



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, November 1, 2022 at 9 a.m.** 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. 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. Members of the public may attend in person.

Based on Centers for Disease Control ("CDC") guidance to avoid crowded places where you cannot stay 6 feet away from others and Ohio Department of Public Health advice regarding congregating and social distancing, as well as RTA's interest in protecting community and employee health and safety, RTA Board Room and Meeting Room 1 capacity is limited to thirty-six (36) people to allow for social distancing. To accommodate members of the public, RTA will limit the number of staff permitted in the Board Room. All persons entering RTA's Main Office Building ("MOB") at 1240 West 6th Street are required to maintain a distance of six feet or more from other individuals who are not members of their family or household.

As a result of a federal court order on April 18, 2022, the CDC's January 29, 2021 order requiring masks on public transportation conveyances and at transportation hubs is no longer in effect. The CDC continues to recommend that people wear masks in indoor public transportation settings at this time. As a result, GCRTA recommends, but will not require, that members of the public wear a mask/face covering.

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.

Organizational, Services & Performance Monitoring Committee

- RFP Procurement - A presentation of a competitive negotiated procurement to provide uniform items to Bus, Rail and Paratransit operators along with supervisors and customer service representatives for a three-year period with two one-year options.
- Bus Option - A presentation on the execution of a negotiated competitive contract option for the purchase of up to twenty (20) 40ft. CNG coaches off Contract No. 2020-071 with Gillig.
- Microtransit - Update on the microtransit program.
- Paratransit Service Committee - Update on Paratransit Operations and call centers

Operational Planning & Infrastructure Committee

- IFB Procurement - A presentation of a competitive procurement for the Cuyahoga Viaduct Phase 1A Bulkhead Repair.

Committee of The Whole

- Transit Police Update - Presentation on the Civilian Oversight Committee (COC) Operating Procedures.
- Code Book Updates - A request to remove Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03 Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees from the Code Book as duplicates of Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06 and to amend Personnel Policies 400.02 Compensation, 400.03 Payroll Checks, 400.04 Payroll Deductions and 400.05 Overtime.

Audit, Safety Compliance And Real Estate Committee

- Executive Session Requested - To consider the purchase of property for public purposes or the sale of property at competitive bidding.

India L. Birdsong Terry
General Manager, Chief Executive Officer

REVISED AGENDA

RTA ORGANIZATIONAL, SERVICES & PERFORMANCE MONITORING COMMITTEE

Tuesday, November 1, 2022

Committee Members: Mayor Anthony D. Biasiotta, Chair
Ms. Karen Gabriel Moss, Vice Chair
Mayor David E. Weiss
Ms. Lauren R. Welch

- I. Roll Call
- II. RFP Procurement - A presentation of a competitive negotiated procurement to provide uniform items to Bus, Rail and Paratransit operators along with supervisors and customer service representatives for a three-year period with two one-year options.

Presenter(s):
 - Scott Ferraro, Sr. Director, Labor & Employee Relations
 - Maggie Swetel, Contract Administrator
- III. Bus Option - A presentation on the execution of a negotiated competitive contract option for the purchase of up to twenty (20) 40ft. CNG coaches off Contract No. 2020-071 with Gillig.

Presenter(s):
 - Dan Dietrich, Director, Fleet Management
 - Glenville Manning, Contract Administrator
- IV. Microtransit – Update on the microtransit program.

Presenter(s):
 - Maribeth Feke, Director Programming & Planning
 - Mayor Edward Kraus, City of Solon
 - Lexi Petrella, Director of Governmental Affairs, Share Mobility
- V. Paratransit Service Committee - Update on Paratransit Operations and call centers.

Presenter(s):
 - Nick Davidson, Paratransit District Director
- VI. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

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

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

Date: October 27, 2022

Subject: Summary of Proposed Award – Operator Uniform Services

This is a RFP procurement to select a qualified firm to provide the Authority with operator and supervisor uniform services for a period of three years with two, one-year options for renewal

At the November 1, 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 November 15, 2022 meeting of the Board of Trustees.

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

IBT/MD
Attachment



Greater Cleveland
Regional Transit Authority

Interoffice Memo

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

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

Date: October 27, 2022

Subject: Exercise of an Option under Contract No. 2020-071 with Gillig, LLC. for the
Purchase of up to Twenty (20), 40 Ft. CNG Coaches

This is a request for the exercise of a contract option to provide the Authority with up to twenty (20), 40 Ft. CNG coaches.

At the November 1, 2022, Organizational, Services & Performance Monitoring Committee meeting, we will make a presentation of the procurement process and staff recommendation for award of this contract option. We will be requesting that the Organizational, Services & Performance Monitoring Committee recommend the award of this contract option at the November 15, 2022 meeting of the Board of Trustees.

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

IBT/MD



Greater Cleveland
Regional Transit Authority

Interoffice Memo

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

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

A handwritten signature in blue ink, enclosed in a blue oval, next to the name India L. Birdsong Terry.

Date: October 27, 2022

Subject: City of Solon and Micro Transit

At the November 1, 2022 Organizational Services & Performance Monitoring Committee meeting, a presentation will be made by GCRTA Planning Staff and Share Mobility on GCRTA's first micro transit pilot project. GCRTA's Contractor, Share Mobility, will describe their service and marketing plan for this service. The Honorable Edward Kraus, Mayor of the City of Solon will also be in attendance presenting his support for public transit services in the City of Solon. Mayor Kraus has been instrumental in creating a transit supportive environment within the City of Solon.

This presentation is for informational purposes only. No action will be required by the Board of Trustees.

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

IBT/MBF



Greater Cleveland
Regional Transit Authority

Interoffice Memo

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

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

Date: October 27, 2022

Subject: Paratransit Service Committee

At the November 1, 2022, Organizational, Services & Performance Monitoring Committee meeting, Nick Davidson, Paratransit District Director, will provide an update on Paratransit Operations and call centers.

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

IBT/ND

AGENDA

RTA OPERATIONAL PLANNING & INFRASTRUCTURE COMMITTEE

Tuesday, November 1, 2022

Committee Members: Ms. Lauren R. Welch, Chair
 Ms. Karen Gabriel Moss, Vice Chair
 Mr. Terence P. Joyce
 Ms. Luz N. Pellot

- I. Roll Call
- II. IFB Procurement – A presentation of a competitive procurement for the Cuyahoga Viaduct Phase 1A Bulkhead Repair.

Presenters:

- Kirk Dimmick, Engineering Project Manager - Bridges
- Lou Catalusci, Contact Administrator – Construction and Engineering

- III. Adjourn



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

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

Date: October 27, 2022

Subject: Cuyahoga Viaduct Phase 1A Bulkhead Repairs
Discussion of contractor recommendation

At the November 1, 2022, Operational Planning & Infrastructure Committee meeting, staff will present a Summary of Award recommendation for the construction contract for the Cuyahoga Viaduct Phase 1A Bulkhead Repairs. The Cuyahoga Viaduct carries GCRTA's Red Line trains over the Cuyahoga River Valley. The structure connects the Red Line from the Airport and Cleveland's west side to Tower City, GCRTA's downtown Cleveland rail hub and transportation center.

This bulkhead repair project includes installing approximately 120 feet of new steel sheet pile wall adjacent to the existing wall in the Cuyahoga River and repairs to an existing storm sewer outfall pipe. This repair will protect and extend the life of Pier 5 of the Cuyahoga Viaduct and stabilize the east bank of the Cuyahoga River at this location.

The Summary of Proposed Award is attached.

Staff will request that the Operational Planning and Infrastructure Committee recommend award of the construction contract to the full Board for approval at the November 15, 2022 Board meeting.

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

IBT:mjs

Attachment

SUMMARY OF AWARD
Cuyahoga Viaduct Phase 1A Bulkhead Repair

PROJECT OVERVIEW:

This project involves the bulkhead sheet pile wall in front of Pier 5 of the GCRTA Viaduct Bridge, which is located near Merwin Avenue in the City of Cleveland. This rehabilitation work is required to address deterioration of the wall as well as address instability at the top of the wall. This will protect and extend the life of the Cuyahoga Viaduct bridge and pier foundations.

PROCUREMENT OVERVIEW:

The Invitation for Bid ("IFB") for Project 27Y(a) – Cuyahoga Viaduct Phase 1A Bulkhead Repair was issued on September 19, 2022. The necessary legal notice was published in the Plain Dealer and Call & Post newspapers. The Invitation for Bid was also published on the RTA web site.

The Invitation for Bid ("IFB") was accessed and/or downloaded from the web site by thirty-five (35) interested parties. Five (5) responsive bids were received and opened on October 20, 2022 as follows:

Company Name	Total Base Bid
Independence Excavating, Inc.	\$869,500.00
BECDIR Construction Co.	\$1,007,156.00
J.D. Williamson Construction Company	\$1,009,156.00
The Great Lakes Construction Co.	\$1,117,111.00
The Ruhlin Co.	\$1,167,270.00

The Basis of Award is the lowest responsive bid from a responsible bidder for the Total Base Bid price. Independence Excavating, Inc. was determined to be a responsive and responsible bidder.

RECOMMENDATION:

The Office of Business Development has set an 8% DBE participation goal for this project. Independence Excavating, Inc. intends on using LumberOne Supply, RAR Contracting Co., Inc., and Rockport Ready Mix, Inc. to meet this goal.

A resolution will request authorization to issue a contract to Independence Excavating, Inc. for the Rehabilitation of the Cuyahoga Viaduct Phase 1A Bulkhead Repair. The Total Base Bid price of \$869,500.00 is 20.5% lower than the Engineer's estimate of \$1,093,286.00. The total award is in an amount not to exceed \$869,500.00.

AGENDA

RTA COMMITTEE OF THE WHOLE BOARD

Tuesday, November 1, 2022

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

- I. Roll Call
- II. Transit Police Update – Presentation on the Civilian Oversight Committee (COC) Operating Procedures.

Presenter(s):

- Chief Deirdre Jones, Director, Security/Chief of Police
- Dr. Floun'say Caver, Chief Operating Officer
- John Sulik, Associate Counsel I

- III. Code Book Updates – A request to remove Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03, Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees from the Code Book as duplicates of Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06 and to amend Personnel Policies 400.02 Compensation, 400.03 Payroll Checks, 400.04 Payroll Deductions and 400.05 Overtime.

Presenter(s):

- Dawn Tarka, Associate Counsel

- IV. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

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

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

Date: October 27, 2022

Re: Transit Police on the Civilian Oversight Committee

At the Tuesday, November 1, 2022, Committee of the Whole Board, the Transit Police Department shall provide an update on the Civilian Oversight Committee.

The presentation will include an overview of the Civilian Oversight Committee's operating procedures. We will request recommendation by the Committee to the Board of Trustees to adopt these procedures.

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

IBT/DJ/mdw

Attachment



Greater Cleveland
Regional Transit Authority

CIVILIAN OVERSIGHT COMMITTEE

OPERATING PROCEDURES

DRAFT

CIVILIAN OVERSIGHT COMMITTEE

OPERATING PROCEDURES

A. PURPOSE OF THE CIVILIAN OVERSIGHT COMMITTEE

1. The purpose of the Civilian Oversight Committee ("COC") is to review public complaints filed against Greater Cleveland Regional Transit Authority ("GCRTA") Transit Police Department ("TP") employees.
2. For this purpose to be achieved, the COC shall have the power to receive, investigate, and make recommendations for the resolution of public complaints regarding alleged misconduct by TP employees.

B. PURPOSE, SCOPE, AND IMPACT OF THESE OPERATING PROCEDURES

1. These COC Operating Procedures contain all rules, procedures, processes, and general operations of the COC.
2. All provisions of these COC Operating Procedures shall be considered in a manner consistent with GCRTA's/TP's rules, policies, and procedures; the collective bargaining agreement between GCRTA and the Fraternal Order of Police Ohio Labor Council, Inc. ("FOP"); and all federal, state, and local laws and regulations. If the rules, procedures, processes, and general operations contained in these COC Operating Procedures are found to be in conflict with GCRTA's/TP's rules, policies, and procedures; the collective bargaining agreement between GCRTA and the FOP; or federal, state, and/or local laws and regulations, the latter will control.

C. DEFINITIONS

1. **"Allegation"** – A charge or claim made by a Complainant that, if established as true, could constitute a violation of a specific provision of GCRTA/TP policies and procedures.
2. **"Civilian Oversight Committee (COC)"** - The committee made up of non-TP employees, including public citizens and GCRTA employees, responsible

for reviewing, investigating, and making recommendations regarding complaints concerning the conduct of TP employees.

3. **"Complainant"** – Anyone who is not a GCRTA employee formally filing a complaint against a TP employee. (Complaints by a GCRTA employee against a TP employee will be handled by the appropriate internal resolution process as outlined in Section (F)(3)).
4. **"Days"** – Business days, excluding weekends and holidays.
5. **"Preponderance of the evidence"** – A determination that, based on all of the evidence, a fact or allegation sought to be proven is more probable than not.
6. **"Relevant"** – Evidence tending to make the existence of any fact that is of consequence to the investigation of a given complaint more probable or less probable than it would be otherwise without such evidence.
7. **"Transit Police Employees" or "TP Employees"** – Any individual employed by TP, including sworn officers, security staff, dispatchers, clerical staff, administrative staff, Transit Ambassadors, and Crisis Intervention Specialists.

D. ORGANIZATION

1. Composition of the COC

- a. The COC consists of seven (7) members who are representative of the diverse communities within Cuyahoga County, Ohio.
- b. The GCRTA Board of Trustees ("GCRTA Board") shall appoint each member of the COC through the selection process outlined in subsection (3) of this section.

2. Qualifications of COC Members

- a. COC members shall have a general understanding of GCRTA services and its TP Department.
- b. Members should have the ability to remain objective and unbiased in order to represent the best interests of the public.
- c. COC membership should reflect GCRTA's customer base and have diverse representation regarding age, sex, race, color, religion, national origin, disability, genetic information, sexual orientation, military status, transit

dependence, and geography. All COC members should be 18 years old or older and a resident of Cuyahoga County.

- d. COC members shall be outstanding members of the community and exhibit a strong moral code. All COC members should be free of any criminal history.
- e. At least one (1) member of the COC shall be a retired police officer with Ohio Peace Officer Training Academy experience. If there are no such applicants, then one (1) member position of the COC shall remain vacant until an applicant with this qualification can be appointed.

3. Selection Process of New COC Members

- a. All individuals interested in becoming a COC member shall submit an application.
- b. An ad hoc Screening Committee consisting of the Chief of Police, the CEO/General Manager of GCRTA, two or more GCRTA staff members, and one or more GCRTA Board Member(s) shall review the applications based on the criteria set out in subsection (2) of this section and refer a slate of candidates to the GCRTA Board.
- c. Appointment of COC members shall be made by the GCRTA Board in December of each year. Appointments become effective January 1 of each year. Interim appointments may be made at other times throughout the year to fill vacancies.

4. Term of Membership

- a. Terms of membership for COC members shall be for three (3) years.
- b. Terms of membership for COC members shall be staggered so that no more than three (3) COC members' terms expire in any year.
- c. To ensure that the COC member terms will be staggered, two COC members' initial appointments shall be for one (1) year, two COC members' initial appointments shall be for two (2) years, and three COC members' initial appointments shall be for the full three (3) years.

5. COC Officers

- a. The COC shall select one (1) member annually to serve as the Chair and one (1) member annually to serve as the Vice-Chair. The Chair and Vice-Chair shall be selected by a majority vote of all current COC members during the first meeting of each year. The terms of the Chair and Vice-Chair shall be one year and until their successors take office. The Chair and Vice-Chair shall serve no more than three (3) consecutive one (1) year terms. After serving three (3) consecutive one (1) year terms as Chair or Vice-Chair, a COC member may not be

elected to the same office of Chair or Vice-Chair for at least two (2) years.

b. Duties and Powers of the Chair

- i.** The Chair shall preside over all meetings of the COC and shall have the right to vote on all questions.
- ii.** The Chair shall ensure all policies, procedures, and laws pertaining to actions by the COC are faithfully followed.
- iii.** The Chair shall act as the spokesperson in all matters pertaining to the COC.
- iv.** The Chair shall sign any documents on behalf of the COC after approval by the majority vote of a quorum.
- v.** The Chair shall perform such other duties and responsibilities as determined by the COC.

c. Duties and Powers of the Vice-Chair

- i.** The Vice-Chair shall perform the duties and have the authority of the Chair during the absence or inability of the Chair to perform such duties and during any period while the office of Chair is vacant.
- ii.** The Vice-Chair shall preside at all meetings of the COC when and while the Chair is vacant. When performing the duties and having the authority of the Chair, the Vice-Chair shall have all powers of the Chair.
- iii.** The Vice-Chair shall perform such other duties and have such authority as the COC may from time to time provide.

d. Temporary Chair

- i.** At any meeting at which both the Chair and the Vice-Chair are absent, the COC, by a majority vote of those present, may elect a member of the COC to serve as the temporary Chair for that meeting.

e. Removal

- i.** All officers of the COC shall serve at the pleasure of the GCRTA Board and shall be subject to removal by the GCRTA Board at any time.
- ii.** All officers of the COC may be removed from their officer position for any reason a COC member may be removed from membership as enumerated in subsection (6)(a)(ii) of this section.

6. Vacancies of the COC

- a.** Any of the following circumstances shall lead to a vacancy on the COC:
- i.** Death or resignation of a COC member.
 - ii.** Removal of a COC member by the GCRTA Board. A COC member may be removed for having three, consecutive unexcused

absences; for having unexcused absences from more than one-third of regular meetings of the COC over the course of the most recent twelve-month period; failing to attend and complete the training under subsection (7) of this section within six (6) months of the beginning of the COC member's term; violating any GCRTA/TP policies and/or procedures; violating any federal, state, or local criminal laws; for any other reason authorized by law; or any conduct unbecoming a representative of the public.

- b.** COC members may continue to serve after the expiration of their terms if not replaced, at the invitation of the GCRTA Board.
- c.** Vacancies that occur in the middle of a term shall be filled in the same manner as prescribed under subsection (3) of this section for the duration of the unexpired term.
- d.** If a COC member desires to resign, the COC member shall notify the Chair and the GCRTA Board of the resignation in writing.

7. Orientation and Training

- a.** The TP Administrative Commander, in consultation with the Chief of Police, is responsible for the establishment of an orientation and training program for COC members.
- b.** The orientation and training program shall include familiarization with the following:
 - i.** Federal, state, and local laws involving police-citizen encounters, including, but not limited to, laws regarding the use of force, stops, searches, seizures, and arrests;
 - ii.** Police tactics;
 - iii.** Investigations of police conduct;
 - iv.** Bias-free policing;
 - v.** Policing individuals in crisis;
 - vi.** GCRTA/TP policies, procedures and disciplinary rules;
 - vii.** GCRTA Code of Ethics;
 - viii.** Community outreach;
 - ix.** Interactions with the Media; and
 - x.** Ohio Sunshine Laws and the Open Meetings Act.

8. Attendance and Participation

- a.** COC members have a duty to use their best efforts to attend all regularly-scheduled meetings and any special COC meetings.
- b.** If a COC member cannot attend a meeting or other function of the COC where official business is conducted, the COC member shall provide notice to the Chair as soon as possible. If a COC member fails to provide notice

of an absence to the Chair prior to the start of a COC meeting, the absence shall be considered unexcused.

9. Transit Privileges, Compensation, and Reimbursement for Expenses

- a. Members of the COC shall receive unlimited transit privileges during their service.
- b. The annual compensation for COC members shall be in the amount of one thousand, two hundred dollars (\$1,200), paid on a month-to-month basis.
 - i. The annual compensation for COC members shall be paid from the Board of Trustees's Departmental Budget.
 - ii. A COC member has the right to decline compensation.
- c. Members of the COC shall be reimbursed for expenses properly incurred while undertaking their official COC duties, as approved by the GCRTA Board.

10. COC Staff

- a. GCRTA/TP shall designate a Staff Liaison to the COC to serve as the primary point of contact with GCRTA/TP. COC members are not precluded from contacting other GCRTA/TP staff directly when appropriate.
 - i. The Staff Liaison shall be responsible for communications to the COC, tracking attendance, maintaining a record of meetings, and channeling COC members' concerns to the Chief of Police.
- b. GCRTA/TP shall designate a Staff Investigator to the COC to serve as an independent investigator of all complaints assigned to the COC.
 - i. The Staff Investigator shall be responsible for organizing complaints, conducting investigations, interviewing witnesses, collecting records, and any other investigatory responsibilities as assigned by the COC.
 - ii. The Staff Investigator shall only be entitled to access the records and personnel pertinent to the matter(s) being investigated.

11. Code of Ethics

- a. COC members and any COC staff shall execute the duties outlined herein in a manner that is consistent with GCRTA's Code of Ethics.

E. CONDUCT OF MEETINGS

1. Quorum and Voting

- a. For meetings of the COC, a majority of the appointed members shall constitute a quorum – i.e., at least four (4) members present.
- b. The affirmative vote of the majority of a quorum shall be required to carry forward any action by the COC.

2. Meetings Generally

- a. All meetings of the COC shall be held at the GCRTA Main Office Building unless otherwise designated in the notice of the meeting.
- b. The COC shall hold meetings as it deems necessary. The GCRTA Board and GCRTA/TP staff shall have input in setting the COC meeting agendas.
- c. Notice of COC meetings shall be provided in the same manner as notice for the GCRTA Board.

3. Public Meetings

- a. All meetings of the COC, except executive sessions held for purposes required or permitted by law, shall be open to the public, and no person shall be excluded from any meeting except for conduct which unreasonably interferes with the orderly conduct of the meeting.

4. Rules of Procedure

- a. Until otherwise provided, meetings of the COC shall be conducted in accordance with Robert's Rules of Order, subject to subsection (5) of this section.

5. Conduct of Meetings

- a. Meetings of the COC shall be conducted in accordance with the following procedures:
 - i. Vote. Actions may be taken by voice vote, except that the Chair may, and upon the request of any member shall, require any vote to be taken by roll call. Any member of the COC shall be permitted to change his or her vote until the roll call has been verified and the result declared. A motion for reconsideration on any vote may be made by any member who was in the majority on such vote. Such motion must be made not later than the close of the meeting following the one at which such vote was taken.
 - ii. Division of Question. If any question contains two or more divisible propositions, the Chair may, and upon request of a member shall, divide the same.
 - iii. Motions. Motions shall be presented, seconded and acted upon, in accordance with recognized parliamentary procedures. Upon request of any member, any motion shall be reduced to writing. Any motion may be withdrawn by the movant with the consent of the second, before it has been amended or voted upon. All motions which have been entertained by the Chair shall be entered upon the minutes of the meeting.

F. AUTHORITY, JURISDICTION, DUTIES, AND RESPONSIBILITIES

1. The COC has the power to receive, investigate, and make recommendations for the resolution of public complaints regarding alleged misconduct by TP employees.
2. The COC has jurisdiction over the following types of complaints of misconduct that are made against TP employees by a complainant:
 - a. Harassment complaints, including those alleging bias, discrimination, and profiling against members of the public;
 - b. Excessive force complaints;
 - c. Illegal search and seizure of person or vehicle, including traffic stops and other property;
 - d. Service complaints, including insufficient service or a complete lack of service (i.e., failure to make police report, failure to respond to call for service);
 - e. Property complaints, including missing property and damaged property of a public person or people; and
 - f. Misconduct related to the receipt of a Uniform Traffic Ticket or Parking Infraction Notice if the Parking Infraction Notice was issued by TP employees.
3. Internal GCRTA employee complaints against TP employees and those determined to be Human Resources in nature shall not be heard by the COC and will be resolved by the GCRTA's/TP's internal complaint resolution process. The Chief of Police or their designee will be responsible for determining which complaints shall be reviewed by the COC and which shall be resolved by the GCRTA's/TP's internal complaint resolution processes.

G. FILING A COMPLAINT

1. Complainants can file a complaint with the COC via mail, email, calling, or in-person at the TP Main Office. Complainants are encouraged to use the COC Public Complaint Form that can be found on the TP's website or available at the GCRTA TP Department.
2. Any complaint received by a COC member shall be documented and forwarded to the Chief of Police and the TP Administrative Commander. The TP Administrative Commander shall order a review and investigation of the complaint in accordance with General Order 06.09, the Investigation of Employee Misconduct policy.

3. The COC shall notify GCRTA and the Chief of Police of the COC's receipt and acceptance of a complaint and direct the COC Staff Investigator to commence an investigation.
4. The TP Administrative Commander shall notify the complainant that the complaint has been received.

H. HEARING AND REVIEW PROCEDURES

1. The TP Administrative Commander shall send the complaint and investigation materials to the COC Staff Investigator within ten (10) days after completion of the Internal Affairs investigation.
2. The COC shall review each case within ten (10) days after receipt of the complaint from the TP Administrative Commander. The COC will determine whether the COC will hear the complaint or defer the complaint to the Chief of Police without a recommendation.
3. If the COC determines to hear the complaint, the COC may direct the Staff Investigator to conduct an investigation and the COC may conduct hearings regarding the complaint. The COC must conclude any outstanding investigation and hearings of a complaint within sixty (60) days of deciding to hear the complaint.
4. The COC may request the complainant(s) be present to provide their testimony of what caused them to file the complaint.
5. The COC may request the involved TP employee(s) be present to provide their testimony and explain their actions.
 - a. In accordance with *Garrity v. New Jersey*, 385 U.S. 493 (1967) ("Garrity Rights"), statements made by TP employees during COC administrative investigations may not be used in any subsequent criminal proceedings against that TP employee. In addition, based on *NLRB v. Weingarten*, 420 U.S. 251 (1975) ("Weingarten Rights"), TP employees will have the right to have union representation for any COC investigatory interview, which the employee reasonably believes may result in disciplinary action.
 - b. No employee of the FOP shall be compelled to make a statement, either oral or written, about a complaint until they have been advised of the complaint and the possible disciplinary action to be taken by the GCRTA if the complaint is sustained.
6. The COC Staff Investigator may be called upon to provide any request for information to the COC for clarity.
7. The COC may utilize subject matter experts for the purpose of providing knowledge and expertise on a matter under review.
8. Upon the conclusion of the investigation of the complaint, the COC shall vote on a recommended disposition(s) for adjudication of the complaint.

I. STANDARDS OF PROOF – DISPOSITIONS

- 1.** No finding with respect to an allegation of a case shall be sustained unless it is proven by a preponderance of the evidence. For purposes of applying the “preponderance of the evidence” standard of proof, TP employee performance shall be evaluated against the policy, procedure, and/or training that was in effect on the day of the incident, or during the relevant time period during which the incident occurred.

J. STANDARDS FOR RECOMMENDATION REGARDING CORRECTIVE OR OTHER REMEDIAL ACTION

- 1.** When considering a recommendation regarding corrective or other remedial action, the COC shall apply a standard of “just cause.” In determining whether there is just cause for the recommended corrective or other remedial action, the COC shall consider all of the following:
 - a.** Was the TP employee forewarned of the rule, policy, or procedure as well as the consequences for violating the rule, policy or procedure?
 - b.** Is the recommendation regarding corrective or other remedial measure reasonable based on the TP employee’s conduct?
 - c.** Was the investigation prior to recommending corrective or remedial action complete, fair, and objective?
 - d.** Is there substantial evidence to support the recommendation regarding corrective or other remedial action?
 - e.** Is the recommendation regarding corrective or other remedial action free from bias and discrimination?
 - f.** Is the degree of corrective or other remedial action reasonably related to the nature of the offense?

K. ADJUDICATION OF COMPLAINTS

- 1.** After the COC has reviewed all the evidence, facts, and circumstances from the investigation of the complaint, the COC shall vote on a recommendation using one (1) of the following findings for each allegation:
 - a. Sustained:** Preponderance of the evidence supports a finding that the alleged conduct occurred and the TP employee’s actions were inconsistent with GCRTA/TP policy, procedure, and/or training or federal, state, and local laws and regulations.

- b. Sustained in Part:** Preponderance of the evidence supports a finding of a GCRTA/TP policy, procedure, and/or training or federal, state, and local laws and regulations violation on one or more, but not all, of the complainant's allegations.
- c. Sustained for a Violation not Based on Original Complaint:** Preponderance of the evidence supports a finding of misconduct that was not included in the complainant's original allegations but arose out of the incident that is the subject of the complaint.
- d. Exonerated:** Preponderance of the evidence supports a finding that the alleged conduct occurred, but the TP employee's actions were consistent with GCRTA/TP policy, procedure and/or training or federal, state, and local laws and regulations.
- e. Unfounded:** Preponderance of the evidence supports a finding that the alleged conduct did not occur.
- f. Not Sustained:** The facts and circumstances fail to establish whether or not the conduct occurred.
- g. Administratively Dismissed:** The complaint is not GCRTA/TP related, does not involve a TP employee, or is related to a service delay that is determined to be unavoidable.

L. RECOMMENDATION REGARDING CORRECTIVE OR OTHER REMEDIAL ACTIONS

1. Where the COC reaches an adjudication of "Sustained," "Sustained in Part," or "Sustained for a Violation not Based on Original Complaint" on one or more allegations, the COC shall deliberate on a recommendation regarding appropriate corrective or other remedial action.
2. Potential corrective and other remedial actions include re-training, coaching from a supervisor, first written reminder, second written reminder, decision making leave, termination, or other action that may be appropriate to address the violation.
3. To determine the recommended corrective and/or remedial action, the COC shall refer to the relevant GCRTA/TP policies addressing discipline, re-training, supervisory intervention, or other remedial action for misconduct or deficient performance. The COC shall make recommendations consistent with, and not materially deviating from, GCRTA's positive discipline policy, any applicable collective bargaining agreements, and/or any other relevant GCRTA policies.

M. RECOMMENDATION REGARDING COMMENDATIONS

1. During review and consideration of investigations, COC members may identify TP employee performance that is commendable, superior, noteworthy, or otherwise deserving of special and positive recognition. In such circumstances, a COC member may move that the COC recommend a commendation that is consistent with GCRTA's positive discipline policy and TP's award recognition program.
2. If a majority vote approves the recommendation, the Chair shall provide a written commendation of the identified TP employee's performance to the Chief of Police, Chief Operating Officer, and GCRTA CEO/General Manager.

N. FINAL SUMMARY

1. The Chair shall prepare a Final Summary that shall include the COC's findings and, where applicable, recommended corrective or other remedial action, and a brief outline of the evidence that the COC used to support the disposition and/or recommendation.
2. If the COC's recommended disposition departs from the COC Staff Investigator's recommended disposition, the Final Summary shall also include a written justification for the departure. The Final Summary may also include suggestions regarding GCRTA's and TP's policies, strategies, tactics, and/or training.
3. Within ten (10) days of receiving a Final Summary involving a finding of "Sustained," "Sustained in Part," or "Sustained for a Violation not Based on Original Complaint" on one or more allegations, the Chief of Police shall hold a hearing, at which time the involved TP employee(s) may present evidence and give their version of the incident.
4. Within ten (10) days of the conclusion of the hearing under subsection (c) of this section or receipt of a Final Summary that does not involve a finding of "Sustained," "Sustained in Part," or "Sustained for a Violation not Based on Original Complaint" on one or more allegations, the Chief of Police shall notify the involved TP employee(s), the complainant, and the COC of the outcome, including the disposition of the allegations and the corrective or remedial action(s) imposed, if any.
5. If the Chief of Police departs from the COC's recommendation, the Chief of Police shall provide a written explanation for the departure to the Chair of the COC.

O. RECORD REPOSITORY

1. All original records relating to the COC activities and operations shall be maintained in accordance with the current GCRTA public records policy and appropriate retention schedule. All public records requests should be directed to the DGM of Legal Affairs or their designee for appropriate action.

P. OVERSIGHT AND RESPONSIBILITY

1. These COC Operating Procedures shall be subject to review, revision, and updating by GCRTA's General Counsel in coordination with the Chief of Police and TP leadership. Amendments to these COC Operating Procedures shall be approved by the GCRTA Board.

DRAFT



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

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

Date: October 27, 2022

Subject: Human Resources Code Update

A blue ink signature of India L. Birdsong Terry, written in a cursive style.

At the November 1, 2022 Committee of the Whole meeting, staff will present proposed revisions to the Authority's Human Resources Code.

The proposed revisions to the policies include:

1. Remove Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03, Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees from the Code Book as duplicates of Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06
2. Update Personnel Policy 400.02 Compensation to included current language regarding pay ranges
3. Update Personnel Policy 400.03 Payroll Checks to clarify that overtime pay is authorized by immediate supervisor and approved by the department director
4. Update Personnel Policy 400.04 Payroll Deductions to include additional tax deductions beyond those required by law and confirm that child support requirements are current
5. Updated Personnel Policy 400.05 Overtime to clarify compliance with FLSA

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

Attachments: Red-lines of Code Book Sections 644.01 – 644.06
Red-lines of Personnel Policies 400.01 – 400.06

IBT/dmt

EMPLOYEE COMPENSATION

644.01 WORK WEEK AND HOURS.

~~(a) The normal work week for full-time non-bargaining non-exempt Authority employees is forty hours, generally five days per week, eight hours per day with a lunch period of uniform duration established by the department director. Lunch periods are unpaid and employees should be relieved from duty during this time.~~

~~(b) A flextime program allows an employee to choose, within specified limits, the daily hours of work preferred. Thus, employees in a particular department or section may have different starting and finishing times, but will work the same required number of hours per week.~~

~~(c) A department head shall not approve flextime for employees in any department where it is determined that the normal operation of the Authority cannot be maintained.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

644.02 COMPENSATION.

~~(a) Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations. Employees subject to collective bargaining agreements shall be compensated in accordance with the terms and conditions of those agreements.~~

~~(b) In accordance with Article IV, Section 2 of the Greater Cleveland Regional Transit Authority Bylaws, the Board will set pay ranges for each grade of classified positions, as well as the pay ranges for all unclassified positions, subject to any legal or contractual limitation. The pay ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position, with the maximum compensation for each being not less than 150 percent of the minimum. The CEO, General Manager/Secretary-Treasurer will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.~~

~~(c) Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the CEO, General Manager/Secretary-Treasurer.~~

~~(d) If a new position is established, the Director of Human Resources shall develop a job description and job title, evaluate the position to designate the appropriate grade level and pay range, and assign a classification number.~~

~~(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)~~

~~644.03 PAYROLL CHECKS.~~

~~(a) The anticipated annual salary received by an exempt employee, as defined by FLSA, is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accord with State and Federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to forty worked in each seven-day work period and time and a half their regular rate for overtime hours worked thereafter.~~

~~(b) The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.04 PAYROLL DEDUCTIONS.~~

~~(a) There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:~~

~~(1) Mandatory. Mandatory payroll deductions are made for Federal, State and local withholding taxes; the Public Employees Retirement System (PERS); and all court-mandated deductions. Social Security tax is deducted for Medicare for employees hired after April 1, 1986.~~

~~(2) Voluntary. Employees may authorize deductions from wages for such items as hospitalization insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, and deferred compensation contributions~~

~~(b) For those employees subject to withholding payments mandated by the Court or the Child Support Enforcement Agency, the Authority is mandated by law to notify the Court or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty days after the payment date and upon order of the Court or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.~~

~~(c) The GCRTA may otherwise deduct money from an exempt employee's salary for full day absences for personal reasons or as otherwise permitted by applicable Federal and State law.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.05 OVERTIME.~~

~~(a) Overtime is defined as hours worked beyond the normal work week. In accordance with the Fair Labor Standards Act, positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked beyond forty in one week. Typically, this includes clerical, technical, and unskilled positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director. Employees will be paid for all hours actually worked, but employees who work overtime without prior authorization may be subject to disciplinary action.~~

~~(b) For purposes of this section, the number of hours worked shall be deemed to include only hours actually worked.~~

~~(c) Supervisors shall not authorize work in excess of forty hours for non-exempt employees unless an appropriation in the department budget is available for payment.~~

~~(d) In lieu of overtime payment and for non-bargaining employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis. At no time will any non-exempt employee accrue more than forty hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.~~

~~(e) Payment for accrued compensatory time not used upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.~~

~~(f) Employees in exempt positions, as defined in the Fair Labor Standards Act, will not receive compensation, either by payment of overtime or by compensatory time off, for additional time worked beyond the normal work week, except as stated in the Call-Out Policy.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.06 CALL-OUT POLICY FOR EXEMPT EMPLOYEES.~~

~~The salaries of exempt employees are based on compensation for performance of a job rather than performance on a time basis. In general, it is expected that an~~

~~exempt employee will work overtime, when requested, without additional compensation in order to accomplish a specific assignment. However, it is recognized that business circumstances can arise which create a need for an employee to be called out in response to an emergency or other unusual or special circumstance. When such situations occur, eligible employees may receive call-out compensation.~~

~~(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)~~

Section 400 – Compensation & Benefits

A. Employee Compensation

400.01 WORK WEEK AND HOURS

The normal work week for full-time non-bargaining non-exempt Authority employees is forty (40) hours, generally five days per week, eight hours per day with a lunch period of uniform duration established by the department director. Lunch periods are unpaid and employees should-must be relieved from duty during this time.

A Flextime-flextime program allows an employee to choose, within specified limits, the daily hours of work preferred. Thus, employees in a particular department or section may have different starting and finishing times, but will work the same required number of hours per week.

A flextime program shall be approved at the discretion of an employee's department head-director. A department head-director shall not approve flextime for employees in any department where it is determined that the normal operation of the Authority cannot be maintained.

400.02 COMPENSATION

Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations. Employees subject to collective bargaining agreements shall be compensated in accordance with the terms and conditions of those agreements.

In accordance with Article IV, Section 2 of the Greater Cleveland Regional Transit Authority Bylaws, the Board will set pay ranges for each grade of classified positions, as well as the pay ranges for all unclassified positions, subject to any legal or contractual limitation. The pay ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position, ~~with the maximum compensation for each being not less than 150 percent of the minimum.~~

The CEO, Deputy General Manager- Human Resources as designated by the General Manager/Secretary Treasurer, Chief Executive Officer will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.

Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the Deputy General Manager-Human Resources as designated by the CEO, General Manager/Secretary Treasurer, Chief Executive Officer.

If a new position is established, the Director-of-Deputy General Manager – Human Resources shall develop a job description and job title for the new position, evaluate the new position to designate the appropriate grade level and pay range, and assign the new position a classification

number.

400.03 PAYROLL CHECKS

The anticipated annual salary received by an exempt employee, as defined by the Fair Labor Standards Act ("FLSA"), is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accordance with state and federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to forty (40) worked in each seven-day work period, and time and a half their regular rate for any overtime hours worked past forty (40) hours thereafter, as authorized by the immediate supervisor and approved by the department director.

The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.

400.04 PAYROLL DEDUCTIONS

There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:

(a) **Mandatory:** Mandatory payroll deductions are made for applicable Federal, State, and local withholding taxes; the Ohio Public Employees Retirement System ("OPERS"); and all court-mandated deductions. Social Security tax is deducted for Medicare for employees hired after April 1, 1986.

(b) **Voluntary:** Employees may authorize deductions from wages for such items as hospitalization, healthcare, vision, optical, and dental insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, and deferred compensation contributions, and additional tax deductions beyond those required by law. For those employees subject to withholding payments mandated by the a Court-court or the a Child-child Support support Enforcement-enforcement Agency-agency ("CSEA"), the Authority is mandated by law to notify the Court-court or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty (30) days after the payment date and upon order of the Court-court or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.

The GCRTA may otherwise deduct money from an exempt employee's' salary for full day absences for personal reasons or as otherwise permitted by applicable federal and state law.

400.05 OVERTIME

Overtime is defined as hours worked beyond the normal forty (40) hour work week. In accordance with the Fair Labor Standards Act ("FLSA"), positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked

beyond forty (40) hours in one week. Typically, this includes clerical, technical, and unskilled positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director. Employees will be paid for all hours actually worked, but employees who work overtime without prior authorization may be subject to disciplinary action.

For purposes of this section, the number of hours worked shall be deemed to include only hours actually worked.

Supervisors shall not authorize work in excess of forty (40) hours for non-exempt employees unless an appropriation in the department budget is available for payment.

In lieu of overtime payment ~~and~~ for non-bargaining, non-exempt employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis for hours worked in excess of forty (40) hours in one week. At no time will any non-exempt employee accrue more than forty (40) hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.

Payment for accrued compensatory time not used upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

Employees in exempt positions, as defined in the Fair Labor Standards Act/FLSA, will ~~shall~~ not receive compensation, either by payment of overtime or by compensatory time off, for additional time worked beyond the normal work week, except as stated in the Call-Out Policy.

400.06 CALL-OUT FOR EXEMPT EMPLOYEES

The salaries of exempt employees are based on compensation for performance of a job rather than ~~performance on a~~ hours-time basis worked. In general, it is expected that an exempt employee will work overtime, when requested, without additional compensation in order to accomplish a specific assignment. However, it is recognized that business circumstances can arise which create a need for an employee to be called-out in response to an emergency or other unusual or special circumstance. When such situations occur, eligible exempt employees may receive call-out compensation at the discretion of the Authority General Manager, Chief Executive Officer or their designee.

AGENDA

RTA AUDIT, SAFETY COMPLIANCE AND REAL ESTATE COMMITTEE

Tuesday, November 1, 2022

Committee Members: Mayor Paul A. Koomar, Chair
Ms. Karen Gabriel Moss, Vice Chair
Mr. Terence P. Joyce
Ms. Valarie J. McCall
Mayor David E. Weiss

- I. Roll Call
- II. Executive Session Requested – To consider the purchase of property for public purposes or the sale of property at competitive bidding.
- III. Adjourn