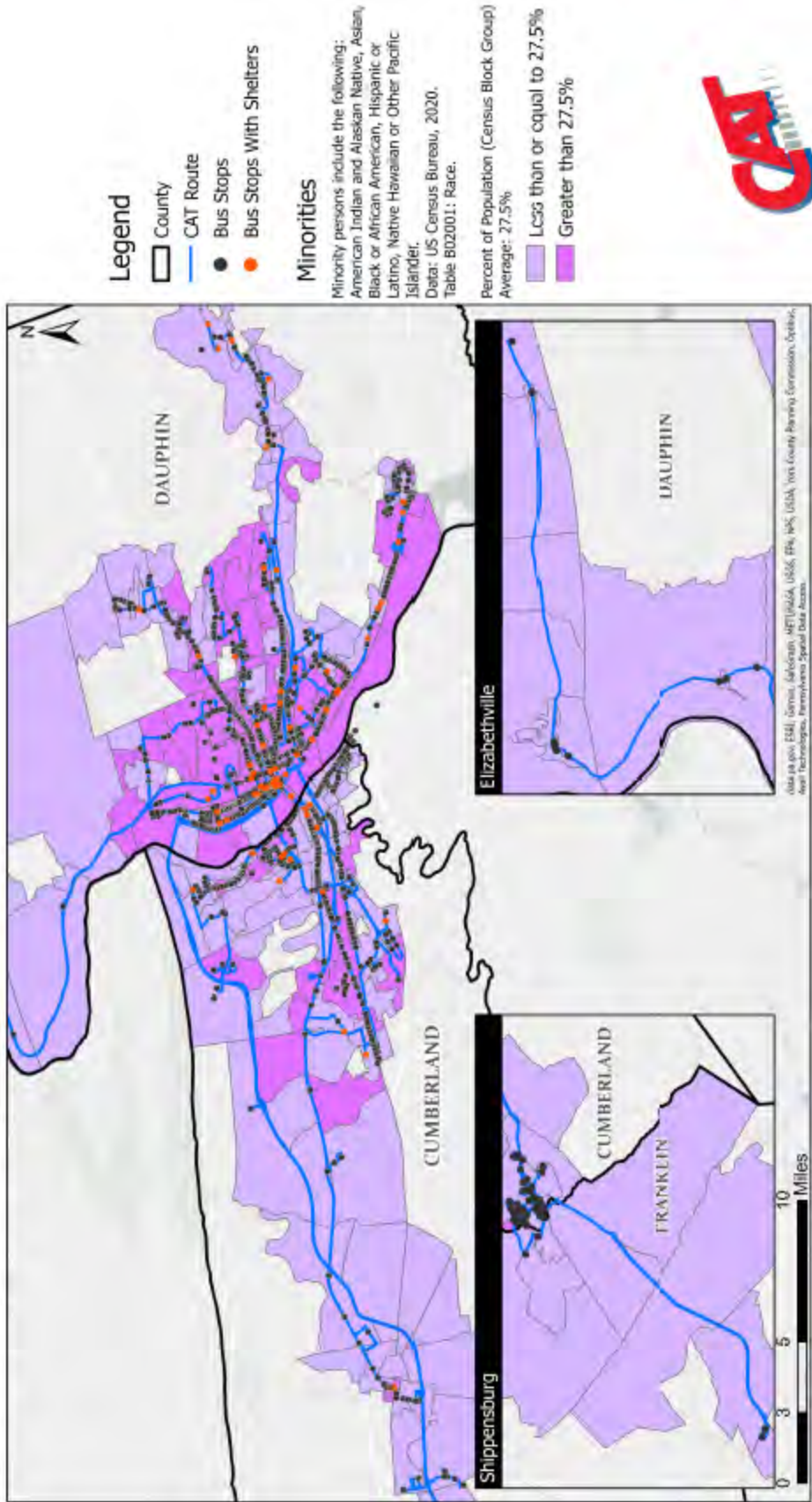
Harrisburg Transportation Center (Market St side)	No	Yes	Yes	Yes	Yes
S Cameron St @ Mulberry St Bridge	No	Yes	Yes	No	No
Commonwealth Ave & Walnut St	No	Yes	Yes	Yes	No
Market St & Cameron St	No	Yes	Yes	Yes	Yes
Commonwealth Ave & North St (Finance Building)	No	Yes	Yes	Yes	Yes
Commonwealth Ave & North St (Keystone Building)	No	Yes	Yes	No	No
Rudy Rd & 29th St	No	Yes	Yes	Yes	No
Rutherford Square - Inbound Stop (Somerset St & N 67th St)	No	Yes	No	Yes	Yes
Market St & 19th St	No	Yes	No	No	No
N 7th St & Boas St (L&I)	No	Yes	No	No	No
N 6th St opp. Verbeke St	No	Yes	Yes	No	No
Market St opp. Briarcliff Rd	No	Yes	Yes	No	No
N 6th St & Basin St	No	Yes	Yes	No	No
Herr St & Dr Claude E Nichols St (opp. 12th St)	No	Yes	No	No	No
Herr St & N 12th St	No	Yes	No	No	No
S Enola Rd & Market St	No	Yes	Yes	No	No
N Cameron St opp. Verbeke St	No	Yes	Yes	Yes	No
Herr St & N 15th St	No	Yes	No	No	No
Herr St & N 15th St	No	Yes	No	No	No
Londonderry Rd opp. Avila Rd (Osteopathic Hospital)	No	Yes	Yes	No	No
W Chocolate Ave & Ridge Rd	No	Yes	Yes	No	No
N 3rd St & Polyclinic Ave	No	Yes	Yes	Yes	No
Shamokin St & N 3rd St	No	Yes	Yes	No	No
N 6th St & Division St	No	Yes	Yes	No	No
HACC Dr opp. Credit Union PI (PSECU)	No	Yes	Yes	Yes	Yes
Jonestown Rd opp. Miller Rd	No	Yes	No	No	No
College Hill Rd & B St	No	Yes	Yes	No	No
Susquehanna View Apartments	No	Yes	Yes	No	No
Walmart (Grayson Rd)	No	Yes	Yes	No	No
N Mountain Rd opp. Blue Stone Ave (Amelia's Park & Ride Lot)	No	Yes	No	No	No
Tecport Dr @ U-Gro Learning Center	No	Yes	Yes	Yes	No
XPO Logistics (Heinz St)	No	Yes	Yes	No	Yes
Hummelstown Park & Ride Lot	No	Yes	Yes	Yes	Yes
Hersheypark Service Center	No	Yes	Yes	No	Yes
Penn State Hershey Medical Center	No	Yes	Yes	No	Yes
Tanger Outlets - Hershey	No	Yes	Yes	Yes	Yes

Forster St @ PA Dept of Labor	No	Yes	Yes	Yes	Yes
C.I.T. (Shelter Stop)	No	Yes	Yes	No	Yes
HACC - West Parking Lot	No	Yes	Yes	No	No
Middletown Amtrak (South Lot)	Yes	Yes	Yes	Yes	Yes

# CDH - Stops and Shelters



# CDH - Stops and Shelters



## Vehicle Assignments

Vehicle assignment is the process by which transit vehicles are placed into service. CAT takes into account the operating characteristics of buses of varying capacities, features, and lengths when assigning vehicles to routes or types of service. Also taken into consideration are ridership demands, spare ratio, and population densities. All buses are 100 percent accessible, have air conditioning units, wheelchair ramps or lift, and bicycle racks. It is CAT's policy to deploy vehicles all of the average fleet in revenue service for all routes.

Transit Vehicles	Average Age	% ADA Accessible	% Bike Rack
Minority Routes	6.5 Years	100%	100%
Non-Minority Routes	6.8 Years	100%	100%
Total Fleet	6.7 Years	100%	100%

## Monitoring Results

Service Standard	Outcome	CAT Plan to Address
Service Availability	Service availability was 67.7%	Standard Achieved
On-Time Performance	On-time performance of 80% was not met. On-time performance for minority routes were 69% and 65% on no minority routes.	A new AVL/CAD system was implemented in January 2022 to assist and improve performance. CAT will conduct monthly performance meetings to review on-time performance for routes that do not meet the 80% threshold in order to identify errors and opportunity for improvement.
Vehicle Headway	Vehicle headway was within peak and non peak standards within minority and non-minority areas.	Standard Achieved
Vehicle Load	Vehicle load did not exceed max capacity on minority and non-minority areas.	Standard Achieved

Service Policy	Outcome	CAT Plan to Address
Transit Amenities	Transit amenities are equal on minority routes and non minority routes.	Standard Achieved
Vehicle Assignment	All fixed route vehicles have the same amenities. The age of vehicles assigned to minority	Standard Achieved

	routes was 6.5 years and 6.8 to non minority routes.	
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**RESOLUTION 2205**

**ACCEPTANCE OF TITLE VI SERVICE STANDARDS  
AND MONITORING RESULTS**

WHEREAS, the Federal Transit Administration requires transit agencies to ensure that public transportation services are provided in a nondiscriminatory manner, as required by Title VI of the Civil Rights Act of 1964; and,

WHEREAS, to ensure that public transportation services are provided in a nondiscriminatory manner, Capital Area Transit is required to monitor the performance of their transit system relative to their system-wide service standards and service policies as required by Title VI of the Civil Rights Act of 1964; and,

WHEREAS, CAT must submit the results of the monitoring of its system-wide service standards and service policies to the Federal Transit Administration for inclusion in their system Title VI Plan;

NOW, THEREFORE, BE IT RESOLVED THAT, the CAT Board does hereby approves the Authority's Title VI plan and the results of the system-wide service standards and service policies monitoring; and,

BE IT FURTHER RESOLVED THAT, the results of the system-wide service standards and service policies monitoring will be forwarded to the Federal Transit Administration for inclusion in the Title VI Plan.

**CERTIFICATION OF OFFICERS**

**OF**

**CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY**

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on June 30, 2022.

\_\_\_\_\_  
Richard Kotz  
Secretary

attest: \_\_\_\_\_  
Eric Bugaile  
Chairman

## RESOLUTION 2207 FACTS SHEET

### Monitoring Results

<b>Service Standard</b>	<b>Outcome</b>	<b>CAT Plan to Address</b>
Service Availability	Service availability was 67.7%	Standard Achieved
On-Time Performance	On-time performance of 80% was not met. On-time performance for minority routes were 69% and 65% on no minority routes.	A new AVL/CAD system was implemented in January 2022 to assist and improve performance. CAT will conduct monthly performance meetings to review on-time performance for routes that do not meet the 80% threshold in order to identify errors and opportunity for improvement.
Vehicle Headway	Vehicle headway was within peak and non peak standards within minority and non-minority areas.	Standard Achieved
Vehicle Load	Vehicle load did not exceed max capacity on minority and non-minority areas.	Standard Achieved

<b>Service Policy</b>	<b>Outcome</b>	<b>CAT Plan to Address</b>
Transit Amenities	Transit amenities are equal on minority routes and non minority routes.	Standard Achieved
Vehicle Assignment	All fixed route vehicles have the same amenities. The age of vehicles assigned to minority routes was 6.5 years and 6.8 to non minority routes.	Standard Achieved

**RESOLUTION 2206**

**ADOPTING TITLE VI PROGRAM UPDATE**

WHEREAS, Federal Transit Administration Circular, 4702.1B. requires all recipients of transit grants to implement a Title VI program, and

WHEREAS, the Title VI program established an outline to prohibit practices that result in discriminatory effects or disparate impacts or intentionally discriminating against people, and

WHEREAS, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was enacted to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects, and

WHEREAS, the Title VI program is designed to assist the Authority in successfully managing its transit programs to ensure it operates its program without regard to race, color, or national origin, including the denial of meaningful access for limited English proficient (LEP) persons, and

WHEREAS, the staff has provided a copy of the Title VI Program and briefed the Board of Directors on the program explaining how the program assists in preventing disparate or discriminating impacts on the communities and individuals we service;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Cumberland-Dauphin-Harrisburg Transit Authority that it authorizes the Staff to submit the Authority's Title VI program to the Office of Civil Rights.

**CERTIFICATION OF OFFICERS**

**OF**

**CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY**

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on June 30, 2022.

\_\_\_\_\_  
Richard Kotz  
Secretary

attest: \_\_\_\_\_  
Eric Bugaile  
Chairman

**RESOLUTION 2207**

**APPROVING THE REVISING OF THE CUMBERLAND DAUPHIN HARRISBURG TRANSIT  
AUTHORITY FAMILY AND MEDICAL LEAVE POLICY**

WHEREAS, the Cumberland Dauphin Harrisburg Transit Authority wishes to adopt guidelines in order to maintain a work environment that outlines the policy for managers and employees; and,

WHEREAS, the Cumberland Dauphin Harrisburg Transit Authority has undertaken the review and compilation of the Family and Medical Leave Policy to establish a consistent collection of expectations, and wishes to temporarily amend the policy through December 31, 2022; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cumberland Dauphin Harrisburg Transit Authority, that the revision of the Cumberland Dauphin Harrisburg Transit Authority Family and Medical Leave Policy be adopted and instituted.

**CERTIFICATION OF OFFICERS**

**OF**

**CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY**

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland Dauphin Harrisburg Transit Authority Board Members held on June 30, 2022.

\_\_\_\_\_  
Richard Kotz  
Secretary

attest: \_\_\_\_\_  
Eric Bugaile  
Chairman

## Family and Medical Leave

As an employee of Cumberland-Dauphin-Harrisburg Transit Authority, you may be eligible to take unpaid family and medical leave under the federal Family and Medical Leave Act (FMLA). FMLA requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The Authority abides by any state regulated leave laws. The more generous of the two laws will apply to the employee if the employee is eligible under both federal and state laws. Please note there are many requirements, qualifications and exceptions under these laws and each employee's situation is different. Contact the Human Resource Department to discuss options for leave.

### Eligibility

To be eligible for leave, you must have been employed by the Authority for at least 12 months prior to the commencement of leave. In the 12 months preceding the leave, you must also have worked at least 1250 hours.

### Amount of Leave Available

Eligible employees may take up to 12 weeks of FMLA within a rolling 12-month period, measured backward from the date an employee uses any FMLA leave for any combination of the following:

- The birth of a child or the placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child or parent who has a serious health condition;
- The employee has a serious health condition that makes him or her unable to perform one or more of the essential functions of the job;
- For a "qualified exigency" arising out of the fact the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; and
- Care for a covered service member who is undergoing medical treatment or recuperation or therapy as a result of a serious injury or illness incurred in the line of duty. (Where leave is taken to care for a covered service member with a serious injury or illness, a spouse, child, parent or next of kin may take up to 26 weeks of unpaid FMLA leave during a single 12-month period. Eligible employees are limited to a total of 26 workweeks of FMLA-protected leave during that 12-month period. For example, an employee cannot take 26 workweeks of FMLA leave to care for a covered service member and then take 12 more weeks for other FMLA qualifying reasons).

Under the FMLA, spouses employed by the Authority are jointly entitled to a combined total of 12 weeks of leave for the birth of a child, for the placement of a child for adoption or foster care and to care for a parent who has a serious health condition. Spouses employed by the Authority are jointly entitled to a combined total of 26 weeks of leave to care for a covered service member.

- The first 12 weeks of leave taken under this policy will be specifically designated as FMLA leave.
- Periods of more than three days' absence from work for an FMLA qualifying reason require a request for approval of leave and may be designated by the Authority as FMLA leave.
- Eligibility for leave requested for birth, adoption or foster care of a child expires at the end of the 12-month period beginning on the date of birth or placement for adoption or foster care.
- All periods of available leave time to which employees are entitled by this policy or CBA are maximum. When the reason for which a leave was granted, no longer exists, the employee is required to return to work. Failure to return to work in this circumstance may result in termination subject to any reasonable accommodation obligations under the Americans with Disabilities Act.

### **Types of Leave**

*Birth or Placement for Adoption or Foster Care:* FMLA leave is available to eligible employees regardless of gender for the birth of a child or for the placement of a child with the employee for the purposes of adoption or foster care. FMLA leave must be completed within 12 months of the birth or placement.

*Serious Health Condition of Employee:* If, as an employee, you experience a serious health condition as defined by the FMLA, you may take medical leave under this policy (see "Definitions" for the definition of serious health condition).

The following provisions apply to leave for the serious health condition of an employee:

- *Non-continuous leave* – Medical leave may be taken all at once, or when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process* – The need for leave must be documented by your treating health care provider through our medical certification process (see below).
- *Fitness-for-duty statement* – A fitness-for-duty statement will be required in order for you to return from a medical leave. Failure to provide the statement will result in a delay to your return to work.

*Serious Health Condition of Immediate Family Member:* If, as an eligible employee, you need family leave in order to care for your child, spouse or parent who experiences a serious health condition as defined by the FMLA (see "Definitions" for definitions of child, spouse, parent and serious health condition), you may take leave under this policy.

- *Non-continuous leave* – Leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process* – The need for leave must be documented by the family member's treating health care provider through our medical certification process (see below).

*Qualifying Exigency Because of Active Duty:* If, as an eligible employee, you need family leave because of any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty in the Armed Forces (including the National Guard or Reserves), or has been notified that they will be called or ordered to covered active duty in the Armed Forces (including National Guard or Reserves), you may take family leave under this policy. (See “Definitions” for a definition of qualifying exigency).

- *Non-continuous leave* - Family leave for any qualifying exigency arising out of the covered active duty of a family member may be taken at all once, intermittently or on a reduced leave schedule (see below).
- *Certification process* – The need for leave must be documented through our certification process (see below).

*Service Member Family Leave:* If, as an eligible employee, you need family leave to care for a covered service member who is your spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy. (See “Definitions” for a definition of covered service member and serious injury or illness).

Effective March 8, 2013, an eligible employee may take service member family leave to care for a covered veteran who is the employee’s spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. (See “Definitions” for a definition of covered veteran).

- *Non-continuous leave* – Service member family leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process* – The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

### **Employee notice of leave**

Generally, an application for leave must be completed for all leave taken under this policy. Generally, a non-emergency leave should be requested from Human Resources at least 30 days in advance, or as soon as practical, in advance of the date the leave is expected to begin. In cases of emergency, you (or your representative, if you are incapacitated) should give verbal notice as soon as possible, and the application form should be completed as soon as practical. Failure to provide adequate notice, in the case of foreseeable leave, may result in a delay or a denial of leave. It is your responsibility to notify your manager and Human Resources of absences that may be covered by FMLA and to follow any applicable call-in procedures to report time off.

You must provide sufficient information regarding the reason for an absence for the Authority to know that protection may exist under this policy. Failure to provide this information will result in delay or a denial of leave. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters.

- When planning medical treatment, the employee must consult with his/her direct supervisor and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Authority's operations. An employee may be requested to provide information from his/her health care provider regarding a schedule of treatment and, if the time is unduly disruptive to the Authority, a statement that no other schedule of treatment is available.
- Employees are required to comply with the Authority's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- If notice is properly given, the Authority will attempt to accommodate any unexpected and necessary changes in the dates of the leave. If notice is not given as required, the leave may be denied or delayed.
- During the leave, the employee may be required to report periodically on his or her leave status and intention to return to work. Employees should communicate openly about expected leave of absence so that requests may be accommodated and so the Authority operations are not disrupted.

***Medical Certification*** – If you are requesting leave because of your own or a covered family member's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain *Medical Certification* forms from the Human Resources Department. When you request leave, the Authority will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leaves begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided and/or may result in the loss of job protection.

- Should the information on the certification form be insufficient or incomplete (e.g., one or more entries in the certification have not been completed or the information provided is vague, ambiguous or non-responsive), or should the employee fail to submit the certification within the 15-day timeframe provided, the Authority will inform the employee of this and provide an additional 7 calendar days for the employee to correct the deficiencies or provide certification forms.



- If the employee fails to provide a complete and sufficient certification, despite the opportunity to correct the certification, or fails to provide any certification, the Authority may deny the FMLA leave.
- The Authority may contact the employee's health care provider for purposes of authentication of the certification.
- Employees using FMLA may be required to participate in second or third medical opinions at Authority's expense. Specifically, where the Authority has reason to doubt the validity of a health care provider's report, after receiving the initial certification from the employee, the Authority reserves the right to require that the employee obtain the opinion of a second health care provider of the Authority's choice. This health care provider will not be one regularly employed by the Authority and the Authority will pay for the cost of the examination. If these two opinions are in conflict a third medical opinion will be sought for another independent health care provider. This third examination will also be completed at Authority expense and these results will be considered final and binding.
- Recertification may be required at reasonable intervals or when permitted by law.
- Where an employee demonstrates a suspicious pattern of absenteeism in connection with a FMLA leave of absence, e.g., the employee exceeds the number of absences certified by the employee's health care provider on the medical certification form, or the employee uses unscheduled FMLA leave in connection with his/her scheduled days off such a "Friday/Monday" or other pattern of days off, the Authority will require the employee to submit a recertification from his/her health care provider. The health care provider will be required to submit a statement in connection with the recertification verifying that the pattern of absences is legitimate and consistent with the employee's serious health condition or, in the case of leave for a family member, with the family member's serious health condition. An employee's refusal to cooperate in a legitimate request for recertification will result in denial or delay of FMLA leave.

### **No Work While on Leave**

While on a leave of absence, including FMLA leave, an employee may not work at any other employment including self-employment. Failure to abide by this provision may result in a denial of FMLA benefits, including an employee's right to restoration to employment and may be grounds for immediate termination.

### **Failure to Return from Leave**

To the extent permitted by law and the CBA, employees who are unable to return to work following a leave of absence may be terminated, unless as stated in the management/union policy/contract that the leave is extended by mutual agreement between the Employer, Union and the Employee. In addition, depending on the circumstances, an employee may be entitled to additional leave or other reasonable accommodations under the ADA. In the event that a terminated employee recovers from a serious medical condition or is again able to return to work, the Authority will consider the employee for rehire based on the CBA, the needs of the Authority and the employee's work record during employment with the Authority.

### **Compensation and Benefits during Leave**

Leave of absence under this policy will be without pay except where paid leave time is used or where an employee is eligible for short-term disability under any insurance policy. FMLA leave will run simultaneously with paid leave and short term disability. Employees are required to use any paid time off concurrent with FMLA before going into unpaid leave status under this policy and in accordance with the CBA . An employee who is taking FMLA leave because of the employee's serious health condition, the Authority will pay out sick leave for an employee based upon the provisions of the CBA or sick leave policy for non-CBA, followed by paid time off, vacation and personal as applicable. For FMLA leave because of a family member's serious health condition, the Authority will use any available paid time off that includes sick if applicable based upon the provisions of the CBA or sick leave policy for non-CBA, paid time off, vacation and personal, except for days that are extra work and not part of the normal bid. Leave for FML purposes will be taken off an employee's FML balance for time used for FML for days that are extra work and not part of the normal bid. All paid time off used by an employee on FMLA leave runs concurrently with an employee's FMLA leave entitlement. If an employee is on short-term disability, in agreement with the CBA, paid time off will be used to supplement compensation up to 40 hours in one calendar week. All paid time off (sick, vacation, and personal leave, except that the Authority will allow employees an exception to request to withhold/save 40 hours of vacation/paid time off.

- The Authority will continue to pay its portion of health insurance coverage for employees on leave of absence for a period of 12 weeks (except in the case of Service Member Caregiver leave which shall be extended to 26 weeks or in accordance with the CBA). During this period of time, the employee is expected to continue to pay the employee portion of all health insurance benefits. Employees that have elected voluntary benefits will have the responsibility to make their appropriate premium payments. If premiums go unpaid for more than 30 days after a payment is due, health insurance and voluntary benefit coverage will cease upon 15 days' notice of such nonpayment. However, the employee will be returned to full insurance coverage upon return from leave of absence as permitted and/or modified by our current healthcare provider.

- If an employee fails to return to work upon completion of a FMLA leave of absence, unless the reasons are beyond the employee's control, such as the continuation, recurrence or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered service member, the Authority may recover from the employee the cost of any payments made to maintain health insurance.
- FML Leaves of absence are not considered a break in service for determining the length of continuous service with the Authority. If an employee takes a full week of FMLA leave during a week containing a holiday, the holiday will count against his/her FML allotment.

### **Designation of Leave**

When leave is requested under this policy, employees will receive a form indicating their rights and responsibilities under the Family and Medical Leave Act. If the leave of absence qualifies as leave under the law, it will be officially designated to the employee and on the Authority's record as FMLA leave. If an employee does not expressly request FMLA leave, the Authority reserves the right to designate a qualifying absence as FMLA leave and will give notice of the FMLA designation to the employee.

### **Intermittent Leave and Reduced Leave Schedules**

Employees are permitted to take FMLA leave intermittently, or on a reduced leave schedule – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule – whenever it is medically necessary to care for a spouse, parent, or child with a serious health condition, because of the employee's own serious health condition, to care for a covered service member with a serious injury or illness; or for a qualifying exigency.

- Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. Intermittent leave may be taken, or leave may be taken by working a reduced schedule, provided the total hours of leave required do not exceed the equivalent of 12 regular work weeks for the individual employee involved (or 26 workweeks in the case of Service Member Caregiver Leave).
- Leave for a Qualifying Exigency may be restricted in total duration depending on the reason for the exigency. Ordinarily, leave may be taken for 12 regular work weeks. For further information, please see the definition for "Qualifying Exigency" below.
- Where intermittent or reduced schedule leave is requested, and is based on a foreseeable schedule of planned medical treatment, the Authority reserves the right to temporarily transfer an employee to an available alternate job which has equivalent pay

and benefits, and which better accommodates recurring periods of leave than the employee's regular position.

- If an employee requires intermittent leave or leave on a reduced schedule basis for a planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Authority's operations.
- If an employee requires intermittent leave, the employee shall be required to follow the Authority's procedure for calling off and also must specify the absence as FMLA-Self or FMLA-Family.

### **Returning from Leave**

Upon return from a FML leave of absence, employees are generally entitled to be reinstated to their former job, or to a position with equivalent employment benefits, pay and other terms and conditions of employment. If an employee takes leave because of his/her own serious health condition, (except in cases of intermittent leave) the employee is required to provide medical certification that s/he is fit to resume work with or without reasonable accommodation. The fitness for duty certification shall not only certify that the injury causing the leave has abated but that the employee can also satisfy a DOT physical examination and perform all essential physical duties of the job as well as that they can comply with a DOT physical examination of the job duties. The medical certification shall provide information to the Authority sufficient to confirm that the employee can perform the duties of his employment per the appropriate Authority job description and DOT physical requirements. An employee may obtain a *Return to Work Medical Certification* form from the Human Resources department. Employees failing to provide a statement from their doctor that they are fit to return to work will not be permitted to resume work until it is provided. In all cases where the employee's leave is for personal medical reasons, the employee may return to work only after providing a medical certification stating that the serious health condition, which necessitated the leave, no longer renders the employee unable to work.

### **Key Employees**

If an employee on leave is a salaried employee and is among the highest 10% of Authority employees within 75 miles of the employee's worksite, an exception to the job guarantee during the first 12 weeks of leave may apply. For such "key employees", if it would result in substantial economic injury to the Authority to restore the employee his or her position, the employee may be denied reinstatement. At the time a "Key Employee" requests leave, the employee will be given written notice in person or by certified mail that he or she is a "Key Employee", and that circumstances may arise in which restoration to employment may be denied.

If a decision is made that restoration to employment will be denied, the employee will be notified immediately in writing, delivered in person or by certified mail. If, after notification,

the employee does not or cannot return from leave, an attempt will be made to find suitable alternate work for the employee at the conclusion of the leave or the employee may be terminated.

### **Miscellaneous**

- Employees will be expected to fill out any forms required by the Authority for requesting and seeking approval of a leave of absence under this policy. FMLA request and certification forms are available in the Human Resources Office.
- The Authority will take all steps necessary to administer this leave policy, including deciding which absences from work will qualify as FMLA leave. To the extent consistent with applicable law, the Authority has the responsibility to interpret this policy and to decide any issue not expressly addressed by it. The Authority may at any time revise, amend or modify this policy provided such changes comply with applicable law.
- Nothing in this FMLA policy insulates an employee from the application of any other Authority policies, i.e., while on FMLA an employee remains subject to all changes that may occur in the Authority's health care program and is subject to all other employment related policies of general applicability.
- Employees who obtain or attempt to obtain FMLA leave under fraudulent circumstances, will be denied restoration to their job and are subject to termination from employment.
- If you have any questions about this policy, please contact Human Resources.

### **Enforcement**

An employee may file a complaint with the U.S. Department 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.

### **Definitions**

**“Spouse”:** A husband or wife as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into. This definition also includes an individual in a same-sex or common law marriage that was entered into in a state that recognizes these marriages. An opposite-sex, same-sex or common law marriage that was entered into outside of any state will be recognized if the marriage is valid in the place where it was entered into and the marriage could have been entered into in at least one state.

**“Parent”:** A biological parent, adoptive parent, stepparent, foster parent or an individual who provides or provided day-to-day care of financial support to the child. Parent does not include a parent-in-law under this law.

**“Child”:** A biological, adopted or foster child, stepchild, legal ward or a child for whom the employees act as a parent (in loco parentis), e.g., providing day-to-day care or financial support from the employee and is under the age of 18. Child also includes a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. For military family leave, the child does not have to be a minor (under the age of 18) and can be of any age.

- **“Incapable of self-care”:** The child requires active assistance or supervision to provide the daily self-care in three or more “activities of daily living”, or “instrumental activities of daily living”, including adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating or instrumental activities such as shopping, taking public transportation or maintaining a residence.
- **“Physical or mental disability”:** A physical or mental impairment that substantially limits one or more major life activities of the individual or otherwise meets the definition of disability under the Americans with Disabilities Act, as amended.

**“Covered Service Member”:** A current member of the Armed Forces, including a member of the National Guard or Reserves, a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, one who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status or otherwise on the temporary disability retired list.

**“Covered Veteran”:** An individual who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under condition other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28<sup>th</sup>, 2009 and March 8, 2013 is not counted when determining the five-year period.

**“Health Care Provider”:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the state in which he or she practices, and any other person determined under regulations adopted by the U.S. Secretary of Labor to be capable of providing health care services.

**“Next of Kin”:** The nearest blood relative, other than the covered service member’s spouse, parent, son or daughter.

**“Serious Health Condition”:** Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

- Incapacity means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment of, or recovery from, the serious health condition.
- Inpatient care means an overnight stay in a hospital, hospice or residential medical care facility including any period of incapacity or any subsequent treatment in connection with such inpatient care.
- Treatment includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment that includes taking of over-the-counter medications such as aspirin, antihistamines or salves; bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not sufficient to constitute a regimen of continuing treatment for the purposes of FMLA.
- Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, cosmetic surgery, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

A “serious health condition” involving continuing treatment by a health care provider includes any one or more of the following:

1. A period of incapacity of more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - a. Treatment two or more times within 30 days of the first day of incapacity (unless “extenuation circumstances” exist) by or under the supervision of a health care provider or by a provider of health care services (e.g., physical therapist) under orders of or on referral by a health care provider; or
  - b. Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.
2. Any period of incapacity due to pregnancy, for prenatal care.
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - a. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

- b. Continues over an extended period of time, including recurring episodes of a single underlying condition; and
  - c. May cause episodic rather than a continuing period of incapacity.
- 4. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- 5. Any period of absence to receive multiple treatment (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider for:
  - a. Restorative surgery after an accident or other injury; or
  - b. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

**“Serious Injury or Illness”:** The phrase “serious injury or illness” means an injury or illness incurred by the service member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

**“Qualifying Exigency”:** Eligible employees may take FMLA leave while the employee’s covered military member is on active duty or call to active duty status in support of a contingency operation for one or more of the following:

- **Short-notice Deployment:** To address any issues that arise from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation.
- **Military Events and Related Activities:** To attend any official ceremony, program, or event sponsored by the military that is related to active duty or call to active duty status of a covered military member.
- **Childcare and School Activities:**
  - To arrange for alternative childcare when the active duty or call to active duty status of a covered military member necessitates a change in the existing childcare arrangement for a son or daughter;
  - To provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the active duty or call to active duty status;



- To enroll in or transfer a son or daughter of a covered military member to a new school or day care facility when enrollment or transfer is necessitated by the active duty or call to active duty status; and
- To attend meetings with staff at a school or daycare facility (such as meetings with school officials regarding disciplinary measures, or parent-teacher conferences).
- **Financial and Legal Arrangements:** To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status, or to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits.
- **Counseling:** To attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the son or daughter of a covered military member, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.
- **Rest and Recuperation:** To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employee may take up to five days of leave for each instance of rest and recuperation.
- **Post-deployment Activities:** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days, following the termination of the covered military member's active duty status.
- **Additional Activities:** To address other events which arise out of the covered military member's active duty or call to active duty status, provided that the employer and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

**RESOLUTION 2208**  
**APPROVING THE REVISING OF THE**  
**CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY**  
**DRUG AND ALCOHOL POLICY**

WHEREAS, the Cumberland Dauphin Harrisburg Transit Authority wishes to amend it's policy in order to promote safe operations and to comply with the requirements of Federal Law, 49 CFR Part 40, and 49 CFR Part 655, as amended and,

WHEREAS, the Cumberland Dauphin Harrisburg Transit Authority wishes to have definitive rules and regulations, and,

WHEREAS, the Cumberland Dauphin Harrisburg Transit Authority updated its policy to reflect recommendations from a FTA review and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cumberland Dauphin Harrisburg Transit Authority that it amends the Drug and Alcohol policy.

**CERTIFICATION OF OFFICERS**  
**OF**  
**CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY**

I certify that the foregoing is a sound and true copy of a resolution adopted at a legally convened meeting of the Cumberland Dauphin Harrisburg Transit Authority Board Members held on June 30, 2022.

\_\_\_\_\_  
Rich Kotz  
Secretary

attest: \_\_\_\_\_  
Eric Bugaile  
Chairman

# Cumberland-Dauphin-Harrisburg Transit Authority

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## Drug and Alcohol Policy

Effective as of June 30, 2022

Adopted by: Board of Directors

Date Adopted: [30/06/2022]

**Resolution Number:**

Last Revised: [30/06/2022]

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# I. Policy Statement

Cumberland-Dauphin-Harrisburg Transit Authority is dedicated to providing safe, dependable and economical transportation services to our passengers. We also recognize that our employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- Establish definitive rules and regulations.
- Provide increase awareness through training, education, and communication on the subject of drug and alcohol abuse.
- Commit the resources necessary to achieve and maintain a drug and alcohol free environment.
- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthful manner.
- Create a workplace free from the adverse effects of drug and alcohol abuse.
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of prohibited drugs and alcohol while working or on the property of the employer.
- As much as possible, create a stress-free workplace. The employee also recognizes that he/she share in this responsibility in an attempt to create a stress-free work environment.
- Make an employee assistance program available to employees whose personal problems, including prohibited drugs or alcohol dependency, impair their ability to perform their duties.

## 2. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655. **Additionally, all full and part-time employees of any company or organization who perform safety-sensitive functions on behalf of or under contract with Cumberland-Dauphin-Harrisburg Transit Authority are subject to drug and alcohol testing under this policy. Any employee who fails to do so, shall be subject to disciplinary action, up to, and including termination.**

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

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

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

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. This includes on Authority premises, in Authority vehicles, or while on Authority business. Any employee in engaging in this behavior will be subject to disciplinary action, up to, and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Authority no later than five days after such conviction. Any employee who fails to do so, shall be subject to disciplinary action, up to, and including termination.

### 3. Applicability

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

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

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

See Attachment A for a list of covered positions by job title.

**Additionally, all full and part-time employees of any company or organization who perform safety-sensitive functions on behalf of or under contract with Cumberland-Dauphin-Harrisburg Transit Authority are subject to drug and alcohol testing under this policy. This policy also applies to non-safety sensitive employees, contract employees and contractors, when they are working on the property, or when performing any transit-related safety-sensitive or non-safety sensitive business.**

### 4. Training

Every employee is required to undergo a minimum of 60 minutes of training on the Drug & Alcohol Policy as well as a minimum of **sixty (60) minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.**

This training is required as part of the initial orientation training schedule and no employee may perform any safety-sensitive duties until such time as these two training features have been completed and documented.

Employees who serve in a supervisory capacity over safety sensitive functions will undergo the same training as identified above and, in addition, **supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.**

#### **Access to Records**

The Authority affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. The testing lab will only release results of a test to the MRO. The MRO will only release test results to the Employee and Program manager. Test results will only be released with written permission from the employee except for the MRO, SAP or Program Manager (*See Voluntary Self-Referral section*).

## **5. Prohibited Behavior**

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

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

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

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

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

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

**No operator or employee of Cumberland-Dauphin-Harrisburg Transit Authority shall enter an establishment known to serve alcoholic beverages to either consume or purchase such beverages while on duty, or in control of an Authority vehicle. Furthermore, no employee shall drink any alcoholic beverage while in uniform.**

## 6. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

**This applies to both safety-sensitive and non safety-sensitive employees. Positive test results will be reported to the Designated Employer Representative (DER).**

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02. **The employees' election to participate in subsequent alcohol retesting will be at the sole expense of the employee. Should the retest result in an BAC below 0.02 it is a negative test and no further action is required.**

**Any employee who tests positive for drugs or who has a BAC of 0.02 or greater, must remain at the collection site or other location until safe transportation can be arranged for them. No employee will be allowed to operate their own vehicle. Any violation of this rule shall result in disciplinary action, up to, and including termination.**

### Treatment/Discipline

Per Cumberland-Dauphin-Harrisburg Transit Authority policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will **immediately be removed from Safety Sensitive functions and is subject to disciplinary action outlined within this policy. Additionally, the employee will be referred to a SAP. Before returning to their safety-sensitive position the employee must complete the program as set by the SAP, have a negative return to duty test, and complete follow up testing as prescribed by the SAP following the procedures outlined in 49 CFR Part 40. All follow up testing will be paid by the employee. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated paid time off to participate in the prescribed rehabilitation program.**



***Any employee who has a second positive test under any testing circumstances within five years will be discharged.***

## **7. Circumstances for Testing**

### **Pre-Employment Testing**

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

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

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

### **Reasonable Suspicion Testing**

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

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

**It is the policy of Cumberland-Dauphin-Harrisburg Transit Authority to have a supervisor transport the employee under reasonable suspicion to an appropriate collection site facility and wait for the completion of the collection procedure. If the employee refuses to be transported and attempts to operate his/her personal vehicle Cumberland-Dauphin-Harrisburg Transit Authority will make appropriated efforts to discourage the employee from doing so, up to and including contacting local**

**law enforcement officials. Any employee failing to cooperate with this procedure will be subject to disciplinary action up to and including termination of employment.**

**The employee will be placed on an administrative suspension pending the results of the reasonable suspicion tests. Employees placed on an administrative suspension must be in a position to be easily contacted by Cumberland-Dauphin-Harrisburg Transit Authority once the results of the drug and alcohol tests are received. Employees who cannot be easily contacted within 72 hours will be considered to have abandoned their job and are subject to termination. If the employee tests negative, the employee may return to work in their safety sensitive position and will be reimbursed for any regularly assigned work missed.**

## Post-Accident Testing

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

### Fatal Accidents

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

### Non-fatal Accidents

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

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

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

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

**A covered employee will be tested as soon as practical, but not to exceed either (8) hours for alcohol testing and thirty two (32) hours for drug testing.**

## Random Testing

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

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

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made. **Random pool selections will be done by a 3<sup>rd</sup> party.**

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

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

**The Authority reserves the right to terminate any employee who refuses to submit to a drug or alcohol test under conditions contained in this policy.**

## Return to Duty Testing

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

## Follow-up Testing

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

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

**All costs associated with any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take all paid time off to participate in a prescribed rehabilitation program.**

## Follow-up Testing Payment

**Employees participating in the second chance program will have the option of making payment in full to Cumberland-Dauphin-Harrisburg Transit Authority within 5 business days from taking a follow-up test, or by having a payroll deduction taken in the next payroll cycle. This deduction agreement is part of Cumberland-Dauphin-Harrisburg Transit Authority's return to duty program.**

# 8. Testing Procedures

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

## Dilute Urine Specimen

If a Pre-Employment test results in a negative dilute test result, Cumberland-Dauphin-Harrisburg Transit Authority will conduct one additional retest. The result of the second test will be the test of record, **and should the second result be reported as "dilute" the candidate will not be offered employment.** If there is a negative dilute test result and the test type was not a Pre-Employment test, Cumberland-Dauphin-Harrisburg Transit Authority will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

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

## Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. **This request must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts beyond the control of the employee.** Cumberland-Dauphin-Harrisburg Transit Authority guarantees that the split specimen test will be conducted in a timely fashion.

## 9. Test Refusals

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

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

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

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

*The Authority reserves the right to terminate any employee who refuses to submit to a drug or alcohol test under conditions contained in this policy.*

## 10. Voluntary Self-Referral

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

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

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

If an employee (safety-sensitive and non safety-sensitive) is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the SAP. In addition, the employee must have negative return-to-duty drug and alcohol tests and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment and rehabilitation services is the sole responsibility of the employee and will be paid directly by the employee or their insurance provider.

Employees will be allowed to take accumulated sick leave and any paid time off to participate in prescribed rehabilitation program.

## 11. Employee Assistance Program

It is our policy to make assistance available to employees who experience personal problems, including prohibited drug and alcohol abuse or dependency, which may impair job performance. Employees are encouraged to seek assistance in dealing with emotional, physical, or mental health problems, including prohibited drug or alcohol abuse or dependency. Confidential professional assistance, treatment planning, and rehabilitation services are available as needed.

### **Confidentiality and Protocol of test results**

As per our contractual agreement with the third party administrator, any drug test results conducted under this Policy shall be released from the testing facility to the MRO only. The MRO will release the results only to the employee tested and the Program Manager. Breath Alcohol test results will only be released by the BAT to the employee, MRO, SAP or Program Manager. **Except as otherwise provided,**

**the laboratory may not release or provide a specimen or a part of a specimen to a requesting party, without first obtaining written consent from ODAPC. (40.331(f))** The employees' written permission is required to release any test information to anyone other than the SAP, MRO or Program Manager.

Except as required by law and as provided for under Parts 40.321 & 40.323, no employee records maintained under the Substance Abuse Policy will be released without the employees written request. A covered employee is entitled, upon written request, to obtain copies of any records maintained under the Substance Abuse Policy. That request will then become part of the employees' file. **Except as otherwise provided, a service agent or employer participating in the DOT drug or alcohol testing process is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent. (40.321)**

**“Specific written consent” means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time. “Blanket releases,” in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties (e.g., other employers who are members of a consortium, companies to which the employee may apply for employment) are not permitted under this part. (40.321(b))**

The employer may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings. (40.323(a)) These proceedings include a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the employer), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test. (40.323(a)(1))

These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. (40.323(a)(2))

In such a proceeding, you may release the information to the decision maker in the proceeding (e.g., the court in a lawsuit). You may release the information only with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding. (40.323(b))

## 12. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to Richard Trout, and you will be required to provide documentation stating you are cleared to perform safety-sensitive duties. The Authority reserves the right to remove the covered employee from safety-sensitive duties, until the documentation is received. Medical advice should be sought, as appropriate, while taking

**such medication and before performing safety-sensitive duties. The misuse or abuse of legal drugs while performing transit business is prohibited.**

**It is the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or other functions. It is the responsibility of the employee to remove themselves from service if they are unfit for duty.**

*Please refer to the Authority's Prescription Drug and OTC Medications Policy.*

## **13. Contractor's/Vendor Compliance**

Cumberland-Dauphin-Harrisburg Transit Authority will maintain that all contractors/vendors that are used performing safety-sensitive functions for the Authority will be in compliance with FTA drug testing. The contractor/vendor will be held to the same standards for random selection process, testing services, training and record keeping as Cumberland-Dauphin-Harrisburg Transit Authority.

All contractors/vendors in contract with the Authority must have a Substance Abuse Policy. Cumberland-Dauphin-Harrisburg Transit Authority will provide copies of regulations, and all FTA Drug and Alcohol Regulation updates to their contractors. Contractors/vendors for Cumberland-Dauphin-Harrisburg Transit Authority will provide assistance in establishing a valid random selection process, and assistance in record keeping procedures. All contractors/vendors must submit to the Authority sufficient documentation on their training, record keeping and testing.

Cumberland-Dauphin-Harrisburg Transit Authority will monitor and enforce contractor compliance by the following to verify that they are complying with the drug testing. We will keep on file all our contractors/vendors records pertaining to:

- Employee and supervisor training documentation.
- The name and location of their collection site, laboratory, MRO, BAT, and SAP.
- A description of their random selection process.
- Quarterly management reports summarizing testing
- The annual MIS report.

If any or all contractors/vendors are unwilling to establish or maintain a program meeting our requirements, their contract with Cumberland-Dauphin-Harrisburg Transit Authority will be terminated.



## 14. Contact Person

For questions about Cumberland-Dauphin-Harrisburg Transit Authority's anti-drug and alcohol misuse program, contact the Designated Employer Representative (DER) below:

Name: Richard Trout

Title: Safety, Security and Training Officer

Phone: 717-849-0743

Email: [rtrout@rabbittransit.org](mailto:rtrout@rabbittransit.org)

### **Substance Abuse Professional information:**

SAP Referral Services LLC

7939 Honeygo Blvd. STE 200

Baltimore, MD 21236

410-668-8110 or 888-720-SAPS\

Marsha Quinlan

2331 Market Street

Suite 13

Camp Hill, PA 17011

717-614-0299

***\*Other USDOT Qualified SAP's are available through SAP Referral Services. Should an employee wish to consult with an alternative USDOT Qualified SAP, please see the Designated Employer Representative.***

# Attachment A: Covered Positions

## Covered positions

- Paratransit Operators
- Fixed Route Operators
- Serviceman
- Bus Hostler
- All Mechanics/Specialists
  - Specialist
  - Class A Mechanic
  - 1<sup>st</sup> Class Mechanic
  - 2<sup>nd</sup> Class Mechanic
  - 3<sup>rd</sup> Class Mechanic
  - Helper
  - Service Man
  - Detail Vehicle Cleaner
  - Transfer Center Maintenance
  - Bus Hostler
- All Paint & Body Shop
  - Specialist
  - Class A Body Repairman
  - 1<sup>st</sup> Class Body Repairman
  - 2<sup>nd</sup> Class Body Repairman
  - 3<sup>rd</sup> Class Body Repairman
  - Helper
  - Building Maintenance/Body Repair W/CDL
  - Building Maintenance/Body Repair WO/CDL

**RESOLUTION 2209**

**APPROVING THE CERTIFICATION OF SECRETARY OF PENSION PLAN**

Resolved, that the Authority officer titles designated herein, be and are hereby authorized on behalf of the Authority from time to time to designate authorized signers of the Authority for the purpose of authorizing cash transactions, including ACH and wire transfer, providing investment management direction for investment management accounts, appointing investment managers for custodial accounts, signing and take other actions on behalf of the Authority with respect to trust and other agreements entered into by the Authority, and such other authority as may be granted in documents specified by Truist Bank, its successors and assigns (hereinafter, "Truist") by making, executing and delivering in the name of and on behalf of the Authority, under its corporate seal or otherwise, from time to time such agreements, documents or instruments deemed reasonable or necessary; and,

Resolved Further, the Executive Director, the Chief Financial Officer, the Controller and the Chief Human Resources Officer is authorized to sign administrative documents on behalf of the Authority with regard to the Plan; and

Resolved Further, that all actions heretofore taken by the pension committee and signed by any of the those holding the above positions with the Authority set forth below in providing such authorized signer authority on behalf of the Authority and in the exercise of the authority and powers herein granted are hereby ratified, adopted and confirmed, and the Authority shall be bound by the terms and conditions of said documents, agreements, and instruments as entered into and amended from time to time by authorized signers appointed by the Corporate officers designated herein; and,

Resolved Further, that the custodian of the records of the Authority is authorized and directed to furnish Truist with a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of the rescission or modification of the same has been received by Truist, and to furnish Truist the names and specimen signatures of the officer(s) named herein, and such persons from time to time holding the above positions with the Authority, herewith and/or on Truist usual form of signature card.

**CERTIFICATION OF OFFICERS  
OF  
CUMBERLAND DAUPHIN HARRISBURG TRANSIT AUTHORITY**

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland Dauphin Harrisburg Transit Authority Board Members held on June 30, 2022.

\_\_\_\_\_  
Richard Kotz  
Secretary

attest: \_\_\_\_\_  
Eric Bugaile  
Chairman