

Exhibit Book
Corporate Governance Committee Meeting
3/23/2015

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**MTA and its Agencies Policies Requiring Board Approval
Pursuant to Public Authorities Law Section 2824**

MTA Long Island Rail Road

I. PURPOSE

The purpose of this Performance Management Program (Program) is to establish a foundation for an effective, on-going performance planning and evaluation process. This includes, but is not limited, to:

1. Encouraging utilization of the Program as an on-going management tool to effectively manage employee performance, productivity and employee development;
2. Establishing a clear understanding of duties and performance expectations for the employee;
3. Determining the level at which an employee is performing;
4. Encouraging and maintaining a high level of employee job performance, productivity and morale;
5. Providing employees and the Long Island Rail Road (LIRR) with a record of employee performance;
6. Establishing individual goals that are linked to LIRR corporate goals that will provide direction and communicate performance expectations;
7. Recognizing good performance, identifying and addressing performance deficiencies, and promoting employee career and personal development/growth;
8. Developing a plan to assist employees in improving job performance and increase productivity.

The Long Island Rail Road is an Equal Opportunity Employer and will not discriminate against employees because of race, sex, creed, color, national origin, age, sexual orientation, marital status, or disability.

II. SCOPE

This Corporate Policy and Procedure (Policy) applies to the following employees: All non-represented, management employees and those represented employees who receive management benefits as stipulated in their respective collective bargaining agreements.

III. DEFINITIONS

- A. **Appraiser**: the manager/supervisor who is responsible to establish performance expectations and measurements and evaluates the performance of each employee under his/her supervision.

The Appraiser's performance evaluation should capture and measure their success at effectively managing the performance evaluation process. Specifically their ability to effectively establish goals, measurements, monitor performance on an on-going basis, evaluate performance, and complete the performance evaluation form at the end of the year for subordinates, in a timely fashion. The timeliness and completion of staff evaluations is a critical management function and should have an impact on the overall performance evaluation of Appraisers.

- B. Next Level Reviewer:** the manager to whom the Appraiser reports. He/she is responsible to hear any appeals and render a final determination, as provided in Section IV. G. (d) of this Policy.

IV. ESSENTIAL FUNCTIONS

The essential functions related to this Policy are as follows:

A. Senior Director of Human Resources

1. Responsible for the administration of the Program and for the application, modification, and interpretation of this governing Policy.

B. Human Resources Department

1. Ensure that the Program is appropriately managed and consistently applied in all departments.
2. Ensure integrity of the process.

C. Human Resources Managers

1. Address discrepancies with the departmental manager designated as coordinator for the Program and/or both levels of appraisers, and when necessary, the department head or Vice President.
2. Periodically issue statistical reports and reminder notices to department heads informing them of evaluations due as well as past due. If performance evaluations remain past due more than three months, a memo will be forwarded to the division head from the Senior Director-Human Resources.

D. Department Heads

1. Ensure the basic requirements of each position are current any time a significant organization change occurs.
2. Ensure this Policy is adhered to and consistently applied in the department.

V. PROCEDURES

A. Guidelines for Establishing Annual Goals and Performance Measurements

1. Mutually agreed upon goals and performance measurement standards should be established at the beginning of each calendar year. The Appraiser and employee should discuss the goals, performance expectations including expected time frames for completion, and performance measurements. The Appraiser or Next Level Reviewer may establish a goal for improvement in any area in which the employee's performance is either below expectations or unsatisfactory without the consent of the employee.
2. Establishing goals is beneficial to both the Appraiser and employee as it allows them to work at a common stated purpose utilizing a team approach to meet objectives. In

addition, it encourages open communication and discussion regarding performance expectations, goals, and the goals/objectives of the Department, and how the employee's duties contribute to the departments as well as the corporate goals and objectives.

3. The Appraiser should examine the employee's position description prior to establishing goals and measurements to review the purpose of the employee's job and determine reasonable goals and expectations that are within the "scope of work" of the position description.
4. During the review period, it is recommended that the Appraiser take note of critical incidents in which the employee demonstrates either significantly good or poor performance.
5. The "Measurements Section" should define the performance results expected and should include elements of quality, quantity, timelines, and manner in which the activity should be performed.

B. Guidelines for Completing the Performance Competency Statements

The Appraiser should assign a relative importance to each competency statement. When the appraiser rates more than one individual who possess the same job title, the relative importance for each Performance Competency Statement should be consistent across evaluations.

C. Guidelines for Completing the Performance Management Appraisal Form

1. At the end of the review period, the Appraiser will evaluate the employee's performance and actual results achieved utilizing the established measurements. The Appraiser should make brief comments on the form to justify the ratings.
2. The final performance appraisal rating is calculated on the Goals, Performance Competency Statements and Performance Assessment sections of the form. The final rating should reflect the individual's **overall** job performance. The performance evaluation form electronically calculates the overall rating based on the ratings of each individual section. The performance evaluation form should then be forwarded to the Next Level Reviewer and Department Head for approval and comments.
3. Once approval and comments are obtained from the Next Level Reviewer and Department Head, the Appraiser and the employee should meet to review and discuss the completed evaluation. At the end of the meeting, the employee should sign the performance evaluation form adding his/her comments, if any. The Appraiser should take this opportunity to promote a two-way discussion regarding job performance over the past year and provide feedback, both positive as well as constructive, to the employee. The objective of this discussion is to improve performance and correct shortcomings and to recognize good or superior performance. Goals for the upcoming year should be developed, ensuring consistency with corporate goals.
4. **Note:** If an employee refuses to sign the performance evaluation form, the Appraiser should note on the evaluation form that the evaluation was discussed with the employee and the employee declined to sign the form.

D. Processing the Performance Management Appraisal Form

1. The Appraiser should provide the employee with a final copy of the evaluation form.
2. The original completed Performance Management Evaluation Form must be forwarded to the Human Resources Department where it will remain in the employee's personnel record file.
3. Appraiser should retain a copy of the completed form for one year or until completion of the next performance evaluation. Completed Performance Management Evaluation Forms are confidential and must be handled as such.

E. Frequency of Evaluations

1. Employees' performance is to be continuously evaluated; the evaluation period is on an annual, calendar year basis, January 1st through December 31st. The final stage of the process is the completion of the evaluation form.
2. As the Program is a continuing process, on-going interaction with the employee regarding performance is encouraged, which may include coaching the employee, providing feedback regarding performance in relation to expectations, and discussing areas that need to be improved. The Appraiser is also encouraged to conduct an informal mid-year review of goals and performance status and make any necessary adjustments.
3. It is recommended that employees whose overall score is below 3 be placed on a performance improvement plan and Human Resources must be consulted prior to meeting with the employee. The performance evaluation period for employees hired or promoted into positions covered by this Policy and Procedures in the last quarter of the year may be extended for up to six (6) months from the date of hire/promotion to allow the Appraiser time to accurately assess performance.

F. Personnel Status Changes

1. A current performance evaluation and/or appropriate documentation should be on file with Human Resources prior to effecting any personnel status changes (i.e.; promotion, demotion, reassignment, etc.) as well as any salary action (i.e.; merit increases, promotional increases, etc.), as set forth in the Salary Administration Program For Non-Represented Employees. A current performance evaluation is one that has been completed within the past year.

G. Newly Appointed Supervisors, Managers, or Directors

1. The Appraiser should supervise the subordinate employee for a minimum of three (3) months prior to completing a performance evaluation form for the employee.

H. Guidelines for Handling Appeals by the Employee

1. Employees desiring to appeal their evaluation to the Next Level Reviewer may do so by following these steps in sequence:
 - a. At the time of the evaluation, the employee must sign the evaluation form and record any comments in the space provided. The employee must discuss with the Appraiser their disagreements or issues regarding the evaluation. Any changes made to the evaluation form should be initialed by the appraiser and the employee. If a disagreement remains, the employee must wait at least one (1) week, but no more than four (4) weeks, before moving on to the next step. During this period, an effort must be made to informally resolve the disagreement with the Appraiser. If such informal negotiations are successful, the changes should be initialed on the evaluation form.
 - b. At the conclusion of the four (4) week period, if the employee has not notified the Appraiser of his intent to appeal, the Appraiser may process the appraisal form and note on the form that "the employee refused to sign".
 - c. If the employee is not satisfied with the evaluation after discussing it with the Appraiser, an appeal to the Next Level Reviewer in the department may be made no later than six (6) weeks from the date of the original appraisal meeting with the Appraiser. The reason for the appeal must be stated in writing and copies sent to the Human Resources Department.
 - d. The Next Level Reviewer will arrange a meeting with the employee to discuss his/her issues/reason for the appeal. The Appraiser may be present upon the request and/or consent of the employee.
 - e. The Next Level Reviewer will review the appeal with the Appraiser and render a final determination in writing to the employee. A copy must be sent to the Human Resources Department.

VI. FORMS & ATTACHMENTS**Attachment A – Management Appraisal Form****Attachment B – Frequently Asked Questions****VII. REVISION TRACKING**

June 2003

June 2011

February 2012 - Per HR's request, revised due to process changes.

February 2013 – Expanded the comments sections on the Management Appraisal form (Attachment A) using the + or – signs to enable comments to be easily read and changed the submission deadline date to 5/31/13 on Frequently Asked Questions (Attachment B).

Performance Management Program**COMP-003**

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- March 2014 - Revisions were made on Attachment B – Frequently Asked Questions to change the review date, completion deadline date and to update language regarding changes to “last year’s process”.
 - July 2014 - Revisions were made to Attachment A – Performance Evaluation “Goals” section requiring managers to enter a relative importance percentage before the rating will appear.
 - January 2015 - Revisions were made to Attachment A – Performance Evaluation to update the “Drop Down” list of departments to reflect the most recent organizational changes.
Revisions were made on Attachment B – Frequently Asked Questions to change the review completion deadline date.

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to outline the administration of the Tuition Assistance Program for the MTA Long Island Rail Road (LIRR) to encourage the professional development of its employees and enhance the LIRR workforce.

II. SCOPE

This Policy applies to all full-time LIRR employees in active service and is offered as a non-contractual benefit. This Policy will be administered and interpreted in accordance with the MTA All-Agency Educational Expense Reimbursement Policy, except this Policy governs in the event of a conflict. Participation in the program is voluntary and the LIRR does not guaranty, express or imply continued employment, promotion or transfer.

III. ESSENTIAL FUNCTIONS**A. Senior Director – Safety and Training**

1. Administers the Tuition Assistance Policy.
2. Approves, in writing, exceptions to this Policy for good cause shown.

B. Manager - Corporate Development

1. Plans and budgets annually for participation.
2. Administers the Tuition Assistance Program.
3. Makes final decision to approve or deny requests.
4. Monitors and reports compliance with this Policy.

C. Employee Training Assistants

1. Forwards signed and completed applications to Business Service Center (BSC).
2. Create and update employee Tuition Assistance files.

D. Department Heads

1. Approve or deny all requests by department employees.

IV. PROCEDURES**A. Eligibility**

1. Participation is subject to approval by the employee's Department Head. The department must verify that:
 - a. Represented applicants have completed one (1) year of continuous service at the LIRR before the date upon which the class commences.

- b. Management employees and represented employees receiving management benefits have completed six (6) months of continuous service at any MTA Constituent Agency before the date upon which the class commences.
 - c. The applicant is in good standing in terms of attendance and job performance.
- 2. Corporate Development will verify that adequate funds exist. Budgeted funds will be allocated to applicants already in the program. Approval of new applicants is subject to budget limits and constraints.
- 3. The LIRR reserves the right to cancel previously appointed participation if the employee is no longer in good standing.
- 4. The employee is eligible for courses completed before termination or separation from employment. If employment is terminated because of reasons such as organizational restructuring or similar reasons, the employee will remain eligible for courses already completed, or in progress on the date the personnel action is effective.

B. Eligibility – Courses, Programs and Institutions

Tuition Assistance will be granted for courses as follows:

1. Individual Courses:

Reimbursement for training, seminars, professional training and review courses of short duration is to be handled under CP&P EDUC-005 "Authorization to Attend Off-Site Events". If an employee is not in a degree/certificate/license program and desires to take a course or courses, the employee will be reimbursed for courses that are very specifically or directly related to the applicant's current or potential job responsibilities.

2. Certification/License Programs:

Employees granted program approval for certificate or license programs would be reimbursed only for those programs that are related to the LIRR business needs and functions. A certificate program is a series of courses leading to "certification" in a field of endeavor; e.g., Management Studies, Welding, etc. It is not a course or class that leads to a "certificate of completion". A license program leads to the issuance of a license.

3. Degree Programs:

Employees approved for a degree program will be reimbursed for all courses specifically required by the curriculum. Elective classes are reimbursed differently. Elective classes should be chosen carefully because they will only be reimbursed if they are relevant to our business and to the participant's role in our business; e.g., the following generic topic areas and classes related or similar to them would typically be reimbursed:

Engineering	Accounting	Labor Relations
Mathematics	Management	Computer Science
Physics	Economics	English Composition
Marketing	Finance	Transportation
Chemistry	Business	Business Law
Speech	Marketing	Organizational Behavior
Human Resources	Operations Research	Political Science
Psychology	Communications	

4. Employees must submit a Tuition Assistance Program Approval Request Memo (Request) to Corporate Development, at least two (2) weeks before the semester start date (See Attachment A).
5. The employee's Department Head and Corporate Development must approve all courses before the course(s) start.
6. Courses must be taken on the employee's own time and must not interfere with LIRR work assignments.
7. Tuition Assistance may be granted for the following schools or institutions:
 - a. Accredited colleges and universities, including two (2) year community and vocational colleges.
 - b. Accredited vocational/trade schools and technical institutions.
 - c. Professional societies or associations, e.g., RCA Institute, Academy of Advanced Traffic, etc.
8. Home study courses required for employees to retain professional certification and home study college courses offered by accredited institutions are eligible for reimbursement. Other home study courses are not eligible.
9. Eligibility extends to accredited institutions delivering Internet-based programs.
10. Development of employees beyond the Master's Degree Level is considered on a case-by-case basis.

C. Program Approval

1. Employees requesting Tuition Assistance for a certificate program or a license program (paragraph IV.B.2. of this Policy) or a program leading to a college degree (paragraph IV.B.3. of this Policy), must first request and receive program

approval prior to registration by submitting a Tuition Assistance Program Approval Request Memo (Request) to their Department Head (See Attachment A).

2. In the Request (Attachment A), the employee must describe specifics and explain how the program would support LIRR business needs and functions by approval of this Request.
3. The Department Head transmits the Request to the Corporate Development Office. A Request must be on file with Corporate Development before, or submitted with, the application for a semester's tuition or expenses. A change to an approved program requires resubmission of the Request, e.g., changing department, school, degree or major. If an employee has a Request on file, but has not attended courses for a period of one year, the employee must reapply by submitting a new Request to Corporate Development for continued approval. Safety and Training records receipt of the approval and forwards the Request to the employee's Department Head for review.

D. Application Process

1. The employee must submit an Educational Expense Reimbursement Application and Refund Requisition Form BSC HR-TRN-003 (**available on the BSC Employee Portal**) before each semester to his/her Department Head, which is submitted in conjunction with the Request memo to Corporate Development.
2. The BSC HR-TRN-003 form must be forwarded by the employee to the Corporate Development Office for review of procedural compliance, at least two (2) weeks before the courses begin.
3. After review and disposition by the Manager - Corporate Development, copies will be forwarded to the BSC and the employee. If approved, the employee should complete registration at the school.

E. Reimbursable Expenses

1. The LIRR will reimburse eligible employees for the following educational expenses up to a maximum expenditure of \$4,000 in a calendar year (January through December), based upon the dates on which the courses are completed:
 - a. Tuition.
 - b. Fees, if they are required for approved courses. The following are examples of fees that are eligible for reimbursement: application, registration, laboratory, student activity, graduation, technology, telecommunications, and facility use or access. In the case of application fees, where the employee has applied to more than one school or has applied for multiple courses, reimbursement will be limited to the school, program and course(s) in which the employee ultimately enrolls.

- c. Fees necessary to take an examination to obtain or maintain professional licenses or certifications. If the employee needs to pay for the same test more than once, the employee will only be reimbursed for the first test.
 - d. Tuition or costs for review courses for examinations leading to professional licensing or certification. If the employee needs to take the same review course more than once the employee will only be reimbursed for the first course.
 - e. Reimbursement will only be made for approved courses. Reimbursement will be made at 100%, in accordance with the following:
 - **Undergraduate courses**
Grades of C minus or better
Grade of Pass in a Pass/Fail course
 - **Graduate courses**
Grades of B minus or better
Grade of Pass in a Pass/Fail course
 - **License / Certificate / Home Study courses**
Evidence of successful completion or certification
2. Reimbursement will only be made for amounts that are not covered by assistance from outside sources (e.g., veteran's benefits, fellowships, scholarships, grants, student aid programs, or course price discounts, etc.). If any employee receives such outside assistance, the LIRR will only pay the balance in excess of the amount available from outside sources, up to the amount and within the timeframe specified in paragraph IV.C.1. and 2. of this Policy. The employee must notify the Manager - Corporate Development that he/she is receiving such outside assistance.
3. If an employee must withdraw from a course because of a reassignment or transfer made by the LIRR, which makes class attendance by the employee impossible, or impractical (e.g., a change in the employee's work hours), the LIRR will reimburse the employee for all costs associated with the affected course.
4. Reimbursement **will not** be made for:
- a. Courses that are not approved prior to registration.
 - b. A grade of D+ or less for undergraduate courses, grades of C+ or less for graduate courses, or a grade of Fail in a Pass/Fail course.
 - c. Textbooks or publications.
 - d. Equipment or supplies.
 - e. Late registration, parking fees, or penalties of any kind.
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- f. Costs for items such as dropping a course or reinstatement except as set forth in paragraph IV.E.3. of this Policy.
 - g. Deferred payments or associated costs, including but not limited to interest charges, penalties or other fees, except as set forth in paragraph IV.G.2. of this Policy.
 - h. Miscellaneous items, including but not limited to copying/reproduction, typing, and Internet access fees.
- 5. Reimbursement for training, seminars, professional training and review courses of short duration is to be handled under LIRR Policy EDUC-005 Authorization to Attend Off-Site Events.

F. Payments

- 1. For Tuition Reimbursement payments to employees, the following must be on file and submitted:
 - a. A Request.
 - b. Signed and approved BSC HN-TRN-003 Form.
 - c. The original bursar's receipt for all eligible expenses for which reimbursement is sought and the original official grade report(s) or a registrar's transcript. If the original bursar's receipt is not available, other forms of proof of payment are acceptable, such as proof of payment by electronic means, copies of the front and back of cancelled checks, money order receipts, or original credit card receipts. Receipts and other documentation must be presented within six (6) months of receipt of final grade(s).
 - d. Student account(s) and grade report(s) obtained via the Internet submitted for the purposes of reimbursement must include a means of validating the authenticity of the account(s) or grade report(s). The name and contact information for the school, employee name and identification number, transaction dates, grades and/or tuition fees must be included on the report(s).
 - e. For professional certification or other course in which no final grade is given, upon submission of a certificate of completion or other evidence of successful participation in the course or program, such evidence must be presented within six (6) months of receipt of certification.
 - f. Certain educational assistance reimbursements may be considered taxable income and are reported on W-2 forms. Employees participating in the program are responsible for meeting any associated Federal, State or local tax obligations.

G. Reimbursement

1. Upon successful completion of the approved classes, documentation, as described in paragraph IV.F.1. of this Policy must be forwarded to the BSC. The BSC will advise Payroll and the employee of the amount to be reimbursed. Reimbursement will be made in the employee paycheck. The employee is accountable to pay the school all tuition and fees billed.
2. If the educational institution provides for deferred payment, the employee must submit an official bill and official grades to receive payment. The employee is then accountable to pay the school within two (2) weeks of payment receipt and immediately provide an official Bursar's receipt to Corporate Development. Payment may be made for tuition only; not for any associated costs including, but not limited to, interest, charges, penalties or other fees.
3. When a degree, certificate or license program is completed, documentation verifying completion must be sent by the employee to the Corporate Development Office. Corporate Development will forward this information to Human Resources Personnel Records Section.

H. Audits and Verifications

1. The LIRR has the right to periodically audit documentation submitted and may verify with the applicable institution that the employee's enrollment and status are in compliance with this Policy. The employee will be required to sign a release permitting such audit and verification. Should the LIRR learn that the employee has falsified or misrepresented information submitted pursuant to this Policy, the LIRR may take appropriate administrative or disciplinary action, including but not limited to termination of employment.

V. FORMS & ATTACHMENTS

Attachment A - Tuition Assistance Program Approval Request Memo

Attachment B - Overview of the Tuition Assistance Process

VI. REVISION TRACKING

December 1998

January 2001

September 2001

February 2006

September 2011

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to set forth the comprehensive and uniform method used to evaluate a represented employee of the MTA Long Island Rail Road (LIRR) during his or her probationary period. Employment is at-will during the probationary period.

II. SCOPE

This Policy applies to all represented employees who are newly hired, promoted or reassigned to a title belonging to a different craft (collectively called "Probationary Employees").

III. ESSENTIAL FUNCTIONS**A. Human Resources Department**

1. On a bi-monthly basis forwards a list of Probationary Employees to all departments with the following information: name, employee number, job title, hire/transfer/promotion date and dates of probation period.
2. Distributes Probationary Evaluation Forms (Attachment A) to departments for completion.
3. Conducts training as needed, in conjunction with Labor Relations, for department managers and supervisors who review and complete Probationary Evaluation Forms.
4. Ensures timely completion and collection of all Probationary Evaluation Forms from departments.
5. Reviews collected Probationary Evaluation Forms for completeness and consistency.
6. Ensures completed Probationary Evaluation Forms are forwarded to the MTA Business Service Center for inclusion in employee personnel file.
7. Reviews department requests to extend the probationary period for a Probationary Employee - See Section IV. B. of this Policy.
8. Reviews department requests to terminate a Probationary Employee during the probationary period – See Section IV. C. of this Policy. Before a department can terminate a Probationary Employee, the department must have obtained prior Human Resources Department approval.
9. Assists Labor Relations in placing Probationary Employees rejected/resigned from their probationary positions who have retained seniority rights in their former craft.

B. Department Heads or Designees

1. Inform the Probationary Employee of the expectations of the LIRR and the department and define the performance standards expected.
2. Complete timely Probationary Evaluation Forms for each Probationary Employee with input from supervisory personnel and other managers where required.
3. Counsel Probationary Employees when their performance is below minimum expectations or unsatisfactory. The counseling should include reiteration of LIRR and department

expectations. Counseling and the reason(s) for counseling must be documented by the supervisor. This information should be included in the Probationary Evaluation Form, which may serve as the necessary documentation of the incident(s)/reason for counseling. **(Counseling is not appropriate for situations involving serious misconduct. In the event of serious misconduct by a Probationary Employee, department supervision must immediately contact Human Resource and Labor Relations for guidance.)**

4. Advise Probationary Employee of extended probationary period prior to conclusion of the initial probation period.
5. Review with the Senior Director – Human Resources or designee the request to extend the probationary period of a Probationary Employee – See Section IV. B. of this Policy. Submits requests approved by Human Resources to Labor Relations. This requires the written concurrence of the department head or his/her designee.
5. Request the Senior Director – Human Resources' prior approval to terminate a Probationary Employee during the probationary period - See Section IV. C. of this Policy. This requires the written concurrence of the department head or his/her designee.

C. Labor Relations Department

1. Counsels departments and Human Resources as needed in the evaluation process.
2. When necessary, obtains union approval to extend the probationary period of a Probationary Employee after receiving Human Resources' approval of the department's request, in accordance with Section IV. B. of this Policy.
3. Assists Human Resources and departments in the placement of a Probationary Employee who has been rejected or resigned from the probationary position, when seniority rights in another craft was retained after determining that the Probationary Employee did not engage in conduct during the probationary period that would otherwise warrant dismissal from LIRR employment.

IV. PROCEDURES

A. Completion of Forms

Department managers must discuss each Probationary Evaluation Form with supervisors to ensure it is accurate and complete. All completed Probationary Evaluation Forms must be timely returned to the Human Resources Department upon completion of each three (3) month review period.

B. Extension of Probation Period

With prior Human Resources concurrence, in compliance with the procedures below, probation periods can be extended by the LIRR for an additional period where it is determined that such an extension is appropriate and in the best interest of the LIRR.

The supervisor or manager of the Probationary Employee, with the concurrence of the department head or his/her designee, should file a written request for an extension of the probationary period to the Director of Labor Relations Administration no later than the first day of the eleventh (11th) month of service. However, requests for an extension that are

necessitated by information that is discovered at any point during the probationary period will be considered.

The request must include supporting documentation, including accounting of current performance levels in the assigned area of responsibility, the basis for the request, and the amount of time requested.

The department will forward requests approved by Human Resources for an extension of a probationary period to Labor Relations for further action as appropriate, including obtaining the written consent of the appropriate labor organization, if necessary. Employees will be advised by their department head or designee of an extended probationary period prior to conclusion of the initial probation period.

C. Termination of Employment

Employment may be terminated at the will and sole discretion of the LIRR, at any time, for any reason, during the probation period. In cases of a Probationary Employee's release from service, formal advance notice by the LIRR is not required.

A department seeking the termination of a Probationary Employee from LIRR employment during his/her probationary period must request and obtain approval from Human Resources before taking such action. This request must be in writing by the department head or his/her designee to the Senior Director – Human Resources with supporting documentation. The Probationary Employee must be released from service no later than the last day of the probation period.

A Probationary Employee who has maintained seniority roster rights in another craft may have the opportunity to be restored to a position in that craft in accordance with LIRR policy and the applicable collective bargaining agreement of the employee's former craft. However, if during the probationary period the conduct of the Probationary Employee could otherwise warrant dismissal from service, the Department must contact Labor Relations and Human Resources for guidance before the Probationary Employee is advised of his/her options.

V. FORMS AND ATTACHMENTS

Attachment A - Probationary Evaluation Form

VI. REVISION TRACKING

July 2009 – New

February 2014 – This Policy was due for review based on CP&P BPM-001 – Issuance of Corporate Policies and Procedures. Reference to MTA BSC's receiving of Probationary forms to be included in employee personnel files was added; and a change was made from Human Resources to Labor Relations regarding the receiving of written extension probation requests.

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to establish the process for MTA Long Island Rail Road (LIRR) recruitment, selection, and placement of candidates to fill approved vacancies. This Policy replaces: the Corporate Procedure on General Employment (No. 2100); the New Employee Orientation/Management Orientation Policy (No. 2101); the Background Verification & Field Investigations Policy (No. 2102); the Policy for Filling MPA Positions (P-REC-004); and the Policy for Filling Represented Positions (P-REC-005).

II. SCOPE

This Policy applies to the recruitment, selection, and placement of all candidates (internal and external) into represented and non-represented positions, posted or otherwise handled by the LIRR Human Resources Department. LIRR is an equal opportunity (EEO) employer.

III. DEFINITIONS

- A. Confidentiality of Personal Information** - as defined in Section IV. I. of the Confidentiality & Security of Personal Information Policy (EMPL-007): any information about an employee other than name, title, dates of employment and employee number. Personal information includes, but is not limited to, date of birth; age; race; sex; marital status; home address; home telephone number; social security number; employee identification number; job-related information; and salary and benefits data.
- B. Legitimate Business Purpose** – as defined in Section IV. F. of the Confidentiality & Security of Personal Information Policy (EMPL-007): any business need to know or legal reason to collect, use or disclose personal information as authorized by this and other LIRR policies, including but not limited to the Confidentiality & Security of Personal Information Policy (EMPL-007).

IV. ESSENTIAL FUNCTIONS**A. Human Resources Department (HR)**

- 1. Senior Director – Human Resources:** Responsible for the implementation and administration of this Policy. Requests for exceptions to this Policy must be submitted in writing to the Senior Director – HR, in certain instances may require approval by the appropriate Vice President and when necessary the LIRR President.
- 2. LIRR Medical Department:** In accordance with the LIRR Medical Assessment Policy (MED-001) and the LIRR Alcohol & Substance Abuse Policy (MED-005), conducts medical examinations, Physical Abilities Screens (PAS), and drug and/or alcohol testing, as required.
- 3. HR Representative:** In coordination with the Hiring Department Head/Manager: manages the recruitment and selection process; conducts interviews and completes evaluations/assessments for candidates interviewed; establishes and negotiates salary offers and the terms and conditions of employment for management positions and represented positions with management benefits; extends conditional offers and confirms job offers to candidates for represented positions.

B. Office of Diversity Management

1. Communicates the LIRR's established EEO goals to HR and Hiring Departments.
2. Reviews applicant flow reports to ensure a diverse pool of candidates.
3. Suggests additional recruitment sources where applicable.
4. Communicates the LIRR Core Values during the Employee Orientation Program.

C. Hiring Department Heads/Managers

1. Ensure that HR has a current position description prior to recruitment.
2. Participate in the recruitment process with an HR Representative, including screening applicants, conducting interviews, assessing candidates and selecting the successful candidate(s) for the position.
3. Maintain confidentiality regarding all information related to the recruitment process, including but not limited to, assessment tools and tests, candidate screenings, evaluations, and salary offers.

D. Personnel Action Review Committee (PARC)

1. The PARC Committee meets on an as needed basis and consists of the following representatives: Senior Vice President - Administration; Vice President - Management, Finance & Chief Financial Officer; and the Chief of Staff. The Vice President - Labor Relations; Executive Director - Management & Budgets; Senior Director - HR; Director - Management & Budgets; and an HR Business Director provide support.
2. Reviews and approves all requests from Department Heads for new positions; position evaluation upgrades; requests to increase Department's headcount; requests to fill vacancies, and reorganizations having a budget impact.

V. PROCEDURE**A. Requisition to Fill a Vacancy**

To start the recruitment process, the Department Head submits a written justification to HR with a Position Authorization (PA-1) form and requests to fill the vacancy and identify a valid budget justification. This will be reviewed for approval by the PARC.

B. Job Postings

1. Approved position vacancies will be posted on the MTA website, www.mta.info, for ten (10) business days. Vacancies may be reposted at the discretion of the applicable Hiring Department Head/Manager and Senior Director - HR.
2. Applications will only be accepted electronically within the posting period via the MTA website <http://www.mta.info/mta/employment> or the MTA Business Service Center (BSC) portal www.mtabsc.info. The posting of certain positions may be limited to the Hiring Department if a resulting vacancy will not be backfilled.

3. Department Heads may submit a written request to the Senior Director - HR to exercise discretion to waive a job posting for a vacancy covered by this Policy under the following circumstances:
 - a. The posting is not required in any collective bargaining agreement (CBA).
 - b. The vacancy can be filled by a qualified displaced employee, i.e., whose job was eliminated or abolished.
 - c. The placement of an employee will result in a subsequent position being eliminated.
 - d. A filled position is assuming additional responsibilities, resulting in the upgrade of the position.
 - e. The placement of an employee upon completion of a training program (i.e., Transportation Supervisor Program; Junior Engineer Training Program, Project Management Trainee).
 - f. The vacancy is a senior-level placement and/or is part of an approved succession plan, in which case approval of the applicable Vice President is required. The approval of the LIRR President may also be required.

C. Candidate Eligibility

1. Candidates must possess a satisfactory work history.
2. LIRR employees must be in their current position for twelve (12) months immediately preceding the close date of the job posting. Department Heads may submit a written waiver request to the Senior Director-HR for approval. If the candidate is moving from one Department to another, the other Department Head must also approve the request.
3. Employees participating in a LIRR-sponsored training program will not be eligible for consideration for posted positions until one (1) year after successful completion of the training program or required qualification.
4. Employees who failed LIRR-sponsored training programs may not be re-considered for the same or a similar position requiring comparable qualifications, testing or training.
5. Former LIRR employees who were separated from service in good standing and deemed "eligible for rehire" with a satisfactory work record are eligible to apply for vacant positions. HR may waive pre-employment assessments for former employees who apply for the same position held at the time of separation.
6. Employees who revert to their former position or another represented position, for any reason, may not be considered for another position for two (2) years after the date of return to their former craft position.

D. Selection

1. The HR Representative and the Hiring Department Head/Manager will conduct interviews, manage the recruitment and selection process, and complete evaluations/assessments for candidates interviewed.

2. Any screening assessment tools utilized in the process are to be administered by HR staff only. The Hiring Department Head/Manager may assist in pre-selection assessments where appropriate.
3. Not all qualified applicants may be interviewed.

E. Background Investigation

1. All external candidates (candidates other than LIRR current employees) are subject to a background investigation. All external and internal candidates for a position that performs cash transactions are subject to a credit check. All external and internal candidates for positions that require driving are subject to an examination of their motor vehicle records.
2. Candidates will not receive a job offer prior to the completion of the background investigation process, except at the discretion of the Senior Director - HR.
3. An individual's omission or misrepresentation of any material fact regarding employment information will result in the rejection of his/her application for employment if the individual is an applicant or a probationary LIRR employee. If at the time the LIRR learns of any such omission or misrepresentation, the individual is an LIRR employee in a non-represented position or is in a represented position and has not completed the probationary period, he/she will be subject to dismissal. If the individual is in a represented position and has completed the probationary period, he/she may be disciplined, up to and including dismissal, subject to the applicable collective bargaining agreement (CBA).

F. Job Offers

1. The HR Representative, in conjunction with the Hiring Department Head/Manager, will identify the candidate(s) to be selected for the position(s), following the recruitment and selection process set forth in this Policy. Approval of the Hiring Department Head, applicable Vice President, the Senior Director - HR, and/or the LIRR President, may be required, depending on the level of the position.
2. The HR Representative is responsible for establishing and negotiating salary offers and the terms and conditions of employment for management positions and for represented positions with management benefits in accordance with the Salary Administration Program for Non-Represented Employees (CP&P 2203). The HR Representative will also extend conditional offers and confirm job offers to candidates for represented positions. Compensation for represented employees will be based on the applicable CBA.
3. When an LIRR employee is offered a new position in another department, the current department must release the employee within two (2) to four (4) weeks of his/her acceptance of the job offer. However, if there would be a significant business hardship to the employee's current department, the Department Head may request HR to extend the effective date of the placement. The employee must be informed of this request. HR will not extend the effective date of the placement if such extension would result in a loss of the job opportunity for the employee.

G. Confidentiality of Personal Information

1. Every employee handling or having access to Personal Information, as defined in Section III. A. of this Policy is responsible for ensuring that such information is only collected, used or disclosed by an individual who has a Legitimate Business Purpose, as defined in Section III. B. of this Policy.
2. Disclosure of Personal Information obtained in connection with the recruitment process set forth by this Policy is governed by the Confidentiality & Security of Personal Information Policy (EMPL-007). In addition, disclosure of Personal Information may be made pursuant to the employee or applicant's written request or written consent.

H. Employee Orientation

Newly hired employees are required to attend a two (2)-day Employee Orientation Program conducted by BSC and LIRR staff. Employees hired for positions that require work in the field must attend the Employee Orientation Program on their first day of employment before being allowed to enter Safety Sensitive work areas. All other employees will attend on their first day or the next available session after their start date.

I. Miscellaneous

1. Candidate pools may remain active for up to twelve (12) months from the job posting close date. Based on management discretion, all candidates who have participated in the selection process within this twelve (12) month period or, in certain cases where a notable pool of one or more candidates exists, up to twelve (12) months from the date of interview may be considered for any subsequent, additional vacancies that become available within this time frame. All test results used in the evaluation process will still apply. If the same tests are used to evaluate other vacancies that the candidate subsequently applies for, those results will also still apply. Applicants are only permitted to take the same test or be interviewed for the same position once within a twelve (12) month period.
2. An employee moving into a new position will retain cumulative LIRR service for the purpose of determining length of vacation and leave entitlements. For purposes other than vacation and leave entitlement, seniority will be determined in accordance with the employee's CBA, if applicable.
3. LIRR reserves the right to deny an employee a lateral reassignment if the employee's current Department submits a written request to the Senior Director – HR for such denial, based on a justification that retaining the employee in his/her current position is in the LIRR's best interest. The applicable Vice President and Senior Director - HR will make the final decision.
4. Represented employees are subject to a twelve (12) month probationary period, pursuant to the LIRR Probation Policy (EMPL-005).
5. Non-represented employees are considered employees at will and as such the employment relationship may be ended at any time, with or without cause or notice, by the employee or the LIRR.

VI. RELATED POLICIES

MED-005 - Alcohol & Substance Abuse Policy
2109 - Americans with Disabilities Act (ADA) Policy
DIV-001 - Anti-Harassment Policy
EMPL-004 - Avoidance of Nepotism
EMPL-007 - Confidentiality & Security of Personal Information
DIV-002 - Equal Employment Opportunity Policy
MED-001 - Medical Assessment Policy
COMP-003 - Performance Management Program
EMPL-005 - Probation Policy
2110 - Reasonable Accommodations Policy and Procedure
2203 - Salary Administration Program - Non-Represented Employees

VII. FORMS & ATTACHMENTS

None

VIII. REVISION TRACKING

April 2013 – NEW
July 2013 – Per Human Resources' request, the policy number was changed – formerly known as P-REC-006.
January 2015 - Revision was made to clarify candidate eligibility.

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to set forth the day-to-day practices of the MTA Long Island Rail Road (LIRR) with respect to bereavement leave, pursuant to the Metropolitan Transportation Authority (MTA) All-Agency Bereavement Policy.

II. SCOPE

This Policy applies to all full-time non-represented LIRR employees and those represented employees who receive management benefits governed by their respective collective bargaining agreements (collectively called “employees”). This Policy does not apply to persons who accept LIRR employment on a seasonal, temporary, per diem, or to interns

III. DEFINITIONS

- A. Active Service** – Where the employee is regularly reporting to work and receiving regular pay. An employee is not in Active Service if he or she is on an extended leave of absence, including, but not limited, to a short-term or long-term disability leave or a long-term unpaid leave.
- B. Child** - A biological or adopted child, foster child, stepchild, legal ward or a child of an employee standing in loco parentis (i.e., in place of a parent) or the child of an employee’s Domestic Partner.
- C. Family Member** - Employee’s spouse, Domestic Partner, child, sibling, parent, parent-in-law, parent of the employee’s Domestic Partner, grandparent or grandchild.
- D. Domestic Partner** - An individual registered by the employee as a Domestic Partner pursuant to the LIRR Domestic Partner Inclusions Policy (CP&P 2502), whose Domestic Partner status has not terminated at the time of the employee’s requested bereavement leave.
- E. Parent** - A biological or adopting parent, foster parent, step-parent, legal guardian (ward), or an individual standing in loco parentis (i.e., in place of a parent.)
- F. Sibling** - A biological, adoptive, foster, half or step-brother or sister.

IV. ESSENTIAL FUNCTIONS**A. Human Resources Department**

The Senior-Director – Human Resources, administers this Policy and may grant exceptions to this Policy under extraordinary circumstances.

B. Department Heads or Designees

Ensure compliance with this Policy by employees in their Departments.

C. Employees

Comply with the requirements of this Policy.

V. PROCEDURE**A. Bereavement Leave Allotment**

1. Each employee in Active Service covered by this Policy will be allotted up to five (5) work days bereavement leave per occurrence to be taken within thirty (30) days of the death of the employee's Family Member.
2. Full-time employees placed on a reduced work schedule on a temporary basis (e.g., less than a full-time work week as determined by LIRR) will be credited with a bereavement leave allotment proportionate to the reduced schedule that the employee works.
3. There is no limit to the number of times that bereavement leave may be granted to an employee. However, it is incumbent upon the employee's Department Head/Designee to monitor usage.

B. Usage

Bereavement leave may be used upon the death of the employee's Family Member, with notification by the employee to his/her supervisor.

C. Documentation and Tracking

1. When an employee uses bereavement leave under this Policy, upon return to work, he/she must provide proof of death, such as a copy of the death certificate, obituary notice or a note from the funeral director. This documentation must be maintained by the employee's Department Head/Designee.
2. An employee's bereavement leave must be recorded by the employee and by the employee's Department in LIRR's timekeeping/payroll system.

VI. RELATED POLICIES

CP&P 2502 - LIRR Domestic Partner Inclusions Policy
MTA All-Agency Bereavement Policy No. 11-019

VII. FORMS & ATTACHMENTS – None**VIII. REVISION TRACKING**

April 1998

July 2001

April 2011

February 2012 – (To incorporate language used in MTA All-Agency Policy)

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to establish procedures for providing family and medical leaves of absence (family/medical leave) in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended by the National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA).

II. SCOPE

This Policy applies to all LIRR employees.

III. DEFINITIONS

- A. Child** - means a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing in the place of a parent, who is: (1) under eighteen (18) years old; or (2) eighteen (18) years old or more and incapable of self-care because of a mental or physical disability, as defined under the Americans with Disabilities Act (ADA).
- B. Parent** - means the biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
- C. Spouse** - means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.
- D. Domestic Partner** - For the purposes of this Policy, Domestic Partners of employees are defined as same or opposite sex partners, age eighteen (18) or older, with whom they reside and have a committed, long term relationship of mutual support and for whom they have assumed long term financial responsibility or have mutual financial responsibility. However, persons who live together for economic reasons, but who have not made a commitment to an exclusive enduring Domestic Partnership will not be considered Domestic Partners. Both partners must not be married to other individuals and must not be related by blood in a way that would bar marriage under the laws of the State of New York.

The partners must be each other's sole Domestic Partner and must have been involved in a Domestic Partnership for a period of not less than six (6) months. Employees must be able to document all of these criteria to be registered as Domestic Partners.
- E. Key Employee** - means a salaried eligible employee who is among the highest paid ten (10) percent of all the employees employed by the LIRR.
- F. Equivalent Position** - a job that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges and status. It must involve the same or substantially similar duties and responsibilities, requiring substantially equivalent skill, effort, responsibility, and authority.

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- G. Employment Benefits** - all benefits provided or made available to employees by the LIRR, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions.
- H. Serious Health Condition** - an illness, injury, impairment, or physical or mental condition that involves:
1. Inpatient care – which means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, including treatment and recovery), or any subsequent treatment in connection with such inpatient care; or
 2. Continuing treatment by a health care provider – which includes any one or more of the following:
 - a. A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

A regimen of continuing treatment includes a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.

- b. Any period of incapacity due to pregnancy, or for prenatal care.
- c. Any period of incapacity or related treatment due to a chronic serious health condition. A chronic serious health condition is one which (i) requires periodic visits (at least twice a year) for treatment by a health care provider; (ii) continues over an extended period of time; and (iii) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy).
- d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective.
- e. Any period of absence to receive multiple treatments by a health care provider for (i) restorative surgery after an accident or other injury, or (ii) a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.).

Absences attributable to pregnancy, prenatal care, or a chronic serious health condition qualify for family/medical leave even though the employee or covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive full calendar days.

Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop.

- I. **Intermittent Leave** - is family/medical leave taken in separate blocks of time due to a single qualifying reason.
- J. **Reduced Leave Schedule** - is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time.
- K. **Covered Service Member** - a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or has otherwise been placed on the Temporary Disability Retired List (TDRL) under the authority of 10 U.S.C. §1202 or §1205, for a serious injury or illness incurred in the line of duty on active duty.

IV. ESSENTIAL FUNCTIONS

- A. **Senior Director-Human Resources** – oversees administration of this Policy.
- B. **Director-Employee Services** – manages day-to-day operation of this Policy.
- C. **Physician-in-Charge** – provides medical oversight as required by this Policy.
- D. **Employees** – must provide full cooperation when requesting family/medical leave under this Policy.

V. PROCEDURES

A. Eligibility

An employee is eligible for family/medical leave if he/she has been employed by the LIRR for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. These hours must be actual hours worked.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service.

B. Entitlement to Leave

Subject to the notice and certification requirements in this Policy, an eligible employee is entitled to up to a total of twelve (12) weeks of unpaid leave during the twelve (12) month period measured forward from the commencement of the employee's first family/medical leave for the following reasons:

1. because of a serious health condition of the employee that makes the employee unable to perform the functions of the employee's job; or
2. for the birth of a child of the employee and in order to care for such child within twelve (12) months of the birth of that child; or
3. for the placement of a child with the employee either through adoption or foster care within twelve (12) months of that placement; or
4. to care for a spouse, domestic partner, child or parent of the employee, if such spouse, domestic partner, child or parent has a serious health condition; or
5. because of any "qualifying exigency" arising out of the fact that the employee's spouse, domestic partner, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or
6. to care for a covered servicemember with a serious injury or illness if the employee is the spouse, domestic partner, child, parent, or next of kin of the servicemember.

C. Military Qualifying Exigency Leave

An eligible employee may take family/medical leave while the employee's spouse, domestic partner, child, or parent (the "covered military member") is on active duty or call to active duty status for one or more of the following qualifying exigencies: (1) short-notice deployment; (2) military events and related activities; (3) certain temporary child care arrangements and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation, (7) post-deployment activities; and (8) other events which arise out of the covered military member's active duty or call to active duty status provided the LIRR and employee agree the leave will qualify as an exigency, and agree to both the timing and duration of the leave.

"Active duty or call to active duty status" means duty under a federal call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406 of Title 10 of the United States Code, Chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

The covered military member must be on active duty or call to active duty status as either a member of the reserve components (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve) or be serving in the Regular Armed Forces, or a retired member of the Regular Armed Forces or Reserve.

A military operation qualifies as a “contingency operation”, if it (1) is designated by the U.S. Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or (2) results in the call or order to, or retention on, active duty of members of the uniformed services under the United States Code Sections cited above.

D. Military Caregiver Leave

An eligible employee who is the spouse, domestic partner, child, parent, or next of kin of a covered servicemember is entitled to a total of twenty-six (26) weeks of family/medical leave during a single twelve (12) month period to care for the covered servicemember who has a serious injury or illness incurred in the line of duty on active duty for which he/she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. The single twelve (12) month period begins on the first day the eligible employee takes family/medical leave to care for the covered servicemember and ends twelve (12) months after that date.

“Covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness.

The “next of kin” of a covered servicemember is the nearest blood relative other than the covered servicemember’s spouse, child, or parent, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

The term “serious injury or illness,” with respect to a covered servicemember, means an injury incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating.

“Outpatient status,” with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either (1) a military medical treatment facility as an outpatient, or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

An eligible employee is entitled to a combined total of twenty-six (26) weeks for any family/medical qualifying reason during the single twelve (12) month period, provided that the employee is entitled to no more than twelve (12) weeks of leave for any other family/medical qualifying reason. For example, an eligible employee may, during the single twelve (12) month period, take sixteen (16) weeks of family/medical leave to care for a covered servicemember and ten (10) weeks of family/medical leave to care for a newborn child.

E. Both Spouses Employed by the LIRR

When both husband and wife are employed by the LIRR, they are limited to a combined total of twelve (12) weeks of family/medical leave during any twelve (12) month period if the leave is taken for the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies even though the spouses are assigned to two different work sites or departments. Where the husband and wife both use a portion of the total twelve (12) week leave entitlement for one of these purposes, the husband and wife will each be entitled to the difference between the amount of leave he/she has taken individually and twelve (12) weeks for some other qualifying purpose.

When both husband and wife are employed by the LIRR, they are limited to a combined total of twenty-six (26) weeks of family/medical leave during the single twelve (12) month period if the leave is taken to care for a covered servicemember with a serious injury or illness or a combination of leave taken to care for the covered servicemember and leave taken for any other qualifying reason.

F. Notice Requirements

1. An employee must provide at least thirty (30) days advance notice to the LIRR before the family/medical leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or the employee's spouse, domestic partner, child, or parent, or the planned medical treatment for a serious injury or illness of a covered servicemember. If thirty (30) days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, an employee must give notice to the LIRR as soon as practicable. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. In general, while the determination of when an employee could practicably provide notice will take into account the individual facts and circumstances, when an employee becomes aware of a need for family/medical leave less than thirty (30) days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.
2. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the LIRR as soon as practicable under the facts and circumstances of the particular case. In such a case, the employee must comply with any applicable call-in procedures.
3. When the need for family/medical leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the LIRR may delay FMLA coverage for the leave until thirty (30) days after the date the employee provides notice. When the need for family/medical leave is foreseeable fewer than thirty (30) days in advance or is unforeseeable, and an

employee fails to give notice as soon as practicable, the LIRR may delay FMLA coverage for the leave.

4. When planning medical treatment for the employee, or the employee's spouse, domestic partner, child, parent, or for a covered servicemember, the employee must consult with his/her supervisor and make a reasonable effort to schedule the treatment so as not to unduly disrupt the LIRR's operations, subject to the approval of the health care provider. For example, scheduling treatment on off-hours or on a relief day. If the employee neglects to consult with his/her supervisor to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the LIRR's operations, the LIRR will initiate discussions with the employee and will require the employee to attempt to make such arrangements, subject to the approval of the health care provider.
5. The employee shall advise the LIRR as soon as practicable if the dates of the scheduled leave change or are extended, or were initially unknown.
6. When requesting family/medical leave under this Policy, the employee must submit a completed "Family and Medical Leave Application" form (HR-BEN-028) to the LIRR Human Resources Department.

Note: *The HR-BEN-028 form should not be submitted to the employee's department.*

7. The Human Resources Department will review the "Family and Medical Leave Application" and determine eligibility based on length of service and hours worked in the preceding twelve (12) month period. The employee will be notified by the BSC whether he/she has met the eligibility requirements for the leave.

G. Certification

1. If the employee is eligible for family/medical leave and the employee's request for leave is for the birth, adoption or placement of a child in foster care, the employee must submit substantiating documentation (i.e., birth certificate, court papers) in a sealed confidential envelope directly to the Director-Employee Services.
2. If the employee is eligible for family/medical leave and the leave is:
 - a. taken for the employee's own serious health condition, the employee must have his/her health care provider complete a "Certification of Health Care Provider" form (HR-BEN-069) and submit it in a sealed confidential envelope directly to either the Director-Employee Services or to the LIRR Physician-in-Charge; or
 - b. taken to care for a spouse, domestic partner, child, or parent who has a serious health condition, the employee must have a "Certification of Health Care Provider" form (HR-BEN-070) completed by the health care provider of the employee's spouse, domestic partner, child, or parent, as appropriate, and submit it in a sealed confidential envelope directly to either the Director-Employee Services or to the LIRR Physician-in-Charge.
3. If the employee is eligible for family/medical and the leave is taken to care for a covered servicemember with a serious injury or illness, the employee must have a

“Certification for Serious Injury or Illness of Covered Service Member” form (HR-BEN-072) - contact the LIRR Employee Services Office or the BSC for this form), completed by an authorized health care provider of the covered servicemember.

4. If the employee is eligible for family/medical leave and the leave is taken for a “qualifying exigency” arising out of the active duty or a call or order to active duty status, the employee must provide a completed “FMLA Certification of Qualifying Exigency for Military Family Leave” form (HR-BEN-071) along with proper documentation, such as a copy of the covered military member’s active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service in a sealed confidential envelope directly to the Director-Employee Services.
5. The “Certification of Health Care Provider” form, which must be legible, completed in full, and signed by the health care provider, will be reviewed to determine entitlement to family/medical leave.
6. The LIRR will advise the employee whenever it finds that the “Certification of Health Care Provider” form incomplete or insufficient, and will state in writing what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days to cure any such deficiency. If the deficiencies are not cured, the LIRR may deny the taking of family/medical leave.
7. A health care provider representing the LIRR, or a representative from the LIRR Human Resources Department may contact the employee’s health care provider, or the health care provider of the employee’s spouse, domestic partner, child, or parent, or covered servicemember, for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employee has had an opportunity to cure any incomplete or insufficient certification.
8. If the LIRR has reason to doubt the validity of the medical certification (for the employee or the employee’s spouse, domestic partner, child, or parent, or a covered servicemember), the LIRR may require the employee to obtain a second opinion at the LIRR’s expense. The LIRR is permitted to designate the health care provider, who may not be employed by the LIRR on a regular basis, to furnish the second opinion. If the second opinion differs from the original medical certification, the LIRR may require, at the LIRR’s expense, that the employee obtain a third opinion from a health care provider designated or approved jointly by the LIRR and the employee. The opinion of the third health care provider shall be final and binding on the LIRR and the employee.
9. Upon request by the employee, the LIRR will provide the employee with a copy of the second and third medical opinions, where applicable. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to family/medical leave. However, if the certifications do not ultimately establish the employee’s entitlement to family/medical leave, the leave shall not be designated as family/medical leave and may be treated as paid or unpaid leave under the LIRR’s leave policies.

10. If an employee fails to provide a complete and sufficient certification in a timely manner, despite the opportunity to cure any deficiency, or fails to provide any certification, the LIRR may deny the taking of family/medical leave.
11. The employee will receive, from the BSC, Notice of Eligibility and Rights & Responsibilities and Leave Designation Notice.
12. The LIRR reserves the right to retroactively designate any leave as family/medical leave, with appropriate notice to the employee, whether or not the employee requested family/medical leave, if the LIRR has reason to believe an employee's absence qualifies as family/medical leave.

H. Recertification

The LIRR may request subsequent recertification of medical conditions consistent with FMLA regulations. The employee must provide the requested recertification within the time frame requested. Any recertification requested shall be at the employee's expense.

I. Confidentiality

The LIRR will keep confidential all medical information relating to requests for family/medical leave. Such information will be used only as permitted by this Policy. Supervisors and managers may be given information concerning necessary work restrictions and accommodations.

J. Intermittent Leave or Reduced Leave Schedule

1. Leave taken because of an employee's serious health condition, or to care for a spouse, domestic partner, child or parent who has a serious health condition, or to care for a covered servicemember with a serious injury or illness may be taken intermittently or on a reduced leave schedule if medically necessary.
2. Leave taken because of a "qualifying exigency" arising out of active duty or a call or order to active duty status, may be taken intermittently or on a reduced leave schedule.
3. In the case of leave taken after the birth of a child or placement of a child for adoption or foster care, leave is to be taken on a continuous basis, except in limited circumstances leave may be taken intermittently or on a reduced leave schedule if specifically approved in writing by the Senior Director-Human Resources (or designee) and the employee's Department Head.
4. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the LIRR's operations. If the employee neglects to consult with his/her supervisor to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the LIRR's operations, the LIRR will initiate discussions with the employee and will require the employee to attempt to make such arrangements, subject to the approval of the health care provider.

5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, the employee's spouse, domestic partner, child, or parent, or a covered servicemember, or for the birth of a child or for placement of a child for adoption or foster care (if specifically approved in writing), the LIRR may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave. Employees transferred under these circumstances will receive equivalent pay and benefits.
6. When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position, no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job he/she left when the family/medical leave commenced.

K. Use of Accrued Paid Leave

1. Generally, family/medical leave is unpaid. However, accrued paid leave shall be utilized as follows:
 - a. In the case of family/medical leave taken because of an employee's own serious health condition, the LIRR WILL REQUIRE all employees to utilize accrued sick leave. If the sick leave bank of the employee is depleted or becomes depleted, he/she may then elect to utilize accrued vacation, personal days, or compensatory time for the family/medical leave. If not, the leave becomes unpaid.
 - b. In the case of family/medical leave taken because of an employee's own serious health condition, or to take care of a spouse, domestic partner, child or parent who has a serious health condition, or to care for a covered servicemember with a serious injury or illness, the LIRR WILL REQUIRE all management employees and represented employees with management benefits (collectively Management Employees) to utilize accrued sick leave for family/medical leave. If the sick leave bank of the Management Employee is depleted or becomes depleted, he/she may then elect to utilize accrued vacation, personal leave, or compensatory time for the family/medical leave. If not, the leave becomes unpaid.
 - c. Employees on paid sick leave that is designated as family/medical leave must comply with the sick leave provisions in all applicable Collective Bargaining Agreements and/or LIRR or Department policies and procedures regarding sick leave.
 - d. In the case of family/medical leave taken for reasons other than those described in paragraphs (a) and (b) above, all employees may elect to utilize accrued vacation, personal leave, or compensatory time for any part of a family/medical leave period (i.e. part of the 12 week or 26 week period as appropriate). If the employee elects not to utilize accrued leave, the leave will be without pay.
 2. To the extent that an employee uses accrued paid leave or compensatory time while he/she is on designated family/medical leave, the use of the accrued paid leave or compensatory time will run concurrently with the family/medical leave. The LIRR will
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count all such leave time toward the employee's twelve (12) week or twenty-six (26) week family/medical leave entitlement.

L. Reporting While on Family/Medical Leave

If an employee takes a continuous family/medical leave because of his/her own serious health condition, or to care for a spouse, domestic partner, child, or parent who has a serious health condition, or a covered servicemember with a serious injury or illness, the employee may be required to report periodically on the status of the condition and his/her intention to return to work.

M. No Work While on Family/Medical Leave

An employee on family/medical leave is prohibited from working another job during the hours of his/her regular tour. An employee on family/medical leave who desires to work another job outside the hours of his/her regular tour must obtain the prior written approval of the LIRR Human Resources Department. The LIRR Human Resources Department may require the employee to provide appropriate medical documentation to support his/her request. Violation of this provision may result in disciplinary action, up to and including discharge.

N. Return to Work

1. Where an employee's family/medical leave is occasioned by the employee's own serious health condition, the employee may be required to present medical certification from the employee's health care provider that the employee is able to resume work and that he/she is able to perform the essential functions of the employee's job. If medical certification is required, restoration to employment will be denied until the employee submits the required medical documentation.
2. Except as required by a collective bargaining agreement, the LIRR will not request a certification of fitness to return to duty for absence taken on an intermittent or reduced leave schedule. However, where an employee takes family/medical leave on an intermittent or reduced leave schedule because of his/her own serious health condition, the LIRR will require the employee to provide certification of fitness to return to work up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties, based on the serious health condition for which the employee took such leave.
3. On return from family/medical leave, an employee is entitled to be returned to the same position the employee occupied when the leave commenced, or to an equivalent position.
4. The LIRR may deny restoration to employment for key employees if the denial is necessary to prevent substantial and grievous economic injury to the operations of the LIRR. In such cases, the LIRR will notify the key employee of the LIRR's intent to deny restoration and (if the leave has commenced) provide the key employee a reasonable time in which to return to work.

5. Any employee, who is unable to return to work following the expiration of his/her family/medical leave, may apply for any other remaining leave under any applicable LIRR policy or Collective Bargaining Agreement.

O. Employment Benefits Protection

1. The taking of family/medical leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.
2. Any health benefits provided to an employee by the LIRR will be maintained on the same basis, as coverage would have been provided if the employee had been continuously employed during the family/medical leave period. Therefore, any share of health plan premiums that had been paid by the employee prior to family/medical leave, must continue to be paid by the employee during the leave period.
3. If accrued paid leave is utilized for family/medical leave, the employee's share of health plan premiums will continue to be made by payroll deduction. If the family/medical leave is unpaid, the LIRR will pay the employee's health plan premium payment. The LIRR will recover the employee's share of any health plan premium payments missed by the employee for any family/medical leave period during which the LIRR maintains health coverage by paying the employee's share.
4. The LIRR will also seek to recover its share of health plan premiums during any period of unpaid family/medical leave from an employee if the employee fails to return to work after the employee's family/medical leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:
 - a. the continuation, recurrence, or onset of a serious health condition of the employee or the employee's spouse, domestic partner, child or parent, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under this Policy; or
 - b. other circumstances beyond the employee's control.
5. Where an employee fails to return to work because of the continuation, reoccurrence or onset of a serious health condition, thereby precluding the LIRR from recovering its share of health plan premiums, the LIRR will require medical certification issued of the serious health condition. The employee is required to provide the medical certification to the Director-Employee Services or the LIRR Physician-in-Charge no later than thirty (30) days from the LIRR's request. If the employee fails to provide the medical certification within thirty (30) days, or the reason for not returning to work does not constitute circumstances beyond the employee's control, the LIRR may recover 100% of the health plan premiums it paid during the period of unpaid family/medical leave.
6. For employees who are on unpaid family/medical leave and who participate in a contributory supplemental life insurance program, the LIRR will maintain coverage by making premium payments on behalf of the employee to avoid a lapse in coverage. At the conclusion of the family/medical leave, the LIRR is entitled to recover the costs incurred for paying the employee's share of the premium payments, whether or not the employee returns to work.

7. For the purpose of this section, an employee who returns to work for at least thirty (30) calendar days is considered to have “returned” to work.
8. When paid leave is substituted for family/medical leave, the LIRR may not recover health plan or other non-health plan premiums for any period of family/medical leave covered by paid leave.
9. With respect to pension and other retirement plans, the employee’s eligibility will be governed by the terms of the applicable plan.

P. Fraud or Misrepresentation

Family/medical leave may only be taken for the reason(s) for which the leave was approved. An employee who requests and/or takes family/medical leave based on fraud or misrepresentation will be subject to discipline, up to and including dismissal. In addition, an employee who fraudulently obtains family/medical leave from the LIRR is not protected by the job restoration or maintenance of health benefits provisions of this Policy.

VI. FORMS AND ATTACHMENTS (Available on the BSC Portal)

- HR-BEN-028 – Family and Medical Leave Application
- HR-BEN-069 – Certification of Health Care Provider Form (for Employee’s Serious Health Condition)
- HR-BEN-070 – Certification of Health Care Provider Form (for Family Member’s Serious Health Condition)
- HR-BEN-054 - Employee Rights and Responsibilities Under the Family and Medical Leave Act
- HR-BEN-071 - FMLA Certification of Qualifying Exigency for Military Family Leave
- HR-BEN-072 - FMLA Certification for Serious Injury or Illness of Covered Service Member

VII. REVISION TRACKING

February 2001

May 2005

June 2005

March 2010

- November 2014 – This Policy was due for review based on CP&P BPM-001 – Issuance of Corporate Policies and Procedures;
Updated to comply with the National Defense Authorization Act requirements; and
Provide information regarding access to forms on the BSC Portal.

Jury Duty Policy for Management Employees**LEAVE-004****I. PURPOSE**

Occasionally, MTA Long Island Rail Road (LIRR) employees are required to be absent from work in order to perform jury duty service. This Corporate Policy and Procedure (Policy) establishes a uniform method to allow for a continuation of salary with no charge to accrued leave while serving on jury duty.

II. SCOPE

This Policy applies to all management employees and those represented employees (collectively called "Employees") who receive management benefits governed by their respective Collective Bargaining Agreements.

III. PROCEDURE

While serving on jury duty, Employees will continue to receive their salary. Employees will not be required to remit to the LIRR any fees and/or expenses earned in connection with jury participation.

The Employee has the responsibility to show his/her immediate supervisor the official summons to serve on a jury at least three (3) days before the Employee is scheduled to serve. After the Employee has completed jury duty service, the Employee must furnish his/her supervisor with evidence of having served (Certificate of Service). The Certificate of Service should be maintained in the department file. Employees on jury duty are expected to report for work any time they are temporarily or finally excused during the scheduled period of jury duty service.

When it is necessary for an Employee to request postponement of jury duty service due to unusual circumstances at work, the Employee's supervisor should furnish the proper civil authorities with the necessary letter or certification to support the requested postponement.

VI. FORMS & ATTACHMENTS

None

VII. REVISION TRACKING

October 1994
July 2002
March 2008
May 2011

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to govern the use of paid days off from work for Long Island Rail Road (LIRR)-recognized holidays.

II. SCOPE

This Policy applies to all non-represented management employees and those represented employees who receive management benefits governed by their respective Collective Bargaining Agreements (collectively called “Employees”).

III. ESSENTIAL FUNCTIONS

Senior Director-Human Resources administers this Policy, and in September of each calendar year, issues a memorandum indicating the dates and days of the week in which the recognized holidays under this Policy will be observed during the next calendar year.

Department Heads (Sr. staff member) ensure compliance with this Policy and approve requests for floating holidays in accordance with needs of service and job description. (Note: Requests for floating holidays may not be approved if job description is primarily based upon supervision of represented staff.)

IV. PROCEDURE

- A. The MTA Long Island Rail Road (LIRR) grants a paid day off on twelve (12) holidays as set forth below and reserves the right to add, change and/or subtract holidays at any time without prior notice.
- B. Three (3) of the twelve (12) paid holidays are designated as “floating holidays.” If an employee requests to work on a floating holiday and the request is approved by his/her Department Head or their designee, the floating holiday can be used, where practicable and with the Department Head or Department Head’s designee’s approval, on a workday of the employee’s choice. Employees who request and receive approval to work on a floating holiday must work a minimum of eight (8) hours.
- C. Employee must receive approval to utilize a “floating holiday” from a designated supervisor. (See Attachment A-Request for use of Floating Holiday Form to be utilized for approvals of Floating Holidays)

MANAGEMENT HOLIDAY POLICY**LEAVE-005**

- D. Pursuant to floating holidays, employees may not take an alternate day off in advance of the observed holiday.
- E. If it is necessary, due to LIRR operations, for an employee to work on a specified holiday as noted below in "Holidays Observed," he/she will receive an equivalent time off with the Department Head or designee's approval. Equivalent time off must be taken during the same calendar year except that an alternate day for Christmas, if worked, may be taken during the following calendar year.

1. Holidays Observed:

- a. The Company currently recognizes the following holidays for all employees covered by this Policy:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Columbus Day *
President's Day	Election Day*
Good Friday *	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day

- b. **Good Friday, Columbus Day and Election Day** are designated as floating holidays and may be used with the Department Head or designee's approval, on the days of the employee's choice. Employees covered by this Policy who elect to take a floating holiday instead of Good Friday, Columbus Day or Election Day are expected to work a normal schedule on the recognized holiday. Employees wishing to take a floating holiday should complete a "Request for Use of Floating Holiday" form (Attachment A) and submit it to their supervisor for approval prior to the holiday. Floating holidays not used by December 31st are forfeited.

Days off for holidays worked, which have not been taken, will not be cashed out upon separation.

2. Holidays Within a Vacation Period/Sick Leave/Leave of Absence

- a. If a holiday falls during an employee's vacation, the applicable day is considered a holiday and the employee will not be charged a vacation

day.

- b. Employees who are out sick or out on a Leave of Absence are not entitled to holiday pay; however, the sick hours paid for the holiday will not be deducted from the employees' sick leave bank.

V. FORMS & ATTACHMENTS

Attachment A – Request for use of Floating Holiday Form

VI. REVISION TRACKING

April 1998	New
January 2004	Designation of floating holidays
January 2006	New format
August 2010	Amended to reflect change of title under "Essential Functions" and Policy new numbering system.
November 2012	Updated to include holiday changes upon HR's request

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to provide eligible covered Long Island Rail Road (LIRR) Employees with periods of rest and relaxation in recognition of services performed.

II. SCOPE

This Policy applies to all non-represented Employees and those represented Employees who receive management benefits as stipulated in their respective collective bargaining agreements (collectively called "Employees").

III. ESSENTIAL FUNCTIONS

A list of vacation eligibility for covered Employees, as well as a record of the amount of vacation taken during the year, will be maintained by the Department Head, or his/her designated representative for audit purposes. It is the supervisor's responsibility to provide accurate and timely information for this record of **actual** vacation time taken against eligible amounts by Employees under their jurisdiction.

IV. PROCEDURE**A. Eligibility**

1. All full-time covered Employees are eligible to receive a vacation with pay based upon their length of continuous LIRR service. Temporary and part-time Employees are not eligible to receive vacations with pay. Examples of temporary and part-time Employees excluded from this Policy are those hired for seasonal positions.
2. Continuous service shall mean uninterrupted employment while classified as a full-time Employee. Uninterrupted employment consists of LIRR service not interrupted by breaks in service as documented by personnel/payroll change authorization forms. Months worked shall mean any calendar month, or any part thereof, during which time an Employee was on the job performing his/her assigned duties and responsibilities. For continuous service calculations, partial months worked shall count as full months.
3. Normal short-term service interruptions such as sickness, jury duty, and annual military reserve obligations, will not be considered cause for loss or reduction of vacation benefits. Periods of prolonged illness, maternity leave, long term disability, etc., as documented by change authorization forms, will be credited in determining continuous service. Such periods will not, however, be credited to service requirements to meet eligibility for annual vacations or to determine vacation length.

B. Length of Vacation

1. New Employees in active service covered by this agreement and hired prior to March 31 will receive fifteen (15) vacation days in their first calendar year of employment.
2. New Employees in active service covered by this agreement and hired between April 1

Vacation Leave for MPA Employees**LEAVE-007**

and June 30 will receive ten (10) vacation days in their first calendar year of employment.

3. New Employees in active service covered by this agreement and hired between July 1 and September 30 will receive five (5) vacation days in their first calendar year of employment.
4. New Employees in active service covered by this agreement and hired on/or after October 1 will not receive any vacation days in their first calendar year of employment.
5. Vacation allowance, beginning with the second calendar year of employment, for each Employee in active service covered by this Policy will be earned as shown on the schedule below.

<u>CALENDAR Years of Service</u>	<u>Days of Vacation</u>
1 year **	15 days
2 - 7 years	20 days
8 - 14 years	24 days
15+ years	25 days*

*Beginning with year in which you retire, vacation entitlement will increase to 26 days per year.

**In accordance with provisions for all newly hired Employees as stated in Section B. 1, 2, 3, and 4.

C. Promotions or Transfers

1. Vacation leave balances accumulated by a transferring Employee during terms of employment at a recognized MTA Constituent Agency will be transferred to the LIRR. Such transferred balance will remain the Employee's bank for that calendar year. Accumulation for future years of employment will be based upon the number of years of aggregate service in accordance with the schedule outlined above in Section IV.B.5. Employees who retire from an MTA Agency and come to work at the LIRR will not be permitted to transfer any vacation leave balance. Previous employment time at an MTA Constituent Agency will be credited to service time in calculating calendar years of service for transferred Employees only. Employees retiring from another MTA Constituent Agency and working at the LIRR will be considered as new Employees and will not be given credit for previous service time.
2. When an Employee is promoted from a represented position to a position covered under this Policy on or before September 30, he/she shall be eligible for the vacation allowances contained herein in the year of promotion, less any vacation or pay for vacation which may have been granted under the represented vacation plan applicable to the position held at the time of such promotion.
3. In the year of promotion only, if an Employee is promoted to a position covered under this Policy and had a better vacation entitlement as a represented Employee; he/she shall keep the additional vacation days for that year only. The vacation entitlement for the following and each successive calendar year shall be in accordance with this Policy.

4. When an Employee is promoted from a represented position to a covered position under this Policy on or after October 1, he/she shall not receive any additional vacation allowance for that calendar year, but will be eligible for the vacation allowances contained herein, on January 1 of the next calendar year.
5. Employees who leave positions covered by this Policy and move into positions, which are not covered by this Policy, will receive the vacation allowance in accordance with the contract governing the new position less any vacation used during the calendar year.

D. Vacation Period

1. The vacation period shall be the calendar year and subject to LIRR and departmental operating schedules and needs. Employees may take their vacations at any time during the calendar year.
2. Scheduling - The scheduling of vacations shall be at the discretion of the Employee's supervisor subject to the review and approval of the Department Head. Employee vacations should be scheduled in such a way as to maintain the normal operating efficiency of the department.
3. Holidays Within Vacation Period - Recognized holidays falling within an Employee's scheduled vacation period shall not be charged against vacation time.
4. Sickness During Vacation Period - No allowance will be made for periods of disability occurring during a vacation period.
5. Bereavement During Vacation Period - If a death occurs in the immediate family of an Employee during his/her vacation period, up to five (5) days for bereavement leave shall not be charged against vacation time.

E. Non-Represented Vacation Coverage

1. To the fullest extent possible, a covered position should not be filled while an incumbent is on vacation. Work normally connected with such position should be apportioned to other covered Employees and a joint effort made to perform the duties of the Employee's position.
2. If it is necessary for a covered position to be filled on a full time basis while an incumbent is on vacation, and the work cannot be apportioned to other covered Employees, the duties of the position should be given to a represented employee. In this connection, represented employees who are assigned such position on a full-time basis should be compensated as follows:
 - a. When the weekly rate of pay of the person assigned to cover the covered position is less than the rate of pay of the incumbent who is on vacation, the Employee assigned to cover such covered position shall be paid the entry level (80%) rate of the range assigned covered position. If the rate of pay of the Employee assigned to cover such covered position is at or greater than entry level (80%) rate, they will receive the rate that will result in an increase of up to \$50 above his/her own current weekly rate of pay, but not exceeding the incumbent rate of the position covered.
 - b. When the weekly rate of pay of the person assigned to cover the covered position is

more than the rate of pay of the incumbent who is on vacation, the Employee assigned to cover such covered position shall be paid the rate of pay of the position which the Employee would normally have occupied if he had not been assigned to cover the covered position.

F. Military Service

1. An Employee entering military service will be eligible for any vacation allowance not yet taken as well as pro-rated vacation based upon the number of months actually worked from January 1 of the current year.
2. An Employee returning from military service will be eligible for a pro-rated vacation based upon the number of months to be worked from the time he/she returns to the LIRR and the following December 31. Three months of continuous service must be completed before any vacation may be taken.
3. Short-term military service viz., fifteen days or less for U.S. Army Reserve and National Guard annual active duty for training purposes, will not be considered vacation. (See Military Leave Policy-LEAVE-011)

G. Death

An Employee who dies while in the service of the LIRR will have all unused vacation leave balances treated as if the Employee resigned or retired from service as of the date of death. The cash value of these balances will be paid to the estate of the deceased Employee.

H. Termination of Employment

1. Employees are entitled to a cash payment for unused vacation leave balances upon their retirement, resignation, or termination from employment, including vacation leave earned in the year in which the separation is effective.
2. If, on or after the first day of April, an Employee either 1) retires or 2) resigns with twenty years or more of service, and the Employee gives a minimum of two weeks notice of such retirement or resignation, the Employee shall be eligible for vacation allowance for the following year. (For example, an Employee with less than twenty (20) years of services who resigns on April 1, 2007 is eligible for 2007 only. An Employee who retires on April 1, 2007, regardless of years of service, is eligible for 2007 and 2008 vacation allowance.) Employees who are terminated for cause, or who retire or resign in other than good standing are not eligible to receive this benefit.

I. Cash Out of Balances

1. All Employees covered by this Policy are entitled to a cash payment for unused vacation leave balances upon their retirement, resignation or termination from employment. Employees granted severance payments or early retirement incentives shall receive amounts they are entitled to under this Policy in addition to any payments received in connection with severance or early retirement programs.
2. Employees covered by this Policy are entitled to a cash payment for unused earned vacation balances subject to the following limitations:

<u>Years of Service</u>	<u>Maximum Days Paid</u>
1 to 7 years	40 days
8 to 14 years	48 days
15 or more years	52 days

3. An Employee terminating his/her employment with the LIRR must have completed a minimum of two (2) calendar years of service to be granted a cash payment for unused earned vacation allowance.

J. Advance Payment of Vacation Pay

An Employee may be granted vacation pay on the last working day before he/she leaves for vacation if the regular payday falls during his/her vacation period, and provided he/she has given at least fourteen days notice of his/her desire for such advance payment.

K. Vacation Carry-Over

Vacation leave is provided to allow Employees time away from work for rest and recreation. Accordingly, Employees are encouraged to utilize vacation leave. However, Employees are permitted to carry over unused vacation leave balances from one vacation year to the next. In these instances, approval of the appropriate Vice President or Department Head must be secured for carry over and submitted to the Human Resources Division. All vacation carry-over will be forwarded to the President for review. Limitations for vacation carry-over will be as follows:

<u>Years of Service</u>	<u>Limit</u>
1 to 7 years	40 days
8 to 14 years	48 days
15 or more years	52 days

Accordingly, vacation balances in excess of the above thresholds cannot be carried over. Once an Employee reaches an accumulated balance above these thresholds at the end of a calendar year, all unused vacation days above that level are forfeited.

L. General

The LIRR may cancel or modify this Policy at its discretion at any time without prior notice.

V. FORMS AND ATTACHMENTS

None

VI. REVISION TRACKING

January 1996
November 2006
April 2007
July 2011

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008****I. PURPOSE**

The purpose of this Corporate Policy and Procedure (Policy) is to outline the administration of sick leave allowance for employees of the MTA Long Island Rail Road ("LIRR"). As set forth in Section IV., of this Policy, sick leave is to be used only for illnesses of or the provision of medically related care to the employee or the employee's spouse, dependent child, parents or domestic partner.

II. SCOPE

This Policy applies to all non-represented management employees and those represented employees who receive management benefits governed by their respective Collective Bargaining Agreements (collectively called "Employees").

III. ESSENTIAL FUNCTIONS

The essential functions related to this Policy are as follows:

A. Senior Director-Human Resources

1. Administers this Policy

B. Department Heads

2. Ensure compliance with this Policy.

IV. PROCEDURE**A. PAID SICK DAYS****1. Eligibility**

- a. Employees in active service will be allotted twelve (12) paid sick days per year, credited to the Employee on each January 1.
- b. In their first calendar year of employment, Employees will be allotted one (1) sick day per calendar month for the balance of the year, credited to the Employee on his/her date of hire.
- c. Represented Employees promoted to a position covered by this Policy will have their represented sick leave bank transferred into their new status.
- d. An Employee losing time due to an on-the- job injury will not have the time deducted from his/her sick leave bank.
- e. Employees working a reduced work schedule (e.g., in part-time service) will be credited with a sick leave allotment prorated proportionately to the allotment received by full-time Employees in the same title.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

2. Usage

- a. Sick days may only be used for illnesses of or the provision of medically related care to: the Employee, the Employee's spouse, dependent child, parents, or domestic partner.

For the purposes of this Policy, "dependent child" is defined as a biological or adopted child, foster child, stepchild, legal ward, or a child of an Employee standing in loco parentis (i.e., in place of a parent), who is: under the age of 19; or older than 19 but incapable of self-care because of a mental or physical disability; or older than 19 but under 25 and is a full-time student at an accredited secondary or preparatory school, college or other educational institution.

- b. In cases where an Employee uses sick days of a duration exceeding five (5) consecutive workdays, the Employee is expected to provide medical documentation to the appropriate supervisor that includes the period of time the Employee had been unable to report to work. If such certification is not provided, the Employee must submit a statement of explanation pertaining to the unavailability of the document. The responsible department must ensure proper controls are in place for adhering to this process.
- c. Department Heads may authorize an Employee's use of sick days for up to thirty (30) consecutive calendar days.
- d. The Senior Director – Human Resources, must approve any use of sick days greater than thirty (30) consecutive calendar days. For all such sick leave absences, a "Family and Medical Leave Request Form" (Attachment A) must be submitted by the Employee to his/her Supervisor. (See LIRR Corporate Policy and Procedure LEAVE-003 "Family and Medical Leave".) If the Employee is eligible for leave under the Family and Medical Leave Act, a "Certification of Health Care Provider" form (Attachment B) must be submitted by the Employee to either the Director – Employee Services, Human Resources Department or to the Physician-in-Charge, LIRR Medical Facility.
- e. If an Employee's absence has been designated as qualifying under the Family and Medical Leave Act, any leave used during such absence (i.e. sick leave, vacation leave and personal days) shall run concurrently with Family and Medical Leave.
- f. If an Employee does not qualify for Family and Medical leave, appropriate medical documentation must be submitted to the Senior Director-Human Resources for approval of the Employee's continued use of additional sick days.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008****3. Balances**

- a. Unused sick days may be carried over from one calendar year to succeeding years with unlimited accumulation.
- b. Vacation, personal and sick leave accrues and medical and other benefits continue while an Employee is using his/her sick days.
- c. Employees who leave positions covered by this Policy and move into positions that are not covered by this Policy, will maintain their sick leave balances upon transfer, and will be governed by the sick leave agreement that governs the new position.
- d. Employees covered by this Policy will maintain accumulated sick leave balances if they transfer between MTA Constituent Agencies.
- e. Sick leave banks for Employees who retire from an MTA Constituent Agency and who are subsequently hired at the LIRR will be calculated as that of a newly hired Employee. Sick leave balances earned at the Constituent Agency from which the Employee retired, will not be accepted by the LIRR.

B. SICK LEAVE ABUSE

Nothing stated in this Policy will preclude the LIRR from disciplining Employees who abuse sick leave privileges. Repeated and/or excessive periods of absence will be subject to review and can lead to disciplinary action, up to and including termination.

Employees are prohibited from working outside employment while on any leave under this Policy.

The LIRR reserves the right to recover payments from Employees that were made contrary to the terms of this Policy including, but not limited to, any overpayments or payments made as a result of an Employee's unauthorized use of sick leave.

C. SHORT-TERM DISABILITY

1. Employees in active service are entitled to paid short-term disability benefits. The LIRR provides short-term disability benefits at 100% pay for up to twenty-six (26) consecutive weeks or one hundred thirty (130) working days from the initial date of absence for an Employee's prolonged, major or catastrophic illness.
2. Prior to short-term disability benefits taking effect, all paid sick days, and all but ten (10) working days of the aggregate of the Employee's accumulated vacation days and personal days, must be exhausted.
3. For any single occurrence of prolonged, major or catastrophic illness, which has been supported by approved medical documentation, Employees will be considered for short-term disability benefits for up to a maximum of 26 consecutive weeks or 130 working days, from the initial date of absence as stipulated in the LIRR Long Term Disability Insurance Policy.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

4. If an Employee has exhausted his/her paid sick days and all but 10 days of the aggregate of the Employee's available vacation days and personal days, and is unable to work because of his/her own personal prolonged, major or catastrophic illness, the Department Head may submit a request to the Senior Director – Human Resources, recommending that the Employee be granted short term disability benefits. The request should include the pertinent facts of the case, provide applicable medical documentation and indicate the amount of excess time being requested. As indicated in IV.C.3 above, however, under no circumstances may an Employee receive paid short term disability benefits for more than 26 consecutive weeks or 130 working days from the initial date of absence for the same illness or injury.
5. For any absence that exceeds 30 consecutive calendar days, the Employee must submit a "Family and Medical Leave Request Form" to his/her supervisor. Any FMLA leave to which an Employee may be entitled runs concurrently with short-term disability. In other words, an Employee cannot take his/her full short term disability benefits, and then take 12 weeks off under the FMLA; any time spent on short-term disability counts as part of an Employee's FMLA leave.
6. Vacation, sick and personal leave accrues while an Employee is on short-term disability. However, all such accrued leave will be charged during the Employee's continued absence.
7. The LIRR will continue payment (less required Employee contributions) of health insurance, life insurance, and long-term disability premiums for Employees during the period of short-term disability. Employees must continue to contribute their portion to continue other programs or benefits.
8. Employees are limited to a maximum of fifty-two (52) weeks of short-term disability benefits over the term of their employment at the LIRR or over a combination of terms of employment at MTA Constituent Agencies.
9. Employees of an MTA Constituent Agency who are working at the LIRR will follow policies and practices of the LIRR relative to short-term disability.
10. An Employee who is receiving short-term disability benefits and who is also on FMLA leave is entitled to be restored to his/her prior position or to an equivalent position upon return to work. Where an Employee is not on FMLA leave, the LIRR will attempt to return the Employee who is returning from short-term disability to the same or similar job that the Employee held prior to the leave. Under some circumstances, however, permanent replacement during a leave may be required. Therefore, unless an Employee is entitled to return to the same or an equivalent position under the FMLA, a job cannot be guaranteed when the Employee is ready to return to work from short-term disability.

D. LONG-TERM DISABILITY

1. If an absence extends beyond 26 consecutive weeks or 130 working days for an Employee's own prolonged, major or catastrophic illness or on-the job injury, the

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

Employee may apply for long-term disability benefits under the LIRR Long Term Disability Insurance Program.

2. No sick, vacation or personal leave accrues during long-term disability.
3. Employees who are on long-term disability will continue to be covered by the Company's health and welfare benefits beyond age 65 if he/she is vested in the Company's pension plan with ten or more years of service. Employees who do not have sufficient years of service to be vested in the Company's pension plan are covered up to age 65. Full life insurance coverage will continue for the duration of long-term disability, up to age 65 or to the date of retirement, whichever occurs sooner. The same applies to supplemental life insurance if the Employee had supplemental life insurance before receiving long-term disability.
4. Employees anticipating an absence for more than 26 consecutive weeks or 130 working days due to injury or illness should apply for long-term disability as soon as possible.
5. The LIRR will attempt to return an Employee returning from long-term disability to his/her former position or to some similar or other position. Under some circumstances, permanent replacement during a leave may be required. Therefore, a job cannot be guaranteed when the Employee is ready to return from long-term disability.
6. An Employee who fails to return to work upon the termination of his/her long-term disability benefits will be considered to have voluntarily resigned from employment at the LIRR.
7. Unpaid medical leave, up to a maximum of six (6) months, may be granted to an Employee who has used all available paid sick days (up to a maximum 130 days), but who has either failed to apply for long-term disability benefits or has been denied long-term disability benefits by the LIRR Long-Term Disability Program. The Department Head may approve unpaid medical leave for up to thirty (30) consecutive calendar days. The Senior Director-Human Resources must approve any leave greater than thirty (30) consecutive calendar days.
 - a. Any unpaid medical leave must be supported by acceptable medical documentation.
 - b. The LIRR will attempt to return an Employee returning from this unpaid medical leave to his/her former position or to some similar or other position. Under some circumstances, permanent replacement during a leave may be required. Therefore, a job cannot be guaranteed when the Employee is ready to return from this unpaid medical leave.
 - c. No sick, personal or vacation leave will accrue while on an unpaid medical leave.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

- d. Medical, dental and vision benefits will continue for six (6) months, after which the Employee may purchase health, dental and vision benefits under COBRA, as provided by Federal law.
- e. An Employee who fails to return to work at the end of the unpaid medical leave's approved duration will be considered to have voluntarily resigned from employment at the LIRR.

E. CASH PAYMENT FOR UNUSED SICK DAYS

1. Employees, who have ten (10) years of service or more, may receive a cash payment for unused sick days upon their retirement, resignation or termination in good standing. An Employee who is first appointed to a position covered by this Policy after May 3, 2006, or who is returning to a position covered by this Policy after May 3, 2006, must be employed in one or more position(s) covered by this Policy for a minimum of two (2) consecutive years immediately prior to separation and have ten (10) years of service or more to receive the cash payment. Such payment will consist of one (1) paid day for every two (2) days of accumulated sick leave, up to a total of two hundred forty (240) days of accumulated sick leave. Therefore, an Employee may receive payment for up to one hundred twenty (120) days. Fractions of a full day will be paid where applicable. The daily rate applied to this calculation will be based on the Employee's rate of pay as of the date of separation.

If an Employee does not have the required two (2) years of employment in a position(s) covered by this Policy as described above, but had served in a position covered by an LIRR Collective Bargaining Agreement (CBA) before his/her appointment to a position covered by this Policy, the Employee may be eligible to receive a cash payment for one-half of his/her unused sick leave only if the Employee would have been eligible for such payment under the aforementioned CBA. Such payment, however, may not exceed one hundred twenty (120) days. The daily rate applied to this calculation will be based on the rate of pay the Employee had been receiving immediately prior to his/her appointment to the position covered by this Policy.

2. As set forth in Section IV of this Policy, sick leave may only be used for illnesses of or the provision of medically related care to the Employee or the Employee's spouse, dependent child, parents, or domestic partner. Sick leave may not be used for any other purpose, including as a mechanism for being paid for excess leave for which an Employee would not be entitled to be paid upon separation of employment. As indicated in Section IV. B of this Policy, any such unauthorized use of sick leave will be considered an abuse of this Policy and may lead to disciplinary action, up to and including termination. In addition, the LIRR reserves the right to recover payments from Employees that were made as a result of unauthorized use of sick leave.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

3. Employees are permitted to retain their accumulated sick leave balances upon transfer between MTA Constituent Agencies. They may not receive a cash payment for unused sick leave at the time of transfer. Upon retirement, however, Employees may be paid for such transferred accumulated sick leave balances in accordance with the provisions of this Policy.
4. Employees who separate employment from the LIRR in other than good standing, as determined by the Senior Director – Human Resources in his/her sole discretion, will not be eligible to receive this cash benefit.
5. Employees covered by this Policy are eligible for this benefit at any time after the date marking ten (10) years of aggregate active service with MTA Constituent Agencies. This ten (10) year period includes the aggregation of all periods of active service at any MTA Constituent Agency, providing there are no gaps in said period of active service exceeding twelve (12) months in duration for reasons other than illness, disability or approved leave of absence.
6. For the purposes of this Policy, the unused sick leave balances of an eligible Employee who dies while in the service of the LIRR will be treated as if the Employee resigned from service as of the date of death (consistent with the retirement practices of the LIRR). The cash value of these balances will be paid to the estate of the deceased Employee.
7. If, within five (5) years prior to separation from employment in good standing, an Employee's entire sick leave bank had been depleted (as a result of the Employee's own prolonged, major or catastrophic illness which has been documented and approved by the Medical Department), the Employee shall be paid at separation or retirement an amount equal to one twelfth (1/12) of his/her annual salary for each full ten (10) years of aggregate active service. Employees with greater than ten (10) years of service, but with less than twenty (20), thirty (30) or forty (40) years, as the case may be, shall be paid for that additional period on a pro-rata basis of three (3) days of pay for each full year of service not to exceed 20 days.

For example, an Employee in this situation with nine (9) years of service would receive no payment; an Employee with ten (10) years of service would receive a payment of one-twelfth (1/12) of the annual salary; an Employee with fifteen (15) years of service would receive a payment of one-twelfth (1/12) of the annual salary, plus a payment equal to fifteen (15) days of salary (three (3) days per year times five (5) years); and an Employee with twenty (20) years of service would receive a payment of one-sixth (1/6) of the annual salary.

The amount of this calculation is not in addition to sick leave balances the Employee may have accumulated after the occurrence of the prolonged, major or catastrophic illness. The Employee may receive either the amount derived by this paragraph, or the amount as calculated in accordance with Paragraph 1 above, whichever is greater.

SICK LEAVE POLICY FOR MANAGEMENT EMPLOYEES**LEAVE-008**

The rate applied to this calculation will be based upon the Employee's rate of pay as of the date of separation.

8. Unused sick days may be carried over from one calendar year to succeeding years with unlimited accumulation; however, payment for unused accumulated sick leave will be in accordance with either Paragraphs 1 or 7 above, as applicable. Employees, who leave positions covered by this Policy and move into positions that are not covered by this Policy, will carry their sick leave balances upon transfer and will be governed by the sick leave cash-out policy of the new position. Likewise, Employees who enter into positions covered by this Policy from positions that are not covered by this Policy, will carry their sick leave balances upon transfer, and will be governed by the sick leave cash-out procedure set forth in this Policy.
9. Employees who are granted severance payments or early retirement incentives shall receive any payments to which they are entitled under this Policy in addition to any payment received in connection with severance or early retirement programs.

V. GENERAL

- A. The LIRR may cancel or modify this Policy at its discretion at any time without prior notice.

VI. FORMS AND ATTACHMENTS

None

VII. REVISION TRACKING

April 1998
January 2002
August 2003
September 2007
June 2011

**Personal Leave Day Policy for
Management Employees****LEAVE-009****I. PURPOSE**

This Corporate Policy and Procedure (Policy) establishes Personal Leave Day allocation and usage for MTA Long Island Rail Road (LIRR) management employees.

II. SCOPE

This Policy applies to all management employees and represented employees who receive management benefits as stipulated in their respective collective bargaining agreements (collectively called “Employees”).

III. ESSENTIAL FUNCTIONS**A. Senior Director-Human Resources**

Administers this Policy.

B. Department Heads

Ensure compliance with this Policy.

IV. PROCEDURE**A. General**

1. A “Personal Leave Day” is considered a day off, with pay, to be used for any personal reason.
2. Personal Leave Days may be taken in conjunction with vacation days or holidays.
3. Personal Leave Day requests should be submitted to the Employee’s supervisor as far in advance as possible. Such requests should not be unreasonably denied.
4. Unused Personal Leave Days do not accumulate, cannot be carried over into succeeding years and will be forfeited if not used by the end of that calendar year.
5. All Personal Leave Day usage must be recorded as such in the timekeeping/payroll system.

**Personal Leave Day Policy for
Management Employees****LEAVE-009****B. Allocation**

1. Employees are not entitled to any Personal Leave Days in their first calendar year of employment.
2. Employees are entitled to one (1) Personal Leave Day in their second calendar year of employment.
3. Employees are entitled to two (2) Personal Leave Days in their third and fourth calendar years of employment.
4. Employees are entitled to three (3) Personal Leave Days in their fifth and in all subsequent calendar years of employment.
5. Employees promoted from represented positions not covered by this Policy will have their remaining Personal Leave Day balance carried into the calendar year in which the promotion is effective. At the end of the calendar year, Employees will not be compensated for any unused Personal Leave Days earned while in the represented position. (See IV.A.4.) In the calendar years following the promotion, Personal Leave Day allowance will be calculated based upon the schedule outlined above.
6. Employees who transfer to the LIRR from another MTA Agency will have all previous employment at the MTA Agency credited in calculating calendar years of service. Personal Leave Day entitlement will commence in the second calendar year of employment at the LIRR.

V. FORMS & ATTACHMENTS**None****VI. REVISION TRACKING****April 1998
March 2008
May 2011**

I. PURPOSE

This Corporate Policy and Procedure (Policy) concerns military leave and reemployment rights applicable to MTA Long Island Rail Road (LIRR) employees ("Employees") under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Section 4301 et. seq.(USERRA), and implementing regulations; New York Military Law, Sections 242 and 243; and in New York Labor Law Article 7, Section 202-i.

II. SCOPE

This Policy applies to all LIRR Employees.

III. ESSENTIAL FUNCTIONS**A. Human Resources Department**

1. Senior Director, Human Resources - ensures implementation of this Policy.
2. Director - Employee Services - administers this Policy.

B. Department Heads/Designees

1. Oversee, and coordinate with Payroll and Human Resources - Employee Services, all matters arising under this Policy involving Employees in their Departments, including, but not limited to leave requests, attendance, benefits and reemployment.
2. Ensure that all original documents submitted by Employees as required under this Policy are retained in the Department and that copies are timely forwarded to Human Resources – Personnel Records.
3. Maintain a separate roster of Employees who are on Ordered Military Duty, as defined in Section IV.A. of this Policy and/or who are current members of the Reserves, National Guard, or organized state militia.

IV. DEFINITIONS**A. Ordered Military Duty**

Any military duty performed in the service of the United States or of New York State, including but not limited to: attendance at any service school(s) conducted by the U.S. Armed Forces (Army, Navy, Air Force, Marines, Coast Guard); or as a member of any force of the National Guard or organized state militia; or of any reserve force or reserve component of the U.S. Armed Forces ("Reserves") (collectively "uniformed services") pursuant to orders issued by competent state or federal authority. Ordered Military Duty may be

Military Leave**LEAVE-011**

performed either with or without the consent of the Employee. Participation in routine reserve officer training corps (ROTC) is not considered Ordered Military Duty except when performing advanced training duty as a member of the Reserves.

B. Orders

1. Unit training drill schedules.
2. Standard unit letter orders issued and signed by the company commander notifying the Employee of his/her required attendance at an unscheduled drill. Unit letter orders submitted must specify the pay category of inactive duty performed.
3. Special orders issued by headquarters in all branches of the U.S. Armed Forces or from the State Department of Military and Naval Affairs for annual training, school tours, active duty for training and active duty and full-time training days.

C. Travel Time

The time necessary to go to and from Ordered Military Duty. When travel time has not been included in the Orders submitted by the Employee, it may be granted, with any such travel time charged against the thirty (30) calendar days of paid military leave, as provided in Section V. of this Policy.

D. Certificate of Attendance

A certificate signed by the Employee's commanding officer or designee, which includes, among other things, the dates in military service, and/or the date of discharge from such service.

V. REQUIRED DOCUMENTS

- A.** An Employee who is an active member of the Reserves, National Guard or organized state militia is required to submit the documents in Section V.B. to his/her supervisor and to the Department Head/Designee.

B. Required Documents

1. Current enlistment contract or service agreement, specifying dates immediately upon receipt;
2. Reenlistment contracts or extensions of service ninety (90) days prior to termination of current agreement;
3. Unit Training Drill Schedules specifying dates and times of the unit's regular drill schedule, immediately upon receipt;

Military Leave**LEAVE-011**

4. All special orders specifying dates and times of any extended training drills; e.g., annual training, school tours, active duty, full-time training day, prior to the commencement of the military duty specified in the order; and
5. The Certificate of Attendance submitted to the Employee's supervisor within five (5) days after the military duty described in the Certificate of Attendance has been completed.

VI. LEAVE

- A. Employees who are members of the Guard, Reserves or organized state militia are entitled to leave for any and all periods of absence in order to perform Ordered Military Duty, and to be paid their salary or other compensation during such leaves of absence for up to thirty (30) calendar days or twenty-two (22) working days, whichever is greater, in any calendar year and not exceeding thirty (30) calendar days or twenty-two (22) working days, whichever is greater, in any one (1) continuous period of absence.
- B. Employees who serve in certain types of service specified under the National Disaster Medical System, during a time of war or national emergency as designated by the President of the United States, are considered members of the uniformed services for the purposes of USERRA and entitled to be paid their salary or other compensation during such leaves of absence subject to the (30)/(22) day rule as set forth above.

VII. LEAVE REQUEST

- A. Every request for military leave must include a completed LIRR "Request for Military Leave" form (Attachment A). Employees requesting military leave must promptly respond to any requests for additional information by his/her Department or by the Human Resources Department.
- B. The Employee should provide notice as far in advance as is reasonable under the circumstances, as to when the Employee intends to leave LIRR employment to perform Ordered Military Duty. Advanced notice of at least thirty (30) days should be given when it is feasible to do so.

VIII. REEMPLOYMENT**A. Eligibility****1. Length of Service**

An Employee with five (5) years or less of cumulative service in the uniformed services during his/her employment relationship with the LIRR is eligible for reemployment. There are exceptions to this five (5) year limit,

including for those military specialties which require a longer period of service because of the time or expense in training.

2. Timely Return to Work/Application for Reemployment

Employees returning from military service must comply with the time limits in Section VIII.B. of this Policy for returning to work or submitting an application for reemployment, as applicable. If unable to comply with these requirements due to circumstances beyond their control, Employees must request and receive additional leave from LIRR management. Employees who do not receive such additional leave will be subject to LIRR policy regarding an Employee's absence from scheduled work.

3. Required Documents

- a. After a period of service of more than thirty (30) days, the Employee must provide documents to his/her Department, which satisfy USERRA's requirements to establish eligibility for reemployment. The documents required may vary from case to case, e.g., a Discharge from Active Duty.
- b. Employees are not eligible for reemployment when they are separated from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions, as characterized by regulations of the armed forces; or if the Employee was a commissioned officer who has been dismissed or dropped from the rolls.

B. Procedure

1. For Employees who have served less than thirty (30) days of military service, no application is necessary. The Employee must return to duty no later than the beginning of the first full regularly scheduled work period that begins at least eight (8) hours after arriving home.
2. Employees who have served more than thirty (30) days, but less than one hundred eighty (180) days, must submit an application for reemployment (written or verbal) no later than fourteen (14) days after the completion of military service.
3. Employees who have served more than one hundred eighty (180) days must submit an application for reemployment (written or verbal) within ninety (90) days of the date of the completion of military service.
4. Employees hospitalized for an illness or injury related to military service must apply for reemployment within two (2) years of the completion of military service, unless there are extenuating circumstances beyond the Employee's control.

C. Reemployment Position

1. Employees on leave from the LIRR for thirty (30) days or more may be required to be evaluated by the LIRR Medial Facility (Medical) for clearance to return to work. As such, all employees must, prior to returning to work, contact Medical for guidance as to whether such clearance is required.
2. When reinstated, Employees whose length of military service was ninety (90) days or less will be placed in; a) the position he/she would have had if there had been no absence for military duty, if qualified; or b) his/her position at the time of entry into the military at the rate of compensation he/she would have received had there been no absence for military duty, if after reasonable efforts he/she is unable to qualify for the position as described in (a).
3. If the length of military service was for more than ninety (90) days, the above conditions would still apply but also the Employee can be placed in a position of like seniority, status and pay, to the positions as described in (a) and (b) above, if necessary and if qualified.
4. The Employee must be qualified for the reemployment position, regardless of any disability.
5. Reemployment by the LIRR after returning from military service is not required if: 1) after reasonable efforts by the LIRR, the Employee is not qualified for the appropriate reemployment position; or 2) the LIRR's assisting the Employee in becoming qualified for reemployment would impose an undue hardship.
6. Even if the Employee is otherwise eligible for reemployment, reemployment is not required if circumstances have changed as to make reemployment impossible or unreasonable, such as an intervening reduction-in-force that would have included the Employee.

D. Benefits

1. Employees on leave for Ordered Military Duty will be deemed to have continuous service with regard to seniority, pension benefits, and Family and Medical Leave Act (FMLA) eligibility, and will participate in all benefits as if their LIRR employment had been continuous.
2. An Employee's time spent on Ordered Military Duty will count towards vacation seniority when seniority determines vacation picks and will also count towards an Employee's vacation accrual rate based on years of service.

IX. LEAVE OF ABSENCE FOR MILITARY SPOUSES

- A.** An Employee who is the spouse of a member of the U.S. Armed Forces, National Guard or Reserves, who is deployed during a period of military conflict to a combat theater or combat zone of operations ("deployment"), shall be allowed up to ten (10) days of leave. Such leave shall only be used when the Employee's spouse is on leave from such deployment. At the Employee's request, this leave may be unpaid or charged to the Employee's accrued vacation and/or personal leave.
- B.** In order to be granted this leave, the Employee must submit to his/her supervisor:
1. His/her spouse's approved "Authorization of Leave" from his/her current detail, indicating the leave dates; and
 2. A completed LIRR "Request for Spousal Military Leave" form (Attachment B). Supervision must timely forward these documents to the Department Head/Designee. The original documents will be retained in the Department, which will timely forward copies of all forms to Human Resources – Personnel Records.

X. PROHIBITION ON RETALIATION

Retaliation against an Employee for exercising a right protected by USERRA is prohibited. www.dol.gov/vets/programs/userra. An Employee determined to have engaged in such retaliation will be disciplined, up to and including dismissal.

XI. RELATED POLICIES AND PROCEDURES

CP&P 2109 - Americans with Disabilities Act (ADA)
CP&P 2110 - Reasonable Accommodations Policy
LEAVE-003 - Family and Medical Leave
LEAVE-007 - Vacation Leave for MPA Employees
LEAVE-009 - MPA Personal Leave

XII. FORMS & ATTACHMENTS

Attachment A - Request for Military Leave Form
Attachment B - Request for Spousal Military Leave Form

XIII. REVISION TRACKING

May 2002
April 2008
July 2011
November 2011 (Per HRs' request, revised Attachments A and B–Section III-Title)

Compensatory Time for Management Employees**LEAVE-014****I. PURPOSE**

The purpose of this Corporate Policy and Procedure ("Policy") is to establish the MTA Long Island Rail Road ("LIRR") process for granting compensatory time as provided in this Policy. This Policy does not permit the transfer of compensatory time earned under collective bargaining agreements and does not conflict with any other payment for hours worked.

II. SCOPE

This Policy applies to non-represented management employees and those represented employees who receive management benefits governed by their respective collective bargaining agreements (collectively, "employees") who are required to work on holidays, relief days, before or after their normal tours and/or on assignments for duty under the LIRR Customer Assistance Program ("CAP") Policy.

This Policy does not apply to those job titles listed by department on **Attachment A**, which are ineligible to receive compensatory time except under the circumstances set forth in this Policy.

Executive Vice President, Senior Vice President, Vice President, Chief of Staff and Department Head level positions are ineligible for compensatory time, even for CAP duty, unless approved by the President. The Senior Vice President – Administration/Chief Safety Officer is authorized to approve exceptions to this Policy, except for direct reports to the President.

III. DEFINITIONS

- A. Workday** - An employee's regular scheduled workday consisting of at least eight (8) hours.
- B. Qualifying Period** - Each seven (7) day payroll period (typically beginning on Wednesday and ending on Tuesday) during which an employee works and/or uses paid leave for a total of at least five (5) workdays.
- C. Holiday** - Any of the paid leave days recognized by the Management Holiday Policy (LEAVE-005) and designated by the Senior Director-Human Resources, as a management company holiday.
- D. Relief Day** - A regular scheduled day off.
- E. Extended Tour** - Working continuously at least four (4) hours past the Workday.
- F. Recall** - Called back to work after leaving an assignment at the end of the Workday.
- G. Customer Assistance Program** – Mandatory participation by employees as provided in the CAP program.
- H. Separation** - The voluntary or involuntary final termination or retirement of an employee from employment with the LIRR.
- I. Compensatory Time** - Time accrued as a result of working on a holiday, relief day, extended tour, CAP or recall, in accordance with this Policy. A request for

Compensatory Time for Management Employees**LEAVE-014**

compensatory time may be initiated by an employee or by a supervisor for direct reports.

- J. **CAP Call-Out** - Activation of the CAP Program due to emergency circumstances (i.e., derailment, etc.)
- K. **CAP Training** - Training provided for CAP Managers during their scheduled Response Team assignments.

IV. ESSENTIAL FUNCTIONS**A. Senior Director-Human Resources**

Administers this Policy.

B. Customer Service, Marketing & Public Affairs**1. CAP Manager-In-Charge**

Authorizes additional compensatory time over and above the first eight (8) hours an employee works during a CAP event or any hours in excess of an employee's Workday necessary due to a CAP "call out" assignment during normal work hours.

2. Manager, Station Services Support

- a. Ensures all CAP sign-in sheets are completed, including start/end times and employee signatures for signing in and signing out.
- b. Ensures copies of completed sign-in sheets are distributed to all applicable departments at the conclusion of each CAP event.

C. Department CAP Coordinator

Maintains copies of CAP sign-in sheets as documentation for compensatory time earned by employees within their respective departments.

D. Department Heads / Designee(s)

- 1. Ensure compliance with this Policy for employees in their departments.
- 2. Provide final approval of compensatory time earned.
- 3. Ensure required approval documentation is kept on file.

E. Supervisors

- 1. Prepare written requests for compensatory time to be earned by eligible employees.
- 2. Submit requests for compensatory time which the supervisor has approved to the Department Head / Designee for final approval.
- 3. Ensure approved and used compensatory time is credited and debited, in accordance with this Policy.

Compensatory Time for Management Employees**LEAVE-014****F. Controller**

Provides payroll support.

G. Senior Vice President – Administration/Chief Safety Officer

Approves exceptions to this Policy except for direct reports to the President.

H. President

Approves exceptions to this Policy for Executive Vice President, Senior Vice President, Vice President, Chief of Staff and Department Head level positions.

V. PROCEDURE**A. Criteria for Earning Compensatory Time**

1. Compensatory time arises when an employee is required and/or directed by a supervisor to work on a holiday or relief day, an extended tour, a CAP assignment, or when recalled back to work after completing his/her Workday.
2. Compensatory time accruals begin when an employee reports to his/her first assigned work location and ends with the conclusion of his/her assignment/shift as directed. The employee's travel to the first work location and after the conclusion of work is not eligible for compensatory time.

B. Scenarios for Earning Compensatory Time

1. **Holiday or Relief Day** - Employees who work on a holiday or relief day will earn a minimum of four (4) hours compensatory time for working four (4) hours or less on a holiday or relief day and hour-for-hour (in 30-minute increments) for working from that point on.

Example: An employee working on a program that could only be conducted on a holiday or the employee's relief day is eligible for compensatory time if pre-approved by the employee's supervisor. Employee #1 working for three (3) hours from 6:00 a.m. to 9:00 a.m. earns four (4) hours of compensatory time. Employee #2, working from 6:00 a.m. to 12:00 p.m., earns six (6) hours of compensatory time.

CP&P LEAVE-005 designates Lincoln's Birthday, Good Friday, and Election Day as "floating holidays". Compensatory time under this Policy is not applicable on these days. Employees approved for a floating holiday in lieu of these days are expected to work a normal schedule on the recognized holiday.

2. **Extended Tour** - When an employee is required and/or directed to work extended hours, he/she will earn compensatory time on an hour-for-hour basis (in 30-minute increments) beginning with and only after working a minimum of four (4) hours. The four hours plus any time worked thereafter is compensatory time.

Example: An employee whose regular tour is from 7:00 a.m. to 3:00 p.m. and works from 7:00 a.m. to 8:00 p.m. (tour extended by five (5) hours) will earn five (5) hours

Compensatory Time for Management Employees**LEAVE-014**

compensatory time. An employee with the same regular tour described above, working from 7:00 a.m. to 6:00 p.m. (tour extended by three (3) hours) is not entitled to compensatory time.

Exception: If an employee works an extended tour of less than four (4) hours, compensatory time may be earned only when the employee is required to work his/her regular shift and an extended tour which amounts to eleven (11) or more hours on two (2) or more consecutive days. This only applies to employees working in response to agency emergencies such as snowstorms, derailments, etc. which have a major impact on operations. In these cases, both the Department Head/Designee(s) and the respective Vice President must approve the compensatory time.

Example: An employee whose regular tour on Monday is from 7:00 a.m. to 3:00 p.m. and works until 6:00 p.m. extends his/her tour by three (3) hours. On Tuesday, if the same employee works from 7:00 a.m. to 7:00 p.m. he/she extends his tour by four (4) hours. Having worked eleven (11) hours on Monday and twelve (12) hours on Tuesday, the employee earns seven (7) hours of compensatory time.

3. **Recall** - When recalled back to work after completing his/her Workday an employee will earn compensatory time for every hour worked after his/her normal tour. The employee will earn no less than four (4) hours and no more than eight (8) on an hour-for-hour basis in 30-minute increments. After eight (8) hours, compensatory time may be earned only with the approval of the employee's Department Head/Designee(s) and the applicable Vice President's approval.

Note: Employees assigned to standby duty/on-call will not receive compensatory time.

4. **Customer Assistance Program (CAP)**

- a. **Extended Tour:** Employees working a CAP call-out during their regular workday will earn compensatory time on an hour-for-hour basis in 30-minute increments, starting after the end of their normal eight (8) hour tour. In this situation an employee can earn no more than eight (8) hours of compensatory time. Any time over and above eight (8) hours of compensatory time worked may be earned only with the approval of the CAP Manager-in-Charge and the employee's Department Head/Designee(s).

Example: An employee whose regular tour on Monday is from 8:00 a.m. to 4:00 p.m. works CAP in an emergency situation beginning at 2:00 p.m. and ending at 7:00 p.m. The hours from 2:00 p.m. to 4:00 p.m. are considered part of the employee's regular shift. However, for the hours between 4:00 p.m. and 7:00 p.m. he/she is eligible to receive three (3) hours of compensatory time.

- b. **Holiday/Relief/Recall:** Employees working CAP on a holiday/relief day or in the event of being recalled will earn a minimum of four (4) hours compensatory time for working four (4) hours or less and then on an hour-for-hour basis (in 30-minute increments).

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c. **Approval of Compensatory Time During CAP:** In lieu of completing a Compensatory Time Approval Form (see Section V.C.), evidence of hours worked and documentation in support of crediting the time to the employee's bank must be provided using the CAP sign-in sheet as maintained by Customer Services and given to the Department CAP Coordinators. The sheets must include both start and end times and employees must be sure to sign in when they start and sign out when their tour is completed.

d. **Modified Tour of Duty for Mandatory CAP Training 11:00 a.m. – 7:00 p.m.**

i. CAP Activation

An employee may earn compensatory time on an hour-for-hour basis (in 30-minute increments) for CAP hours worked only when the mandatory training CAP tour is extended beyond 7:00 p.m. See section "c" above for documentation required.

ii. Non-CAP Activation

Any other compensatory time that extends the 11:00 a.m. to 7:00 p.m. work schedule for mandatory CAP training may be earned in accordance with Section V.B.2. of this Policy. However, in addition to the minimum of four (4) hours that must be worked, such hours are eligible in emergency situations only as deemed necessary by the employee's Department Head/Designee(s) and approved by the applicable Vice President. These hours are considered an extension of the employee's regular tour and are not associated with CAP.

The required Compensatory Time Approval Form (see Section V.C.) must be completed and signed by the Employee's Department Head **AND** their respective Vice President.

C. Request and Approval of Compensatory Time

1. Except as otherwise noted in this Policy, a "Compensatory Time Approval Form" - **Attachment B** (Approval Form) must be completed for any and all requests for compensatory time. The form must:

- a. Include a justification for the time to be worked;
- b. Be signed by the employee's supervisor approving the hours to be earned prior to the time being worked. When prior approval is not practical (i.e., an employee must respond to an unplanned event or emergency) the supervisor must ensure the form is completed no more than five (5) business days after the compensatory time has been earned;
- c. Be signed by the employee's Department Head/Designee(s) approving the actual hours earned after the work is completed;
- d. Be signed by the applicable Vice President or the President as stipulated within this Policy; and

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- e. Be maintained by the Department Head/Designee(s) as fully executed forms and made available in the department in accordance with LAW-003 Records Retention Policy and Procedure for Paper and Microfilm Records.

D. Administration of Compensatory Time

1. **Compensatory Time Balances** - An employee's compensatory time balance will at no time exceed twenty (20) days or one hundred sixty (160) hours.
2. **Usage** - Employees can draw down on their accrued compensatory time balances only in full day increments and with the prior approval of their immediate supervisors. Employees with compensatory time balances of less than a full day must use a minimum of four (4) hours, as applicable. Employees with balances of less than four (4) hours must exhaust the entire balance.

Compensatory time must be used within one hundred twenty (120) calendar days from the date it is earned. Compensatory time not used within 120 calendar days will expire and be forfeited, unless the employee has documented unusual and extraordinary extenuating circumstances in writing to his or her Department Head/Designee(s). If approved, the Department Head/Designee(s) must work in conjunction with the Senior Director-Human Resources to establish a timeframe in which the dated compensatory time will be used.

3. **Recording** - Supervisors responsible for signing and approving employees' time reports are accountable for ensuring that all compensatory hours earned and used are properly credited and debited to the employee's payroll records.
4. **Reporting** - Every month the Payroll Department will generate compensatory time reports of hours earned and used to be provided to the Department Heads/Designees, respective Vice President(s) and the Senior Director - Human Resources.

E. Compensatory Time at Separation

An employee with ten (10) or more years of service may receive payment for the cash value at his/her current base rate of pay for up to ten (10) unexpired compensatory days upon their retirement, resignation or termination in good standing. Such payment is non-pensionable. There will be no carryover of compensatory time for employees who transfer to a position not covered by this Policy nor will monetary compensation be made at the time of transfer.

F. Violations

Any violation or abuse of this Policy may result in disciplinary action, up to and including termination.

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VI. RELATED POLICIES

LAW-003 - Records Retention Policy and Procedure for Paper and Microfilm Records
PS-002 - CAP Participation
CP&P 2413 - Attendance Policy for Management Employees
LEAVE-005 - Management Holiday Policy

VII. FORMS & ATTACHMENTS

Attachment A – LIRR Job Titles Exempt from Compensatory Time Policy
Attachment B – Compensatory Time for Management Employees Approval Form

VIII. REVISION TRACKING

January 2004

July 2007

December 2009

August 2011 - Amended treatment of time banks

April 2013 - Revision made to update the current list of “floating holidays” (i.e., replaced Lincoln’s Birthday with Columbus Day), as noted in CP&P LEAVE-005 – Management Holiday Policy

April 2014 - Added section specific to CAP, especially related to the mandatory CAP training program and using sign-in sheets as documentation;
- Added using minimum of four (4) hours for balances equal to less than one (1) day;
Revisions were also made to update the job title listing of those ineligible to receive compensatory time (Except for CAP Duty).

I. PURPOSE

The purpose of this Corporate Policy & Procedure (Policy) is to provide uniform procedures for status changes of employees of the MTA Long Island Rail Road (LIRR).

II. SCOPE

This Policy applies to all LIRR employees.

III. ESSENTIAL FUNCTIONS**A. Employees**

1. If resigning, the employee should submit a letter of resignation to his/her department head. If retiring, the employee must contact the MTA Pension Department to file the appropriate applications for pension benefits.
2. If requesting a leave of absence, the employee must submit a request for leave to his/her department head in writing. If requesting a leave under the LIRR Family and Medical Leave Policy (FMLA Policy) the employee must ensure that the required documentation is timely submitted to the Human Resources Department and/or the Physician-in-Charge, LIRR Medical Facility, in accordance with the FMLA Policy. (See CP&P LEAVE-003 - Family and Medical Leave).
3. If either separating employment for any reason or in the case of a disciplinary suspension for more than thirty (30) days, the employee must return all LIRR property which had been issued to him/her.

B. Department Heads

Department Heads or their designees must:

1. Ensure that an employee has promptly returned any LIRR-issued property to the designated departmental representative on the last day worked prior to the employee's transfer to another department, suspension for thirty (30) days, or termination of LIRR employment. Immediately report the status of a separated employee to the Information Help Desk (LIRR TSC) and the Human Resources Department. If the employee has been dismissed or suspended, the Office of Security must be notified.
2. Ensure the employee returns all LIRR property and document the return of same by completing a checklist. (See Sample Checklist – Attachment A and Business Service Center (BSC) form HRIS-015 – "Termination Processing Information Checklist" (HRIS-015) which is available on the BSC portal.

Process the Personnel Action Request (PAR) through the PeopleSoft System within three business days of the effective date of separation and attach it to the HRIS-015. Note: When completing the HRIS-015 form, eligibility for rehire should be indicated by the manager.

3. Attach the following to the resignation PAR:

- a. Copy of resignation letter; and
 - b. Copy of checklist regarding return of all LIRR property.
4. Attach the following to the dismissal PAR:
 - a. Copy of the termination letter to the employee;
 - b. Copy of checklist regarding return of all LIRR property and/or HRIS-015; and
 - c. If during probationary period, all supporting documentation (i.e., probationary reports and correspondence).
5. Ensure full payment of all monies owed the employee, including unused vacation entitlement for current and following year, in accordance with applicable LIRR policies and collective bargaining agreements.

Note: The LIRR reserves the right to withhold payment for unused sick and/or vacation leave until the employee returns all Company property.
6. In the event of the death of an active employee, the Human Resources Department and/or the BSC should be contacted immediately to initiate notification of benefits to survivors.
7. Arrange for an exit interview with Human Resources for management and professional employees who are resigning from his/her position, if possible.
8. Cancel the employee's memberships and/or subscriptions, if applicable.

C. Labor Relations

1. Ensure that the employee's department and Human Resources are notified immediately of any arbitration awards resulting in an employee status change.

D. Human Resources

1. Notify survivors of benefits upon notification of death of Employee.
2. Attend exit conference with Employees who are resigning from his/her position.

IV. PROCEDURES

A. Notification of Status Change

1. Timely notification of any status change is necessary as the effective date of the change will affect health and welfare benefits. In addition, the return of an employee to "active" status must be promptly submitted in order to restore benefit coverage.
2. If resigning, the employee must notify his/her department head at least in advance of the effective date of resigning.
3. If retiring, the employee must contact the MTA Pension Department to file the appropriate applications approximately two (2) months before the desired pension payable date.

4. If requesting a leave of absence, the employee must notify his/her department head at least thirty (30) days in advance, or as soon as practical, stating the reason for the leave, effective date and return date.
5. If requesting a leave under the LIRR Family and Medical Leave Policy (FMLA Policy) the employee must ensure that the required documentation is timely submitted to the Human Resources Department and/or the Physician-in-Charge, LIRR Medical Facility, in accordance with the FMLA Policy. (See CP&P LEAVE-003 - Family and Medical Leave).

B. Effective Dates of Termination

1. The official date of termination due to resignation is the day after the employee's last active day of work.
2. Termination of employment due to retirement is the first day of the month in which the employee is entitled to receive a pension.
3. The effective date of dismissal for a probationary or non-represented employee is the day of the notification of dismissal.
4. With respect to an employee in a dismissed-appeal pending status, if the dismissal is upheld, use the same effective date as a dismissed appeal pending status date then change status to terminated-dismissed.

C. Returning LIRR Property

1. If either separating employment for any reason or in the case of a disciplinary suspension for more than thirty (30) days, the employee must return all LIRR property which had been issued to him/her. Such property includes, but is not limited to: valid identification credentials, transportation passes (employee and employee's family members) keys, tools and equipment, credit and/or procurement cards, building access cards, cell phones, beepers, laptop computers, ticket stock, ticket punch, training manuals, and all safety/security sensitive items (i.e., LIRR Approved Vest).
2. The LIRR may also demand the return of any LIRR-issued property from employees who are absent from work for an extended period of time or whose long-term absence or retirement is anticipated.
3. The LIRR reserves the right to withhold payment for unused sick and/or vacation leave until the employee returns property.

V. RELATED CORPORATE POLICIES AND PROCEDURES

EMPL-005 – Probation Policy
2411 – Leave of Absence for MPA Employees
LEAVE-003 – Family and Medical Leave
IT-002 – Telecommunication Policy
OOS-002 – LIRR Employee and Authorized Personnel Security Responsibility

VI. REFERENCED DOCUMENT

HRIS-015 – Termination Processing Information Checklist (Available on BSC Portal)

VII. FORMS & ATTACHMENTS

Attachment A – LIRR Property that Must be Returned Upon Separation

VIII. REVISION TRACKING

October 1994 - NEW

April 2006

December 2009

December 2014 – Scheduled update per CP&P BPM-001 – Issuance of Corporate Policies and Procedures.

Added the LIRR Approved Vest to the list of items to be returned upon separation.

Added the reference to the BSC form, HRIS-015 – Termination Processing Information Checklist.

Removed obsolete status codes from this Policy.

MTA Metro-North Railroad

Operating Procedure

Title: **Vacation & Personal Leave**

Original Effective Date: September 7, 1983

Revised Date: June 9, 2014

Number: **21-004**

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A. POLICY

1. MTA All-Agency Vacation Policy. It is the policy of Metro-North Railroad ("Metro-North") to provide its management employees and its employees in TCU technically-covered positions (collectively, "covered employees") with vacation days and personal leave days in accordance with the MTA All-Agency Vacation/Personal Leave Policy 11-017 (issued 7/1/97) (the "MTA All-Agency Vacation Policy"). The MTA All-Agency Vacation Policy is implemented at Metro-North in accordance with this Metro-North Vacation & Personal Leave Operating Procedure. The provisions of the MTA All-Agency Vacation Policy apply as if set forth herein, and are incorporated herein by reference. Defined terms appearing herein, if not otherwise defined in this Operating Procedure, shall have the meaning set forth in the MTA All-Agency Vacation Policy.
2. Accrual of Vacation and Personal Days.
 - a. Metro-North grants paid vacation and personal leave allowances to covered employees, depending on their length of service, according to the schedule set forth in the MTA All-Agency Vacation Policy, reprinted here:

<u>Years of Service</u>	<u>Vacation Days</u>	<u>Personal Days</u>	<u>Total Days</u>
1	15	0	15
2	20	1	21
3	20	2	22
4	20	2	22
5	20	3	23
6	20	3	23
7	20	3	23
8-14	24	3	27
15+	25	3	28

- b. Newly hired covered employees earn vacation days in their first calendar year of employment on a pro rata basis, using 15 vacation days (120 hours) as the annual basis for the calculation. The schedule below shows the vacation allowances for new employees on the first line. Covered employees who transfer to Metro-North from management positions at other MTA agencies receive vacation allowances in the first calendar year of Metro-North employment as shown on the next three lines of the schedule below.

<u>Starting</u>	<u>Vacation Hours Allotted for Balance of Year, Given Start Date In:</u>											
<u>Vacation Days/Hours</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
15 / 120	120	110	100	90	80	70	60	50	40	30	20	10
20 / 160	160	147	133	120	107	93	80	67	53	40	27	13
24 / 192	192	176	160	144	128	112	96	80	64	48	32	16
25 / 200	200	183	167	150	134	117	100	83	67	50	33	17

- c. After a covered employee's first calendar year of employment, total annual vacation and personal leave allowances are credited to covered employees on January 1st of each succeeding calendar year of service pursuant to the schedule in paragraph 2(a) above.
 - d. Full-time employees placed on a reduced work schedule (e.g., part-time service) will be credited with vacation and personal leave on a pro rata basis. Personal leave calculations resulting in fractions below one full day will be rounded upward.



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- e. In the event a covered employee's employment at Metro-North ceases during the course of a calendar year other than by reason of retirement or death, the amount of vacation leave credited to such covered employees on January 1st of the calendar year is subject to adjustment by proration, based upon number of months worked during the calendar year, in accordance with the following schedule:

Years of Service	Vacation Days/Hours	Vacation Hours Allotment per Number of Calendar Months Worked											
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
1	15 / 120	10	20	30	40	50	60	70	80	90	100	110	120
2 - 7	20 / 160	13	27	40	53	67	80	93	107	120	133	147	160
8 - 14	24 / 192	16	32	48	64	80	96	112	128	144	160	176	192
15 +	25 / 200	17	33	50	67	83	100	117	133	150	167	183	200

- f. The years of service thresholds listed above in this section A.2 include the aggregation of all periods of Active Service at any MTA Constituent Agency, providing there are no gaps in said period of Active Service exceeding twelve (12) months in duration for reasons other than illness, disability or approved leave of absence.

3. Carry Over of Vacation Balances.

- a. Vacation leave is provided by Metro-North to allow employees time away from work for rest and recreation. Accordingly, employees are encouraged to take their full annual vacation leave in the year it is credited. They are, however, permitted to carry over unused vacation leave balances from one year to the next, subject to the following maximum carry-over limitations set forth in the MTA All-Agency Vacation Policy, and reprinted here:

<u>Years of Service</u>	<u>Maximum Carry-Over</u>
1 to 7	40 days
8 to 14	48 days
15 or more	52 days

- b. Vacation balances in excess of the above thresholds cannot be carried over. Once a covered employee reaches an accumulated balance above the applicable limit as of the end of a calendar year, all unused vacation days above that limit are forfeited.
- c. The years of service thresholds listed above include the aggregation of all periods of Active Service at any MTA Constituent Agency, providing there are no gaps in said period of Active Service exceeding twelve (12) months in duration for reasons other than illness, disability or approved leave of absence.

4. Usage of Vacation and Personal Leave.

- a. Employees are responsible for managing their vacation schedules, subject to their managers' approval. Department heads and/or supervisors must approve vacation schedules in advance. Vacation leave schedules are subject to MNR and departmental operating schedules and needs. Employee vacations should be scheduled to maintain the normal operating efficiency of the department.



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- b. Whenever possible, personal leave days should be scheduled in advance with supervisory approval. Employees may also use personal leave for unscheduled absences. Unused personal leave days do not accumulate, cannot be carried over and are forfeited at the end of the year. Unused personal leave days are also forfeited upon separation from employment.
- c. Generally, employees are not permitted to use vacation leave in excess of the numbers of days accumulated in their vacation bank.

5. Cash Out of Vacation Balances.

- a. Upon separation from employment from Metro-North (other than by transfer to employment at another MTA Constituent Agency), covered employees are entitled to a cash payment with respect to unused earned vacation leave balances, subject to the following limitations, which were established in the MTA All Agency Vacation Policy:

<u>Years of Service</u>	<u>Maximum Days Paid</u>
1 to 7	40 days
8 to 14	48 days
15 or more	52 days

- b. Payment will be made at the rate of pay governing the position held on the date of separation.
- c. In the event more days have been used than have been earned, the value of the excess days taken may be deducted from any final paycheck, other compensation, or other amounts due from Metro-North.
- d. If a covered employee has been granted severance payments or early retirement incentives in connection with their separation from employment, such employee shall receive amounts they are entitled for cash out of vacation balances to under this policy in addition to any other such payments received in connection with severance or early retirement programs.
- e. The years of service thresholds listed above include the aggregation of all periods of Active Service at any MTA Constituent Agency, providing there are no gaps in said period of Active Service exceeding twelve (12) months in duration for reasons other than illness, disability or approved leave of absence.
- f. All covered employees are advised that in the event their vacation leave balances at the end of a calendar year exceed the carry-over limits set forth in the MTA All Agency Vacation Policy and this Operating Procedure, such vacation leave balances in excess of the applicable carry-over limits will be forfeited, and covered employees separating from employment will not be permitted to cash-out vacation leave balances in excess of the limits set forth in the MTA All Agency Vacation Policy and this Operating Procedure.

6. Treatment of Unused "Frozen" Vacation Leave.

- a. At the time of adoption of the MTA All-Agency Vacation Leave Policy, vacation days of covered employees who were hired prior to January 1, 1997, to the extent such employees had unused accumulated vacation leave days existing as of December 31, 1996 in excess of the permitted number of carry-forward days set forth in the MTA All Agency Vacation Policy carry-forward limits (which were adopted in 1997), i.e., prior balances in excess of 40, 48 or 52 days, as applicable based



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on years of service at that time, were re-classified as "frozen" vacation leave.

- b. Under the MTA All-Agency Vacation Leave Policy and pursuant to this Operating Procedure, unused "frozen" vacation leave associated with a covered employee is treated differently than ordinary (non-frozen) vacation leave, in several respects. Under the MTA All Agency Vacation Policy and this Operating Procedure, notwithstanding the provisions set forth above in paragraphs 2, 3, and 5 hereof, unused "frozen" vacation leave balances of a covered employee:
 - 1. may be used to take vacation leave, but only after a covered employee's current non-frozen vacation leave has been fully exhausted;
 - 2. are not subject to the carry-over and cash-out limitations set forth above in the MTA All Agency Vacation Policy and this Operating Procedure;
 - 3. are not earned, increased or replenished in succeeding employment years by further annual accruals based upon years of service.
- c. Any Metro-North covered employee who, as of January 1, 2014, had an unused accumulated vacation leave balance that exceeded the applicable carry-forward limits set forth in the MTA All Agency Vacation Policy and in this Operating Procedure, shall have the days of such vacation leave balance, to the extent exceeding the applicable carry-forward limits, re-classified and carried forward as "frozen" vacation leave of such a covered employee. The rules applicable to the use, carryover and cash-out of such "frozen" vacation days resulting from re-classification of leave as provided for in this paragraph 6(c), shall be the same as provided for in the MTA All Agency Vacation Policy with respect to "frozen" vacation days that were established previously, as a result of the original adoption of the MTA All Agency Vacation Policy in 1997.
- d. Covered employees who, as of January 1, 2014, did not have unused accumulated vacation leave balances exceeding the applicable carry-forward limits set forth in the MTA All Agency Vacation Policy and in this Operating Procedure shall not have any of their vacation leave balances re-classified as "frozen" vacation days.
- e. All covered employees are advised that in the event their regular (i.e. "non-frozen") vacation leave balances at the end of 2014, or at the end of a succeeding calendar year, exceed the carry-over limits set forth in the MTA All Agency Vacation Policy and this Operating Procedure, such vacation leave balances, to the extent in excess of the applicable carry-over limits, will be forfeited, and covered employees separating from employment will not be permitted to cash-out non-frozen vacation leave balances in excess of the limits set forth in the MTA All Agency Vacation Policy and this Operating Procedure.

7. Transfer of Balances.

- a. Employees promoted from positions not covered by this policy into positions which are covered by this policy will have their vacation leave balances calculated based upon their new status. Vacation days accumulated by the employee in his/her prior position should be utilized if possible. If the prior balance has not been used at the time of promotion, Metro-North will include the prior unused balance in calculating the new vacation balance (by addition of such prior unused balance in the calculation). Such new balance is subject to the applicable thresholds outlined in Paragraph 3 and 6 concerning carry-over of balances into new calendar years.
- b. Employees who leave positions covered by this policy and move into positions which are not covered by this policy will carry their vacation leave balances upon transfer, and will be governed by the vacation leave policy of the new position. If the amount of vacation leave balance at the time of transfer exceeds the vacation leave balances available under the vacation leave policy applicable to



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the new position, any amount in excess shall be subject to cash out of such vacation leave time at time of the transfer. Upon separation from employment from the MTA, vacation leave balances accumulated under this policy are subject to the leave cash-out provisions of the position held by the employee at the time of separation.

- c. Vacation and personal leave balances accumulated by an employee during work at other New York City, New York State, Federal government or other governmental entities will not be recognized by MTA Constituent Agencies under this policy, except as may be required by reciprocal or other agreements between MTA and these entities, which may be in effect at the time of the employee's date of hire.
- d. Employees covered by this policy will carry accumulated vacation leave balances, subject to the applicable limits outlined in Paragraph 3 above, if and when they transfer between MTA Constituent Agencies.

B. STEPS

- 1. Department heads and/or supervisors are responsible for reviewing and approving requested vacation schedules, which are subject to Company and departmental operating schedules and needs. Employee vacations should be scheduled to maintain the normal operating efficiency of the department. Personal leave does not require advance approval.
- 2. Each department's management is responsible for tracking its employees' vacation usage.
- 3. Absences scheduled as vacation which are, in fact, due to sickness will be charged to sick leave, upon the presentation of evidence acceptable to Occupational Health Services.

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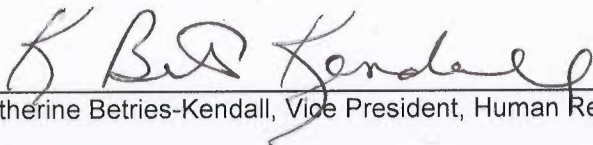
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C. ADMINISTRATION

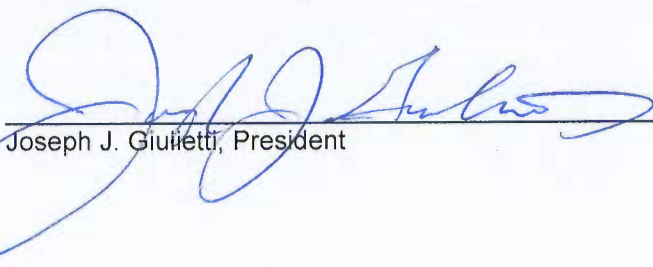
1. The Director, Human Resources will administer this policy.
2. The Vice President, Human Resources and Metro-North Agency Head must approve in writing any exceptions to or variances from this Operating Procedure. If an exception is requested under this policy, the employee must submit, in writing, a memo addressed to the Vice President, Human Resources, indicating the reason for which the exception is being sought. The memo must also have the concurrence signature of the department head before it is sent to the Vice President, Human Resources.

This procedure does not constitute a contract, express or implied. Metro-North expressly reserves the right to change or cancel this procedure at its sole discretion at any time.

Approved:



Katherine Betries-Kendall, Vice President, Human Resources



Joseph J. Giulietti, President

Operating Procedure

Title: **Applying for Bereavement Leave**
Effective Date: November 16, 2011

Number: **21-009A**

MTA All-Agency Bereavement Leave Operating Procedure 11-019 is the governing policy for Metro-North employees as respects appropriate use of bereavement leave.

The following are the procedures to be followed by Metro-North employees for the use of bereavement leave:

Applying for Bereavement Leave

1. An employee requesting bereavement leave shall contact his/her supervisor upon the death of the qualifying family member.
2. The Supervisor shall instruct the timekeeper to code the reason for leave using timekeeping code: DF.
3. The employee shall provide supporting documentation to his/her immediate supervisor upon returning to work. Supporting documentation includes, but is not limited to, the death certificate or obituary.
4. The supervisor files the documentation of leave into the employee's personnel file.

Administration

1. The immediate Supervisor is responsible for ensuring the appropriate timekeeping code is used to record the bereavement leave.
2. The Department Head shall ensure all bereavement leaves are accurately documented.
3. The Vice President, Human Resources must approve any exceptions to this policy, in writing.

Approved: Adrienne Cortez, Director, Human Resources. 4/27/12

Gregory Bradley, Vice President, Human Resources, 4/30/12

Raymond Burney, Senior Vice President, Administration, 5/2/12

Howard Permut, President, 6/18/12



Operating Procedure

Title: **ATTENDANCE – NON-AGREEMENT EMPLOYEES**
Effective Date: June 9, 1988
Revised Date: March 21, 2007

Number: **21-021A**
Page 1 of 3

A. POLICY

1. This Procedure applies to non-agreement employees and those employees holding positions listed in Appendix No. 13 to the TCU collective bargaining agreement. It is the responsibility of each MTA Metro-North Railroad employee to report for duty at the time and days scheduled, at the designated location and to remain on duty for the full workday. This is the most important obligation an individual assumes as a condition of employment with the railroad.

All employees have an obligation to MNR, our customers, the taxpayers of our service territory, and their fellow employees to strive for perfect attendance. Unscheduled employee absences adversely affect productivity and efficiency, unnecessarily increase costs, put additional burdens on employees who do report to work and reduce the quality of service Metro-North can provide to our customers. Employees are expected to maintain reasonable health standards, take intelligent precautions against illness, and make every effort to live and work safely, both at home and at work. Employees are further expected not to allow minor ailments or inconveniences to prevent them from reporting to work as assigned.

2. Several corporate procedures define the types of excused absences, list the various leave allowances and limitations, and describe the documentation and administrative steps required to support such absences:
 - a. 21-001: Americans With Disabilities Act of 1990
 - b. 21-003: Holidays
 - c. 21-004: Vacation & Personal Leave
 - d. 21-005: Sick & Disability Leave
 - e. 21-006: Administrative Leave
 - f. 21-009: Bereavement Leave
 - g. 21-010: Military Leave
 - h. 21-022: Family & Medical Leave
3. Employees are permitted to use sick leave for personal illness or injury, or to care for ill or injured dependent family members. Employees who attempt to use sick leave for any other reason or who use sick leave in violation of this procedure will be subject to disciplinary actions up to and including dismissal. To the extent employees use sick leave for FMLA-qualifying reasons, and are on an authorized FMLA leave, such leave shall count towards both sick leave and any FMLA entitlement.
4. The Procedures and Agreements, if applicable, that establish paid sick leave days are intended to provide employees with pay protection for reasonable periods of short-term illness; they also allow employees to "bank" unused sick leave days for use in the event of longer-term absences from work due to serious illness or injury.

The Procedures and Agreements, if applicable, that provide payment for sick leave do not excuse an employee for his/her absence on any given work day. Employees whose use of sick leave days exceeds reasonable levels will be considered as having unsatisfactory attendance. Unsatisfactory attendance may include one or more of the following:

- a. Frequent one-day absences;
- b. Absences preceding or following rest days, holidays, vacation, and any other pattern;
- c. Absences exceeding sick leave entitlements;



Operating Procedure

Title: **ATTENDANCE – NON-AGREEMENT EMPLOYEES**

Effective Date: June 9, 1988

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Number: **21-021A**

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- d. Frequent lateness to work or early departures; or
 - e. Three occurrences of absences within any thirty-calendar day period or four occurrences of absence within any six month period, with an "occurrence" being a series of consecutive work days that an employee does not report for work due to illness or injury. Authorized absences pursuant to Operating Policies 21-003: Holidays; 21-004: Vacation & Personal Leave; 21-006: Administrative Leave; 21-009: Bereavement Leave; and 21-010: Military Leave will not be considered "occurrences" under this Procedure.

Absences attributable to an authorized FMLA leave or to an authorized "reasonable accommodation" pursuant to federal or state disability law are not included in assessing unsatisfactory attendance under this Procedure. In addition to the procedures set forth in Operating Procedure 21-001, employees seeking a reasonable accommodation must notify the Company of the need for the accommodation and provide appropriate documentation therefor. Absences which an employee can show with appropriate documentation have been a result of a temporary disability as provided for under New York State law will not have any adverse effect on the employee's attendance record. For purposes of this Operating Procedure, a "temporary disability" is the temporary inability to perform the duties of your job such that you must miss work on a given day, as verified by accepted diagnostic techniques.

- 4. To the extent employees use sick leave for FMLA-qualifying reasons, and are on an authorized FMLA leave, such leave shall count towards both sick leave and any FMLA entitlement.
- 5. Attendance records will be considered in evaluating applications for job promotions or transfers.

B. STEPS

- 1. The immediate supervisor or designee monitors attendance by maintaining documents that record hours and days worked, absences, notes on discipline, etc. As employees move to other positions, their attendance records will be transferred to their new supervisors.
- 2. Employees unable to report to work as assigned, or who must leave before the end of the workday, are required to follow established departmental procedures for notifying the appropriate supervisors.
- 3. Documentation submitted by employees to support absences due to illness or injury or for other reasons must comply with the procedures identified in Section A. 2. above. In addition, employees using sick leave as a "reasonable accommodation" for a temporary disability must obtain appropriate documentation from a qualified health care provider and be prepared to submit it upon request to the designated administrator in his/her department. The department administrator should forward all such documentation pertaining to illness or injury to the Occupational Health Services Department for review.

C. ADMINISTRATION

- 1. The Director, Human Resources is responsible for the administration and interpretation of this policy.
- 2. The Vice President, Human Resources & Diversity, must approve any exceptions to this policy, in writing.



Operating Procedure

Title: **ATTENDANCE – NON-AGREEMENT EMPLOYEES**

Effective Date: June 9, 1988

Revised Date: March 21, 2007

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This procedure sets forth only guidelines and does not constitute a contract, express or implied. Metro-North Railroad expressly reserves the right to change or cancel this policy at its sole discretion at any time.

Approved and signed by: S. Joshua, Director, Human Resources, on 3/20/2007

G. Bradley, Vice President, Human Resources & Diversity, on 3/20/2007

P. Cannito, President, on 3/20/2007



Operating Procedure

Title: **ATTENDANCE - Represented Employees**

Effective Date: June 9, 1988

Revised Date: March 4, 2015

Number: **21-021B**

Page 1 of 5

A. POLICY

1. It is the responsibility of each Metro-North Railroad ("MNR") employee to report for duty at the times, on the days and at the designated locations for which he/she is scheduled, and to remain on duty for the full workday. This is the most important basic obligation an individual assumes as a condition of employment with MNR.

All employees have an obligation to MNR, our customers, the taxpayers of our service territory, and their fellow employees to strive for perfect attendance. Unscheduled employee absences adversely affect productivity and efficiency, unnecessarily increase costs, put additional burdens on employees who do report to work and reduce the quality of service Metro-North can provide to our customers. Employees are expected to maintain reasonable health standards, take intelligent precautions against illness, and make every effort to live and work safely, both at home and at work. Employees are further expected not to allow minor ailments or inconveniences to prevent them from reporting to work as assigned.

While perfect attendance is a goal, an employee should not report for duty if he or she is suffering from an impairment that would pose a threat to the safety of railroad passengers, fellow employees or the employee's own safety. If an employee reporting to work believes a medical or physical condition renders the employee unfit for duty on that work day, the employee has a duty to advise his or her supervisor. MNR policy does not permit employees who do not satisfy medical standards for fitness for duty to report to work or remain on duty for the workday.

2. All employees are provided with adequate amounts of leave. MNR Corporate Operating Procedures ("Procedures") and/or provisions in the various Collective Bargaining Agreements ("Agreements") describe exceptions to an employee's daily obligation to report for duty (e.g., holidays, vacation and personal leave, jury duty and similar excepted absences). The various types of leave allowances and limitations, administrative steps, and documents required for these types of leave are detailed in MNR and MTA procedures and/or provisions in the various Agreements:
 - Holiday Leave (as recognized by applicable Agreements)
 - Vacation & Personal Leave (as recognized by applicable Agreements)
 - Bereavement Leave (as recognized by applicable Agreements)
 - Personal Leave of Absence (as recognized by applicable Agreements)
 - Jury Duty (as recognized by applicable Agreements)
 - Military Leave (as set forth in MNR Procedure 21-010)
 - Family & Medical Leave (as set forth in MNR Procedure 21-022).
3. Employees are permitted to use sick leave for personal illness or injury, or to care for ill or injured dependent family members. Employees who attempt to use sick leave for any other reason or who use sick leave in violation of this procedure will be subject to disciplinary actions up to and including dismissal. Other leave programs (listed above) may be used for personal injury or illness only to the extent authorized by the Family and Medical Leave ("FMLA") policy. To the extent employees use sick leave for FMLA-qualifying reasons, and are on an authorized FMLA leave, such leave shall count towards both sick leave and any FMLA entitlement.
4. Procedures and Agreements that establish paid sick leave days are intended to provide employees with pay protection for reasonable periods of short-term illness; they also allow employees to "bank" unused sick leave days for use in the event of longer-term absences from work due to serious illness or injury.



Operating Procedure

Title: **ATTENDANCE - Represented Employees**

Effective Date: June 9, 1988

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The Procedures and Agreements that provide payment for sick leave do not excuse an employee for his/her absence on any given work day. Employees whose use of sick leave days exceeds reasonable levels will be considered as having unsatisfactory attendance. Unsatisfactory attendance includes one or more of the following:

- a. Frequent one day absences;
- b. Absences preceding or following rest days, holidays, vacation, and any other pattern;
- c. Absences exceeding sick leave entitlements;
- d. Frequent lateness to work or early departures; or
- e. Three occurrences of absences within any thirty calendar day period or four occurrences of absence within any six month period, with an "occurrence" being consecutive work days that an employee does not report for work due to illness or injury.

Absences attributable to an authorized FMLA leave (or to the other forms of leave identified in Paragraph 2 above, such as holidays, vacation or personal leave) are not included in assessing unsatisfactory attendance under this Procedure. In addition, an absence resulting from a documented workplace injury, where satisfactory medical documentation has been submitted establishing that the absence resulted from the employee following orders or a treatment plan of his/her treating physician, shall not be included in assessing unsatisfactory attendance under this Procedure. (The foregoing types of absences, which are not considered in assessing unsatisfactory attendance, are referred to below in Section 5 as "Excluded Absences".)

- 5. Employees who are covered by a Collective Bargaining Agreement and are identified as having an unsatisfactory attendance record as defined above are subject to progressive discipline. Its purpose is to allow the employee sufficient time and notice to correct his/her unacceptable attendance. It also puts the employee on notice of the consequences of his/her actions through the assessment of progressively more severe discipline, as described below.
 - a. An employee who has been identified as having an unsatisfactory attendance record will receive a Warning Letter informing him/her that he/she is not in compliance with MNR's attendance policy, and that continued unsatisfactory attendance will result in progressive disciplinary action up to and including discharge.
 - b. After an employee has received such a Warning Letter, his/her attendance record will be closely monitored. During the next 12 months, three or more occurrences of absence within any 60 day period (other than an Excluded Absence) will subject him/her to disciplinary charges for unsatisfactory attendance, commenced by Notice of Investigation.
 - c. After each Notice of Investigation is sent, the 12 month attendance monitoring period will start again. If, during that period, the employee is absent on three or more occasions in any 60 day period (other than for an Excluded Absence), another Notice of Investigation will be sent and the next step of progressive discipline will be assessed. The guidelines for the assessment of progressive discipline for unsatisfactory attendance are:

1st Notice of Investigation: If the employee admits guilt and signs a waiver of trial, the discipline shall be a reprimand. If the employee proceeds to trial and is found guilty, the discipline shall be a five-day suspension. This will be deferred for one year, but the employee will have to serve such suspension if, during that year, he/she is assessed discipline for any other offense.



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- 2nd Notice of Investigation: If the employee admits guilt and signs a waiver of trial, the discipline shall be a five day actual suspension. If the employee proceeds to trial and is found guilty, the discipline shall be a 10 day actual suspension. The previously assessed five day deferred suspension will also be served.
- 3rd Notice of Investigation: If the employee admits guilt and signs a waiver of trial, the discipline shall be a 10 day actual suspension. If the employee proceeds to trial and is found guilty, the discipline shall be a 20 day actual suspension.
- 4th Notice of Investigation: If the employee admits guilt and signs a waiver of trial, the discipline shall be a 20 day actual suspension with a notice that this is the employee's "last chance." If the employee proceeds to trial and is found guilty, the discipline shall be termination.
6. Employees are not permitted under this Procedure or any Collective Bargaining Agreement to "mark off until further notice" (i.e., to declare their intention to take sick leave indefinitely). Employees must follow, on a daily basis, the departmental procedures for providing notification that they are requesting sick leave. Exceptions to this requirement may be made upon recommendation by the MNR Occupational Health Services Department after its evaluation of the employee's medical records. In addition, a department head with approval of the President can establish a written and uniformly enforced call-in policy that does not require an employee to call in every day. Compliance with the proper notification procedures does not excuse the absence from work. Failure to provide the appropriate department official with timely, proper notification may result in the denial of sick pay for the day, and may subject an employee to discipline pursuant to Section 9 and/or 10 of this Procedure.
 7. Employees who are absent from work for more than 30 days, without obtaining an approved FMLA-sanctioned leave of absence or without other express authorization as provided for in MNR procedures, will be subject to disciplinary action for continued unauthorized absence and job abandonment. The progressive discipline elements in this Procedure will not apply to such employees. These employees will forfeit their seniority, and their employment with MNR shall be terminated.
 8. Management may notify employees that they will be required to submit a doctor's note explaining an absence upon their return to work. Other than as set forth in section 4, above, MNR's receipt of the note does not excuse the absence, nor does it prohibit MNR from including the absence when assessing unsatisfactory attendance under this Procedure; it indicates only that the employee may receive sick pay for the day referenced in the note (subject to the employee having available sick leave to charge).
 9. The progressive discipline steps outlined in this Procedure apply only to employees who are not subject to other discipline and have provided timely notice to MNR of any absence. Employees who have committed other infractions may, at management's discretion, receive greater discipline because of their unsatisfactory attendance.
 10. Employees who fail to report for a scheduled tour of duty without providing prior notification may be subject to disciplinary action up to and including dismissal; the progressive discipline elements in this Procedure will not apply to such employees. Employees who fail to notify MNR of their absence will not be entitled to sick leave pay.



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11. During a declared emergency, a full or partial shutdown of service due to weather or other events, or preparation for an expected storm or event that may have an impact on Metro-North service, all employees working in operating departments are required to report to duty as scheduled unless specifically notified otherwise by their department head. An employee who calls out sick during such an emergency, shutdown or storm/event preparation must provide advance notice of the absence and, upon return to duty, the employee must submit documentation from a medical professional that substantiates the absence. Other than as set forth in section 4, above, MNR's receipt of such documentation does not excuse the absence, nor does it prohibit MNR from including the absence when assessing unsatisfactory attendance under this Procedure; it indicates only that the employee may receive sick pay for the day referenced in the note (subject to the employee having available sick leave to charge).
12. Attendance records and discipline assessed for unsatisfactory attendance will be important factors in evaluating craft transfer requests and applications for promotion. In evaluating craft transfer requests or applications for promotion, an absence shall not be taken into consideration, if it is attributable to an authorized FMLA leave or if the absence resulted from a workplace injury with respect to which the employee was following orders or a treatment plan of his/her treating physician, as established by submission of satisfactory medical documentation.
13. As an encouragement to perfect attendance, if the employee uses less than one-half of his total sick leave entitlement throughout his career of 10 years or more, he/she will receive a payout representing 50% of the value of those unused days upon his/her retirement or resignation.



Operating Procedure

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B. STEPS

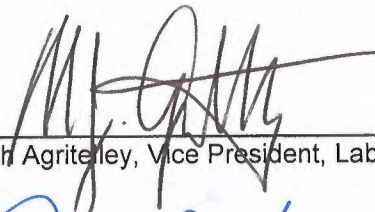
1. This Procedure will be published annually and posted on all company bulletin boards. Employees are presumed to be on notice as to the contents of this policy.
2. The immediate supervisor and/or the department designee will monitor attendance and maintain the documents that record hours and days worked, vacation and personal leaves, and absences from the workplace. These records and all associated documents are transferred to follow the employee who changes positions, work locations, etc.
3. Managers should seek guidance from the Labor Relations Department when initiating disciplinary actions for unsatisfactory attendance.

C. ADMINISTRATION

1. The Director, Labor Relations is responsible for the administration and interpretation of this policy as it applies to employees covered by a Collective Bargaining Agreement.

This procedure sets forth guidelines for management and confirms attendance obligations of employees. It does not constitute a contract of employment, express or implied. Metro-North Railroad reserves the right to amend or withdraw this procedure at any time, although this procedure will apply to events that precede such amendment or withdrawal.

Approved:



Ralph Agritella, Vice President, Labor Relations



Joseph J. Giulietti, President



MTA New York City Transit

**NEW YORK CITY TRANSIT AUTHORITY
POLICY INSTRUCTION**

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- A. Approval Schedule**
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Exhibits

- I Authorization for Travel and Seminar Attendance Form**
- II Travel Requisition Form**
- III Travel Disbursement Form**
- IV Exempt Organization Certification Form**
- V Confirmation of External Course/Seminar Attendance Form**
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- VIII Quarterly Blanket Request Travel Approval Report**

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1.0 OBJECTIVE

- 1.1 It is MTA New York City Transit's (NYCT) policy to use its limited financial resources wisely; accordingly, staff must consider those limited resources when submitting and approving travel and seminar/training requests. Employee travel shall be limited to reasonable and necessary business travel in the most cost efficient and expeditious manner.

2.0 PURPOSE

- 2.1 The purpose of this Policy Instruction is to establish the policies and procedures to be followed in approving, incurring, recording and reimbursing employees for attendance at seminars, travel, business expenses and related cash advances, and in processing Travel and Business Expense Reports submitted to NYCT for payment.

3.0 SCOPE

- 3.1 This procedure applies to all NYCT employees preparing expense reports for travel and seminar/training related expenses.

4.0 DEFINITIONS

- 4.1 Official Station - is the office(s) of the department in which the individual is employed. Travel expenses will be reimbursed when the employee is on official business any distance in excess of 35 miles from his/her official station and will be reimbursed using the Travel Disbursement Form (Exhibit III). Mileage and tolls for travel less than 35 miles from the employee's official station will be reimbursed from petty cash.

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4.0 DEFINITIONS (continued)

- 4.2 Travel Status** - An employee who travels outside his/her Official Station for at least 3 consecutive hours on Authority business on a regular workday, authorized holiday or weekend is in "Travel Status".
- 4.3 Out of Area Travel** - Travel outside the New York Metropolitan Area or an employee's official station and beyond the boundaries of the States of New York, New Jersey and Connecticut is considered "Out of Area Travel".
- 4.4 Local Travel** - Travel inside the New York Metropolitan Area is considered "Local Travel".
- 4.5 Foreign Travel** - Travel outside the Continental United States is considered "Foreign Travel".
- 4.6 Blanket Travel - (Employee)** - For employees who regularly travel to a specific location for business purposes for a specified period of time.
- 4.7 Blanket Travel - (Contract)** Travel related to specific contracts for the purpose of inspections, testing or training activities and remain in effect for the term of the contract.
- 4.8 Discretionary Travel** - Such as conferences, speaking engagements, training seminars, educational classes and business purpose travel.
- 4.9 Business Meal** - A meal (breakfast, lunch, dinner or other) wherein the attendees' principal function is to conduct Authority business.
- 4.10 Per Diem Allowance** - A payment made to reimburse without receipts, the personal meal expenses of an Authority employee, payable under certain conditions on days when the employee is in travel status.

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4.0 DEFINITIONS (continued)

4.11 Agency Head - Agency Head is defined as the President, MTA New York City Transit.

4.12 Department Head - For purposes of this procedure, a Department Head is any of the following individuals:

President
Executive Vice President
Senior Vice President - Capital Program Management
Senior Vice President - Telecommunications & Information Services
Senior Vice President - MetroCard Operations
Senior Vice President - Department of Subways
Senior Vice President - Department of Buses
Vice President and General Counsel - Department of Law
Vice President - Office of Human Resources
Vice President - Division of Materiel
Vice President - Office of Labor Relations
Vice President - Office of System Safety
Vice President - Public Affairs
Controller - Office of the Controller
Director - Office of Management and Budget

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4.0 DEFINITIONS (continued)

4.13 Forms

4.13.1 Authorization for Travel and Seminar Attendance Form (Authorization form) (Exhibit I).

4.13.1.1 All employees wishing to attend a seminar or travel on business must prepare the Authorization form and obtain the necessary approvals. The Travel Expense Estimate Worksheet on the reverse side must also be completed.

4.13.2 Travel Requisition Form (Exhibit II).

4.13.2.1 The Travel Requisition Form details the employee's transportation and lodging needs. This form documents any needs or special arrangements the employee requires (departure times, meals, etc.).

4.13.2.2 The Travel Requisition Form can be obtained from:

Division of Materiel
System Wide Contracts Management
130 Livingston Street
Brooklyn, New York 11201
6th Floor

4.13.3 Travel Disbursement Form (Exhibit III).

4.13.3.1 The Travel Disbursement Form details the employee's expenses as well as the expenses paid directly by the NYCT on behalf of the employee (i.e. airline tickets).

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4.0 DEFINITIONS (continued)

4.13.3.2 The travel package must include supporting documentation for conference, seminar and training fees.

4.13.4 Tax Exempt Certification Form (Exhibit IV).

4.13.4.1 NYCT is a public benefit corporation which is not subject to New York Local Sales and Use Tax. Employees should present the Tax Exempt Certification prior to incurring any expense in New York State. Any such taxes paid by the employee while traveling in N.Y. State will not be reimbursed.

4.13.4.2 The Tax Exempt Certification Form can be obtained from:

Office of the Controller
130 Livingston Street
Brooklyn, New York 11201
Room 8043B

4.13.5 Confirmation of External Course/Seminar Attendance Form (Exhibit V)

4.13.5.1. The confirmation form details the employees external course/seminar attendance. This form is used only for external course/seminar attendance travel.

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4.0 DEFINITIONS (continued)

**4.13.6 Blanket Request for Travel Approval Form – By Employee
(Exhibit VI)**

4.13.6.1 The Blanket Request Travel Approval Form for employees who travel regularly to the same destination for business purposes.

**4.13.7 Blanket Request for Travel Approval Form – Contract
(Exhibit VII)**

4.13.7.1 The Blanket Request Travel Approval Form for business travel related to procurement contracts for the purpose of inspections, testing or training activities.

4.13.8 Quarterly Blanket Request Travel Approval Report (Exhibit VIII)

4.13.8.1 Preparation of quarterly report summarizing the number of trips taken, number of people that went on trip (example: if 2 employees went to the same seminar then it counts as 1 trip and 2 people) and the total cost of the business trips.

5.0 RESPONSIBILITIES

5.1 EMPLOYEE OR TRAVEL LIAISON (If Travel Liaison is Available)

5.1.1 Employees or Travel Liaison (if available) are responsible for:

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5.0 RESPONSIBILITIES (Continued)

- 5.1.1.1 Preparing the Authorization for Travel and Seminar Attendance Form and obtaining the proper approvals. Employees or Travel Liaison must also complete the Travel Expense Estimate Worksheet on the reverse side of the Authorization for Travel form.
- 5.1.1.2 Employees must prepare and submit the Disbursement Form (expense reports) for reimbursement for properly authorized expenditures. The Disbursement Form should also be completed to record all Travel Card expenditures.
- 5.1.1.4 Employees must maintain proper documentation to support expenditures incurred.
- 5.1.1.5 Employees must prepare and submit the confirmation of Attendance Form upon return from training.

5.2 DEPARTMENT HEAD

5.2.1 Department Heads are responsible for:

- 5.2.1.1 Informing their staff of NYCT policy and procedure concerning travel and business expenses.
- 5.2.1.2 Approving and dating all necessary documents.
- 5.2.1.3 Assuring that justification (on Authorization Form) indicates how travel benefits the employee's job performance.

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5.0 RESPONSIBILITIES (Continued)

5.2 DEPARTMENT HEAD (Cont'd.)

5.2.1.4 Controlling expenditures by careful examination of expense reports and by enforcing the policies and procedures contained herein.

5.2.1.5 Ensuring that the expenses submitted for reimbursement have been incurred for business reasons and were properly authorized prior to being incurred.

5.3 ASSISTANT VICE PRESIDENT, EMPLOYEE DEVELOPMENT

5.3.1 The Assistant Vice President shall:

5.3.1.1 Review, approve and date the employee's request to attend an external training class or recommend an alternative provider, whether or not travel is required.

5.3.1.2 Document reasons for any recommendations contrary to the original request.

5.4 OFFICE OF THE CONTROLLER

5.4.1 The Office of the Controller shall:

5.4.1.1 Issue cash advances to employees.

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5.0 RESPONSIBILITIES (Cont'd.)

5.4 OFFICE OF THE CONTROLLER (Cont'd.)

5.4.1.2 Review all related financial documents and return those not in compliance with the policy promulgated herein for resubmission by the employee. The documents, when corrected, should be resubmitted to the Office of the Controller (Treasury Section).

5.4.1.3 Reimburse employees for the duly authorized business expenses incurred and detailed on the Travel Disbursement form upon presentation of a properly approved form to the Office of the Controller (Treasury Section).

5.4.1.4 Preparation of quarterly and annual travel summary reports to be submitted to NYCT President and MTA Chief of Staff for review.

6.0 POLICY

6.1 GENERAL

6.1.1 Categories of Expenditures. This policy instruction covers the general categories of expenditures related to business travel and meal expenses, such as, transportation, lodging, per diem meals, business meals, and other miscellaneous expenses.

6.1.2 Actual and Necessary Expenses. Reimbursement for travel and business expenses will be made only for actual and necessary expenses incurred in the performance of official duties, and upon submission of properly documented and approved employee expense reports as outlined in this policy instruction.

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6.0 POLICY (Continued)

6.1 GENERAL (Cont'd.)

- 6.1.3 Travel Arrangements through Travel Agent.** Employees must make all arrangements for lodging and transportation through the NYCT's official Travel Agent.

Travel arrangements secured by any other means must be fully explained and justified in writing by the employee and approved by the Controller.

- 6.1.4 Emergency Situations.** During an emergency situation or under extraordinary circumstances, expenses which normally would not be allowed, may be considered for reimbursement. The employee must provide a complete explanation of the emergency and the need for the expense, and obtain approval from the Department Head. This documentation must be submitted with the employee's expense report to the Controller for final approval.

- 6.1.5 Additional Expenses.** Expenses not directly indicated in this procedure or for special circumstances require prior approval of the Controller. Expenses in these categories will be reimbursed only when savings to the NYCT can be substantiated.

6.2 METHODS OF PAYMENT

- 6.2.1 Payment by Employee.** Employees are expected to pay for their business and travel expenses at the time they are incurred. Payment in advance is permitted if necessary to secure reservations and/or advantageous rates.

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6.0 POLICY (Continued)

6.2 METHODS OF PAYMENT (Cont'd.)

6.2.2 Direct Billing. Direct billing to the NYCT is permitted when advantageous to the NYCT. Arrangements for direct billing are subject to prior approval.

6.2.3 Cash Advances. An employee may request a cash advance to cover anticipated business and travel expenditures eligible for reimbursement under this policy instruction. No cash advances will be granted for interview and relocation expenses. Requests for cash advances must be made using an Authorization for Travel and Seminar Attendance Form.

Cash advances will be made by check. Refunds of unused portions of cash advances from employees will be accepted only by personal check, money order, or bank check. Cash will not be accepted.

If the trip is canceled or postponed, appropriate documentation must be filed and the cash advance must be returned within five business days of notification of the cancellation or postponement.

6.2.4 Credit Cards. Employees who have been authorized to purchase goods and services for business and travel purposes with an NYCT Travel Card must account for these purchases by filing a Travel Card Disbursement Form (see Division of Materiel Departmental Procedure – Travel Card). Expense reports must be filed even in those instances when no additional business expenses are incurred. Authority Travel Cards are not to be used for personal items.

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6.0 POLICY (Continued)

6.3 DOCUMENTATION

6.3.1 Use of Travel Request Form. Plans for travel must be documented and requested, in specific detail, by the employee on an Authorization for Travel and Seminar Attendance Form.

6.3.2 Blanket Approval Forms

6.3.2.1 Blanket Travel (By Employee) – Blanket Travel Form must be completed and submitted to the MTA Chief of Staff for approval for employees who regularly travel to a specific location for business purposes.

6.3.2.2 Blanket Travel (By Contract) – Blanket Travel Form must be completed and submitted to MTA Chief of Staff for approval for specific contracts related to inspections, testing or training activities.

6.3.3 Use of Expense Report Form. Travel and business expenses must be reported on a Travel Disbursement Form (Exhibit III).

6.3.4 Actual Expenditures. Unless specifically excepted herein, all reimbursements for employee expenses including Travel Card expenditures must be based on actual expenditures and must be supported by receipts or other acceptable documentation.

6.3.5 Acceptable Documentation. Acceptable original documentation includes ticket stubs; paid receipts; invoices indicating dates and amounts of payment; original cardholder's copies of validated credit card charge vouchers; or copies of the employee's canceled checks. Original documents, not copies, must be submitted.

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6.0 POLICY (Continued)

6.3 DOCUMENTATION

- 6.3.6 Statement of Purpose.** A specific statement of the business purpose must be included on the Authorization for Travel and Seminar Attendance Form.
- 6.3.7 Conventions and Conferences.** Travel vouchers for expenses incurred when attending conventions and conferences must be supported by program literature setting forth the opening and closing dates of the convention.
- 6.3.8 Documentation of Authorization.** Copies of the Authorization for Travel and Seminar Attendance Form authorizing the travel must be attached to the employee's disbursement form.
- 6.3.9 Cash Advances.** Cash advances must be requested using an Authorization for Travel and Seminar Attendance Form. The approved form must be attached to the disbursement report along with related documentation.
- 6.3.10 Separate Reports.** Separate reports must be filed for each business trip.
- 6.3.11 Timeliness of Report Submission.** Employee expense reports must be submitted within 30 calendar days upon return of the employee from a business trip.

6.4 TRAVEL (General Policy)

- 6.4.1 Official Business.** Reimbursement for travel and business expenses of employees will be made only for approved actual and necessary expenses in the performance of official duties upon presentation of proper documentation.

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6.0 POLICY (continued)

6.4 TRAVEL (General Policy) (Cont'd.)

6.4.2 Travel. All NYCT business - travelers must make arrangements for all lodging and transportation needs through the NYCT's official Travel Agent. Travel must be by the most cost effective route reasonably possible, and must be by either coach, economy, or equivalent discount fare unless the trip is of an emergency nature and coach, economy or equivalent discount fares are not available.

Any travel by other than coach, economy, or equivalent fare must state the reason (such as emergency, physical hardship, overseas travel requiring in excess of 10 consecutive flight hours) and must be approved in writing in advance by the Agency Head or his/her designee. Medical documentation may be required for physical hardship. Unless so approved, an employee shall assume responsibility for any extra expense incurred.

6.5 BUSINESS MEALS

6.5.1 Business Purpose. Business meal expenses are reimbursable only when the principal purpose of the meeting or meal is to transact NYCT business. A statement of the business purpose must be set forth on the expense report.

6.5.2 Attendance. A list of attendees present at the business meal must be included with the expense report. The cost of food at a business meeting attended only by NYCT employees must be approved by an Agency Head or his/her direct reports to be eligible for reimbursement. If a business meal involves consultants and/or contractors hired by the NYCT, prior approval is required to be eligible for reimbursement.

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6.0 POLICY (continued)

6.5 BUSINESS MEALS (Cont'd.)

- 6.5.3 Responsibility to Report Meals.** Business meal expenses must be reported by the highest ranking employee in attendance.
- 6.5.4 Documentation.** Original receipts must be attached to the travel and business expense report.
- 6.5.5 Maximum Allowance.** Business meal expenses are reimbursed at actual but reasonable cost.

6.6 PER DIEM MEAL ALLOWANCE (DOMESTIC TRAVEL)

- 6.6.1 Eligibility.** Employees in travel status are eligible for a per diem allowance to cover certain meals, subject to the following limits on time of departure and return: (Time of departure/arrival from/to home must be indicated on the Disbursement Form (Attachment III))

When departing from home or office at the beginning of a trip before the following hours:

Breakfast	6:00 am
Dinner	6:00 pm

When returning to home or office at the conclusion of a trip after the following hours:

Breakfast	8:00 am
Dinner	8:00 pm

Foreign travelers should see Foreign Travel Expense section (6.11) for per diem allowance discussion.

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6.0 POLICY (continued)

6.6 PER DIEM MEAL ALLOWANCE (DOMESTIC TRAVEL) (Cont'd.)

- 6.6.2 Ineligibility Within Employee's Official Station.** No per diem meal allowance shall be allowed while an employee is within his or her official station or place of residence, regardless of the departure or arrival times of a particular trip.
- 6.6.3 Ineligibility of Meal Reported as Business Meal.** An employee who has been included in an employee expense report requesting reimbursement for a business meal is not eligible for a per diem allowance for the same meal.
- 6.6.4 Documentation.** The per diem allowance is payable upon approval of an employee expense report. No receipts are required. The per diem allowance pertains only to an employee's personal meal expenses.
- 6.6.5 Maximum Allowance.** The maximum allowable per diem meal allowances for domestic travel may be adjusted from time to time by the Controller (Attachment B).

6.7 TRANSPORTATION

6.7.1 Intercity Travel. (Plane, Train or Bus)

- 6.7.1.1** Travel must be arranged through NYCT's official Travel Agency and must be submitted to Travel Coordinator more than 14 days prior to travel date. Travel Agency issued passenger itineraries must be attached to the disbursement form.

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6.0 POLICY (continued)

6.7 TRANSPORTATION (Cont'd.)

Tickets purchases less than 14 days prior to travel must be denoted on the Travel Disbursement Form in the applicable section and approved by employee's supervisor (Exhibit III)

6.7.1.2 The employee must attach the passenger travel itinerary along with the passenger's portion of used tickets. Any unused tickets must be returned to the Corporate Travel Coordinator.

6.7.2 Local Travel (Mass Transit, Taxicabs, etc.)

6.7.2.1 The use of established mass transit lines is encouraged.

6.7.2.2 If it is necessary to use taxicabs, receipts must be submitted for expenses of \$10 or more (including tips).

6.7.2.3 If receipts are not available for individual taxicab rides or mass transit fares of \$10 or more, the employee must explain the circumstances when submitting his/her expense report.

6.7.3 Automobiles

6.7.3.1 Official Cars. If travel by an automobile is required, employees are encouraged to use official vehicles. The MTA All-Agency Policy, 41-002, regarding use of official automobiles must be followed.

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6.0 POLICY (continued)

6.7 TRANSPORTATION (Cont'd.)

6.7.3.2 Personal Cars. Employees with written prior approval will be reimbursed for the use of personal cars at the mileage rate established at intervals by NYCT. This mileage rate, as calculated, includes costs for depreciation, gasoline, oil, maintenance and repairs, and insurance.

6.7.3.3 Tolls and Parking Fees. Tolls and parking fees are reimbursable at actual cost. Receipts must be submitted for expenses of \$10 or more. Reimbursement for long-term parking fees requires pre-approval.

6.7.4 Rental Cars

6.7.4.1 Justification. Car rental expenses will not be reimbursed unless cost savings based on alternative modes of transportation and/or business necessity can be substantiated. Compact cars should be chosen unless a larger car is justified for employees traveling as a group.

6.7.4.2 Arrangements. If an employee has been approved to use a rental car while on a business trip, arrangements to rent a car must be made through the NYCT's official Travel Agent.

6.7.4.3 Documentation. The signed car rental agreement, other appropriate receipts and the justification must be submitted with documentation.

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6.0 POLICY (continued)

6.7.4 Rental Cars (Cont'd.)

6.7.4.4 Drop-Off Charges. Drop-off charges for one-way rentals should be avoided, if possible, by obtaining a vehicle assigned to the destination city. Advance reservations and/or early inquiry will assist in obtaining such vehicles.

6.7.4.5 Insurance. When renting a car in a domestic location, collision insurance and third-party liability insurance coverage available through the car rental company should not be selected and will not be reimbursed. Employees are covered for any accidents that occur through:

MTA Self Insurance
Risk Management
347 Madison Avenue
New York, NY 10017

This address should be given to the rental car agency if it is requested.

When renting a car in a foreign location, employees are advised to purchase collision insurance and third-party insurance coverage if available through the rental company. These insurance costs are reimbursable to the employee.

6.7.4.6 Weekly or Discount Rates. If the use is sufficiently long to justify a weekly or other discount rate, efforts should be made to secure such a rate.

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6.0 POLICY (continued)

6.8 LODGING

- 6.8.1 Lodging.** Hotel and motel room expenses shall be reimbursed when incurred in the conduct of official business.
- 6.8.2 Arrangements.** Reservations for hotel/motel stays must be made through the NYCT's official Travel Agent.
- 6.8.3 Government Rates.** State or Government discount rates should be secured whenever possible.
- 6.8.4 Weekly or Monthly Rates.** If the stay is sufficiently long to justify weekly or monthly rates, efforts should be made to secure such rates.
- 6.8.5 Documentation.** Original hotel bills and receipts for hotel and motel room expenses must be attached to the travel and business expense report.
- 6.8.6 Tax-Exemption.** Lodging accommodations on official business are exempt from payment of occupancy tax in New York State.
- 6.8.7 Advance Payment.** Requests for a check from NYCT to make an advance payment for hotel accommodations or registration fees must be made in writing to the Controller and approved in advance.
- 6.8.8 Maximum Allowance.** Lodging costs are reimbursed at actual but reasonable cost.

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6.0 POLICY (continued)

6.9 EXTENDED OR WEEKEND STAYS; TRAVELING WITH SPOUSE OR OTHERS

6.9.1 Extended or Weekend Stays. Any extension of business travel to include weekends or any days prior or following the minimum time necessary to accomplish NYCT business is subject to prior written approval. Such approval must be attached to the related employee expense reports.

If such an extension will result in increased costs for the NYCT, prior approval must be requested from the respective Agency Head or his/her designee. Reimbursement for meals and lodging for authorized extended or weekend stays would apply.

6.9.2 Extensions Resulting in Cost Savings. If the extension of business travel beyond the normal length of time necessary will result in overall savings to NYCT when all costs are considered, an analysis of the cost savings using the lowest rates available must be included in the request for approval of the extension. Expenses incurred during the extended portion of trip will be reimbursed only when savings to the NYCT can be substantiated.

6.9.3 Traveling with Spouse or Others. Expenses incurred on behalf of a spouse or other person who is not involved in the conduct of NYCT business, or expenses incurred while on vacation or personal leave, will not be reimbursed. Such expenses should be deducted from the related expense reports.

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6.0 POLICY (continued)

6.10 TELEPHONE AND SIMILAR SERVICES

6.10.1 Business Calls and Similar. Employees will be reimbursed for all business calls, telegrams, express mail, facsimile transmissions, or similar expenditures required in the performance of their official duties. Receipts for these expenses must be included as supporting documentation with the employee's expense report.

6.10.2 Personal Calls. Reimbursement for personal telephone calls is limited to two per day while in travel status. The calls must be reasonable in length in order to obtain full reimbursement.

6.10.3 The purchase of a ten dollar phone card is encouraged when an employee is in an overnight travel status and if the card is more economical than using the hotel phone. Phone card receipts must be attached to the Disbursement Form.

6.11 FOREIGN TRAVEL EXPENSES

6.11.1 Foreign travelers must use a per diem rate for reimbursement of meals and incidental travel costs such as laundry or dry cleaning. The NYCT uses the foreign travel per diem rates of the U.S. State Department. The rates are available from the Controller's Department or from the following Internet website: <http://www.state.gov/www/perdiems/>. Reimbursement for partial day travel should follow the same allocation method as defined for the domestic per diem allowance (See Section 6.6).

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6.0 POLICY (continued)

6.11 FOREIGN TRAVEL EXPENSES (Cont'd.)

6.11.2 Other allowable expenses related specifically to foreign travel include the cost of passports and visas, the cost of immunizations and inoculations (if required or recommended), the cost of car rental insurance coverage, travelers' check fees, currency exchange fees, travel fees and taxes, and airport fees and taxes.

6.11.3 The use of personal credit cards is strongly encouraged in foreign countries so that the NYCT can reimburse travelers based on the currency exchange rate charged on the credit card statement. In addition, in order to take advantage of favorable exchange rates, U.S. currency should be converted prior to the trip at currency exchange outlets (especially Canadian) when paying a bill in cash. It is important that all currency exchange transactions are supported by documentation which reflects the exchange rates used for the transactions. Acceptable documentation will also include the exchange rate per the Wall Street Journal on the last day of the trip.

6.11.4. For foreign lodging expenses, State or Government discount rates should be secured whenever possible. All foreign lodging hotel/motel reservations must be made through the official travel agency. Any exceptions must be approved by the NYCT Controller.

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6.0 POLICY (continued)

6.11 FOREIGN TRAVEL EXPENSES (Cont'd.)

6.11.5 All completed disbursement forms for foreign travel (including Canada) and original documentation are to be sent to the Controller's Office for review and compliance with this expense policy. After review, they will be forwarded by the Office of the Controller to the Executive Vice President for final approval.

6.12 OTHER REIMBURSABLE EXPENSES

Expenses not specifically listed in the preceding paragraphs shall be reimbursable when incurred for business purposes as follows:

6.12.1 Laundry and Dry Cleaning. On domestic trips lasting more than three days, employees will be reimbursed for the actual cost with receipts of such services when incurred and paid for after the third day in travel status. Foreign travelers are reimbursed for laundry and dry cleaning costs through the per diem allowance which includes a portion of the rate for incidental cost items.

6.12.2 Baggage Checking and Tips. Baggage checking, tips, and normal gratuities are reimbursable. Tips related to another expense such as meals, taxi fare, etc. should be reported in the total cost of the related expenses.

6.12.3 Other Miscellaneous Expenses. Reimbursement for any other category of expenditures is subject to the interpretation of the Controller.

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6.0 POLICY (continued)

6.13 INTERVIEW & RELOCATION EXPENSES

Employees and job candidates eligible for the reimbursement of certain travel, lodging, meal, or other expenses pursuant to the All-Agency Interview and Relocation Policy (11.001) should refer to that Policy for further details. Nothing in the Travel and Business Expense Policy shall be interpreted as in any way superseding or mitigating the requirements of the Interview and Relocation Policy.

6.14 UNALLOWABLE EXPENSES

The following categories of expenditures are eligible for reimbursement only on an exception basis, or under the special circumstances outlined in this policy instruction.

6.14.1 Direct Billing. No employee may incur business expenses to be billed directly to the NYCT, except for the authorized use of NYCT credit cards for air travel or gasoline, or otherwise authorized in advance.

6.14.2 Expenses Incurred on Behalf of Spouse or Others. The costs of travel, lodging, meals, or other expenses for a spouse, dependent, or other person who is not performing official NYCT business, and, who accompanies an employee on a business trip, are not reimbursable.

6.14.3 Personal, Recreational or Entertainment Expenses. Costs incurred for personal, recreational or entertainment purposes, or while on vacation or personal leave, even when such leave has been approved as an extension of approved business travel, are not reimbursable.

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6.0 POLICY (continued)

6.14 UNALLOWABLE EXPENSES (Cont'd.)

6.14.4 Commuting Costs. Transportation costs incurred for commuting between the employee's residence and official work station are not reimbursable.

6.14.5 Expenses Eligible for Third-Party Recovery. Business expenses which are legitimately recoverable from a third-party are not reimbursable. Such expenses and recovery must be explained on the employee's expense report.

6.14.6 Personal Losses. Reimbursement is not allowed for losses of personal property or the loss of funds or tickets.

6.14.7 Substituted Lodging. Costs for this item included in a seminar or other package is not allowed.

6.14.8 Clothing, Valet Service, and Similar. Reimbursement for clothing, toiletries, barbering, or similar personal goods or services is not allowed.

6.14.9 Alcoholic Beverages. The cost of alcoholic beverages, of any kind, is not reimbursable.

6.14.10 Personal Car Expenses. Repairs or maintenance costs of any kind are not reimbursable. Expenses for gasoline, motor oil and other automobile fluids are not reimbursable. These types of expenses are included when the standard mileage rate of reimbursement is calculated and determined.

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6.0 POLICY (continued)

6.14 UNALLOWABLE EXPENSES

6.14.11 Insurance, Fines and Fees. Reimbursement is not allowed for personal credit card fees, fines for traffic/parking violations, third-party liability insurance on automobile rentals, or travel insurance.

7.0 DISCUSSION

7.1 Justification to Attend Conferences, Seminars, or Training Sessions

7.1.1 Justification for travel to conferences, seminars or training sessions must clearly state on the Authorization Form the complete name, address and sponsoring organization of the conference, seminar or training; the location and, a statement on how attendance will assist the employee in performing his/her job responsibilities. The justification must also include the purpose and relevancy for attending.

7.1.2 Where more than one employee is proposed to attend the same event, the justification must indicate why more than one attendee is required, and specifically what will be gained by each proposed attendee.

7.1.3 All training sessions and training-related seminars conducted outside the NYCT, whether travel is required or not, require a concurring signature from the Assistant Vice President, Employee Development.

7.1.4 Note that the Authorization Form contains a check-off box with the notation "Check here if seminar/training not available within the Metro Area". This box must be checked where it is proposed to send an employee to training outside the Metropolitan Area.

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7.0 DISCUSSION

7.1.4 (Cont'd.)

A check in this box represents that both the Department Head and Assistant Vice President, Employee Development certify that such training is not reasonably available within the Metropolitan Area within the reasonably near future. Such training includes similar courses that meet the same objectives offered by a different sponsor.

7.2 Justification for Business Purposes Travel

7.2.1 Justification to travel for business purposes must clearly state on the Authorization form the complete name and address of the employee's destination, and, a statement on how the travel relates to a problem or issue NYCT has. For example, instead of stating that the purpose of the trip is "to observe the XYZ System at Toronto Transit", the request should state the purpose of the trip is "to observe a system used by Toronto Transit to vacuum tracks to assist NYCT in finding a more effective method to clean tracks and thus prevent fires".

7.2.2 When more than one employee proposes to travel to the same destination, the justification must indicate why more than one attendee is required and specifically, what will be gained by sending each proposed attendee.

7.3 Justification for Blanket Travel - (By Employee)

7.3.1 The justification for blanket travel must state why regular travel to the same destination for business purposes is necessary. If more than one employee is required the justification must state what will be gained by sending each proposed attendee.

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7.0 DISCUSSION (Continued)

7.4 Justification for Blanket Travel – (By Contract)

7.4.1 The justification for blanket travel must state the specific purpose of the inspections, testing or training activities.

7.5 Group Travel

7.5.1 If two or more employees travel to the same location or event, those requests should be submitted on one Authorization Form.

7.5.2 Where two or more departments are involved, one department shall coordinate the travel through the Department Travel liaison on one Authorization Form and obtain Department Head signatures from all affected departments. The coordinating department will then submit all forms for approval at the same time.

7.6 Conferences

7.6.1 Employee(s) traveling to a conference shall coordinate all conference and travel related expenses with the department's conference coordinator. Conferences do not require approval from Assistant Vice President, Employee Development. One Authorization Form should be prepared for the employee or group and submitted for approval.

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7.0 DISCUSSION (Continued)

7.7 Training

7.7.1 Employee(s) attending any training classes outside of those offered by the NYCT shall coordinate all training and related travel expenses with the Division of Human Resources, Employee Development. One Authorization form is prepared for the employee or group and submitted for approvals. (See Attachment A for Approval Schedule).

7.7.2 It is the responsibility of the Division of Human Resources, Employee Development to review all external training requests. Employee Development will ensure that the course, or a reasonable alternative, is not available within the Metropolitan Area. Employee Development will also review all proposed external training requests to ascertain, based on estimated cost and frequency, the applicability and appropriateness of implementing contract procedures as established in the Procurement Approval Process Departmental Procedure.

7.8 Securing Tickets and Travel Plans

7.8.1 To ensure all airline flights are arranged and booked as far in advance as possible, airline tickets can be secured at the Division Head level for business purpose travel. Seminars and training require Division Head approval and Assistant Vice President of Employee Development (only for training related travel) approval to secure tickets. Once accomplished, this information should be transmitted to Materiel Division - System-Wide Contracts Management, c/o Corporate Travel Coordinator. After the tickets are reserved, all required approvals are required prior to making the trip.

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7.0 DISCUSSION (Continued)

7.8 Securing Tickets and Travel Plans (Cont'd.)

Employees traveling to Japan are allowed to take advantage of the automatic upgrade to business class provided under the NYCT Official Travel Agency agreement with Northwest Airlines due to the frequent change of travel dates/passengers, booking on short notice and lengthy air travel. Agreement must be noted on Authorization to Travel Form.

7.8.2 Form - Travel Requisition (Exhibit II)

Description

Travel Plans (i.e. dates, airline, etc.)

Required Signatures

Employee attachment of a copy of Authorization for Travel and Seminar Form and Blanket Request for Travel Approval Form is mandatory).

7.9 Approval Schedule - See Attachment A

8.0 PROCEDURE - Preparation of the Authorization for Travel and Seminar Attendance Form (must be completed six weeks prior to travel)

8.1 For all travel, including attendance at a conference, seminar, or training event (whether travel is required or not and whether a Travel Card is used or not), an Authorization for Travel and Seminar Attendance form (Exhibit I) must be prepared. Instructions for the completion of the Authorization for Travel and Seminar Attendance form follow:

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8.0 PROCEDURE - Preparation of the Authorization for Travel and Seminar Attendance Form (must be completed six weeks prior to travel) (Continued)

- 1. DEPT. LIAISON:** Print the contact employee representing the employees traveling.
- 2. DEPT. NAME:** Indicate the department name
- 3. TELEPHONE #:** Indicate the telephone number of the liaison or traveler.
- 4. DATE:** Insert the date the form was prepared.
- 5. EMP. NAME:** List the names of the employee(s) traveling or attending a seminar.
- 6. TITLE:** Indicate the titles of the employee(s) traveling or attending a seminar.
- 7. PASS NO.:** List the pass numbers of the employee(s)
- 8. DIVISION NAME:** Indicate the division for which the employee works.
- 9. ESTIMATED COST PER EMPLOYEE:** Estimate the cost of the trip per employee(s) (include airline, hotel, meal per diem, car rental, taxi and cost of seminar, conference or training if applicable). The estimated cost per employee amount must agree to the Travel Expense Estimates Worksheet amount which is on the reverse side of the Authorization for Travel Form.

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8.0 PROCEDURE - Preparation of the Authorization for Travel and Seminar Attendance Form (must be completed six weeks prior to travel) (Continued)

10. CASH ADVANCE AMOUNT PER EMPLOYEE: Indicate the amount of cash advance requested. If more than one employee requests a cash advance, the total amount of all cash advances

11. CHECK NO.: The check number of each cash advance check issued (Treasury Section's responsibility).

12. DATE CLEARED: The date the cash advance is reconciled with the Treasury Section (Treasury Section's responsibility).

13. SIGNATURE: Signature of the employee accepting the cash advance check(s).

NOTE: All checks must be accepted at the same time.

14. PURPOSE/ REASON: Conferences, seminars or training sessions: Justification for travel to conferences, seminars or training sessions must clearly state on the Authorization Form the complete name and sponsoring organization of the conference, seminar or training; location, and, a statement on how attendance will assist the employee in performing his/her job responsibilities.

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8.0 PROCEDURE - Preparation of the Authorization for Travel and Seminar Attendance Form (must be completed six weeks prior to travel) (Continued)

Business Purpose:

Justification to travel for business purpose must clearly state on the Authorization Form the complete name and address of the employee's destination and a statement on how the travel relates to a problem or issue.

15. DESTINATION:

Provide the destination of the employee(s).

16. DURATION OF TRAVEL DATES:

Indicate the actual dates away from the employee's official station (inclusive).

If Attending a Seminar:

17. SEMINAR BOX:

Check box if seminar, conference or training is not available within the Metropolitan Area.

18. SEMINAR COST:

Indicate the cost of the seminar (must agree with invoice).

19. ACCOUNT #:

Insert the general ledger account number.

20. R/C #:

Insert the employee's responsibility center, if more than one(1) number, please list in order of employee.

21. FUNC. #:

Insert appropriate function number.

22. JOB #:

Insert the job number if travel is reimbursable.

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8.0 PROCEDURE - Preparation of the Authorization for Travel and Seminar Attendance Form (must be completed six weeks prior to travel) (Continued)

23. APPROVALS: See Attachment A for approval schedule.

**TRAVEL EXPENSE
ESTIMATE WORKSHEET:** For each employee authorized to travel

24. NAME & TITLE: Indicate the name of each traveler and their title.

**25. ESTIMATED COST
OF TRAVEL
EXPENSES:** Insert the estimated cost of hotel, meal per diem, travel fares, taxis, car rental, seminar cost and other miscellaneous expenses.

**26. TOTAL ESTIMATED
COST:** Total estimated cost of above applicable expenses (must agree with Estimated Cost per Employee on reverse side).

27. Travel Agency Itinerary and Seminar Cost information must be attached to form.

9.0 PROCEDURE - Steps for Attending Conferences, Seminars, or Training Sessions Held Outside the NYCT

9.1 Employee or a designated liaison prepares the Authorization for Travel and Seminar Attendance Form (Section 8.0).

9.2 The employee's Division Head reviews, approves and dates the form.

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9.0 PROCEDURE – Steps for Attending Conferences, Seminars, or Training Sessions Held Outside the NYCT (Continued)

9.3 The Assistant Vice President, Employee Development reviews, approves and dates the form for training and training related seminars.

9.4 If travel is required, a copy is faxed to the Division of Material - System-wide Contracts Management.

9.4.1 If travel is required, the employee must prepare a Travel Requisition Form (Exhibit II) which details the employee's transportation and hotel requirements.

9.4.2 The completed and properly approved Travel Requisition Form should be faxed to the Division of Material - System-wide Contracts Management.

9.4.3 The Corporate Travel Coordinator verifies the signature approvals and assigns a log number to the requisition. The Travel Requisition Form is faxed to the assigned travel agency for completion of travel arrangements.

9.4.3.1 See Interim Corporate Travel Procedures and Guidelines for authorized personnel issued by the Division of Material for complete guidelines on arranging travel.

9.5 See Attachment A for Schedule of Approvals and dollar threshold required for proper authorization.

9.6 The completed Authorization for Travel and Seminar Attendance Form is then faxed to the Division of Material - System-wide Contracts Management.

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9.0 PROCEDURE – Steps for Attending Conferences, Seminars, or Training Sessions Held Outside the NYCT (Continued)

- 9.7** Each department is required to submit a quarterly report (Exhibit VIII) summarizing the number of trips taken, the number of people that went on the trip and the total estimated cost of the conferences, seminars or training sessions held outside NYCT (if 2 employees went on the same trip then it counts as 1 trip and 2 people). These reports must be submitted to the Office of the Controller by the 20th day of the first month following the end of the quarter (i.e. the first quarter is due April 20th).
- 9.8** Once all the proper approvals have been secured, a copy of the Authorization Form and original supporting documentation are forwarded (minimum of 30 calendar days prior to the start of the seminar) to:

Disbursements Section
130 Livingston Street
Brooklyn, New York 11201
Room 7045

- 9.9** If no cash advance is required, the original form shall be retained in the employee's Division Head's files.
- 9.10** If a cash advance is required, the original is submitted to the Treasury Receipts Section when requesting the advance. The Treasury Receipts Section is located at:

370 Jay Street
Brooklyn, N.Y. 11201
2nd Floor

- 9.11** A copy is returned when the cash advance is settled.

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10.0 PROCEDURE - Steps for Traveling on Business Purpose Travel

- 10.1 Employee or designated liaison prepares the Authorization for Travel and Seminar Attendance Form (Section 8.0).**
- 10.2 The employees Division Head reviews, approves and dates the form.**
- 10.3 Once approved by the Division Head, if travel is required, a copy is faxed to the Division of Materiel - System-wide Contracts Management.**
 - 10.3.1 If travel is required the employee must prepare a Travel Requisition Form (Exhibit II) which details the employee hotel and transportation needs.**
 - 10.3.2 The completed and properly approved Travel Requisition Form should be faxed to the Division of Materiel - System-wide Contracts Management.**
 - 10.3.3 The Corporate Travel coordinator verifies the signature approvals and assigns a log number to the requisition. The Travel Requisition Form is faxed to the assigned travel agency for completion of travel arrangements.**
 - 10.3.3.1 See Interim Corporate Travel Procedures and guidelines for Authorized Personnel issued by the Division of Materiel for complete guidelines on arranging travel.**
- 10.4 If travel is required see Attachment A for Schedule of Approvals and dollar threshold required for proper authorization.**
- 10.5 The completed Authorization for Travel Form is faxed to Division of Materiel - System-wide Contracts Management.**

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**10.0 PROCEDURE - Steps for Traveling on Business Purpose Travel
(Continued)**

10.6 Each department is required to submit a quarterly report (Exhibit VIII) summarizing the number of trips taken, the number of people that went on the trip and the total cost of the business trips (if 2 employees went on the same trip then it counts as 1 trip and 2 people). These reports must be submitted to the Office of the Controller by the 20th day of the first month following the end of the quarter (ie. the first quarter is due April 20th).

10.7 The original form shall be retained in the employee's Division Head files if no cash advance is required.

10.8 If a cash advance is required, the original is submitted to the Treasury Receipts Section when requesting the advance. Treasury Receipts is located at:

370 Jay Street
Brooklyn, N.Y. 11201
2nd Floor

10.9 A copy is returned when the cash advance is settled.

10.10 A copy shall be retained in the employee's Division Head files.

11.0 PROCEDURE - Steps for Blanket Request for Travel Approval - By Employee

11.1 Restricted for employees who travel regularly to the same destination for business purposes.

11.2 Blanket Requests for Travel Approval - By Employee must be renewed annually.

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**11.0 PROCEDURE – Steps for Blanket Request for Travel Approval – By Employee
(Continued)**

- 11.3 Employee or designated travel liaison prepares the Blanket Request for Travel Approval – By Employee Form (Exhibit VI).**
- 11.4 The employee's Division Head and Department Head reviews, approves and dates the form.**
- 11.5 NYCT President approves and dates the form.**
- 11.6 MTA Chief of Staff approves and dates the form.**
- 11.7 Authorization for Travel and Seminar Attendance Form must also be completed for each trip covered by the Blanket Approval. All approvals except MTA Chief of Staff are required (See Attachment A).**
- 11.8 Employees must submit the completed Blanket Request for Travel Form and the Authorization for Travel and Seminar Attendance Form to Division of Material System Wide Contracts Management for processing to the NYCT Travel Agent.**
- 11.9 Employees must fill out a quarterly report (Exhibit VIII) summarizing the number of trips taken and the estimated total dollar value of the trip. This includes air, hotel, car, meals, seminar or conference fee and any incidental costs. The quarterly report must be submitted to the Office of the Controller by the 20th day of the first month following the end of the quarter (ie. the first quarter is due April 20th).**
- 11.10 Annual reports summarizing the four quarters of travel information must be submitted to the Office of the Controller by the 20th day of January.**
- 11.11 The Office of the Controller will coordinate the quarterly and annual travel summary reports for submission to the Office of the President and the MTA Chief of Staff.**

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**11.0 PROCEDURE – Steps for Blanket Request for Travel Approval – By Employee
(Continued)**

11.12 Blanket Travel renewals for the following year are due by the first business day in February.

12.0 Procedure – Steps for Blanket Request for Travel Approval – By Contract

- 12.1** Restricted for business travel related to Procurement Contracts for the purpose of inspections, testing or training.
- 12.2** Blanket Requests for Travel Approval – By Contract will remain in effect for the term of the contract.
- 12.3** Departmental Project Managers prepare the Blanket Request for Travel Approval – By Contract Form (Exhibit VII).
- 12.4** The Division Head and Department Head reviews, approves and dates the form.
- 12.5** NYCT President reviews, approves and dates the form.
- 12.6** MTA Chief of Staff approves and dates the form.
- 12.7** Authorization for Travel and Seminar Attendance Form must still be completed for each trip covered by the blanket approval – all approvals except MTA Chief of Staff are required (See Attachment A).
- 12.8** Departmental Project Managers must submit the completed Blanket Request for Travel Form and the Authorization for Travel and Seminar Attendance Form to Division of Materiel System Wide Contracts Management for processing to the NYCT Travel Agent.

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**12.0 Procedure – Steps for Blanket Request for Travel Approval – By Contract
(Cont'd.)**

12.9 Departmental Project Managers must fill out a quarterly report (Exhibit VIII) summarizing the number of trips taken, the number of employees who traveled and the estimated cost of the trip. The quarterly report must be submitted to the Office of the Controller by the 20th day of the first month following the end of the quarter (ie. the first quarter is due April 20th).

12.10 Annual reports summarizing the four quarters of travel information must be submitted to the Office of Controller by the 20th day of January.

12.11 The Office of the Controller will coordinate the travel reports for forwarding to the Office of the President and the MTA Chief of Staff.

12.12 Contracts that begin mid-year must submit their approval forms before their first trip.

13.0 PROCEDURE - Reporting and Processing Travel and Business Expenses

13.1 No travel for business purposes for which reimbursement is sought is authorized without proper written approval.

13.2 Travel and business expenses shall be reported on the attached Travel Disbursement form (Exhibit III) which serves as a travel and expense report. Actual and necessary expenses essential to the performance of official duties will be reimbursed when supported by documentation of expenditures.

13.2 A specific statement of the official business for which expenses were incurred is required.

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**13.0 PROCEDURE - Reporting and Processing Travel and Business Expenses
(Continued)**

NOTE: The Travel Disbursement Form should include all NYCT expenses paid directly by the NYCT such as airline, rail, bus tickets, seminars, etc. as part of the total cost of travel.

13.3 Travel and business expenses must be reported within 30 calendar working days upon return of the employee from a business trip or after incurring expenses of a non-continuing nature. Cash advances related to such trips must be reconciled and settled at this time. Expenses incurred on a continuing basis must be reported on a weekly basis, or at other regular intervals as determined by the Department Head not to exceed one month. Cash advances are the sole responsibility of the employee. The NYCT will seek reimbursement from the employee for any lost or stolen cash advances.

13.4 Travel Disbursement Form - Approvals

13.4.1 Travel Disbursement Forms shall be approved and dated by the employee's supervisor.

13.4.2 Travel Disbursement Forms for (domestic only) business and travel expenses for all employees except President's staff shall be approved and dated by the Department Head.

13.4.3 Travel Disbursement Forms for (foreign only) business and travel expenses for all employees except President's staff shall be approved and dated by the Executive Vice President.

13.4.4 Travel Disbursement Forms for foreign and domestic travel for the President's staff shall be approved and dated by the President.

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**13.0 PROCEDURE - Reporting and Processing Travel and Business Expenses
(Continued)**

13.4.5 Travel Disbursement Forms for foreign and domestic travel for the President shall be approved and dated by the Chairman MTA or his designee.

14.0 PROCEDURE - Exceptions

14.1 Exceptions to this policy require advance approval by the Controller. At the discretion of the Controller, exceptions pertaining to travel expenses exceeding indicated government rates by 10% may require Department Head and/or Executive Vice President approval.

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Attachment A

7.9 Approval Schedule - The following is a schedule of signatures and dollar thresholds required for proper authorization.

Travel Description	Required Signatures
Metropolitan Area (New York, New Jersey, and Connecticut) Forms Required: Authorization to Travel Form - each trip	Under \$750 cost per Employee - non-blanket 1. Division Head 2. Department Head 3. Asst. V. P Employee Development (Seminar and Training Related Travel only) 4. Executive Vice President * Over \$750 cost per employee - non-blanket 1. Division Head 2. Department Head 3. Asst. V. P Employee Development (Seminar and Training Related Travel only) 4. Executive Vice President * 5. MTA - Chief of Staff
Outside Metropolitan Area, (including Foreign Travel) Forms Required: Authorization to Travel Form - each trip	Under \$1,500 cost per Employee - non-blanket 1. Division Head 2. Department Head 3. Asst. V. P Employee Development (Seminar and Training Related Travel only) 4. President (Foreign Travel only), Executive Vice President* (U.S. and Canada) Over \$1,500 cost per employee - non-blanket 1. Division Head 2. Department Head 3. Asst. V. P Employee Development (Seminar and Training Related Travel only) 4. President (Foreign Travel only), Executive Vice President* (U.S. and Canada) 5. MTA - Chief of Staff
Blanket Travel (By Employee) Employees regularly traveling to a specific location not associated with a specific contract. See Exhibit VI Forms Required: Blanket Approval Form Authorization to Travel Form - each trip **	Each Employee - Expiration of Blanket Approval - 1 Year 1. Blanket Request for Travel Approval Form 2. Department Head 3. President 4. MTA - Chief of Staff
Blanket Travel (By Contract) Employees regularly traveling to a specific location associated with a specific contract. See Exhibit VII Forms Required: Blanket Approval Form Authorization to Travel Form - each trip **	Each Contract - Expiration of Blanket Approval - Length of Contract 1. Blanket Request for Travel Approval Form 2. Department Head 3. President 4. MTA - Chief of Staff
President	1. MTA - Chairman

Note 1: * President has designated the Executive Vice President as signatory on travel requests.

Note 2: ** Authorization to Travel Form for blanket trips does not require MTA - Chief of Staff approval.

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ATTACHMENT B

EXPENSE LIMITS: MEALS, LODGING AND PERSONAL AUTOMOBILES

MEALS WHILE IN TRAVEL STATUS: PER DIEM ALLOWANCES (Time of departure / arrival from/to home must be indicated on the Disbursement Form) (Exhibit III)

Domestic Travel

A per diem meal allowance of \$40.00 is allowed for an entire day while in travel status. For less than a full day while in travel status, the per diem allowance is allocated as follows:

Per Diem Meal	Amount	Beginning of Trip	Conclusion of Trip
Breakfast	\$10.00	Prior to 6:00 AM	After 8:00 AM
Dinner	\$30.00	Prior to 6:00 PM	After 8:00 PM

It is the policy of the NYCT that lunch expenses while in travel status shall remain the obligation of the employee. An employee who has been included in a business meal for which reimbursement is sought under the employee expense policy is not eligible for a per diem allowance for the same meal.

Foreign Travel

A meal per diem allowance for a specific foreign destination, as set by the U.S. State Department, is allowed for meals and incidentals. Rates are available from the MTA New York City Transit Controller's Division or from the website: <http://www.state.gov/www/perdiems/>

Receipts for per diem allowances are not required.

BUSINESS MEALS

Actual, but reasonable.
(The cost of alcoholic beverages is not reimbursable.)

LODGING (Hotels and Motels)

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All travel arrangements for lodging must be made through the NYCT's travel agent. Exceptions require the approval of the Controller. For domestic and foreign lodging expenses State or Government discount rates should be secured whenever possible.

OTHER

Valet Charges (laundry, dry cleaning).

Domestic Travel - Actual, after third day in travel status.

Foreign Travel - Included in foreign per diem allowance, not reimbursable separately.

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ATTACHMENT C

EXPENSE LIMITS: AUTOMOBILE

MILEAGE ALLOWANCE

36 cents per mile

(This rate, as calculated, includes costs for depreciation, gasoline, oil maintenance and repairs, and insurance).

PARKING AND TOLLS

Parking and tolls are reimbursable at actual cost.

Dept. Liaison	Dept. Name:	Telephone No.:	Date:
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Employee Information

Employee Name	Title	Pass No.	Division Name	Est. Cost Per Employee	Cash Advance Amount Per Employee	Treasury Section Use Only Check No. Date Cleared	Signature*
1.							
2.							
3.							
4.							
5.							

Totals:

Travel Information

The purpose/reason of the trip and the benefit to be derived by the Authority for each person traveling (please be specific):**

	Destination	Duration of Travel Dates
1.		To
2.		To
3.		To
4.		To
5.		To

SEMINARS ONLY	<input type="checkbox"/> Check here if Seminar not available within Metro Area	Seminar Cost:	Account #:	FUC #	Func. #	Job #
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APPROVALS

Division Head	Department Head	Assistant Vice President, Employee Development (Required for Seminars/Training Only)	President (Foreign Travel Only)
		Executive Vice President (U.S. and Canada)	Maureen E. Bell MTA - Chief of Staff

*Signature must be provided for each cash advance at time of pickup.

**Justification must include more than "to attend XYZ seminar"- see text of PFI for clarification.

EXHIBIT II

MTA - NEW YORK CITY TRANSIT
TRAVEL REQUISITION FORM

DATE: _____

LOG NO.: _____

TRAVEL CONTACT: _____

PHONE: _____

PASSENGER NAME: _____

EMPLOYEE PASS NO.: _____

TITLE: _____

PASSENGER PHONE: _____

DEPARTMENT: _____

LOCATION: _____

REASON FOR TRAVEL: _____

RESPONSIBILITY CENTER NO.: _____

ACCOUNT NO.: _____

FINAL DESTINATION: _____

FUNCTION CODE: _____

JOB NO.: _____

AIR / RAIL / BUS:

Circle

CARRIER PREFERENCE (Optional): _____

	FROM	TO/FROM	TO/FROM	TO
DEPARTURE/ARRIVAL: (hours and/or AM/PM)	_____	_____	_____	_____

DATES: _____

AIRPORT (City): _____

0-PREFERRED HOURS/CONNECTION: _____

0-SEATING ASSIGNMENT/SPECIAL NEEDS: _____

0-ARRIVE AT DESTINATION AIRPORT BY: _____

0-TRAVEL DOCUMENT (e. g. visa) NEEDED: _____

TICKET DELIVERED BY: _____

HOTEL: _____ CITY: _____ NO. OF NIGHTS: _____ DATE: _____

PAYMENT METHOD/GUARANTEE: _____

CARD NO.: _____ EXPIRATION DATE: _____

(Hotel must be canceled before 6:00 PM or you will be billed)

AUTO RENTAL: _____

PICK-UP CITY/DATE _____

DROP-OFF CITY/DATE _____

NOTE: Once the travel arrangements - Flight, Hotel and Auto Reservation - have been confirmed, the traveler is responsible to cancel, if necessary. Please advise travel agency of any FFY affiliate traveler) for air/car or hotel.

NOTE: Authorization for Business - Related Travel must be attached

EXHIBIT III

MTA NEW YORK CITY TRANSIT

TRAVEL DISBURSEMENT FORM

EMPLOYEE NAME: _____

DATE: _____

TITLE: _____

PURPOSE AND LOCATION OF TRIP _____

DEPARTMENT: _____

PASS NO.: _____

R/C NO.: _____

TELEPHONE: _____

INCLUSIVE DATES: _____ - _____

EXPENSES PAID BY EMPLOYEE

ITEM	SUN	MON	TUE	WED	THUR	FRI	SAT	TOTAL	
DATE:									
Lodging									Departed Home
Breakfast									Arrived Home
Dinner									
Telephone									Airline Ticket Purchased more than 14 days in advance: Yes No
Car Rental									If No, Supervisor Approval Required Here
Gasoline									
Parking/Tolls									Rate per Mile Miles Traveled
fileage									
Valet									
Taxi									
Other (Trans.)									
Misc.									
Tips									Acct. No. Func. No. Job No.

EMPLOYEE EXPENSES SUMMARY

Cash Advance:

Employee Paid:

Expenses:

Amount Due: TA

Amount Due: (Employee)

COST OF TRIP SUMMARY

Carrier Fare:

Other:

Seminar/Training

Employee Paid Expenses:

Total Trip Cost:

SIGNATURE *

APPROVALS

Employee

Date

Supervisor

Date

Division Head

Date

Department Head

Date

Executive Vice President

Date

* I hereby certify that the above is a true account of disbursements during the period indicated and that the amounts shown were actually and necessarily disbursed in the performance of duties solely for and on behalf of the New York City Transit Authority.

ST-119.1 (rev)

New York State
Department of
TAXATION
and FINANCE

New York State and Local Sales and Use Tax Exempt Organization Certification

THIS FORM MAY
NOT BE USED TO
MAKE TAX EXEMPT
PURCHASES OF
MOTOR FUEL.

The
sales
tax
on
the
purchase
of
motor
fuel
is
not
exempt
from
the
tax.

VENDOR

Name	
Mailing address	
City, village or post office	
State	Zip Code


EXEMPT ORGANIZATION MAKING PURCH

Name	
NEW YORK CITY TRANSIT AUTHORITY	
Mailing address	
130 LIVINGSTON STREET	
City, village or post office	
Brooklyn	
State	Zip Code
New York	11201

THIS CERTIFICATION IS ACCEPTABLE IF THE PURCHASER
HAS ENTERED ALL INFORMATION REQUIRED.

I certify that the organization named above holds a valid exempt organization certificate,

EX - 11-6002815, and is exempt from state and local sales taxes on its purchases.
(Enter number from Form ST-119)

Signature of officer of organization	Title	Date prepared
	CONTROLLER	1/3/03

A Form ST-119.1, Exempt Organization Certification, may be used only when an exempt organization is the direct purchaser and payer of record. Any bill, invoice or receipt given by the vendor must show the above organization as the purchaser. Payment must be from the funds of the exempt organization.

The exemption from New York State and local sales and use tax does not extend to officers, members or employees of the organization. Personal purchases made by such individuals are subject to sales tax. An organization's exemption does not extend to its subordinate or affiliated units. When making purchases, subordinate units may not use the exemption number assigned to the parent organization. Such misuse may result in the revocation of the exemption granted.

Substantial civil and/or criminal penalties will result from the misuse of this form. In addition, where a certification is received later than 90 days after the delivery of the property sold or the services rendered, the burden of proof that the sale

was exempt will fall on both the seller and the purchaser.

Form ST-119.1, Exempt Organization Certification, must be given to each vendor at the time of the first purchase from the vendor. A separate certification is not necessary for subsequent purchases provided the exempt organization's name, address, and certificate number appear on the sales billing invoice. The certification is considered part of the invoice and remains in force unless revoked.

Vendors must retain this Exempt Organization Certification for at least three years after the date of the last exempt purchase substantiated by the certification.

You can get additional copies of this Form ST-119.1 at a district tax office or by writing to the Taxpayer Assistance Bureau, W. A. Hartman Campus, Albany, New York. The form may be reproduced without prior permission from the Department of Taxation and Finance.



New York City Transit
Division of Human Resources
EMPLOYEE DEVELOPMENT

EXHIBIT V

CONFIRMATION OF EXTERNAL COURSE/SEMINAR ATTENDANCE

Dept. Liaison: _____ Date: _____
Department: _____
Employee Name: _____ Pass No.: _____
Title: _____ Division: _____
Title of Course: _____
Dates Attended: _____ to _____ Total Class Hours: _____
Vendor/Location: _____ Instructor: _____
Brief Course Evaluation: _____

Please rate by circling appropriate response:

	Agree			Disagree	
The course objectives were clearly stated and the course met these objectives.	1	2	3	4	5
The instructor displayed a thorough knowledge of course material.	1	2	3	4	5
The classroom environment was suitable for learning.	1	2	3	4	5
Written course materials were well-prepared, easy to follow and will serve as a reference on the job.	1	2	3	4	5

How would you rate the course/program? Excellent ☐ Good ☐ Needs Improvement ☐

Was course completed? Yes ☐ No ☐

Would you recommend this course to other? Yes ☐ No ☐

If yes, what are the titles/levels of other employees who might benefit from this course?

Employee Signature: _____ Date: _____

NOTE: Return this form with a copy of a letter or certificate of completion for the course you attended within one week to Gary Liebsman, Employee Development, 130 Livingston Street, Room 156. Fax 718-694-5490.

Rev10/1/02

METROPOLITAN TRANSPORTATION AUTHORITY

Blanket Request for Travel Approval - Employee

Document No.: _____

Employee Information

Employee Name: _____

Title: _____

Dept./Div. Name: _____

Location: _____

Pass Number: _____

R/C No.: _____

Telephone No.: _____

Fax No.: _____

Agency: ☐ MTAHQ ☐ MTA NYCT ☐ MTA LIRR
☐ MTA LI Bus ☐ MTA Metro North ☐ MTA B & T

Request for Approval To: ☐ Albany, NY
☐ Washington, D.C.
☐ Other (specify city, state): _____

Travel Information

Describe in detail the purpose of, and justification for travel:

Estimated frequency and duration of trip: _____

Date of issue: _____ Date of Expiration: _____

Department Approval

Division Head: _____ Date: _____

Department Head: _____ Date: _____

Agency Head Approval

Agency Head Signature: _____ Date: _____

Chief of Staff Approval

Chief of Staff Signature: _____ Date: _____

METROPOLITAN TRANSPORTATION AUTHORITY

Blanket Request for Travel Approval - CONTRACT

Document No. _____

Agency:

☐ MTAHQ

☐ MTA NYCT

☐ MTA LIRR

☐ MTA LI Bus

☐ MTA Metro North

☐ MTA B & T

Contract
Information

Contract No: _____

Vendor Name: _____

Specific Travel Destination(s): _____

Contract total Cost & Description:

\$ _____

Contract Start Date: _____

Contract End Date: _____

Department/Division that will use Approval: _____

Travel
Information

Describe in detail the purpose of, and justification for travel:

Estimated frequency and duration (average) of trip: _____

Date of Issue: _____

Date of Expiration: _____

Department
Approval

Division Head: _____

Date: _____

Department Head: _____

Date: _____

Agency Head
Approval

Agency Head Signature: _____

Date: _____

Chief of Staff
Approval

Chief of Staff Signature: _____

Date: _____

EXHIBIT VIII

**METROPOLITAN TRANSPORTATION AUTHORITY
MTA NEW YORK CITY TRANSIT**

QUARTERLY BLANKET REQUEST TRAVEL APPROVAL REPORT

A Employee Name: _____

Destination: _____

Month	No. of Trips	No. of Employees	Total Cost
January	0	N/A	\$0
February	0	N/A	0
March	0	N/A	0

Total 0 \$0

Note: Each employee covered by a Blanket Request for Travel Approval - By Employee must complete a quarterly report summarizing the number of trips taken and the estimated cost of the trip.

B Contract: _____

Destination: _____

Month	No. of Trips	No. of Employees	Total Cost
January	0	0	\$0
February	0	0	0
March	0	0	0

Total 0 0 \$0

Note: Each contract covered by a Blanket Request for Travel Approval - By Contract must complete a quarterly report summarizing the number of trips taken, number of employees that went on the trip and the estimated cost of the trip.

C Employee (Non-Blanket): _____

Destination: _____

Month	No. of Trips	No. of Employees	Total Cost
January	0	0	\$0
February	0	0	0
March	0	0	0

Total 0 0 \$0

Note: All trips must be summarized on a quarterly report with the number of trips taken, the number of employees that went on the trip (example - If 2 employees went to the same seminar then it counts as 1 trip and 2 employees.) and the total estimated cost.

All quarterly reports are due to the Office of the Controller by the 20th day of the first month following the end of the quarter. (example - The first quarter is due April 20th).

**NEW YORK CITY TRANSIT AUTHORITY
LABOR RELATIONS**

POLICY / INSTRUCTION

Subject Managerial Discipline	Classification	Issued	Number
	Labor Relations	02/25/2011	6.5.1

MANAGERIAL DISCIPLINARY POLICY AND PROCEDURE

I. PURPOSE

The purpose of this Disciplinary Policy and Procedure is to provide a uniform and fair process for disciplining NYCTA, MaBSTOA, and SIRTOA managerial employees, MTA managerial employees assigned to NYCTA, MaBSTOA, or SIRTOA facilities, or who report to NYCTA, MaBSTOA or SIRTOA managers, when such action is required. NYCTA, MaBSTOA or SIRTOA employees assigned to other MTA agencies (e.g., MTA Capital Construction) will be subject to that agency's disciplinary policy, if any.

II. MANAGERS COVERED BY THIS P/I

This Policy Instruction (P/I) applies to full-time managers with more than one year in a managerial title who are not covered in their managerial position by Section 75 of Civil Service Law, except that the President's senior staff, those managers who report directly to the senior staff and those managers who hold an executive level position (Hay points of 1000 or more) are not covered by this Policy Instruction. All references to managers in this P/I apply only to the managers who are covered by this P/I.

III. MANAGERS NOT COVERED BY THIS P/I

- A. All temporary, probationary or part-time managers.
- B. Provisional, non-competitive or other managers with less than one year as a manager.
- C. All managers appointed from a competitive Civil Service list, certain veterans who served during time of war and certain volunteer firemen - these employees are covered by Section 75 of the Civil Service Law.
- D. Provisional managers with a permanent underlying competitive Civil Service title are covered by Section 75 of the Civil Service Law where management is seeking their dismissal from service.
- E. Those managers excluded in Section II, above.

Issued by: Thomas F. Prendergast President		Supersedes Policy/Instruction 6.5.0	Page 1 of 6
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**NEW YORK CITY TRANSIT AUTHORITY
LABOR RELATIONS**

POLICY / INSTRUCTION

Subject	Classification	Issued	Number
Managerial Discipline	Labor Relations	02/25/2011	6.5.1

IV. CERTAIN ACTIONS NOT REVIEWABLE THROUGH THIS P/I

A. Managers who are rated less than satisfactory pursuant to the managerial performance evaluation system and who are ultimately terminated or demoted, or whose position within the managerial ranks is modified due to their performance evaluation, shall not have such termination or demotion reviewed through this Policy Instruction. Such actions are only subject to review pursuant to the procedures established for the review of performance evaluations.

B. Managers who are transferred from one managerial position to another position within the managerial ranks due to reorganization, the elimination of a position or the consolidation of positions cannot have the transfer or title change (including a commensurate change in salary) reviewed through this P/I. Such a transfer is not to be construed as discipline.

V. MANAGERS HELD TO THE HIGHEST OF STANDARDS

Managers should be aware that they are held to the highest standards in terms of abiding by and implementing NYC Transit rules, policies and procedures.

Certain offenses will, absent unusual circumstances, lead to dismissal and/or demotion in the first instance. Such major offenses include but are not limited to the following types of misconduct:

1. Gross Incompetence
2. Gambling on Authority property
3. Feigning illness or disability
4. Violation of Authority rules and/or policies concerning drugs, controlled substances and/or alcohol
5. Non-compliance with the Authority's Employee Assistance Program (where admission was non-voluntary)
6. Defacing, damaging, debilitating or destroying Authority property
7. Unauthorized or illegal use of any Authority property or conveyance
8. Theft or stealing, including unauthorized use of Authority services or the services of any MTA agency

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NEW YORK CITY TRANSIT AUTHORITY
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9. Serious violations of Criminal Law, whether on or off duty, which would impair the manner in which the person can perform his/her duties
10. Serious violations of the Code of Ethics
11. Insubordination
12. Falsification of records
13. Use or possession of firearms or other weapons without proper authority
14. Sleeping on duty
15. Unauthorized/excessive absenteeism or tardiness
16. Safety violations which place the public or NYC Transit employees in danger
17. Serious violations of other Authority policies, such as sexual harassment, discrimination, or the transmittal, storage or display of sexually explicit materials

VI. RESPONSIBILITY

It is the responsibility of management to evaluate the seriousness of the offense or pattern of conduct and determine the proper action to be taken in accordance with this Policy and Procedure. In order to ensure uniform and equitable action throughout the Authority, management will contact the Vice President of Labor Relations, or his/her designee, before taking any action or as soon as possible. If a manager is suspended between payroll weeks, he/she must be paid through the end of the payroll week and will be suspended without pay commencing the first day of the next full payroll week.

Management will provide the Vice President of Labor Relations or his/her designee with copies of all documents relevant to disciplinary hearings of any managerial employee.

VII. PROCEDURES

Cases Where a Penalty other than Dismissal is Recommended

The employee will be given written charges which include a proposed penalty. The penalty may include the following:

1. A written reprimand
2. Suspension without pay for periods of full payroll weeks

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**NEW YORK CITY TRANSIT AUTHORITY
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Subject	Classification	Issued	Number
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3. Demotion outside of the managerial ranks
4. Change in status within the managerial ranks with a commensurate salary reduction for offenses meriting discipline

Within one (1) week of receipt of the charges, the manager may appeal in writing to his/her unit head or designee. If the charges are not appealed, the penalty will be implemented.

Step I

After a timely appeal, an informal meeting will be held with the manager's unit head or designee. At this meeting, the manager may offer documents and explain why he/she believes that the charges are not warranted and/or why the penalty is not appropriate. The unit head or designee may at his/her discretion interview other Authority employees, including those identified by the manager, who have knowledge of the conduct which is the subject of the charges. The unit head or designee will issue a written decision setting forth his/her findings and recommendation.

Step II

Within one week of receipt of the written decision, the manager may appeal, in writing, to his/her department head or designee and may submit a written statement setting forth the reasons why he/she believes the charges should not be upheld or why the penalty should be modified. The department head or designee shall review the decision from Step I and the written statement, if any, and render a final decision in writing. Should the department head sustain any or all of the charges, he/she, at his/her discretion, may modify the penalty given in the Step I decision as deemed appropriate. The department head, at his/her discretion, may choose to meet with the manager or other Authority employees whom he/she believes can offer pertinent information before reaching a final decision. Such a meeting is not required. The decision of the department head or designee is final and cannot be appealed further within the Authority.

Cases Where the Recommended Penalty is Dismissal from Service

The employee will be given written notice of charges which include the recommended penalty of dismissal and may appeal in writing within two (2) weeks of receipt of charges, requesting an informal hearing with his/her unit head or designee.

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**NEW YORK CITY TRANSIT AUTHORITY
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Managerial Discipline	Labor Relations	02/25/2011	6.5.1

The manager may be suspended without pay pending the informal hearing. However, if the first day of the suspension does not commence at the beginning of a payroll week, the manager should be suspended with pay until the commencement of the next full payroll week when the suspension without pay will commence. For charges involving major safety violations; a manager may be suspended without pay immediately.

Step I – Informal Hearing Within Department

At the informal hearing held before the unit head or designee, the manager will be given an opportunity to respond to the written charges. The manager may submit documentation and/or give oral or written explanations in support of his/her position.

The unit head or designee may at his/her discretion interview or ask for written statements from other Authority employees, including those identified by the manager, who have knowledge of the conduct which is the subject of the charges. The manager will be sent a written disposition of the Step I hearing. The disposition will include the findings and determination of the unit head or designee.

If the penalty of dismissal is upheld, the penalty shall be implemented. If the penalty is modified to reinstatement with or without pay, suspension of full payroll weeks, demotion, etc, the Step I decision may be appealed in accordance with the Step II procedure set forth on page 4, above prior to implementation.

Step II – Appeal of Dismissal

Within two (2) weeks of receipt of the Step I decision dismissing him/her; the manager will have the right to the appeal in writing to the Vice President of Labor Relations.

Thereupon, the Vice President of Labor Relations shall appoint a manager to act as appeal officer to conduct the Step II review. The appeal officer must be a manager with a higher title than the terminated manager and must be at least equal to the rank of the manager who initiated the disciplinary action. The appeal officer should not work in the division where the disciplinary action was initiated or have had any involvement in the disciplinary action. The dismissed manager will be notified in writing of the name, title, and business address of the appeal officer.

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NEW YORK CITY TRANSIT AUTHORITY
LABOR RELATIONS

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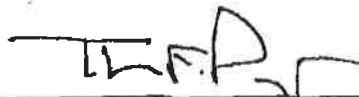
Subject Managerial Discipline	Classification	Issued	Number
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Within two (2) weeks of the notice of the name and address of the appeal officer, the dismissed manager will have the right to submit a written statement in response to the Step I decision. Failure to submit such a written statement within the two (2) week period shall be deemed an abandonment of the appeal, and the Step I decision will be final. The appeal officer shall review the Step I decision, the written statement and issue a written decision within four (4) weeks of receipt of the written submission from the dismissed manager. Should the appeal officer sustain any or all of the charges, he/she, at his/her discretion, may modify the penalty given in the Step I decision as deemed appropriate

The appeal officer, at his/her discretion, may choose to meet with the dismissed manager or others whom he/she believes can provide relevant information before reaching a final decision. Such meetings are not required. If such a meeting is granted, the manager may be accompanied by an advisor of his/her choice.

If the appeal officer is not a department head, the determination at Step II, if approved by the head of the department in which the manager serves, shall be final and is not subject to further review within NYC Transit. If such Step II determination is not approved by the department head, the matter will be reviewed by the Vice President, Labor Relations who will make a final determination. If the appeal officer is a department head no further approval is required and the determination at Step II shall be final and not subject to further review.

Approved:



Thomas F. Prendergast
President

Date:

3/28/11

Issued by: Thomas F. Prendergast President		Supersedes Policy/Instruction 6.5.0	Page 6 of 6
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