



MEETING NOTICE

Notice is hereby given that the following meeting of the Board of Trustees of the Greater Cleveland Regional Transit Authority will take place on **Tuesday, April 12, 2022** in the Board Room of the Authority, 1240 West Sixth Street, Cleveland, OH 44113 for consideration of the listed items and such other items that may properly come before the Board and be acted upon.

In accordance with the Ohio Open Meetings Act and House Bill 51, signed into law on February 17, 2022 and effective immediately through June 30, 2022, this meeting will be live-streamed on RTA's Board Page www.RideRTA.com/board via the meeting date for staff and members of the public. House Bill 51 allows Board members to participate by telephone or video and be considered present as if in person. It also allows Board members to vote and be counted for the purpose of determining a quorum while attending by telephone or video.

Members of the public may attend in-person. Based on Centers for Disease Control (CDC) guidance to continue to avoid large events and gatherings and Ohio Department of Public Health advice that businesses and other entities may continue to require mitigation measures, as well as RTA's interest in protecting community and employee health and safety, the following measures will be in place for in-person attendance:

1. To allow for social distancing, RTA Board Room capacity is limited to forty-four (44) people. To accommodate members of the public, RTA will limit the number of staff permitted in the Board Room.
2. All persons entering RTA's Main Office Building ("MOB") at 1240 West 6th Street are required to wear a mask/face covering and maintain a distance of six feet or more from other individuals who are not members of their family or household. The mask/face covering must be cloth or other fabric and worn to cover the person's nose, mouth and chin. If a person entering the building does not have a mask, one can be provided to them.
3. All persons entering RTA's MOB will be temperature screened for COVID-19 in accordance with guidance provided by the CDC and the Cuyahoga County Board of Health. If the screening indicates that the person may be infected with COVID-19, that individual will be denied entry.

The meeting package will be posted on RTA's website at (www.riderta.com/board), on RTA's Facebook page, and RTA's Twitter page.

9:00 A.M.

Organizational, Services & Performance Monitoring Committee

- RFP Procurement - A presentation of a competitive negotiated procurement for a locomotive work car.
- RFP Procurement – A presentation of a competitive negotiated procurement for a micro transit program for a period of 6-18 months
- Interagency Agreement – A presentation on purchase through an interagency agreement through the NEORide Council of Governments for the deployment of the EZFare mobile ticketing and scalable fare payment solution.

Operational Planning & Infrastructure Committee

- Warrensville-Van Aken Station Area – Informational update on two upcoming construction projects currently in design. The Platform, Station and Comfort Station Improvements and the Track Reconstruction from Farnsleigh to the Station.



Greater Cleveland
Regional Transit Authority

External And Stakeholder Relations & Advocacy Committee

- Bus Route Suggestions - Staff response to two bus route suggestions.

Committee Of The Whole

- Code Book Updates – A request to repeal Chapter 636 and amend the Office of Equal Opportunity sections in the Codified Rules and Regulations of the GCRTA.
- Executive Session Requested:
 - To confer with RTA's attorney regarding a dispute that is the subject of pending or imminent court action.
 - To consider the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

India L. Birdsong
General Manager, Chief Executive Officer

ILB:tab
Attachment

REVISED AGENDA

RTA ORGANIZATIONAL, SERVICES & PERFORMANCE MONITORING COMMITTEE

Tuesday, April 12, 2022

Committee Members: Mayor Anthony D. Biasiotta, Chair
Ms. Karen Gabriel Moss, Vice Chair
Ms. Roberta Duarte
Mayor David E. Weiss

- I. Roll Call
- II. RFP Procurement - A presentation of a competitive negotiated procurement for a locomotive work car.

Presenters:
 - Aaron Hale, Supervisor, Track and Structures
 - Glenville Manning, Contract Administrator
- III. RFP Procurement – A presentation of a competitive negotiated procurement for a micro transit program for a period of 6-18 months.

Presenters:
 - Maribeth Feke, Director of Programming and Planning
 - Shawn Becker, Program Contract Manager
- IV. Interagency Agreement – A presentation on purchase through an interagency agreement through the NEORide Council of Governments for the deployment of the EZFare mobile ticketing and scalable fare payment solution.


Presenters:
 - Mike Lively, Director of Intelligent Transportation Systems (ITS)
 - Shawn Becker, Program Contract Manager
- V. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Summary of Proposed Award – Locomotive Work Car

This is a procurement to provide the Authority with a new Locomotive Work Car that will support the specifications and dimensions of the new rail car vehicles. The current Locomotive Work Car has exceeded its useful life.

At the April 12, 2022, Organizational, Services & Performance Monitoring Committee meeting, we will make a presentation of the procurement process and staff recommendation for contract award. Attached is the summary for this contract award. We will be requesting that the Organizational, Services & Performance Monitoring Committee recommend the award of this contract at the April 26, 2022 meeting of the Board of Trustees.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.


ILB/MD
Attachment



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Summary of Proposed Award – Micro Transit Program

This is a procurement to provide the Authority with a qualified firm to provide new RTA ConnectWorkS Micro Transit Program for a period not to exceed eighteen months.

At the April 12, 2022, Organizational, Services & Performance Monitoring Committee meeting, we will make a presentation of the procurement process and staff recommendation for contract award. Attached is the summary for this contract award. We will be requesting that the Organizational, Services & Performance Monitoring Committee recommend the award of this contract at the April 26, 2022 meeting of the Board of Trustees.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.


ILB/MD
Attachment



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Summary of Proposed Award – EZFare Mobile Ticketing Solution

This is a procurement to provide the Authority with a new comprehensive mobile ticketing fare collection solution.

At the April 12, 2022, Organizational, Services & Performance Monitoring Committee meeting, we will make a presentation of the procurement process and staff recommendation for contract award. Attached is the summary for this contract award. We will be requesting that the Organizational, Services & Performance Monitoring Committee recommend the award of this contract at the April 26, 2022 meeting of the Board of Trustees.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

ILB/MD
Attachment

SUMMARY OF PROPOSED AWARD EZFAre Mobile Ticketing Solution

PROJECT OVERVIEW:

The Greater Cleveland Regional Transit Authority is seeking a qualified firm to provide a comprehensive mobile fare collection solution. The vendor shall provide backend, cloud based software, a cloud based customer portal, a mobile application that provides both visual and electronic validation on approximately 487 RTA vehicles. The solution is to include future capability for smart card implementation, a user portal, backend internal portal, validator hardware, and integration with the Authority's CAD/AVL software.

The Authority currently contracts with Passport Labs, Inc. for its mobile ticketing solution. The Passport solution has been utilized since 2016, however the vendor will be ceasing its mobile ticketing operation at the end of 2022. Passport has agreed to continue providing its services through the end of 2022 to provide time for customers to utilize mobile ticketing media already purchased.

It is anticipated that the Authority will go live with its EZFAre mobile ticketing solution by June 1, 2022. This is when the Authority will begin to transition customers from the Passport solution to the Masabi EZFAre solution.

PROCUREMENT OVERVIEW:

The Authority currently maintains membership through the NEORide Council of Governments, which was approved by the Board of Trustees under Resolution No. 2019-99. Through this membership, the Authority has also participated in membership of the EZFAre consortium. This transit consortium consists of 14 agencies across Ohio, Michigan & Kentucky. Of the 14 agencies, Laketran, SARTA, PARTA, Medina County & Akron Metro are all interlinking agencies. The current vendor providing these mobile ticketing services via the NEORide interagency agreement is Masabi. Per Ohio Revised Code, Section 306.43(H)(4), competitive bidding is not required when an expenditure is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under (B) of section 125.04 of the Revised Code. Due to these reasons, this project is deemed exempt from competitive bidding as authorized under Section 306.43(H)(4) of the Ohio Revised Code.

The Procurement Department received a proposal from Masabi on January 6, 2022. Discussions were held to clarify aspects of the proposal and NEORide EZfare agreement. The proposal was discussed and reviewed by representatives from Accounting, Executive, Finance, Innovation & Technology, Intelligent Transportation Systems, Procurement and Revenue, and deemed to be advantageous, fair and reasonable to the Authority.

RECOMMENDATION

Masabi, with an office at 1330 Avenue of the Americas, Suite 23A, New York, New York 10019, will provide Mobile Ticketing Solution services, via NEORide's EZFAre interagency agreement, to the Authority.

The strengths of Masabi include:

- Launched first ever UK mobile ticketing application with Chiltern Railways in 2007
- Launched first ever deployment for US transit agency in 2012 with their Fare Payment-as-a-Service platform, Justride
- 140+ Agencies
- 9 Countries
- 70 Mobility as a Service (MaaS) deployments
- Scalable fare collection solution

CLIENT BASE

Masabi has also worked with Laketran, SARTA, PARTA, Medina County & Akron Metro, MTA, Boston MBTA, Los Angeles' Metrolink, Southern Nevada's RTC, Colorado RTD, among many others.

A resolution will request authorization to issue a contract to Masabi to provide mobile ticketing solution services in an amount not to exceed \$2,700,000.00.

AGENDA

RTA OPERATIONAL PLANNING & INFRASTRUCTURE COMMITTEE

Tuesday, April 12, 2022

Committee Members: Ms. Roberta Duarte, Chair
 Ms. Karen Gabriel Moss, Vice Chair
 Mr. Terence P. Joyce
 Ms. Luz N. Pellot

- I. Roll Call
- II. Warrensville Van Aken Station Area – Informational update on two upcoming construction projects currently in design. The Platform Station and Comfort Station Improvements and the Track reconstruction from Farnsleigh to the Station


Presenters:

- Joseph Shaffer, Director – Engineering & Project Management
- Matt Marotta, Resident Architect
- Chris Coppock, Engineering Project manager - Track

- III. Adjourn



To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Warrensville Van Aken Station Area Proposed Construction Projects

At the April 12, 2022 Operational Planning and Infrastructure Committee meeting, GCRTA staff will present proposed plans for two construction projects that we will be bidding and bringing to the Board for contract awards later in 2022.

The first is our proposed Platform, Station and Comfort Station improvements at the Warrensville Van Aken Station at the end of the Blue Line. This project has gone through a lengthy planning and design process between GCRTA, the City of Shaker Heights and the developers of the Van Aken District which is nearing completion. This location is also a major rail to bus transfer point within our system. This project will be funded by FTA formula funds.

The second is the reconstruction of the light rail tracks from Farnsleigh through the Warrensville Van Aken Station as was as replacement of the overhead catenary and signal system. This project is being funded by a combination of ODOT TRAC funding and FTA federal formula funds.

This presentation is informational and no action is being requested.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

IB/MJS

AGENDA

RTA EXTERNAL & STAKEHOLDER RELATIONS & ADVOCACY COMMITTEE

Tuesday, April 12, 2022

Committee Members: Ms. Valarie J. McCall - Chair
 Karen Gabriel Moss - Vice Chair
 Mayor Anthony D. Biasiotta
 Ms. Roberta Duarte
 Mayor Paul A. Koomar
 Ms. Luz N. Pellot

- I. Roll Call
- II. Bus Route Suggestions - Staff response to two bus route suggestions.


 Presenter:
 - Joel Freilich, Director of Service Management
- III. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Staff response to two bus route suggestions

At the April 12, 2022, External & Stakeholder Relations & Advocacy Committee meeting, staff will present a response to two bus route suggestions from a citizen.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

IB/jf

AGENDA

RTA COMMITTEE OF THE WHOLE BOARD

Tuesday, April 12, 2022

Committee Members: President Charles P. Lucas (Chair)
 Ms. Karen Gabriel Moss (Vice Chair)
 Mayor Anthony D. Biasiotta
 Ms. Roberta Duarte
 Mr. Terence P. Joyce
 Mayor Paul A. Koomar
 Ms. Valarie J. McCall
 Ms. Luz N. Pellot
 Mayor David E. Weiss

- I. Roll Call

- II. Code Book Updates - A request to repeal Chapter 636 and amend the Office of Equal Opportunity sections in the Codified Rules and Regulations of the GCRTA.


 Presenter;
 • Dawn Tarka, Associate Counsel

- III. Executive Session Requested:
 - To confer with RTA's attorney regarding a dispute that is the subject of pending or imminent court action.
 - To consider the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

- IV. Adjourn



To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: India L. Birdsong
General Manager, Chief Executive Officer 

Date: April 7, 2022

Subject: Human Resources/Office of Equal Opportunity Code Update

At the April 12, 2022 Committee of the Whole meeting, staff will present proposed revisions to the Authority's Human Resources Code, specifically the sections related to the Office of Equal Opportunity.

The proposed revisions to the policies include:

1. Amending Section 620.01 Adoption of Affirmative Action Plan
2. Amending Section 642.01 Equal Opportunity/Affirmative Action, Section 642.02 Non-Harassment & Retaliation, Section 642.03 Sexual Harassment and Section 642.04 Americans with Disabilities Act.
3. Repealing Chapter 636 Sexual Harassment

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

Attachments: Red-lines of Sections 620.01, 642.01, 642.02, 642.03 and 642.04 and Chapter 636

IB/dmt

620.01 ADOPTION OF AFFIRMATIVE ACTION PLAN.

- (a) In accordance with Federal Transit Administration ("FTA") Circular 4704.1, The Authority is not to discriminate against any employee or applicant because of race, color, religion, sex, disability, age, or national origin. FTA requires grant recipients such as the Authority to submit a written affirmative action plan every four years. The Authority's Affirmative Action Plan is presented to the Board of Trustees for adoption prior to submission to FTA.
- (b) The Affirmative Action Plan is the Authority's written commitment to equality of opportunity in its employment practices as well as in its practices with vendors, contractors, and suppliers. This plan is an effort to overcome the effects of past discrimination on minorities and women.
- (c) The Affirmative Action Plan sets forth goals, timetables and details action-oriented programs which will be undertaken to not only ensure equal employment opportunity, but will facilitate the recruitment, hiring, and promotion of members of protected classes who are not sufficiently represented in the Authority's workforce. The ultimate goal of these efforts will be parity, the representation of minorities and women at all levels in the work force commensurate with their availability in the appropriate external labor market. In addition, interim numerical goals will be set and periodic evaluations of these goals will be performed. The Authority's progress towards Affirmative Action Plan goals is reported quarterly to the Board of Trustees.

~~(a) The Affirmative Action Plan for the Greater Cleveland Regional Transit Authority, a copy of which is attached to original Resolution 1981-273, passed September 15, 1981, and revised and updated by Resolution 1991-150, passed July 23, 1991, Resolution 1993-88, passed May 18, 1993, Resolution 1993-190, passed November 16, 1993, Resolution 1996-123, passed October 1, 1996, Resolution 2002-120, passed June 18, 2002, Resolution 2004-112, passed August 17, 2004, and Resolution 2005-51, passed April 19, 2005 is incorporated fully herein and made a part of this section and is hereby adopted as a policy of the Authority.
(Res. 1981-273. Passed 9-15-81; Res. 1991-150. Passed 7-23-91; Res. 1993-88. Passed 5-18-93; Res. 1993-190. Passed 11-16-93; Res. 1996-123. Passed 10-1-96; Res. 1999-114. Passed 8-24-99; Res. 2002-120. Passed 6-18-02; Res. 2004-122. Passed 8-17-04; Res. 2005-51. Passed 4-19-05.)~~

~~(b) The Triennial Update of the Affirmative Action Program for 2015-2017 for the Greater Cleveland Regional Transit Authority, a copy of which is attached to original Resolution 2015-76, passed July 28, 2015, is hereby adopted.
(Res. 1999-114. Passed 8-24-99; Res. 2013-123. Passed 12-17-13; Res. 2015-76. Passed 7-28-15.)~~

(Res. 1981-273. Passed 9-15-81; Res. 1991-150. Passed 7-23-91; Res. 1993-88. Passed 5-18-93; Res. 1993-190. Passed 11-16-93; Res. 1996-123. Passed 10-1-96; Res. 1999-114. Passed 8-24-99; Res. 2002-120. Passed 6-18-02; Res. 2004-122. Passed 8-17-04; Res. 2005-51. Passed 4-19-05. Res. 2013-123. Passed 12-17-13; Res. 2015-76. Passed 7-28-15. Res. 2022-XXX. Passed 4-XX-22.)

EQUAL EMPLOYMENT OPPORTUNITY

642.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION.

(a) The Authority's program for equal employment opportunity is the written commitment to ensure equality of opportunity in its own employment practices as well as for its vendors, contractors and suppliers.

(b) Specifically, it is the policy of the Authority that all terms and conditions of employment, including, but not necessarily limited to, recruitment, appointments, promotion, compensation, benefits, transfers, training, and educational opportunities, will be administered without regard to race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information, or disability, provided said disability does not inhibit essential job performance of the essential functions of the job. Further, it is the Authority's intent to comply with appropriate Federal federal and State state laws, rules, and regulations pertaining to the treatment of minorities, women, disabled persons, and Vietnam era veterans members of all protected classes in all facets of the Authority's activities.

(c) Direct responsibility for development and implementation of the Authority's Equal Opportunity Program lies with the Deputy General Manager, Legal Affairs, who reports to the CEO, General Manager/Secretary Treasurer Civil Rights Officer and General Manager, CEO; and the Deputy General Manager of Administration and External Affairs. — However, aAll administrative personnel management and supervisors supervisory personnel are expected to cooperate in this effort, and their performance relative to ensuring equal employment opportunity will be evaluated just as their performance is in other areas of responsibility. Ensuring equal employment opportunity across the Authority will be evaluated equally alongside all other performance metrics for management and supervisory personnel. (Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.01)

642.02 NON-HARASSMENT & RETALIATION.

(a) ~~The GCRTA~~The Authority is committed to providing a professional work environment free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive. The ~~GCRTA~~Authority will not tolerate any form of harassment in the workplace, including acts ~~by or on~~toward or by non-employees.

(b) Federal and state laws prohibit employers from discriminating against employees because of race, color, religion, sex, gender, gender identity, sexual orientation, national origin or ancestry, age, military status, genetic information or disability. No employee is to be retaliated against for filing a complaint based on a belief that they or another person have been discriminated against and/or harassed in some manner.

(c) All GCRTA employees are expected to avoid any behavior or conduct toward any other employee person that could be interpreted as unlawful harassment. The use by employees of disparaging or insulting references due to age, race, gender, color, creed, sex or physical impairment race, color, religion, sex, gender, gender identity,

sexual orientation, national origin or ancestry, age, military status, genetic information or disability is prohibited. Such comments will be considered disparaging and injurious to the well-being of affected employees/non-employees and disparaging to all employees in our workforce and non-employees. Disciplinary action, up to and including discharge, may be taken against any ~~and all~~ employees engaging in unlawful harassment.

(de) It is the policy of ~~GCRTA~~the Authority that employees who, in good faith, report alleged violations of this policy or any of GCRTAthe Authority's Equal Employment Opportunity ("EEO") policies or any other equal opportunity policies will not be ~~the subjected to~~ of reprisals or other punishment as a consequence of reporting the alleged violation.

(ed) All management and ~~or~~ supervisory personnel shall notify the Authority's Office of Equal Opportunity immediately upon becoming aware of any suspected unlawful harassment or discrimination.

(fe) Employees should contact the Office of Equal Opportunity if they have any questions or wish to confidentially discuss any situations related to harassment and/or discrimination ~~or wish to confidentially discuss a situation related to harassment and/or discrimination~~. The Office of Equal Opportunity will formally investigate all allegations.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. Res. 2022-XXX. Passed 04-XX-2022. Ref. PP 200.02)

642.03 ~~WORKPLACE AND SEXUAL HARASSMENT.~~

(a) ~~Federal and State laws prohibit employers from discriminating against employees because of race, color, religion, sex, national origin, disability, age, or ancestry. No employee is to be retaliated against for filing a complaint based on a belief that they have been discriminated against or harassed in some manner.~~

(ab) It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.

(be) ~~To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued guidelines on the subject~~defining sexual harassment. Those guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

- (1) ~~Submission to or rejection of sexual conduct is an explicit or implicit term or condition of an individual's employment~~ explicitly or implicitly affects an individual's employment;
- (2) ~~Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual~~ unreasonably interferes with an individual's work performance; or
- (3) ~~Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creates an~~

~~intimidating, hostile or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars, electronic communications, or other publications in the workplace. Submission to or rejection of sexual conduct creates an intimidating, hostile or offensive work environment.~~

~~(cd)–) The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a vendor or customer. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex. Sexual harassment can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes; comments; verbal "kidding" or "teasing;" subtle pressure for sexual activity; physical contact such as patting, pinching, or brushing against another's body; and sexually explicit or suggestive posters, calendars, electronic communications, social media, and/or other publications in the workplace.~~

~~(d) The Authority will not tolerate any form of sexual harassment or gender discrimination in the workplace, including acts by of non-employees. Disciplinary action up to and including discharge shall be taken promptly against any and all employees, including all employees with supervisory responsibilities, engaging in sexual harassment and/or gender discrimination.~~

(e) All employees of the Authority (~~management and non-management~~) are expected to avoid any behavior or conduct toward any other employee-person that could be interpreted as sexual harassment ~~and/or gender discrimination~~.

(f) All management and/or supervisory personnel ~~shall~~ are required to notify the Authority's Office of Equal Opportunity immediately upon becoming aware of sexual harassment ~~or gender discrimination~~.

(g) Employees should contact the Office of Equal Opportunity if they have any questions or wish to confidentially discuss a situation related to sexual harassment ~~and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination~~. The Office of Equal Opportunity will formally investigate all allegations.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05. [Res. 2022-XXX](#).
[Passed 04-XX-2022. Ref. PP 200.03](#))

642.04 AMERICANS WITH DISABILITIES ACT.

(a) The Americans with Disabilities Act Amendments Acts of 2008 ("ADAAA"), Americans with Disabilities Act ("ADA") of 1990, ~~and the Rehabilitation Act of 1973,~~ and state law prohibit discrimination against a qualified individual with a disability in regards to the terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process, including, but not limited to, application, testing, hiring, evaluation, training, promotion, discipline, termination, and benefits.

(b) The Authority will provide reasonable accommodations to any qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Authority. A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy equal employment opportunity. Under the ADA and ADAAA, the Authority is not required to provide the exact accommodation an employee requests so long as the accommodation provided makes it possible for the employee to perform the essential functions of their job.

(c) Generally, ~~it~~ is the responsibility of the individual with a disability to inform the Authority that an accommodation is needed. In compliance with the Americans with Disabilities Act, an employee can request an accommodation through either the Office of Employment Opportunity ~~or Medical services~~. Requests for an accommodation will be considered in light of the legal standards set forth in the ADA and ADAAA, as well as all other applicable federal and state laws and regulations/statutes.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05; Res. 2009-24. Passed 4-21-09. [Res. 2022-XXX](#). [Passed 04-XX-2022. Ref. PP 200.04](#))

636.02 PERSONNEL CODE 40B

CHAPTER 636

Sexual Harassment

636.01 — Statement of policy.

636.02 — Complaint procedure.

CROSS REFERENCES

~~Labor standards — see 49 U.S.C.A. 1609~~

~~Sex offenses — see Ohio R.C. Ch. 2907~~

~~Ethnic intimidation — see Ohio R.C. 2927.12~~

~~Threatening or harassing telephone calls — see
Ohio R.C. 2917.21; 4931.31~~

~~636.01 — STATEMENT OF POLICY.~~

~~(a) — Federal and State law provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates the law.~~

~~(b) — It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.~~

~~(c) — To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued guidelines on the subject. Those guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:~~

~~(1) — Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;~~

~~(2) — Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or~~

~~(3) — Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars or other publications in the workplace.~~

~~(d) — The Authority will not tolerate any form of sexual harassment or gender discrimination in the workplace, including acts of non-employees. Disciplinary action~~

~~636.02 PERSONNEL CODE 40B~~

~~shall be taken promptly against any and all employees, including all employees with supervisory responsibilities, engaging in sexual harassment and/or gender discrimination.~~

~~(e) All employees of the Authority (management and non-management) are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment and/or gender discrimination.~~

~~(f) All management and supervisory personnel shall notify the Authority's Office of Small Business and Employment Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.~~

~~(g) Employees are encouraged to consult the Affirmative Action Counselor assigned to their department and shall directly contact the Office of Small Business and Employment Opportunity should they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Small Business and Employment Opportunity will formally investigate all allegations. (Res. 1999-11. Passed 1-19-99.)~~

~~636.02 COMPLAINT PROCEDURE.~~

~~The following complaint procedure is applicable to situations where an employee believes that he or she has been subjected to sexual harassment and/or gender discrimination at the workplace:~~

~~(a) Filing a Complaint. Any employee who feels he or she has been the victim of sexual harassment and/or gender discrimination shall contact the Authority's Office of Small Business and Employment Opportunity at (216) 566-5044 immediately upon the occurrence of the incident. This report can be oral or written, but a written and signed statement of the complaint must be submitted to the Office of Small Business and Employment Opportunity at 1240 West 6th Street, Cleveland, Ohio 44113, by the complaining employee as soon as practicable, but not to exceed five working days from the occurrence of the incident.~~

~~(b) Filing a Response. Upon notice of the initial report, the Office of Small Business and Employment Opportunity will contact the person who allegedly engaged in the sexual harassment and/or gender discrimination and inform him or her of the basis of the complaint and afford the individual the opportunity to respond. That person will then be required to fill out a written statement as soon as practicable, but not to exceed five working days.~~

~~If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint, the complaint will be taken as true, and the appropriate disciplinary measure will be taken.~~

~~(c) Investigation. An investigation is immediately initiated by the Office of Small Business and Employment Opportunity upon receipt of any report of sexual harassment and/or gender discrimination. This investigation includes, but is not limited to, the interviewing of witnesses or any other person who may have information regarding the alleged harassment.~~

~~(d) Confidentiality. Every effort will be made to ensure the confidentiality of the~~

~~636.02 PERSONNEL CODE 40B~~

~~investigation. However, due to the nature of the investigation, complete confidentiality cannot be guaranteed. The employees involved are, however, expected to maintain confidentiality. Moreover, the confidential files will be maintained in a secure locked location in the Office of Small Business and Employment Opportunity.~~

~~(e) Protection Against Retaliation. This Policy prohibits retaliation in any way against anyone who has complained in good faith about discrimination or harassment, whether the complaint relates to conduct directed at that individual or another. Any person found to have retaliated against another individual for reporting discrimination or harassment will be subject to the same disciplinary process provided under this policy.~~

~~(f) Determination of Disciplinary Action; Results of Investigation. All matters concerning discipline in connection with sexual harassment will be reviewed by a committee comprised of Legal, Labor Relations and Office of Small Business and Employment Opportunity representatives, who will be responsible for determining appropriate disciplinary action. Such determination shall be made in consultation with the supervisor or applicable department director. In the event consensus cannot be reached by the committee, the matter will then be referred to the General Manager/Secretary Treasurer.~~

~~The person filing the complaint and the person alleged to have committed the offense shall be informed of the results of the investigation.~~

~~(Res. 1999 11. Passed 1-19-99.)~~