



Regular Meeting of the  
Board of Directors  
of the  
Central Texas Regional Mobility Authority

---

9:30 a.m.  
Wednesday, March 28, 2012

Pat Bryson Municipal Hall  
200 West Willis  
Leander, TX 78641

## AGENDA

---

***No action on the following:***

---

1. Welcome and opening remarks by the Chairman and members of the Board of Directors.
2. Opportunity for Public Comment – See *Notes* at the end of this agenda.

***Discuss, consider, and take appropriate action on the following:***

---

3. Approve the minutes for the February 29, 2012, Regular Board Meeting.
4. Award a contract to solicit and broker sponsorship agreements that support the Highway Emergency Response Operator Patrol Services (HERO) Program.
5. Amend the Policy Code relating to procurement policies for the use of a design-build method or a comprehensive development agreement to develop a transportation project.
6. Amend the Policy Code relating to the Employee Handbook.
7. Amend the Policy Code relating to the travel expense policy.
8. Accept the financial report for February, 2012.

***Briefing and discussion with no action proposed on the following:***

---

9. Briefing on business considerations and state law requirements for the use of a comprehensive development agreement to develop a transportation project.
10. Briefing on the SH 45 Southwest Project.
11. Executive Director's report.
  - A. Project update on the MoPac Improvement Project.
  - B. Update on Mobility Authority website and Dashboard
  - C. Personal Financial Statements for calendar year 2011.

***Executive Session***

---

*Under Chapter 551 of the Texas Government Code, the Board may recess into a closed meeting (an executive session) to deliberate any item on this agenda if the Chairman announces the item will be deliberated in executive session and identifies the section or sections of Chapter 551 that authorize meeting in executive session. A final action, decision, or vote on a matter deliberated in executive session will be made only after the Board reconvenes in an open meeting.*

*The Board may deliberate the following items in executive session if announced by the Chairman:*

12. Discuss acquisition of one or more parcels or interests in real property needed for the Manor Expressway Project and related legal issues, as authorized by §551.072 (Deliberation Regarding Real Property; Closed Meeting) and by §551.071 (Consultation With Attorney).
13. Discuss acquisition of real property or interests in real property for Mobility Authority office space and related needs, and related legal issues, as authorized by §551.072 (Deliberation Regarding Real Property; Closed Meeting) and by §551.071 (Consultation With Attorney).
14. Discuss legal issues related to claims by or against the Mobility Authority, pending or contemplated litigation and any related settlement offers; or other matters as authorized by §551.071 (Consultation With Attorney).
15. Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).
16. Discuss personnel matters as authorized by §551.074 (Personnel Matters).

**Reconvene in Open Session following Executive Session**

**Discuss, consider, and take appropriate action on the following:**

---

17. Adjourn Meeting.

**NOTES**

---

**Opportunity for Public Comment.** At the beginning of the meeting, the Board provides a period of up to one hour for public comment on any matter subject to the Mobility Authority's jurisdiction. Each speaker is allowed a maximum of three minutes. A person who wishes to address the Board should sign the speaker registration sheet before the beginning of the public comment period. If a speaker's topic is not listed on this agenda, the Board may not deliberate the topic or question the speaker during the open comment period, but may direct staff to investigate the subject further or propose that an item be placed on a subsequent agenda for deliberation and possible action by the Board. The Board may not deliberate or act on an item that is not listed on this agenda.

**Public Comment on Agenda Items.** A member of the public may offer comments on a specific agenda item in open session if he or she signs the speaker registration sheet for that item before the Board's consideration of the item. The Chairman may limit the amount of time allowed for each speaker. Public comment unrelated to a specific agenda item must be offered during the open comment period.

**Meeting Procedures.** The order and numbering of agenda items are for ease of reference only. After the meeting is convened, the Chairman may rearrange the order in which agenda items are considered. The Board may consider items listed on the agenda in any order and at any time during the meeting.

**Persons with disabilities** who plan to attend this meeting and who may need auxiliary aids or services, such as an interpreter for persons who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact Jennifer Guernica at (512) 996-9778 at least two working days before the meeting so that appropriate arrangements can be made.



**CENTRAL TEXAS**  
**Regional Mobility Authority**

## AGENDA ITEM #1 SUMMARY

---

Welcome, Opening Remarks and Board  
Member Comments.

Welcome, Opening Remarks and Board Member Comments

Board Action Required: NO



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #2 SUMMARY

---

Open Comment Period for Public Comment.  
Public Comment on Agenda Items.

**Open Comment Period for Public Comment** - At the beginning of the meeting, the Board provides a period of up to one hour for public comment on any matter subject to CTRMA's jurisdiction. Each speaker is allowed a maximum of three minutes. A person who wishes to address the Board should sign the speaker registration sheet before the beginning of the open comment period. If the speaker's topic is not listed on this agenda, the Board may not deliberate the topic or question the speaker during the open comment period, but may direct staff to investigate the subject further or propose that an item be placed on a subsequent agenda for deliberation and possible action by the Board. The Board may not act on an item that is not listed on this agenda.

**Public Comment on Agenda Items** - A member of the public may offer comments on a specific agenda item in open session if he or she signs the speaker registration sheet for that item before the Board's consideration of the item. The Chairman may limit the amount of time allowed for each speaker. Public comment unrelated to a specific agenda item must be offered during the open comment period.

Board Action: NO



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #3 SUMMARY

---

Approve the Minutes for the February 29,  
2012 Regular Board Meeting.

Department: Law

Associated Costs: None

Funding Source: None

Board Action Required: YES (by Motion)

Description of Matter:

The Minutes for the February 29, 2012 Regular Board Meeting require approval from the Board.

Attached documentation for reference:

Draft Minutes for February 29, 2012 Regular Board Meeting

Contact for further information:

Andrew Martin, General Counsel

**MINUTES FOR  
General Meeting of the Board of Directors  
of the  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**Wednesday, February 29, 2012  
9:30 A.M.**

The meeting was held at 301 Congress Avenue, Suite 360, Austin, Texas 78701. Notice of the meeting was posted February 24, 2012 at the County Courthouses of Williamson and Travis County, with the Secretary of State, on the CTRMA website, and on the bulletin board in the lobby of CTRMA's offices at Suite 650, 301 Congress Avenue, Austin, Texas.

**1. Recognition of Travis County Judge Samuel T. Biscoe for the purpose of Judge Biscoe's administration of the oath of office to David B. Armbrust.**

Judge Biscoe administered the oath of office to the Mobility Authority's newest Board Member, Mr. David Armbrust.

**2. Welcome and Opening Remarks by Chairman Ray Wilkerson.**

Chairman Ray Wilkerson called the meeting to order at 9:30 a.m. and called the roll. Directors present at the time the meeting was called to order were Vice Chairman Jim Mills, Mr. David Singleton, Mr. Charles Heimsath, and Ms. Nikelle Meade. Mr. Bob Bennett joined the dais at 9:35 a.m.

**3. Open Comment Period.**

No public comments were offered.

**4. Election of Officers.**

Chairman Wilkerson proposed that the Board elect Mr. Jim Mills as Vice Chairman, Mr. Bob Bennett as Treasurer, and Ms. Nikelle Meade as Secretary.

Mr. Jim Mills moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**5. Approval of Minutes of January 25, 2012 Regular Board Meeting.**

Chairman Ray Wilkerson presented the minutes from the January 25, 2012 Board Meeting for review by the Board. Mr. David Singleton moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 7-0, and the minutes were approved as drafted.

**6. Authorizing procurement for information technology consulting services.**

Mr. Steve Pustelnyk presented this item. The information technology consulting contract will expire in June, 2012. Staff recommends approval to advertise a request for proposals for information technology consulting services.

Ms. Nikelle Meade moved for approval, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**7. Authorizing procurements for an environmental consultant and a design consultant for the MoPac South Express Lanes Project.**

Mr. Wes Burford presented this item. The Central Texas Region was allocated \$31,280,000 in Proposition 12 Funds for preliminary engineering, feasibility studies, and right of way acquisition in order to significantly reduce congestion on the most congested corridors in Texas. The MoPac corridor was identified as one of those corridors. The Mobility Authority was successful in its coordination with the Texas Transportation Institute and the Texas Department of Transportation, and \$16,500,000 of those Proposition 12 Funds were allocated to the MoPac South Express Lanes project. Staff recommended approval to procure consulting services for environmental and design work for the MoPac South Express Lanes Project.

Mr. Jim Mills moved for approval, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**8. Authorizing procurement for an environmental consultant for the 183 North Express Lanes Project.**

Mr. Wes Burford presented this item. The Capital Area Metropolitan Planning Organization (“CAMPO”) Transportation Policy Board recently selected thirty-five projects from throughout the CAMPO region to be funded with over \$62 million from the federal STP MM program. The US 183N Express Lanes project was included as one of the projects that would receive STP-MM Funds. The Mobility Authority was successful in its coordination with CAMPO, and \$7,200,000 of those STP-MM Funds were allocated to the US 183N Express Lanes project. Staff recommended approval to procure consulting services for environmental work for the 183 North Express Lanes Project.

Mr. Bob Bennett moved for approval, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**9. Approving a codification of all previously-adopted resolutions that establish the rules, regulations, and policies of the Mobility Authority.**

Mr. Andy Martin presented this item. Staff recommended approval to adopt a single Mobility Authority policy code to substitute for the forty-four resolutions that have been passed since 2003. The resolutions adopted various policies that the Mobility Authority operates under.

Mr. Bob Bennett moved for approval, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**10. Accepting the monthly financial report for January, 2012.**

Mr. Bill Chapman presented this item. February has been the best month for the Mobility Authority. Transactions are measured by average weekday transactions, and there are 5,000 more average weekday transactions in February, 2012 than there were in February, 2011. Revenue is also up due to Municipal Services Bureau collecting more efficiently.

Mr. David Singleton moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

**Briefing and discussion on the following:**

**11. Executive Director's report.**

Mr. Mike Heiligenstein presented this item. The Transit Working Group met last February 24, 2012 with Mr. Heiligenstein presenting information on the MoPac Improvement Project and receiving several good questions were received. Staff will collect all questions for review. The Transit Working Group presentation was distributed to the Board. Meetings will continue to take place for the funding 42.

**Executive Session Pursuant to Government Code, Chapter 551**

Chairman Wilkerson announced in open session at 10:03 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

- 12. Discussion of the acquisition of one or more parcels or interests in real property needed for the Manor Expressway Project and related legal issues, pursuant to §551.072 (Deliberation Regarding Real Property; Closed Meeting) and by §551.071 (Consultation with Attorney).**
- 13. Discussion of legal issues related to claims by or against the Authority, pending or contemplated litigation and any related settlement offers, or other matters as authorized by §551.071 (Consultation With Attorney).**
- 14. Discussion of legal issues relating to procurement and financing of CTRMA transportation projects, as authorized by §551.071 (Consultation with Attorney).**

**15. Discussion of personnel matters as authorized by §551.074 (Personnel Matters).**

The Board reconvened in open meeting at 11:15 a.m., and Chairman Wilkerson announced that there was no action taken in Executive Session.

**Discuss, consider, and take appropriate action on the following:**

**16. Authorize negotiation and execution of settlement agreement in a purchase contract for the Manor Expressway Project of the following parcels or property interests:**

- A. Parcel 47B of the Manor Expressway Toll Project, a 0.560 acre tract in Travis County, on the south side of US 290E approximately 700 feet east of Crofford Lane, owned by the Yom Family Trust.
- B. Parcel 46 of the Manor Expressway Toll Project, a 1.299 acre tract in Travis County, at 9665 US 290E, owned by Duff RE Austin, LP.

Staff recommends approving settlement agreements to be negotiated and executed by the executive director for parcel 47B to acquire the property for an amount of \$425,000 and parcel 46 to acquire the property for an amount of \$660,000.

Mr. Jim Mills moved for approval, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously, 7-0 and the resolution was approved as drafted.

**24. Adjourn Meeting.**

Chairman Ray Wilkerson declared the meeting adjourned by unanimous consent at 11:30 p.m.



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #4 SUMMARY

---

Award a contract to solicit and broker sponsorship agreements that support the Highway Emergency Response Operator Patrol Services (HERO) Program.

Strategic Plan Relevance: Regional Mobility

Department: Toll Operations

Associated Costs: There is no cost to the Mobility Authority.

Funding Source: N/A

Board Action Required: Yes

### Description of Matter:

The Mobility Authority has been administering the Highway Emergency Responders Operators (HERO) program since it was re-initiated in September 2010. With assistance to clear over 4,000 motorists in this time period, the program has been successful in its goal of keeping traffic flowing on IH 35 which otherwise would have been slowed or impeded due to single vehicle incidents, such as vehicles with flat tires and/or engine/mobility issues.

As the Mobility Authority works to continue and possibly expand the program beyond its initial two-year funding cycle provided by the American Recovery and Reinvestment Act, other sources of funding are being pursued. At the June, 2011 Board Meeting approval was granted to allow the Mobility Authority to solicit private and public financial sponsorships for the HERO program. A procurement process resulted in a sole respondent interested in participating with the Mobility Authority in the program.

Travelers Marketing has proposed to serve as the HERO program's sponsorship agency/broker and will find optimal sponsors which place the highest marketing value on the program and whose mission is aligned with HERO's public purpose.

The requested Board action would allow the Mobility Authority to negotiate and execute a contract with Travelers Marketing to deliver one or multiple Sponsorship Agreements.

Reference documentation:

Award Recommendation Memo  
Resolution No. 11-084  
Draft Resolution

Contact for further information:

Mario Espinoza or Tim Reilly



CENTRAL TEXAS  
Regional Mobility Authority

# Memo

To: Board Members  
From: Mario A. Espinoza, Deputy Executive Director  
Date: March 22, 2012  
Re: Recommendation for Broker Services for HERO Program Sponsorships

---

The Mobility Authority has been administering the Highway Emergency Responders Operators (HERO) program since it was re-initiated in September 2010. With assistance to clear over 4,000 motorists in this time period, the program has been successful in its goal of keeping traffic flowing on IH 35 which otherwise would have been slowed or impeded due to single vehicle incidents, such as vehicles with flat tires and/or engine/mobility issues.

At the June, 2011 Board Meeting approval was granted to allow the Mobility Authority to solicit private and public financial sponsorships for the HERO program. Financial sponsorships are needed to assist us in meeting our required 20% annual match of \$309,000 for \$1,236,000 in annual grant funds which enable the expanded HERO program to continue and benefit our region. A procurement process resulted in a sole respondent interested in participating with the Mobility Authority in this program.

Travelers Marketing has proposed to serve as the HERO program's sponsorship agency/broker and will find optimal sponsors which place the highest marketing value on the program and whose mission is aligned with HERO's public purpose. Travelers has extensive advertising and sponsorship agency experience and has worked with many public transportation entities and toll authorities throughout the country. Currently operating safety service patrol sponsorship programs in twelve jurisdictions in nine states, Travelers has existing relationships with many transportation-related industries such as auto insurers, auto dealerships, tire companies and fuel providers, and will pursue those for our program. This past November, Travelers was awarded a National Roadway Safety Award by USDOT/FHWA and the Roadway Safety Foundation for their work with safety patrol sponsorship partnerships.

Compensation for their services will be based on a percentage of the sponsorship revenue earned with no retainer or consulting fees borne by the Mobility Authority. While the contract term would need to be negotiated with Travelers, it is our intent to have the initial contract period for approximately three years with two - one year extension options.

Staff recommends that the Mobility Authority Board approve the negotiation and execution of a contract with Travelers Marketing for broker services for HERO Program Sponsorships.

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 11-084**

**AUTHORIZE A PROCUREMENT PROCESS FOR PROPOSALS  
TO BE A SPONSOR OF THE HERO PROGRAM.**

WHEREAS, CTRMA administers the Highway Emergency Responders Operators (HERO) program that has assisted over 3,600 motorists and is successful in its goal of providing assistance to motorists and keeping traffic flowing on IH 35; and

WHEREAS, as CTRMA works to continue, and possibly expand, the HERO program after September, 2012, when funding provided under the American Recovery and Reinvestment Act will terminate, other sources of funding are being pursued, including the solicitation of private and public financial sponsorships for the HERO program; and

WHEREAS, the Executive Director recommends initiating a procurement process to formally solicit proposals for financial sponsorship of the HERO program beginning on or before September, 2012.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes and directs the Executive Director to prepare and issue a request for proposals for financial sponsorship of the HERO program; and

BE IT FURTHER RESOLVED, that the Executive Director shall establish a process to review responses to the request for sponsorship proposals and shall make a recommendation to the Board of Directors concerning proposals received based on "best value" to the Authority as established by criteria set forth in the request for proposals.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29<sup>th</sup> day of June, 2011.

Submitted and reviewed by:



Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 11-084  
Date Passed: 6/29/11

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 12-\_\_\_**

**AWARD A CONTRACT TO SOLICIT AND BROKER SPONSORSHIP AGREEMENTS  
THAT SUPPORT THE HIGHWAY EMERGENCY RESPONSE OPERATOR (HERO)  
PATROL SERVICES PROGRAM.**

WHEREAS, the Central Texas Regional Mobility Authority (“Mobility Authority”) administers the Highway Emergency Response Operators (HERO) Patrol Services program to provide assistance to motorists and keep traffic flowing on IH 35, and to continue that program after September, 2012, the Mobility Authority seeks other sources of funding including private financial sponsorships for the HERO program; and

WHEREAS, the Board of Directors authorized a procurement process to solicit sponsorship proposals in June, 2011; and

WHEREAS, pursuant to that authorization, staff issued two requests for sponsorship proposals, the most recent of which was a request for proposals for Broker Services For Highway Emergency Response Operator (HERO) Program Sponsorships issued March 2, 2012 (the “RFP”); and

WHEREAS, after a review and analysis of the proposal received from Travelers Marketing LLC, the Executive Director recommends awarding a broker services contract to Travelers Marketing LLC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors authorizes the Executive Director to negotiate and execute a contract for broker services for HERO program sponsorships on terms and conditions acceptable to the Executive Director and consistent with the RFP, Mobility Authority procurement policies, and the response of Travelers Marketing LLC to the RFP.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of March, 2012.

Submitted and reviewed by:

Approved:

---

Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

---

Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 12-\_\_\_  
Date Passed: 3/28/2012



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #5 SUMMARY

---

Amend the Policy Code relating to procurement policies to develop a transportation project using a design-build method or through a comprehensive development agreement.

Strategic Plan Relevance: Innovation

Department: Law

Associated Costs: None

Funding Source: Not applicable

Board Action Required: Yes

### Description of Matter:

The 82<sup>nd</sup> Legislature enacted significant changes to laws governing the Mobility Authority's use of the design-build method (including a design-build-finance method) to develop a transportation project. The Legislature also amended state law provisions that authorize use by the Mobility Authority of a comprehensive development agreement to develop specific transportation projects identified by the Legislature. As now defined by state law, a comprehensive development agreement (a "CDA") is also sometimes referred to a public-private partnership (a "P3") or a concession agreement.

The proposed Policy Code amendments revise procurement policies to incorporate the state law process and requirements the Mobility Authority must follow to procure a design-build contract or a CDA to develop a transportation project, and replace any existing provisions of the Policy Code that are inconsistent with the 2011 legislative changes.

### Reference documentation:

Redlined draft of proposed changes to the Policy Code and adopting Resolution

Contact for further information: Andrew Martin, General Counsel



1 **401.303 Use of Engineer or Engineering Firm and Other Professional**  
2 **Services**

3 (a) The authority must select or designate an engineer or a qualified engineering firm that is  
4 independent of the design-build contractor to act as the authority's representative during the  
5 procurement of a design-build contract.

6 (b) The engineer representative selected or designated under this section may be:

7 (1) an engineer that is an employee of the authority;

8 (2) the authority's general engineering consultant, if any; or

9 (3) a qualified engineer or engineering firm hired by the authority pursuant to the Professional  
10 Services Procurement Act, Chapter 2254, Government Code.

11 (c) The authority must provide or contract for, independently of the design build contractor, the  
12 following services as necessary for acceptance of the transportation project by the authority:

13 (1) inspection services;

14 (2) construction materials engineering and testing; and

15 (3) verification testing services.

16 (d) The authority shall ensure that the engineering services contracted for under this section are  
17 selected based on demonstrated competence and qualifications, in accordance with applicable law.

18 **401.304 Requests for Qualifications**

19 (a) The authority must solicit proposals for a design-build contract by issuing a Request for  
20 Qualifications ("RFQ").

21 (b) The authority shall publish a notice advertising the issuance of the RFQ in the *Texas Register*  
22 and on the authority's website, and shall publish the RFQ on the authority's website.

23 (c) An RFQ issued under this subchapter shall include:

24 (1) information regarding the proposed project's location, scope, and limits;

25 (2) information regarding funding that may be available for the project and a description of the  
26 financing to be requested from the design-build contractor, as applicable;

27 (3) criteria that will be used to evaluate the proposals, which must include a proposer's  
28 qualifications, experience, technical competence, and ability to develop the project;

29 (4) the relative weight given to the criteria; and

1 (5) the deadline by which proposals must be received by the authority.

2 **401.305 Withdrawal of an RFQ**

3 The authority may withdraw an RFQ at any time.

4 **401.306 Evaluation of Responses to an RFQ**

5 (a) If the authority receives only one responsive proposal to an RFQ, the authority shall terminate  
6 the procurement.

7 (b) The authority shall evaluate each qualifications statement received in response to an RFQ  
8 based on the criteria identified in the request.

9 (c) The authority may interview responding proposers.

10 (d) Based on the evaluation of qualifications statements and interviews, if any, the authority shall  
11 qualify or short-list at least two, but no more than five, proposers to submit detailed proposals.

12 **401.307 Requests For Detailed Proposals**

13 (a) The authority shall issue a request for detailed proposals (“RFDP”) to proposers qualified or  
14 short-listed under Section 401.306.

15 (b) Before issuing an RFDP under this section, the authority may issue a draft RFDP to the  
16 proposers eligible under Subsection (a) for purposes of receiving their input.

17 (c) An RFDP must include:

18 (1) information on the overall project goals;

19 (2) the authority’s cost estimates for the design-build portion of the work;

20 (3) materials specifications;

21 (4) special material requirements;

22 (5) a schematic design approximately 30 percent complete;

23 (6) known utilities, provided that the authority is not required to undertake an effort to locate  
24 utilities;

25 (7) quality assurance and quality control requirements;

26 (8) the location of relevant structures;

27 (9) notice of authority rules or goals relating to awarding contracts to disadvantaged businesses;

- 1 (10) available geotechnical or other other information related to the project;
- 2 (11) the status of any environmental review of the project;
- 3 (12) detailed instructions for preparing the technical proposal required by Section 401.309,  
4 including a description of the form and level of completeness of drawings expected;
- 5 (13) the relative weighting of the technical and cost proposals required by this section and the  
6 formula by which the proposals will be evaluated and ranked, provided that the formula shall  
7 allocate at least 70 percent of the weighting to the cost proposal;
- 8 (14) the criteria and weighting for each element of the technical proposal;
- 9 (15) the risks and costs that should be assumed by the design-build contractor, including  
10 (A) all risks and costs associated with:  
11 (i) scope changes and modifications, as requested by the authority;  
12 (ii) unknown or differing site conditions;  
13 (iii) environmental clearance and other regulatory permitting for the project; and  
14 (iv) natural disasters and other force majeure events; and  
15 (B) all costs associated with property acquisition, excluding costs associated with acquiring a  
16 temporary easement or work area associated with staging or construction for the project;
- 17 (16) a general form of the design-build contract that the authority proposes if the terms of the  
18 contract may be modified as a result of negotiations prior to contract execution; and
- 19 (17) the deadline established by Section 401.310 by which responses to the RFDP must be  
20 received.

### 21 **401.308 Alternative Technical Concepts**

- 22 (a) The authority may provide for the submission of alternative technical concepts by a proposer  
23 in the response to the RFDP.
- 24 (b) If the authority provides for the submission of alternative technical concepts, the authority  
25 must prescribe the process for notifying a proposer whether the proposer's alternative technical  
26 concepts are approved for inclusion in a technical proposal.

### 27 **401.309 Separate Technical and Cost Proposals**

- 28 (a) Each response submitted to an RFDP shall include a sealed technical proposal and a separate  
29 sealed cost proposal.

- 1 (b) The technical proposal must address:
- 2 (1) the proposer's qualifications and demonstrated technical competence, provided that the  
3 proposer shall not be requested to resubmit any information that was submitted and evaluated  
4 pursuant to Section 401.304;
- 5 (2) the feasibility of developing the project as proposed, including identification of anticipated  
6 problems;
- 7 (3) the proposed solutions to anticipated problems;
- 8 (4) the ability of the proposer to meet schedules;
- 9 (5) the conceptual engineering design proposed; and
- 10 (6) any other information requested by the authority.
- 11 (c) The cost proposal must include:
- 12 (1) the cost of delivering the project;
- 13 (2) the estimated number of days required to complete the project; and
- 14 (3) any terms for financing for the project that the proposer plans to provide.

15 **401.310 Deadline for Response to RFDP**

16 The authority shall establish a time, date, and location for submittal of a response to an RFDP,  
17 which deadline shall be no later than the 180<sup>th</sup> day after the RFDP is issued to each proposer  
18 qualified or short-listed under Section 401.306.

19 **401.311 Withdrawal of an RFDP**

- 20 (a) The authority may withdraw a RFDP at any time prior to the submission deadline for detailed  
21 proposals. In such event the authority shall have no liability to the entities chosen to submit detailed  
22 proposals.
- 23 (b) If the authority provides for the submission of ATCs and/or VACs, the authority shall  
24 establish a process for submission and review of ATCs and/or VACs prior to submission of a  
25 technical proposal. Only those ATCs and/or VACs approved by the authority may be included in an  
26 entity's technical proposal. The authority shall notify a proposer whether its ATCs and/or VACs are  
27 approved for inclusion in the technical proposal.
- 28 (c) The authority may conduct meetings with or interview proposers submitting a response to an  
29 RFDP.
- 30

1 **401.312 Unapproved Changes to Team**

2 The authority may reject as nonresponsive a proposal from a proposer qualified or short-listed  
3 under Section 401.306 that makes a significant change to the composition of the proposer's design-  
4 build team as initially submitted if that change was not approved by the authority as provided in the  
5 RFQ.

6 **401.313 Evaluation and Ranking of Responses to an RFDP**

7 (a) The authority shall first open, evaluate, and score each responsive technical proposal  
8 submitted on the basis of the criteria described in the RFDP and assign points on the basis of the  
9 weighting specified in the request for detailed proposals.

10 (b) After completing the scoring required by Subsection (a), the authority shall subsequently open,  
11 evaluate, and score each cost proposal based on criteria set forth in the RFDP and assign points on  
12 the basis of the weighting specified in the request for detailed proposals. The authority shall rank  
13 the proposers in accordance with the formula provided in the request for detailed proposals.

14 (c) The authority shall then rank the proposers in accordance with the formula provided in the  
15 RFDP.

16 **401.314 Stipend for Unsuccessful Proposers**

17 (a) Pursuant to the provisions of the RFDP, the authority shall pay an unsuccessful proposer that  
18 submits a responsive proposal to the RFDP a stipend for work product contained in the proposal.  
19 The stipend must be specified in the initial RFDP in an amount of at least two-tenths of one percent  
20 of the contract amount, but may not exceed the value of the work product contained in the proposal  
21 to the authority. In the event the authority determines that the value of the work product is less than  
22 the stipend amount, the authority must provide the proposer with a detailed explanation of the  
23 valuation, including the methodology and assumptions used in determining value.

24 (b) After payment of the stipend, the authority may make use of any work product contained in  
25 the unsuccessful proposal, including the techniques, methods, processes, and information contained  
26 in the proposal.

27 (c) The use by the authority of any design element contained in an unsuccessful proposal is at the  
28 sole risk and discretion of the authority and does not confer liability on the recipient of the stipend  
29 under this section.

30 (d) The authority may provide in the RFDP for the payment of a partial stipend in the event a  
31 procurement is terminated prior to securing project financing and execution of a design-build  
32 contract.

33

1 **401.315 Contract Negotiations**

2 (a) After ranking the proposers under Section 401.313, the authority shall first attempt to  
3 negotiate a contract with the highest-ranked proposer.

4 (b) If the authority is unable to negotiate a satisfactory contract with the highest-ranked proposer,  
5 the authority shall, formally and in writing, end all negotiations with that proposer and proceed to  
6 negotiate with the next proposer in the order of the selection ranking until a contract is reached or  
7 negotiations with all ranked proposers end.

8 (c) If the authority has committed in the RFDP to paying a stipend to unsuccessful proposers in  
9 accordance with Section 401.314, the authority may include in the negotiations alternative technical  
10 concepts proposed by other proposers.

11 (d) The authority may establish a deadline for the completion of negotiations with a proposer for  
12 a design-build contract. If a design-build contract has not been executed by that deadline, the  
13 authority may terminate the negotiation under Subsection (b) or, at its discretion, may extend the  
14 deadline for negotiating a design-build contract with that proposer.

15 (e) Notwithstanding the foregoing, the authority may terminate the procurement process at any  
16 time upon a determination that continuation of the process or development of a project through a  
17 design-build contract is not in the authority's best interest. If the procurement process is terminated  
18 after the deadline for responses to the RFDP under Section 401.310, the authority shall have no  
19 liability to any proposer other than paying the stipend in accordance with the terms of Section  
20 401.314.

21 **401.316 Performance and Payment Security**

22 (a) The authority shall require a design-build contractor to provide:

23 (1) a performance and payment bond;

24 (2) an alternative form of security; or

25 (3) a combination of a performance and payment bond and alternative security.

26 (b) Except as provided by Subsection (c), a performance and payment bond, alternative form of  
27 security, or combination of the forms of security shall be in an amount equal to the cost of  
28 constructing or maintaining the project.

29 (c) If the authority determines that it is impracticable for a private entity to provide security in the  
30 amount described by Subsection (b), the authority shall set the amount of the security.

31 (d) A performance and payment bond is not required for the portion of a design-build contract  
32 that includes design services only.

- 1 (e) The authority may require one or more of the following alternative forms of security:
- 2 (1) a cashier's check drawn on a financial entity specified by the authority;
- 3 (2) a United States bond or note;
- 4 (3) an irrevocable bank letter of credit drawn from a federal or Texas chartered bank; or
- 5 (4) any other form of security determined suitable by the authority.

6 Subchapter B. COMPREHENSIVE DEVELOPMENT AGREEMENTS

7 **401.350 Comprehensive Development Agreement Allowed**

- 8 (a) The authority may enter into a comprehensive development agreement (a "CDA") for a
- 9 transportation project authorized by state law in accordance with requirements and procedures
- 10 established by this subchapter.
- 11 (b) The authority may enter into a CDA with a private entity that, at a minimum:
- 12 (1) provides for the design and construction of a transportation project;
- 13 (2) may provide for the financing, acquisition, maintenance, or operation of a transportation
- 14 project; and
- 15 (3) entitles the private entity to:
  - 16 (A) a leasehold interest in the transportation project; or
  - 17 (B) the right to operate or retain revenue from the operation of the transportation project.
- 18 (c) The authority may negotiate provisions relating to professional and consulting services
- 19 provided in connection with a CDA.

20 **401.351 Confidentiality of Negotiations for a CDA**

- 21 (a) The authority shall use its best efforts to protect the confidentiality of information made
- 22 confidential by Sections 370.307 and 371.052(d), Transportation Code, as established by state law
- 23 and detailed in Subsection (b).
- 24 (b) The following information in the possession of the authority or its agents is confidential, is
- 25 not subject to disclosure, inspection, or copying under Chapter 552, Government Code, and is not
- 26 subject to disclosure, discovery, subpoena, or other means of legal compulsion for its release until a
- 27 final contract for a proposed CDA project is entered into:
  - 28 (1) all or part of a proposal submitted by a private entity for a CDA, except:

- 1 (A) information regarding the proposed transportation project's location, scope, and limits;  
2 and
- 3 (B) information regarding the proposing private entity's qualifications, experience, technical  
4 competence, and capability to develop the project;
- 5 (2) supplemental information or material submitted by a private entity in connection with a  
6 proposal submitted under this subchapter; and
- 7 (3) information created or collected by an authority or its agent during consideration of a  
8 proposal submitted under this subchapter, including without limitation financial forecasts and  
9 traffic and revenue reports prepared by or for the authority before the authority enters into a  
10 CDA.
- 11 (c) After the authority completes its final ranking of proposals under Section 401.358, the final  
12 rankings of each proposal under each of the published criteria are not confidential.
- 13 (d) After the authority enters into a CDA, financial forecasts and traffic revenue reports prepared  
14 by or for the authority before it entered into the CDA are public information.

15 **401.352 Competitive Procurement Process for a CDA**

- 16 (a) The authority may consider an unsolicited proposal to enter into a CDA or may solicit  
17 proposals for a CDA in accordance with this subchapter.
- 18 (b) The competitive bidding requirements for highway projects as specified under Chapter 223,  
19 Transportation Code, and Chapter 2254, the Texas Professional Services Procurement Act,  
20 Government Code, do not apply to a CDA.

21 **401.353 Filing an Unsolicited Proposal for a CDA**

- 22 (a) An unsolicited proposal for a CDA filed with the authority shall comply with the requirements  
23 and procedures established by this section.
- 24 (b) An unsolicited proposal filed with the authority must include a \$20,000.00 non-refundable  
25 review fee payable to the authority.
- 26 (c) An unsolicited proposal must also include the following information:
- 27 (1) the proposed transportation project location, scope, and limits;
- 28 (2) information regarding the proposing private entity's qualifications, experience, technical  
29 competence, and capability to develop the project;
- 30 (3) a proposed financial plan for the proposed project that includes, at a minimum:
- 31 (A) projected project costs;

- 1 (B) proposed sources of funds; and
- 2 (4) the name and business address of each person and business entity with a substantial interest in  
3 the business entity that is the proposing private entity filing the unsolicited proposal, as the  
4 terms “business entity” and “substantial interest” are defined under Chapter 171, Government  
5 Code, and the name and business address of each consultant or subconsultant the private  
6 entity anticipates using if the private entity develops the proposed project.

7 **401.354 Review of an Unsolicited Proposal**

- 8 (a) An unsolicited proposal shall be reviewed by the executive director, who may interview, and  
9 who may request additional information from, the proposing private entity. Based on that review,  
10 the executive director shall make a recommendation to the board on whether the board should  
11 consider further evaluation of the unsolicited proposal.
- 12 (b) If the board authorizes further evaluation of an unsolicited proposal, then the board shall  
13 direct the executive director to issue an RFQ under Section 401.355.

14 **401.355 Authority Solicitation of Requests for Qualifications**

- 15 (a) Under this subchapter, the authority may solicit proposals for a CDA to develop a  
16 transportation project or for competing proposals to an unsolicited proposal filed with the authority  
17 by issuing an RFQ relating to the transportation project.
- 18 (b) The authority shall publish a notice advertising the issuance of the RFQ in the *Texas Register*  
19 and on the authority’s website, and shall publish the RFQ on the authority’s website.
- 20 (c) An RFQ issued under this section shall include the following:
- 21 (1) a description of the project;
- 22 (2) the information a private entity must provide in response to the RFQ regarding:
- 23 (A) the private entity's qualifications, experience, technical competence, and capability to  
24 develop the project;
- 25 (B) the private entity’s proposed financial plan for the proposed project that includes, at a  
26 minimum:
- 27 (i) projected project costs; and
- 28 (ii) proposed sources of funds; and
- 29 (3) the criteria to be used by the authority to evaluate proposals received in response to the RFQ;
- 30 (4) the relative weight given to the criteria; and

1 (5) the deadline by which proposals must be received by the authority.

2 (d) A proposal submitted in response to an RFQ issued under this section must include, at a  
3 minimum, the information required to be submitted under Subsection (c)(2), and, if the RFQ solicits  
4 competing proposals to an unsolicited proposal filed under Section 401.353, the fee required by  
5 Section 401.353(b).

6 (e) The authority may withdraw the RFQ at any time, and may then publish a new RFQ for a  
7 CDA in accordance with this section.

## 8 **401.356 Evaluation of the Responses to a Request for Qualifications**

9 (a) The executive director shall review each response received to an RFQ issued under Section  
10 401.355 based on the criteria and relative weighting established in the RFQ. The executive director  
11 may include an interview as part of the review process.

12 (b) After completing the review, the executive director shall make a recommendation to the board  
13 on whether the board should consider further evaluation of a CDA for the project.

14 (c) If the board decides to proceed with further evaluation of a CDA for the project, the board  
15 shall direct the executive director to issue a request for detailed proposals (an “RFDP”) under  
16 Section 401.357.

17 (d) If the authority has received and reviewed more than one proposal from a private entity under  
18 Section 401.353, Section 401.355, or both, the board shall qualify at least two private entities to  
19 respond to the RFDP issued under Section 401.357.

20 (e) If only one private entity has filed a proposal with the authority under this subchapter, the  
21 board may request a response from the sole private entity to an RFDP issued under Section 401.357.

## 22 **401.357 Request for Detailed Proposals**

23 (a) Before issuing an RFDP, the authority may solicit input from all private entities qualified  
24 under Section 401.356 and from any other person.

25 (b) The authority shall issue an RFDP to all private entities qualified under Section 401.356. The  
26 authority shall mail or hand deliver the RFDP directly to the private entity.

27 (c) The RFDP must contain the following information:

28 (1) instructions for preparing the proposal and the items included therein;

29 (2) the criteria to be used by the authority to evaluate the detailed proposals, including factors  
30 related to:

31 (A) oversight of the toll project;

- 1 (B) maintenance and operations costs of the toll project;
- 2 (C) the structure and rates of tolls;
- 3 (D) economic development impacts of the toll project;
- 4 (E) benefits and impacts of the toll project; and
- 5 (F) any other factors the authority determines appropriate;
- 6 (3) the relative weight to be given to the criteria;
- 7 (4) a stipulated amount to be paid to unsuccessful proposers subject to Section 401.362, if any,
- 8 including any terms and conditions relating to payment of the stipulated amount;
- 9 (5) the general form of a CDA sought by the authority, including any matters relating to the CDA
- 10 the authority considers advantageous to the authority; and
- 11 (6) the date and time by which the detailed proposal must be received by the authority.
- 12 (d) An RFDP under this subchapter may require the private entity to provide additional
- 13 information relating to:
- 14 (1) the private entity's qualifications and demonstrated technical competence;
- 15 (2) the feasibility of developing the project as proposed;
- 16 (3) detailed engineering or architectural designs;
- 17 (4) the private entity's ability to meet schedules;
- 18 (5) costing methodology; and
- 19 (6) any other information the authority considers relevant or necessary to fully assess the private
- 20 entity's proposal.
- 21 (e) The RFDP may require a responding private entity to submit a sealed technical proposal and a
- 22 separate, sealed cost proposal.
- 23 (f) The authority may withdraw an RFDP at any time. In such event the authority shall have no
- 24 liability to a private entity chosen to submit a detailed proposal, except as may be specified in the
- 25 RFDP regarding a stipulated amount offered under Subsection (c)(4) and Section 401.362.
- 26 (g) After the authority has issued an RFDP under this section, the authority may solicit input
- 27 regarding alternative technical concepts.

28 **401.358 Evaluation and Ranking of Detailed CDA Proposals**

1 The authority shall evaluate and rank each detailed proposal received based on the criteria described  
2 in the RFDP and shall identify the private entity whose proposal offers the best value to the  
3 authority. The authority may interview the private entities as part of its evaluation process.

#### 4 **401.359 Post-Submissions Discussions**

5 (a) After the authority has evaluated and ranked the detailed proposals in accordance with Section  
6 401.358, the authority may enter into discussions with the private entity whose proposal offers the  
7 apparent best value provided, The discussions under this section shall be limited to

8 (1) incorporation of aspects of other detailed proposals for the purpose of achieving the overall  
9 best value for the authority;

10 (2) clarifications and minor adjustments in scheduling, designs, operating characteristics, cash  
11 flow, and similar items; and

12 (3) other matters that have arisen since the submission of the detailed proposal.

13 (b) If at any point in discussions under Subsection (a), it appears to the authority that the highest  
14 ranking proposal will not provide the authority with the overall best value, the authority may end  
15 discussions with the highest-ranking private entity and enter into discussions with the private entity  
16 submitting the next-highest ranking proposal.

17 (c) The authority may withdraw a request issued under Section 401.357 at any time. The authority  
18 may then publish a new request for competing proposals and qualifications under Section 401.355.

#### 19 **401.360 Negotiations for CDA**

20 (a) Subsequent to the discussions conducted pursuant to Section 401.359 and provided the  
21 authority has not terminated or withdrawn the procurement, the authority and the highest-ranking  
22 proposer shall attempt to negotiate the specific terms of a CDA.

23 (b) The authority shall prescribe the general form of the CDA and may include any matter therein  
24 considered advantageous to the authority.

25 (c) The authority may establish a deadline for the completion of negotiations for a CDA. If an  
26 agreement has not been executed within that time, the authority may terminate the negotiations, or,  
27 at its discretion, may extend the time for negotiating an agreement.

28 (d) In the event an agreement is not negotiated within the time specified by the authority, or if the  
29 parties otherwise agree to cease negotiations, the authority may commence negotiations with the  
30 second-ranked proposer or it may terminate the process of pursuing a CDA for the project which is  
31 the subject of the procurement process.

32 (e) Notwithstanding the foregoing, the authority may terminate the procurement process,  
33 including the negotiations for a CDA, at any time upon a determination that continuation of the

1 process or development of a project through a CDA is not in the authority's best interest. In such  
2 event, the authority shall have no liability to any proposer other than paying the stipend in  
3 accordance with the terms of Section 401.362 if detailed proposals have been submitted to the  
4 authority.

5 **401.361 Property Subject to a CDA**

6 (a) A transportation project (excluding a public utility facility) that is the subject of a CDA is  
7 public property and belongs to the authority.

8 (b) The authority may lease rights-of-ways, grant easements, issue franchises, licenses, permits or  
9 any other lawful form of use to enable a private entity to construct, operate, and maintain a  
10 transportation project, including supplemental facilities. At the termination of any such agreement,  
11 the transportation project shall be returned to the authority in a state of maintenance deemed  
12 adequate by the authority and at no additional cost to the authority.

13 **401.362 Payment by Authority for Submission of Detailed CDA Proposal**

14 (a) The authority may pay an unsuccessful private entity that submits a response to an RFDP  
15 issued under Section 401.357 a stipulated amount of the final contract price for any costs incurred in  
16 preparing that proposal. A stipulated amount may not exceed the value of any work product  
17 contained in the proposal that can, as determined by the authority, be used by the authority in the  
18 performance of its functions. The use by the authority of any design element contained in an  
19 unsuccessful proposal is at the sole risk and discretion of the authority and does not confer liability  
20 on the recipient of the stipulated amount under this section.

21 (b) After payment of a stipulated amount under Subsection (a):

22 (1) the authority owns the exclusive rights to, and may make use of any work product contained  
23 in, the proposal, including the technologies, techniques, methods, processes, and information  
24 contained in the project design; and

25 (2) the work product contained in the proposal becomes the property of the authority.

26 **401.363 Performance and Payment Security**

27 (a) The authority shall require any private entity entering into a CDA under this subchapter to  
28 provide a performance and payment bond or an alternative form of security in an amount sufficient  
29 to:

30 (1) insure the proper performance of the agreement; and

31 (2) protect:

32 (A) the authority; and

1 (B) payment bond beneficiaries who have a direct contractual relationship with the private  
2 entity and subcontractors of the private entity who supply labor or materials.

3 (b) A performance and payment bond or alternative form of security shall be in an amount equal  
4 to the cost of constructing or maintaining the project.

5 (c) If the authority determines that it is impracticable for a private entity to provide security in the  
6 amount described by Subsection (b), the authority shall set the amount of the bonds or alternative  
7 form of security.

8 (d) A performance and payment bond or alternative form of security is not required for the  
9 portion of a CDA that includes only design or planning services, the performance of preliminary  
10 studies, or the acquisition of real property.

11 (e) The amount of the payment security must not be less than the amount of the performance  
12 security.

13 (f) If the authority prescribes requirements for alternative forms of security, in addition to  
14 performance and payment bonds the authority may require the following alternative forms of  
15 security :

16 (1) a cashier's check drawn on a financial entity specified by the authority;

17 (2) a United States bond or note;

18 (3) an irrevocable bank letter of credit; or

19 (4) any other form of security determined suitable by the authority.

20 **401.364 Review by Attorney General**

21 (a) The authority may not enter into a CDA unless the Texas Attorney General reviews the  
22 proposed agreement and determines the CDA is legally sufficient, in accordance with Subchapter B,  
23 Chapter 371, Transportation Code.

24 (b) The authority may require the private entity who intends to enter into a CDA with the  
25 authority to pay the examination fee assessed by the attorney general for the legal sufficiency review  
26 required by Section 371.051, Transportation Code.

27 SECTION 1. Section 401.002(a)(8), Article 1, Chapter 4, Policy Code is amended to  
28 read as follows:

29 (8) Comprehensive Development Agreement: An agreement entered into and subject to the  
30 requirements of Subchapter B, Article 7 of this chapter.

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 12-\_\_\_**

**AMENDING THE POLICY CODE RELATING TO PROCUREMENT POLICIES FOR  
THE USE OF A DESIGN-BUILD METHOD OR A COMPREHENSIVE  
DEVELOPMENT AGREEMENT TO DEVELOP A TRANSPORTATION PROJECT.**

WHEREAS, the 82<sup>nd</sup> Texas Legislature enacted S.B. 1420 that, among other provisions, established the authority and required procedures for the Central Texas Regional Mobility Authority to use a design-build method or a comprehensive development agreement to develop and finance certain transportation projects; and

WHEREAS, by Resolution No. 12-016 adopted February 29, 2012, the Board of Directors adopted the Mobility Authority Policy Code (“Policy Code”); and

WHEREAS, the Executive Director recommends that the Board of Directors amend the Policy Code to incorporate and implement state law requirements that authorize procurement and use of a design-build contract and a comprehensive development agreement, as set forth in Attachment “A” to this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts the amendments to the Policy Code set forth in Attachment “A” to this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of March, 2012.

Submitted and reviewed by:

Approved:

---

Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

---

Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 12-\_\_\_  
Date Passed: 3/28/2012

**Exhibit A**

**Policy Code Amendments (on the following 18 pages)**

Attachment "A" to Resolution 12-\_\_\_\_\_

SECTION 1. Article 7, Chapter 4, Policy Code is amended to read as follows:

**Article 7. DESIGN-BUILD CONTRACT; COMPREHENSIVE DEVELOPMENT AGREEMENTS.**

Subchapter A. DESIGN-BUILD PROCUREMENT

**401.300 Design-Build Contract for a Transportation Project**

(a) The authority may use the design-build method to procure the design, construction, financing, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a transportation project. In using the design-build method and in entering into a contract for the services of a design-build contractor, the authority and the design-build contractor shall follow the procedures and requirements of this subchapter.

(b) The authority may enter into not more than two design-build contracts in any fiscal year.

(c) A design-build contract under this subchapter may not grant to a private entity:

(1) a leasehold interest in the transportation project; or

(2) the right to operate or retain revenue from the operation of the transportation project.

**401.301 Definitions**

In this subchapter:

(1) "Design-build contractor" means a partnership, corporation, or other legal entity or team that includes an engineering firm and a construction contractor qualified to engage in the construction of transportation projects in this state.

(2) "Design-build method" means a project delivery method by which the authority contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a transportation project.

**401.302 Procurement Process**

(a) The authority must solicit proposals for a design-build contract under this subchapter.

(b) The Professional Services Procurement Act, Chapter 2254, Government Code, does not apply to a design-build contract.

1 **401.303 Use of Engineer or Engineering Firm and Other Professional**  
2 **Services**

3 (a) The authority must select or designate an engineer or a qualified engineering firm that is  
4 independent of the design-build contractor to act as the authority’s representative during the  
5 procurement of a design-build contract.

6 (b) The engineer representative selected or designated under this section may be:

7 (1) an engineer that is an employee of the authority;

8 (2) the authority’s general engineering consultant, if any; or

9 (3) a qualified engineer or engineering firm hired by the authority pursuant to the Professional  
10 Services Procurement Act, Chapter 2254, Government Code.

11 (c) The authority must provide or contract for, independently of the design build contractor, the  
12 following services as necessary for acceptance of the transportation project by the authority:

13 (1) inspection services;

14 (2) construction materials engineering and testing; and

15 (3) verification testing services.

16 (d) The authority shall ensure that the engineering services contracted for under this section are  
17 selected based on demonstrated competence and qualifications, in accordance with applicable law.

18 **401.304 Requests for Qualifications**

19 (a) The authority must solicit proposals for a design-build contract by issuing a Request for  
20 Qualifications (“RFQ”).

21 (b) The authority shall publish a notice advertising the issuance of the RFQ in the *Texas Register*  
22 and on the authority’s website, and shall publish the RFQ on the authority’s website.

23 (c) An RFQ issued under this subchapter shall include:

24 (1) information regarding the proposed project’s location, scope, and limits;

25 (2) information regarding funding that may be available for the project and a description of the  
26 financing to be requested from the design-build contractor, as applicable;

27 (3) criteria that will be used to evaluate the proposals, which must include a proposer’s  
28 qualifications, experience, technical competence, and ability to develop the project;

29 (4) the relative weight given to the criteria; and

1 (5) the deadline by which proposals must be received by the authority.

2 **401.305 Withdrawal of an RFQ**

3 The authority may withdraw an RFQ at any time.

4 **401.306 Evaluation of Responses to an RFQ**

5 (a) If the authority receives only one responsive proposal to an RFQ, the authority shall terminate  
6 the procurement.

7 (b) The authority shall evaluate each qualifications statement received in response to an RFQ  
8 based on the criteria identified in the request.

9 (c) The authority may interview responding proposers.

10 (d) Based on the evaluation of qualifications statements and interviews, if any, the authority shall  
11 qualify or short-list at least two, but no more than five, proposers to submit detailed proposals.

12 **401.307 Requests For Detailed Proposals**

13 (a) The authority shall issue a request for detailed proposals (“RFDP”) to proposers qualified or  
14 short-listed under Section 401.306.

15 (b) Before issuing an RFDP under this section, the authority may issue a draft RFDP to the  
16 proposers eligible under Subsection (a) for purposes of receiving their input.

17 (c) An RFDP must include:

18 (1) information on the overall project goals;

19 (2) the authority’s cost estimates for the design-build portion of the work;

20 (3) materials specifications;

21 (4) special material requirements;

22 (5) a schematic design approximately 30 percent complete;

23 (6) known utilities, provided that the authority is not required to undertake an effort to locate  
24 utilities;

25 (7) quality assurance and quality control requirements;

26 (8) the location of relevant structures;

27 (9) notice of authority rules or goals relating to awarding contracts to disadvantaged businesses;

- 1 (10) available geotechnical or other other information related to the project;
- 2 (11) the status of any environmental review of the project;
- 3 (12) detailed instructions for preparing the technical proposal required by Section 401.309,  
4 including a description of the form and level of completeness of drawings expected;
- 5 (13) the relative weighting of the technical and cost proposals required by this section and the  
6 formula by which the proposals will be evaluated and ranked, provided that the formula shall  
7 allocate at least 70 percent of the weighting to the cost proposal;
- 8 (14) the criteria and weighting for each element of the technical proposal;
- 9 (15) the risks and costs that should be assumed by the design-build contractor, including
- 10 (A) all risks and costs associated with:
- 11 (i) scope changes and modifications, as requested by the authority;
- 12 (ii) unknown or differing site conditions;
- 13 (iii) environmental clearance and other regulatory permitting for the project; and
- 14 (iv) natural disasters and other force majeure events; and
- 15 (B) all costs associated with property acquisition, excluding costs associated with acquiring a  
16 temporary easement or work area associated with staging or construction for the project;
- 17 (16) a general form of the design-build contract that the authority proposes if the terms of the  
18 contract may be modified as a result of negotiations prior to contract execution; and
- 19 (17) the deadline established by Section 401.310 by which responses to the RFDP must be  
20 received.

### 21 **401.308 Alternative Technical Concepts**

- 22 (a) The authority may provide for the submission of alternative technical concepts by a proposer  
23 in the response to the RFDP.
- 24 (b) If the authority provides for the submission of alternative technical concepts, the authority  
25 must prescribe the process for notifying a proposer whether the proposer's alternative technical  
26 concepts are approved for inclusion in a technical proposal.

### 27 **401.309 Separate Technical and Cost Proposals**

- 28 (a) Each response submitted to an RFDP shall include a sealed technical proposal and a separate  
29 sealed cost proposal.

1 (b) The technical proposal must address:

2 (1) the proposer's qualifications and demonstrated technical competence, provided that the  
3 proposer shall not be requested to resubmit any information that was submitted and evaluated  
4 pursuant to Section 401.304;

5 (2) the feasibility of developing the project as proposed, including identification of anticipated  
6 problems;

7 (3) the proposed solutions to anticipated problems;

8 (4) the ability of the proposer to meet schedules;

9 (5) the conceptual engineering design proposed; and

10 (6) any other information requested by the authority.

11 (c) The cost proposal must include:

12 (1) the cost of delivering the project;

13 (2) the estimated number of days required to complete the project; and

14 (3) any terms for financing for the project that the proposer plans to provide.

15 **401.310 Deadline for Response to RFDP**

16 The authority shall establish a time, date, and location for submittal of a response to an RFDP,  
17 which deadline shall be no later than the 180<sup>th</sup> day after the RFDP is issued to each proposer  
18 qualified or short-listed under Section 401.306.

19 **401.311 Withdrawal of an RFDP**

20 (a) The authority may withdraw a RFDP at any time prior to the submission deadline for detailed  
21 proposals. In such event the authority shall have no liability to the entities chosen to submit detailed  
22 proposals.

23 (b) If the authority provides for the submission of ATCs and/or VACs, the authority shall  
24 establish a process for submission and review of ATCs and/or VACs prior to submission of a  
25 technical proposal. Only those ATCs and/or VACs approved by the authority may be included in an  
26 entity's technical proposal. The authority shall notify a proposer whether its ATCs and/or VACs are  
27 approved for inclusion in the technical proposal.

28 (c) The authority may conduct meetings with or interview proposers submitting a response to an  
29 RFDP.

30

1 **401.312 Unapproved Changes to Team**

2 The authority may reject as nonresponsive a proposal from a proposer qualified or short-listed  
3 under Section 401.306 that makes a significant change to the composition of the proposer’s design-  
4 build team as initially submitted if that change was not approved by the authority as provided in the  
5 RFQ.

6 **401.313 Evaluation and Ranking of Responses to an RFDP**

7 (a) The authority shall first open, evaluate, and score each responsive technical proposal  
8 submitted on the basis of the criteria described in the RFDP and assign points on the basis of the  
9 weighting specified in the request for detailed proposals.

10 (b) After completing the scoring required by Subsection (a), the authority shall subsequently open,  
11 evaluate, and score each cost proposal based on criteria set forth in the RFDP and assign points on  
12 the basis of the weighting specified in the request for detailed proposals. The authority shall rank  
13 the proposers in accordance with the formula provided in the request for detailed proposals.

14 (c) The authority shall then rank the proposers in accordance with the formula provided in the  
15 RFDP.

16 **401.314 Stipend for Unsuccessful Proposers**

17 (a) Pursuant to the provisions of the RFDP, the authority shall pay an unsuccessful proposer that  
18 submits a responsive proposal to the RFDP a stipend for work product contained in the proposal.  
19 The stipend must be specified in the initial RFDP in an amount of at least two-tenths of one percent  
20 of the contract amount, but may not exceed the value of the work product contained in the proposal  
21 to the authority. In the event the authority determines that the value of the work product is less than  
22 the stipend amount, the authority must provide the proposer with a detailed explanation of the  
23 valuation, including the methodology and assumptions used in determining value.

24 (b) After payment of the stipend, the authority may make use of any work product contained in  
25 the unsuccessful proposal, including the techniques, methods, processes, and information contained  
26 in the proposal.

27 (c) The use by the authority of any design element contained in an unsuccessful proposal is at the  
28 sole risk and discretion of the authority and does not confer liability on the recipient of the stipend  
29 under this section.

30 (d) The authority may provide in the RFDP for the payment of a partial stipend in the event a  
31 procurement is terminated prior to securing project financing and execution of a design-build  
32 contract.

33

1 **401.315 Contract Negotiations**

2 (a) After ranking the proposers under Section 401.313, the authority shall first attempt to  
3 negotiate a contract with the highest-ranked proposer.

4 (b) If the authority is unable to negotiate a satisfactory contract with the highest-ranked proposer,  
5 the authority shall, formally and in writing, end all negotiations with that proposer and proceed to  
6 negotiate with the next proposer in the order of the selection ranking until a contract is reached or  
7 negotiations with all ranked proposers end.

8 (c) If the authority has committed in the RFDP to paying a stipend to unsuccessful proposers in  
9 accordance with Section 401.314, the authority may include in the negotiations alternative technical  
10 concepts proposed by other proposers.

11 (d) The authority may establish a deadline for the completion of negotiations with a proposer for  
12 a design-build contract. If a design-build contract has not been executed by that deadline, the  
13 authority may terminate the negotiation under Subsection (b) or, at its discretion, may extend the  
14 deadline for negotiating a design-build contract with that proposer.

15 (e) Notwithstanding the foregoing, the authority may terminate the procurement process at any  
16 time upon a determination that continuation of the process or development of a project through a  
17 design-build contract is not in the authority's best interest. If the procurement process is terminated  
18 after the deadline for responses to the RFDP under Section 401.310, the authority shall have no  
19 liability to any proposer other than paying the stipend in accordance with the terms of Section  
20 401.314.

21 **401.316 Performance and Payment Security**

22 (a) The authority shall require a design-build contractor to provide:

23 (1) a performance and payment bond;

24 (2) an alternative form of security; or

25 (3) a combination of a performance and payment bond and alternative security.

26 (b) Except as provided by Subsection (c), a performance and payment bond, alternative form of  
27 security, or combination of the forms of security shall be in an amount equal to the cost of  
28 constructing or maintaining the project.

29 (c) If the authority determines that it is impracticable for a private entity to provide security in the  
30 amount described by Subsection (b), the authority shall set the amount of the security.

31 (d) A performance and payment bond is not required for the portion of a design-build contract  
32 that includes design services only.

1 (e) The authority may require one or more of the following alternative forms of security:

2 (1) a cashier's check drawn on a financial entity specified by the authority;

3 (2) a United States bond or note;

4 (3) an irrevocable bank letter of credit drawn from a federal or Texas chartered bank; or

5 (4) any other form of security determined suitable by the authority.

6 Subchapter B. COMPREHENSIVE DEVELOPMENT AGREEMENTS

7 ~~(4)~~ **401.350** ~~401.053~~ **Comprehensive Development Agreements Allowed.**

8 (a) The authority may enter into a comprehensive development agreement (a "CDA") for a  
9 transportation project authorized by state law in accordance with requirements and procedures  
10 established by this subchapter.

11 (b) The authority may enter into a ~~comprehensive development agreement (CDA)~~ with a private  
12 entity ~~to construct, maintain, repair, operate, extend, or expand a transportation project. A CDA~~  
13 ~~shall that~~, at a minimum:

14 (1) ~~provides~~ for the design and construction of a transportation project; ~~and~~

15 (2) may ~~also~~ provide for the financing, acquisition, maintenance, or operation of a transportation  
16 project; ~~and~~

17 (3) entitles the private entity to:

18 (A) a leasehold interest in the transportation project; or

19 (B) the right to operate or retain revenue from the operation of the transportation project.

20 (c) The authority ~~may is also allowed to~~ negotiate provisions relating to professional and  
21 consulting services provided in connection with a CDA.

22 **401.351 Confidentiality of Negotiations for a CDA**

23 (a) The authority shall use its best efforts to protect the confidentiality of information made  
24 confidential by Sections 370.307 and 371.052(d), Transportation Code, as established by state law  
25 and detailed in Subsection (b).

26 (b) The following information in the possession of the authority or its agents is confidential, is  
27 not subject to disclosure, inspection, or copying under Chapter 552, Government Code, and is not  
28 subject to disclosure, discovery, subpoena, or other means of legal compulsion for its release until a  
29 final contract for a proposed CDA project is entered into:

- 1 (1) all or part of a proposal submitted by a private entity for a CDA, except:
- 2 (A) information regarding the proposed transportation project's location, scope, and limits;
- 3 and
- 4 (B) information regarding the proposing private entity's qualifications, experience, technical
- 5 competence, and capability to develop the project;
- 6 (2) supplemental information or material submitted by a private entity in connection with a
- 7 proposal submitted under this subchapter; and
- 8 (3) information created or collected by an authority or its agent during consideration of a
- 9 proposal submitted under this subchapter, including without limitation financial forecasts and
- 10 traffic and revenue reports prepared by or for the authority before the authority enters into a
- 11 CDA.
- 12 (c) After the authority completes its final ranking of proposals under Section 401.358, the final
- 13 rankings of each proposal under each of the published criteria are not confidential.
- 14 (d) After the authority enters into a CDA, financial forecasts and traffic revenue reports prepared
- 15 by or for the authority before it entered into the CDA are public information.

16 ~~(a)~~ **401.352 401.054 – Competitive Procurement Process ~~f~~For a CDA.**

- 17 (a) The authority may ~~either accept consider an~~ unsolicited proposals ~~to enter into relating to a~~
- 18 CDA or ~~may~~ solicit proposals ~~for relating to a~~ CDA in accordance with this ~~article~~subchapter.
- 19 (b) The competitive bidding requirements for highway projects as specified under Chapter 223,
- 20 Transportation Code, and Chapter 2254, the Texas Professional Services Procurement Act,
- 21 Government Code, do not apply to a CDA.

22 ~~(b)~~ **401.353 401.055 – Filing an Unsolicited Proposals for a CDA.**

- 23 ~~(a) The authority may accept An~~ unsolicited proposals ~~for a project proposer to be developed~~
- 24 ~~through a CDA~~ filed with the authority shall comply with the requirements and procedures
- 25 established by this section.
- 26 (b) -An unsolicited proposal ~~must be filed with~~ filed with the authority ~~must include and be~~
- 27 accompanied by a \$20,000.00 non-refundable review fee ~~payable to the authority.~~
- 28 (c) -An unsolicited proposal must ~~also~~ include the following information:
- 29 ~~(1)~~ (1) the proposed transportation project location, scope, and limits;
- 30 ~~(2)~~ (2) information regarding the proposing ~~private~~ entity's qualifications, experience, technical
- 31 competence, and capability to develop the project;

1 ~~(2)~~(3) a proposed financial plan for the proposed project that includes, at a minimum:

2 ~~(3)~~(A) projected project costs; ~~and~~

3 ~~(A)~~(B) proposed sources of funds; and

4 ~~(4)~~ the name and business address of each person and business entity with a substantial interest in  
5 the business entity that is the proposing private entity filing the unsolicited proposal, as the  
6 terms “business entity” and “substantial interest” are defined under Chapter 171, Government  
7 Code, and the name and business address of each consultant or subconsultant the private  
8 entity anticipates using if the private entity develops the proposed project~~the identity of any~~  
9 ~~member of, or proposed subconsultant for, the proposing entity or team who is also~~  
10 ~~performing work, directly or as a subconsultant, for the authority.~~

### 11 ~~(4)~~**401.354 Review of an Unsolicited Proposal**

12 ~~(e)~~(a) ~~An u~~nsolicited proposals shall be reviewed by the executive director, who authority staff  
13 ~~and/or consultants. The staff/consultants may~~ interview, and who may request additional  
14 information from, the ~~proposer~~proposing private entity. Based on ~~that its~~ review, the executive  
15 director staff will shall make an initial recommendation to the board ~~(or a designated committee~~  
16 ~~thereof) on as to~~ whether the board authority should consider authorize further evaluation of the  
17 unsolicited proposal.

18 ~~(f)~~(b) If the board authority authorizes further evaluation of an unsolicited proposal, then the board  
19 shall direct the executive director to issue authority shall publish a request for qualifications (an  
20 RFQ) under in accordance with the requirements of Section 401.355. Evaluation of proposals  
21 submitted in response to RFQs shall occur in accordance with the provisions of Section 401.057.

### 22 ~~(g)~~**401.355 401.056–Authority Solicitation of Requests for Qualifications-**

23 ~~(a)~~ Under this subchapter, tThe authority may solicit proposals for a CDA to develop a  
24 transportation project or for competing proposals to an unsolicited proposal filed with the authority  
25 by issuing ana RFQ relating to the a CDA-transportation project.

26 ~~(h)~~(b) -The authority shall publish a RFQ (or a notice advertising the issuance of of availability of a  
27 the RFQ) in the Texas Register and post it on the authority’s website, and shall publish the RFQ on  
28 the authority’s website.

29 ~~(i)~~—

30 ~~(j)~~(c) An RFQ issued by the authority under this section shall include the following ~~information~~:

31 ~~(k)~~(1) a description of the project;

32 ~~(2)~~ the information a private entity must provide in response to the RFQ regarding:

1 (A) the private entity's qualifications, experience, technical competence, and capability to  
2 develop the project;

3 (B) the private entity's proposed financial plan for the proposed project that includes, at a  
4 minimum:

5 (i) projected project costs; and

6 (ii) proposed sources of funds; and

7 ~~(4)(3)~~ the criteria to be used by the authority to evaluate the proposals received in response to the  
8 RFQ;

9 ~~(2)(4)~~ the relative weight given to the criteria; and

10 ~~(3)(5)~~ the deadline by which proposals must be received by the authority.

11 ~~(4)~~—A proposal submitted in response to ~~a an~~ RFQ issued ~~under this article, or a competing~~  
12 ~~proposal submitted in response to a RFQ issued~~ under this sectionSection 401.055(e), must include,  
13 at a minimum, the information required to be submitted under Subsection (c)(2), and, if the RFQ  
14 solicits competing proposals to an unsolicited proposal filed under Section 401.353, the fee required  
15 by Section 401.353(b), following:

16 ~~(m)~~—~~information regarding the proposer's qualifications, experience, technical competence, and~~  
17 ~~capability to develop the project;~~

18 ~~(n)~~—~~a proposed financial plan for the proposed project that includes, at a minimum:~~

19 ~~(o)~~—~~projected project costs, and~~

20 ~~(p)~~—~~proposed sources of funds;~~

21 ~~(q)~~—~~such additional information that the authority requests within the RFQ;~~

22 ~~(r)~~—~~the identity of any member of, or proposed subconsultant for, the proposing entity or team~~  
23 ~~who is also performing work, directly or as a subconsultant, for the authority; and~~

24 ~~(s)(d)~~ in the case of a competing proposal submitted in response to a RFQ published by the  
25 authority after receipt of an unsolicited proposal, a \$20,000 non-refundable proposal review fee.

26 ~~(t)(e)~~ The authority may withdraw the a-RFQ at any time, and may then publish a new RFQ for a  
27 CDA in accordance with this section.

28 ~~(t)~~ **401.356 401.057—Evaluation of the Responses to a Request fFor**  
29 **Qualifications.**

1 ~~(v)~~(a) The ~~executive director authority~~ shall review ~~each responses received~~ to an RFQ issued under  
2 ~~submitted in accordance with~~ Section 401.057~~401.355~~ based on the criteria ~~and relative weighting~~  
3 ~~established in described in~~ the RFQ. ~~The authority shall evaluate all proposals received, and shall~~  
4 ~~determine which proposers will qualify to submit detailed proposals in accordance with the~~  
5 ~~requirements of Section 401.058.~~ The ~~executive director authority~~ may include an interview as part  
6 of ~~the its review evaluation~~ process.

7 (b) ~~After completing the review, the executive director shall make a recommendation to the board~~  
8 ~~on whether the board should consider further evaluation of a CDA for the project.~~

9 (c) ~~If the board decides to proceed with further evaluation of a CDA for the project, the board~~  
10 ~~shall direct the executive director to issue a request for detailed proposals (an "RFDP") under~~  
11 ~~Section 401.357.~~ ~~The authority must qualify at least two private entities to submit.~~

12 (d) ~~If the authority has received and reviewed more than one proposal from a private entity under~~  
13 ~~Section 401.353, Section 401.355, or both, the board shall qualify at least two private entities to~~  
14 ~~respond to the RFDP issued under Section 401.357.~~ ~~detailed proposals in accordance with the~~  
15 ~~procedures under Section 401.058, unless the authority does not receive more than one (1) proposal~~  
16 ~~in response to a RFQ.~~

17 ~~(w)~~(c) ~~If only one (1) private entity has filed a proposal with the authority under this subchapter,~~  
18 ~~responds to a RFQ (or no entity submits a response to a RFQ issued after receipt of an unsolicited~~  
19 ~~proposal) the board authority may request a response from the sole private entity to an RFDP issued~~  
20 ~~under Section 401.357.~~ ~~a detailed proposal from, and may attempt to negotiate a CDA with, the sole~~  
21 ~~proposer.~~

22 ~~(x)~~**401.357 401.058—Requests for Detailed Proposals:**

23 (a) ~~Before issuing an RFDP, the authority may solicit input from all private entities qualified~~  
24 ~~under Section 401.356 and from any other person.~~

25 (b) ~~The authority shall issue an request for detailed proposals (RFDP) from to all private entities~~  
26 ~~proposers qualified under in accordance with~~ Section 401.356~~401.057~~. The authority shall mail ~~or~~  
27 ~~hand deliver the a-RFDP~~ directly to the ~~private entity, proposer's main address as designated in the~~  
28 ~~response to the RFQ, and such~~

29 ~~(y)~~(c) ~~The~~ RFDP must contain the following information:

30 (1) ~~instructions for preparing the proposal and the items included therein;~~

31 (2) ~~the criteria to which will be used by the authority to evaluate the detailed proposals, including~~  
32 ~~factors related to:~~

33 (A) ~~oversight of the toll project;~~

1 (B) maintenance and operations costs of the toll project;

2 (C) the structure and rates of tolls;

3 (D) economic development impacts of the toll project;

4 (E) benefits and impacts of the toll project; and

5 (A)(F) any other factors the authority determines appropriate;

6 ~~(B)(3)~~ the relative weight to be given to the criteria;

7 (4) a stipulated amount to be paid to unsuccessful proposers subject to Section 401.362, if any,  
8 including any terms and conditions relating to payment of the stipulated amount;

9 ~~(2)(5)~~ the general form of a CDA sought by the authority, including any matters relating to the CDA  
10 the authority considers advantageous to the authority; -and

11 ~~(3)(6)~~ the ~~deadline~~-date and time by which the detailed proposals must be received by the authority.

12 ~~(7)(d)~~ An RFDP under this ~~articlesubchapter~~ may require the private entity proposers to provide  
13 additional information relating to ~~the following~~:

14 ~~(aa)(1)~~ the private entity's proposer's qualifications and demonstrated technical competence;

15 ~~(1)(2)~~ the feasibility of developing the project as proposed;

16 ~~(2)(3)~~ detailed engineering or architectural designs;

17 ~~(3)(4)~~ the private entity's proposer's ability to meet schedules;

18 ~~(4)(5)~~ costing methodology; and

19 (6) any other information the authority considers relevant or necessary to fully assess the private  
20 entity's proposalproject.

21 ~~(5)(e)~~ The RFDP may require a responding private entity to submit a sealed technical proposal and a  
22 separate, sealed cost proposal.

23 ~~(bb)(f)~~ The authority may withdraw an RFDP at any time ~~prior to the submission deadline for~~  
24 ~~detailed proposals~~. In such event the authority shall have no liability to a private the entityies chosen  
25 to submit a detailed proposals, except as may be specified in the RFDP regarding a stipulated  
26 amount offered under Subsection (c)(4) and Section 401.362.

27 ~~(cc)~~ ~~In developing and preparing to issue a RFDP in accordance with Section 401.058, the~~  
28 ~~authority may solicit input from entities qualified under Section 401.057 or any other person.~~

1 ~~(dd)(g)~~ After the authority has issued ~~an~~ RFDP under ~~this section~~~~Section 401.058~~, the authority  
2 may solicit input ~~from the proposers~~ regarding alternative technical concepts.

3 ~~(ee)~~**401.358 401.059-Evaluation and Ranking of Detailed CDA Proposals.**

4 The authority shall evaluate and rank each detailed proposal received based on the criteria described  
5 in the RFDP and shall identify the ~~private entity proposer~~ whose proposal offers the best value to  
6 the authority. The authority may interview the ~~private entities proposers~~ as part of its evaluation  
7 process.

8 **401.359 401.060-Post-Submissions Discussions.**

9 ~~(a)~~ After the authority has evaluated and ranked the detailed proposals in accordance with Section  
10 ~~401.059~~~~401.358~~, the authority may enter into discussions with the ~~private entity proposer~~ whose  
11 proposal offers the apparent best value provided, ~~that t~~The discussions ~~under this section shall must~~  
12 be limited to

13 ~~(1)~~ -incorporation of aspects of other detailed proposals for the purpose of achieving the overall  
14 best value for the authority;

15 ~~(2)~~ -clarifications and minor adjustments in scheduling, ~~designs, operating characteristics,~~ cash  
16 flow, ~~and~~ similar items;

17 ~~(ff)(3)~~ -other matters that have arisen since the submission of the detailed proposal.

18 ~~(gg)(b)~~ If at any point in discussions under ~~S~~subsection (a), it appears to the authority that the  
19 highest-~~ranking~~ proposal will not provide the authority with the overall best value, the authority  
20 may ~~end discussions with the highest-ranking private entity and~~ enter into discussions with the  
21 ~~private entity proposer~~ submitting the next-highest ranking proposal.

22 ~~(hh)(c)~~ ~~If, after receipt of detailed proposals, the authority determines that development of a project~~  
23 ~~through a CDA is not in the best interest of the authority, or the authority determines for any other~~  
24 ~~reason that it does not desire to continue the procurement, t~~The authority may ~~withdraw a request~~  
25 ~~issued under Section 401.357 at any time. The authority may then publish a new request for~~  
26 ~~competing proposals and qualifications under Section 401.355. terminate the process and, in such~~  
27 ~~event, it shall not be required to negotiate a CDA with any of the proposers.~~

28 ~~(ii)~~**401.360 401.061-Negotiations for CDA.**

29 ~~(jj)(a)~~ Subsequent to the discussions conducted pursuant to Section ~~401.060~~~~401.359~~ and provided  
30 the authority has not terminated or withdrawn the procurement, the authority and the highest-  
31 ranking proposer shall attempt to negotiate the specific terms of a CDA.

32 ~~(kk)(b)~~ The authority shall prescribe the general form of the CDA and may include any matter  
33 therein considered advantageous to the authority.

1 ~~(ff)(c)~~ The authority may establish a deadline for the completion of negotiations for a CDA. If an  
2 agreement has not been executed within that time, the authority may terminate the negotiations, or,  
3 at its discretion, may extend the time for negotiating an agreement.

4 ~~(mm)(d)~~ \_\_\_\_\_ In the event an agreement is not negotiated within the time specified by the  
5 authority, or if the parties otherwise agree to cease negotiations, the authority may commence  
6 negotiations with the second-ranked proposer or it may terminate the process of pursuing a CDA  
7 for the project which is the subject of the procurement process.

8 ~~(nn)~~—Notwithstanding the foregoing, the authority may terminate the procurement process,  
9 including the negotiations for a CDA, at any time upon a determination that continuation of the  
10 process or development of a project through a CDA is not in the authority’s best interest. In such  
11 event, the authority shall have no liability to any proposer other than paying the stipend in  
12 accordance with the terms of Section 401.362 if detailed proposals have been submitted to the  
13 authority.

14 ~~(oo)(e)~~ \_\_\_\_\_

15 ~~(pp)~~—~~401.062 CDA Projects with Private Equity Investment.~~

16 ~~(qq)~~—If a project to be developed through a CDA involves an equity investment by the proposer,  
17 the terms to be negotiated by the authority and the proposer may include, but shall not be limited to:

18 ~~(rr)~~—methods to determine the applicable cost, profit, and project distribution between the  
19 proposer and the authority;

20 ~~(1)~~—reasonable methods to determine and clarify toll rates or user fees;

21 ~~(2)~~—acceptable safety and policing standards; and

22 ~~(3)~~—other applicable professional, consulting, construction, operational and maintenance  
23 standards, expenses and costs.

24 ~~(ss)~~—The authority may only enter into a CDA with private equity investment if the project which  
25 is the subject of the CDA is identified in TxDOT’s unified transportation program or is located on a  
26 transportation corridor identified in a statewide transportation plan.

27 ~~(tt)~~—The authority may not incur a financial obligation for a private entity that constructs,  
28 maintains, or operates a transportation project. A CDA must include a provision authorizing the  
29 authority to purchase the interest of a private equity investor in a transportation project.

30 ~~(uu)~~ 401.361 ~~401.063~~ **Authority Property Subject to a CDA:**

31 ~~(a)~~ \_\_\_\_\_ A transportation project (excluding a public utility facility) that is the subject of a CDA is  
32 public property and belongs to the authority.

1 ~~(vv)~~(b) ~~provided that t~~The authority may lease rights-of-ways, grant easements, issue franchises,  
2 licenses, permits or any other lawful form of use to enable a private entity to construct, operate, and  
3 maintain a transportation project, including supplemental facilities. At the termination of any such  
4 agreement, the transportation project shall be returned to the authority in a state of maintenance  
5 deemed adequate by the authority and at no additional cost to the authority.

6 ~~(ww)~~**401.362 401.064 Payment by Authority fFor Submission of Detailed CDA**  
7 **Proposals:**

8 ~~(xx)~~(a) The authority ~~shall~~may pay an unsuccessful ~~private entity proposer~~that submits a ~~detailed~~  
9 ~~proposal in~~response to an RFDP ~~issued~~ under Section 401.357 a stipulated amount of the final  
10 contract price for any costs incurred in preparing that ~~detailed~~proposal. ~~A stipulated Such~~amount  
11 may not exceed the ~~lesser of the amount identified in the RFDP or the~~value of any work product  
12 contained in the proposal that can, as determined by the authority, be used by the authority in the  
13 performance of its functions. ~~The use Use~~by the authority of any design element contained in an  
14 unsuccessful ~~detailed~~proposal is at the sole risk and discretion of the authority and does not confer  
15 liability on the recipient of the stipulated amount under this section.

16 ~~(b)~~ After payment of ~~a the~~stipulated amount ~~under Subsection (a):~~

17 ~~(1)~~ the authority ~~shall own~~s the exclusive rights to, and may make use of, any work product  
18 contained in, the ~~detailed~~proposal, including ~~the~~technologies, techniques, methods,  
19 processes, and information contained in the project design; ~~and~~

20 ~~(yy)~~(2) ~~In addition,~~the work product contained in the proposal becomes the property of the  
21 authority.

22 ~~(1)~~ ~~401.065 Confidentiality of Negotiations for CDAs:~~

23 ~~(zz)~~ The authority shall use its best efforts to protect the confidentiality of information generated  
24 and/or submitted in connection with the process for entering into a CDA to the extent permitted by  
25 Section 370.307, Transportation Code. The authority shall notify any proposer whose information is  
26 submitted in connection with the process for entering into a CDA is the subject of a Public  
27 Information Act request received by the authority.

28 ~~401.001~~**401.363 401.066 Performance and Payment Security:**

29 ~~(a)~~ The authority shall require any private entity entering ~~onto~~into a CDA ~~under this subchapter~~  
30 to provide a performance and payment bond or an alternative form of security in an amount  
31 sufficient to:

32 ~~(1)~~ insure the proper performance of the agreement; and

33 ~~(2)~~ protect:

1 (A) —the authority; and

2 (B) —payment bond beneficiaries who have a direct contractual relationship with the private  
3 entity ~~and or a~~ subcontractors of the private entity ~~who to~~ supply labor or materials.

4 (b) —A performance ~~and or~~ payment bond or alternative form of security shall be in an amount  
5 equal to the cost of constructing or maintaining the project.

6 ~~(a)(c) , provided that if~~ If the authority determines that it is impracticable for a private entity to  
7 provide security in ~~the such~~ amount described by Subsection (b), the authority shall set the amount  
8 of the bonds or alternative form of security.

9 ~~(b)(d) A performance and payment or performance bond or alternative form of security is not~~  
10 required for that portion of a CDA that includes only design or planning services, the performance  
11 of preliminary studies, or the acquisition of real property.

12 ~~(c) — An alternative form of security may not be utilized unless requested by the private entity~~  
13 ~~proposing to enter into a CDA. Such request shall include an explanation as to why an alternative~~  
14 ~~form of security is appropriate, the form of alternative security to be utilized, and the benefits and~~  
15 ~~protections provided to the authority through use of the requested form of alternative security. A~~  
16 ~~decision on whether to accept alternative forms of security, in whole or in part, shall be at the sole~~  
17 ~~discretion of the authority.~~

18 ~~(d) — A payment or performance bond or alternative form of security is not required for that~~  
19 ~~portion of a CDA that includes only design or planning services, the performance of preliminary~~  
20 ~~studies, or the acquisition of real property.~~

21 (e) ~~In no event may~~ The amount of the payment security must not be less than the amount of  
22 the performance security.

23 (f) If the authority prescribes requirements for alternative forms of security, in addition to  
24 performance and payment bonds the authority may require the following a Alternative forms of  
25 security may be permitted or required in the following forms:

26 ~~(g)(1)~~ (1) a cashier's check drawn on a financial entity specified by the authority;

27 ~~(+)(2)~~ (2) a United States bond or nNote;

28 ~~(-)(3)~~ (3) an irrevocable bank letter of credit; or

29 ~~(-)(4)~~ (4) any other form of security determined suitable by the authority.

30 **401.364 Review by Attorney General**

1 (a) The authority may not enter into a CDA unless the Texas Attorney General reviews the  
2 proposed agreement and determines the CDA is legally sufficient, in accordance with Subchapter B,  
3 Chapter 371, Transportation Code.

4 (b) The authority may require the private entity who intends to enter into a CDA with the  
5 authority to pay the examination fee assessed by the attorney general for the legal sufficiency review  
6 required by Section 371.051, Transportation Code.

7 SECTION 1. Section 401.002(a)(8), Article 1, Chapter 4, Policy Code is amended to  
8 read as follows:

9 (8) Comprehensive Development Agreement: An agreement entered into and subject to the  
10 requirements of Subchapter B, Article 7 of this chapter~~with a private entity that at a~~  
11 ~~minimum provides for the design and construction of a transportation project and may also~~  
12 ~~provide for financing, acquisition, maintenance or operation of a transportation project.~~



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #6 SUMMARY

---

Amend the Policy Code relating to the Employee Handbook.

Strategic Plan Relevance: Regularly maintaining and updating the employee handbook provides fundamental organizational support for the core values and business practices articulated in the Strategic Plan.

Department: Administration

Associated Costs: None

Funding Source: Not applicable

Board Action Required: Yes

Description of Matter: Update Mobility Authority's Employee Handbook for primarily "housekeeping" type items. Authorize Executive Director to approve future updates to the Employee Handbook.

Reference documentation: Red-lined and Clean version attached

Contact for further information:  
Cindy Demers, Controller



Central Texas Regional  
Mobility Authority

# **Employee Handbook**

**March 2012**

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>4</b>
ABOUT THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY .....	5
PURPOSE & SCOPE OF EMPLOYEE HANDBOOK .....	6
THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY MISSION, VISION AND VALUES .....	7
ROLE OF MANAGEMENT .....	8
<b>EMPLOYMENT PRACTICES.....</b>	<b>9</b>
EMPLOYMENT AT WILL .....	10
HIRING/PROMOTION PRACTICES .....	11
EQUAL EMPLOYMENT OPPORTUNITY .....	12
EMPLOYMENT STATUS AND CLASSIFICATION.....	13
TRANSFER/CHANGE IN POSITION.....	15
<b>TIMEKEEPING AND PAY PRACTICES .....</b>	<b>16</b>
HOURS OF OPERATION.....	17
TIMEKEEPING AND PAY PROCEDURES .....	18
SPECIAL PAY PRACTICES.....	22
ABSENCE/TARDINESS .....	23
<b>TIME OFF AND LEAVE POLICIES .....</b>	<b>24</b>
HOLIDAY POLICY .....	25
VACATION AND PERSONAL TIME POLICY .....	27
SICK TIME POLICY .....	29
EXTENDED MEDICAL LEAVE POLICY .....	31
BEREAVEMENT LEAVE .....	33
CIVIC DUTY LEAVE .....	34
POLICY ON FAMILY AND MEDICAL LEAVE (FMLA).....	35
LEAVES OF ABSENCE – GENERAL INFORMATION.....	39
<b>PERFORMANCE APPRAISAL AND SALARY ADMINISTRATION.....</b>	<b>40</b>
PERFORMANCE MANAGEMENT & APPRAISAL .....	41
SALARY ADMINISTRATION .....	42
<b>SAFETY, SECURITY AND EMERGENCY MANAGEMENT.....</b>	<b>43</b>
WORKPLACE HEALTH, SAFETY AND SECURITY .....	44
INCLEMENT WEATHER/EMERGENCY CONDITIONS .....	50
<b>EMPLOYEE PERFORMANCE AND CONDUCT .....</b>	<b>52</b>
EXTERNAL EMPLOYMENT/ASSOCIATION.....	53
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY’S CUSTOMER SERVICE COMMITMENT.....	54
COMMUNICATION AND PROBLEM-SOLVING .....	55
SOLICITATION.....	58
SMOKING.....	60
PERSONAL APPEARANCE .....	61
CODE OF EMPLOYEE CONDUCT .....	63
BUSINESS TRAVEL AND EXPENSES .....	69
USE OF AGENCY EQUIPMENT AND ELECTRONIC COMMUNICATIONS .....	72
USE OF AGENCY VEHICLE .....	76
PERFORMANCE, CONDUCT AND CORRECTIVE ACTION .....	82
WORKPLACE HARASSMENT.....	84
ALCOHOL AND PROHIBITED SUBSTANCES .....	87
WEAPONS & VIOLENCE.....	90
INVESTIGATION, PRIVACY AND SEARCHES .....	91

**EMPLOYEE RECORDS AND TERMINATION OF EMPLOYMENT .....93**  
    EMPLOYEE RECORDS ..... 94  
    LEAVING EMPLOYMENT WITH THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY ..... 95  
**EMPLOYEE ACKNOWLEDGEMENT AND AGREEMENT .....96**

# **INTRODUCTION**

## **About the Central Texas Regional Mobility Authority**

The Central Texas Regional Mobility Authority is authorized by the Texas Legislature under Chapter 370 of the Transportation Code. Formed in 2002 by a joint petition filed by Travis and Williamson counties and approved by the Texas Transportation Commission, the Mobility Authority was the State's first regional mobility authority and represents the Legislature's vision to give local communities greater flexibility to develop and implement innovative transportation programs. With the support and guidance of Travis and Williamson counties, the Mobility Authority has evolved into a vibrant, agile, highly effective organization.

The CTRMA is governed by a Board of Directors (the "Board"), consisting of seven (7) members, three (3) of whom are appointed by each of the Counties, and one (1) of whom (the presiding officer) is appointed by the Governor. The Board has the ultimate decision-making authority and responsibility for directing and controlling the affairs of the CTRMA. In addition, the Board is responsible for the establishment of policies that direct the operations, management, and overall implementation of the CTRMA's Strategic Plan.

The Central Texas Regional Mobility Authority is proud to be the first RMA formed in the State of Texas and to serve as a model for others that have followed, including the Alamo RMA (Bexar County), Grayson County RMA, Northeast Texas RMA (Smith and Gregg Counties), and the Cameron County RMA.

# Purpose & Scope of Employee Handbook

## POLICY

The Central Texas Regional Mobility Authority (hereinafter referred to as the “CTRMA” or the “Agency”) provides this Employee Handbook (the “Handbook”) to outline basic Agency policies, practices and procedures. The policies have been written to apply on an Agency-wide basis and will supersede and replace all prior published and unpublished policies and procedures of The Central Texas Regional Mobility Authority.

The Handbook contains general statements of Agency policy and provides general guidelines for procedures, conduct and performance. Since no set of policies can anticipate every possible circumstance or situation that may arise in the workplace, any interpretation or application of a policy, or any decision to deviate from a policy, will be made at the sole discretion and judgment of management.

This Handbook does not represent an express or implied contract, promise or agreement of employment. Neither the Handbook nor any policy contained herein can alter the employment-at-will relationship in any way. This means that both the employee and the Agency retain the right to terminate the employment relationship at any time and for any reason. [For further information, please reference the Employment At Will Policy in this Handbook.]

In addition, no one other than the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority may alter or modify any of the policies in this Handbook, including the Employment At Will Policy. Any alteration or modification must be in writing, executed by both parties. Any oral representations to the contrary of a policy statement or contrary to the at-will employment status are not binding on the part of The Central Texas Regional Mobility Authority, its officers, or its management.

The Human Resources Manager will be responsible for maintenance and distribution of this Handbook. Each employee will be responsible for signing and returning to management an acknowledgement stating that he/she has read the Agency policies and procedures contained in this Handbook and agrees to abide by them.

Should an employee have a question concerning a policy contained in the Handbook, he/she is encouraged to consult a manager. Specific questions involving the interpretation or application of a policy should be referred to the Human Resources Manager.

The Agency reserves the right to modify, add or rescind policies in the Handbook at any time, at its sole discretion, with or without prior notice.

## Core Ideology

The Mobility Authority's core ideology describes our consistent identity that transcends all changes related to our relevant environment. Our core ideology consists of two notions: core purpose, our reason for being and core values, the essential and enduring principles that guide our organization.

## Core Purpose

Be the provider of high quality regional mobility services in Central Texas.

## Core Values

***Integrity*** – Demonstrated by honest communication, transparent transactions, ethical decisions and forthright behavior.

***Accountability*** – Demonstrated in fiscal responsibility, commitment to our customers and constituents and collaboration with local and regional partners.

***Credibility*** – Demonstrated in an earned reputation for fairness, dependability and dedication to public service.

***Innovation*** – Demonstrated in visionary leadership, entrepreneurial spirit and tolerance for honest mistakes.

# Role of Management

## POLICY

The Agency's management considers it a privilege to lead The Central Texas Regional Mobility Authority. We are here to serve our customers and we are here to support our employees, so that they can grow and develop to their full potential.

The primary role of management at The Central Texas Regional Mobility Authority is to sustain a consistently high level of customer satisfaction and to attract, inspire, develop and retain top-flight talent in the organization, in alignment with the Agency's mission, vision and business objectives.

In addition, The Central Texas Regional Mobility Authority management is responsible for ensuring that employees carry out the Agency's mission and business objectives in a manner that is open, honest, effective and efficient, reflecting extraordinary customer service. Management is committed to maintaining high ethical standards among employees and is ultimately responsible for enforcing compliance with legal and ethical standards of conduct.

With respect to employment, management is responsible for creating strategy and structure within which employees can work effectively, while providing guidance and support to each individual at a level appropriate to his/her needs.

These practices, along with the Agency's comprehensive employee benefits program and its progressive, flexible policies, have established The Central Texas Regional Mobility Authority as both a leader in transportation management, and also an Employer of Choice.

# **EMPLOYMENT PRACTICES**

## Employment at Will

### **POLICY**

Employment with The Central Texas Regional Mobility Authority is considered “at will,” except where employment may be covered by a specific, written employment contract that is executed by both the employee and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority. This means that both the employee and the Agency have a voluntary employment relationship which exists for no certain period of time, and which may be terminated at will by either party. Thus, an employee may resign for any reason and at any time. Similarly, the Agency may choose to terminate employment at any time, for any reason, with or without advance notice and with or without cause.

This Handbook does not create a contract of employment or an implied contract of employment. No one at The Central Texas Regional Mobility Authority is authorized to verbally alter the employment-at-will status for any individual and no statements to the contrary can create an employment contract at The Central Texas Regional Mobility Authority.

Unless a written employment contract exists, signed by the employee, and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority, there is no contractual agreement between The Central Texas Regional Mobility Authority and any employee.

## Hiring/Promotion Practices

### POLICY

The Central Texas Regional Mobility Authority is an equal opportunity employer. This means that decisions regarding the hiring, promotion and compensation of candidates and employees will be made without regard to race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law.

Management will make decisions regarding the hiring, promotion and compensation of a candidate (whether internal or external) and employee solely upon the basis of the individual's work record, performance history and qualifications for the job for which he/she is being considered.

With respect to vacancies and promotional opportunities, the Agency will generally first consider interested and qualified internal candidates.

In no event shall the hiring or promotion of an employee be considered a contractual relationship between the employee and The Central Texas Regional Mobility Authority except where employment may be covered by a specific, written employment contract executed by the employee and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority. Therefore, employment is at will. This means that employees may resign from the Agency at any time for any reason, and the Agency may terminate employment at any time, for any reason, with or without advance notice and with or without cause.

In order to ensure that qualified candidates are selected for all positions, the Agency will utilize any and all available resources, as it deems appropriate.

Vacancies posted internally within The Central Texas Regional Mobility Authority generally will be communicated via the CTRMA website ([www.CTRMA.org](http://www.CTRMA.org)). Applications/resumes received from employees in response to internally posted jobs will be retained until the position is filled.

Vacancies posted externally of The Central Texas Regional Mobility Authority generally will be communicated via external advertisement and via the CTRMA website ([www.CTRMA.org](http://www.CTRMA.org)). Applications/resumes received from candidates in response to externally posted vacancies will be retained for one (1) year from the date of posting.

# Equal Employment Opportunity

## POLICY

The Central Texas Regional Mobility Authority is an Equal Opportunity Employer and is committed to the principles of equal employment opportunity.

All employment decisions, including but not limited to decisions regarding: recruitment, selection, hiring, compensation, benefits, training, advancement, discipline, discharge, reduction in force, and other terms, conditions and privileges of employment, are based on individual qualifications, without regard to race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law.

The Central Texas Regional Mobility Authority shall make reasonable accommodations for qualified individuals with disabilities, if it can do so without enduring an undue hardship.

# Employment Status and Classification

## POLICY

The Central Texas Regional Mobility Authority defines employment status and classification for purposes of benefits administration, pay administration and compliance with the Fair Labor Standards Act (FLSA).

### Definitions – Employment Status

Employment status will be communicated at the time of hire or assignment. Status will be determined according to the following definitions:

- **Full-time regular employee**

A full-time regular employee is an employee who is regularly scheduled to work at least 40 hours per work week for an indefinite period of time. For purposes of benefits eligibility, a full-time employee must be regularly scheduled to work 32 hours per work week.

- **Part-time regular employee**

A part-time regular employee is an employee who: (1) is hired to work for an indefinite period of time; and (2) is scheduled to work 30 or less hours per work week on a regularly scheduled basis.

Part-time regular employees are not eligible for Agency benefits, other than Worker's Compensation Insurance and FICA (Social Security and Medicare tax and participation in the TCDRS).

- **Intern**

An intern is an employee who generally: (1) is hired to work for a defined period of time, usually coinciding with the college semester; and (2) may work from 10-30 hours per work week, depending on business needs, the intern's college schedule, and other factors.

Interns are not eligible for Agency benefits, other than Worker's Compensation Insurance and FICA (Social Security and Medicare tax).

- **Temporaries and Independent contractors**

**Temporaries** are individuals paid on an hourly basis by a temporary services agency, consulting firm, or professional services firm, and are referred to The Central Texas Regional Mobility Authority to complete a specific task within a defined time period.

## Employment Status and Classification

**Independent contractors/consultants** are individuals who possess specialized expertise and are retained by the Agency to complete a specific project within a defined time period.

Neither a temporary nor an independent contractor is considered an employee of The Central Texas Regional Mobility Authority. Because temporaries and independent contractors are not employees of the Central Texas Regional Mobility Authority, they are not eligible for any Agency benefits.

### **Definitions – Employment Classification**

Each employee of the Central Texas Regional Mobility Authority will be classified according to the Wage and Hour provisions of the Fair Labor Standards Act (FLSA), which specifies that certain jobs are exempt from mandatory overtime payments.

Employees are reminded that exemption status is defined by the nature, type and scope of duties involved in the job, not by job title or by the individual.

- **Non-exempt**  
An employee who is eligible for mandatory overtime payments under the law is classified as non-exempt.
  
- **Exempt**  
An employee who is exempt from mandatory overtime payments under the law is classified as exempt.

The exemption status of each employee will be communicated to him/her at the time of hire, transfer and/or promotion.

# Transfer/Change in Position

## **POLICY**

The Agency, at its discretion, may initiate or approve employee job transfers from one job to another if such a transfer is consistent with the business and operating goals of the Agency.

## **PROCEDURES**

Generally, an employee must remain in his/her position for a minimum of six (6) months before requesting or applying for a transfer to another position. Exceptions may be permitted when: (1.) the managers of both the receiving and transferring departments approve the employee's transfer; and (2.) there is no disruption of normal business activities or customer service.

The Central Texas Regional Mobility Authority retains complete discretion in handling employee job transfers. Acceptable reasons for transfer may include, but are not necessarily limited to: increased career opportunities, employee request, changes in the business, fluctuations in workloads, better utilization of personnel, and employee preferences.

Job transfers may or may not include an adjustment in pay, regardless of whether the job requires more effort or additional responsibilities. The Central Texas Regional Mobility Authority will make such a determination after carefully evaluating both jobs and the individual circumstances of the transfer situation.

Temporary transfers may be considered if circumstances necessitate.

# **TIMEKEEPING AND PAY PRACTICES**

## Hours of Operation

### POLICY

The Central Texas Regional Mobility Authority has established the time and duration of working hours in order to ensure that the Agency functions at an optimal level of effectiveness, efficiency and responsiveness to customers' needs.

### PROCEDURES

Guidelines and provisions for The Central Texas Regional Mobility Authority's work week include the following:

- The Central Texas Regional Mobility Authority's normal business hours are 8:00 am to 5:00 pm. However, there may be deviations from these hours depending on The Central Texas Regional Mobility Authority's specific business and operating needs
- The work week is Monday through Sunday. The normal work week for full-time non-exempt employees consists of 40 hours.
- Management will approve each employee's schedule and monitor each employee's compliance with the work schedule, in order to ensure effective operations. Deviations from the employee's work schedule or deviations from this policy must be approved in advance by the employee's manager.
- Employees are expected to arrive for work in a timely manner and to leave work when duties are completed, in accordance with their assigned work schedules.
- For each eight (8) hour shift worked, there will normally be a lunch/rest break. However, there may be deviations from this schedule depending on The Central Texas Regional Mobility Authority's specific business and operating needs.
- In scheduling employees' hours of work, primary consideration will be given to customer service needs and the needs of business, as deemed appropriate by management.
- Occasionally, work schedules may be changed to meet the operational and service requirements of The Central Texas Regional Mobility Authority. Work schedules are assigned at the discretion of management.

# Timekeeping and Pay Procedures

## **POLICY**

It is the policy of the Central Texas Regional Mobility Authority to pay employees according to a regular schedule, which will be conspicuously posted in work areas. Payment is made either by check or by direct deposit, in accordance with any applicable laws and regulations.

## **PROCEDURES**

### **Timekeeping**

Non-exempt employees are responsible for keeping a written record of the hours worked each day. Non-exempt employees should round their work hours to the nearest quarter hour (0.25).

Exempt employees are responsible for reporting vacation, sick or other time off used during the pay period. All exempt employees must submit a timesheet/exception report to payroll by 5:00 p.m. on the Friday preceding the pay date in order to receive a paycheck in a timely manner on the following Friday.

An employee who makes an error in the recording of time shall immediately bring this error to the attention of his/her manager at the time the error is discovered. All time record corrections must be approved by the manager and recorded by the employee at the time the error is discovered.

Any employee who records another employee's time, has another employee record his/her time, or falsifies and/or tampers with any time keeping records or device will be subject to disciplinary action, up to and including termination of employment.

### **Pay Periods and Pay Dates**

Employees are paid on a bi-weekly basis (every other Friday), one week in arrears. If the pay date falls on a holiday, paychecks will be available on the preceding day.

### **Rest/Meal Breaks**

Generally, employees of The Central Texas Regional Mobility Authority will receive a 30-minute or one-hour unpaid rest/meal break each work day, depending on business and customer service needs.

## Timekeeping and Pay Procedures

Non-exempt employees must note on their written time sheets all time worked and any rest/meal break of 30 minutes or more. Rest/meal breaks of 30 minutes or more will be considered unpaid time.

Non-exempt employees are also reminded that unpaid meal/rest breaks must be spent free of work responsibilities such as paperwork, answering telephones, etc. Therefore, non-exempt employees should take unpaid breaks away from their general working areas and customer contact areas.

### Overtime/Compensatory Time

In accordance with the Fair Labor Standards Act, overtime is defined as any time worked by a non-exempt employee in excess of 40 hours in a work week. Overtime is based on the total number of hours worked during the work week, not on the number of hours worked per day.

Managers may schedule overtime work from time to time, as it is deemed necessary. In accordance with Texas law, non-exempt employees who work overtime will accrue compensatory time at a rate of 1.5 hours for each 1.00 hour of overtime worked in a work week. Employees are encouraged to work closely with their managers in order to use compensatory time within two weeks of earning it.

Non-exempt employees may accrue up to a total of 40 hours of compensatory time. After this point, further compensatory time accruals will cease, and overtime payment of one and one-half (1.5) times the employee's base rate of pay will be made for any hours worked in excess of 40 in a work week. No further compensatory time will accrue until the employee reduces the amount of accrued compensatory time to below 80 hours.

Compensatory time will not carry over from one calendar year to the next.

Vacation time, personal time and holiday time will be counted as time worked for purposes of determining whether overtime compensation is due. Sick time, civic duty leave and bereavement leave will not be counted as time worked for purposes of determining whether overtime compensation is due.

Non-exempt employees who work overtime must report the amount of overtime on their timesheets so that it can be properly converted to and recorded as compensatory time. **Non-exempt employees are not permitted to work overtime without the prior approval of their manager.** Non-exempt employees who work overtime without authorization, or who fail to report overtime worked, will be subject to corrective action, up to and including termination of employment.

## Timekeeping and Pay Procedures

Employees are reminded that overtime must be spent on legitimate, work-related activities that have been pre-approved by the manager.

Exempt employees are generally not eligible for overtime or compensatory time and are paid a salary for all hours worked in a week.

### **Time Off in Work Week**

A non-exempt employee may occasionally need to take excused time off during the work week for personal, family, illness or other reasons, but may wish to avoid using vacation time. In these circumstances, managers may, at their discretion, allow non-exempt employees to use accrued eligible compensatory time (if available) or to “make up” the amount of excused time off.

With respect to “make-up” time, the following restrictions will apply:

- Make up time will be permitted only during the same pay period worked in which the excused time off occurred. It may not be carried over to subsequent weeks.
- Make up time must be spent on legitimate, work-related activities that have been pre-approved by the employee’s manager.

Similarly, a non-exempt employee may accumulate 40 hours worked before the end of the work week. In these circumstances, the employee’s manager may ask him/her to take time off work or to leave work early, so that the employee’s worked hours do not exceed 40 in the week.

### **Seminars, Conferences and other non-standard Activities**

The following activities will be considered hours worked if approved in advance by the employee’s manager:

- Employee attendance at approved business/professional seminars and meetings;
- Employee attendance at required or otherwise pre-approved training;
- Required travel from one location to another during the work day; and
- Work-related travel to another town/city, when the period of travel takes place during the non-exempt employee’s normal work hours, regardless of the day of the week in which the travel occurs.

### **Relation of Overtime to Paid Time Off**

Holiday time, vacation time and personal time will be counted as time worked for the purpose of calculating overtime.

Sick time, civic duty leave and bereavement leave will not be counted as time worked for purposes of determining whether overtime compensation is due.

## Timekeeping and Pay Procedures

### **Mandatory Deductions From Paycheck**

The Agency is required by law to make certain deductions from employee paychecks. Among these are federal income taxes and contribution to Social Security, as required by law. These deductions will be itemized on employee check stubs.

Whenever the Agency is ordered to make any other mandatory deductions, such as court ordered garnishments, from an employee's paycheck, Accounting or Human Resources will generally notify the employee. [For more information on garnishments from paychecks, please reference the Special Pay Practices Policy in this Handbook.]

### **Other Deductions**

The Agency reserves the right to make deductions and/or withhold compensation from an employee's paycheck as long as such action complies with applicable state and federal law. In addition, employees may be permitted to authorize the Agency to make additional deductions from their paychecks for extra income taxes, contributions to the 401(a) and 457 Retirement Savings Programs, or employee Insurance Benefits (if eligible). For more information, contact the Human Resources Manager.

The Agency also reserves the right to suspend an employee without pay for major infractions of Agency policy. Exempt employees will be suspended without pay in full-day increments only.

## Special Pay Practices

### **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to adhere to certain procedures with regard to call-in work time and Qualifying Domestic Support Orders (“QDSO’s”).

### **Call-In Pay**

Non-exempt employees who are called in to work on an unscheduled basis will be paid at the employee's regular rate (calculated on an hourly basis). If the employee has worked more than 40 hours in the work week, the unscheduled hours worked will be paid at 1.5 times the employee's regular hourly rate.

### **Other Pay Practices**

The Central Texas Regional Mobility Authority complies with state and federal laws/regulations regarding orders for mandatory deductions from employee pay, such as for garnishment or Qualifying Domestic Support Orders (“QDSO” or child support).

These orders generally require The Central Texas Regional Mobility Authority to withhold a pre-established amount from each one of the affected employee's paychecks, and to remit such payments directly to the agency that made the order. Consequently, The Central Texas Regional Mobility Authority cannot lawfully refuse to obey the order, nor to modify or defer the amounts of the deductions taken without written notice from the agency that made the order.

If an affected employee has a question about the payment schedule or amount of payment that has been ordered, he/she is advised to contact the agency that made the garnishment order.

## Absence/Tardiness

### POLICY

It is the position of the Agency that regular attendance is important and that excessive absences or tardiness can have a serious effect on employee work performance. Therefore, employees should be prepared to begin work at the start of their assigned daily work hours, and to carry out their duties and responsibilities during assigned work hours.

### Absenteeism and Tardiness

From time to time, it may be necessary for an employee to be absent or late for work. If an employee is unable to report to work, or if he/she will arrive 15 minutes or more late, the employee must directly communicate with his/her manager as soon as practically possible. If an employee is physically unable to notify his/her manager because of an illness or emergency, the employee should have another person directly communicate with and notify the manager on his/her behalf.

If an employee fails to report to work for a scheduled shift without notification to the manager, then the employee may be subject to corrective action, up to and including termination of employment. If an employee is absent from work for three (3) consecutive days without notifying his/her supervisor, the employee will be considered to have abandoned his/her job and to have voluntarily resigned.

Personal business such as doctor appointments, dental appointments, school meetings, and other appointments should be scheduled, where possible, before or after the employee's assigned work hours. If such appointments cannot be scheduled outside of the employee's work hours, the employee should make every attempt to schedule them at the beginning or end of the work day, or adjoining his/her lunch break, in order to minimize disruption to work.

If an employee knows in advance that he/she will need to be absent, the employee is required to notify his/her manager as soon as possible to request this time off. In the case of an absence of more than four (4) consecutive days for medical reasons, the employee is required to provide a note from his/her healthcare provider, indicating that he/she is able to perform the essential functions of the job.

[For further important information on absences and tardiness, please reference the Leaves of Absence Policy in this Handbook.]

## **TIME OFF AND LEAVE POLICIES**

## **Holiday Policy**

### **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to give employees time off work to observe scheduled holidays.

### **Eligibility**

All full-time regular employees shall be paid for the following holidays.

New Year's Day  
Rev. Dr. Martin Luther King, Jr. Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day:  
Veteran's Day  
Thanksgiving and the day after  
Christmas Eve and Christmas Day

Part-time employees, temporaries, interns and independent contractors are not eligible to receive holiday pay.

## **Holiday Policy**

### **Holiday Pay Rate**

For full-time regular employees, holiday pay shall normally be equivalent to one (1) regular shift at the employee's base rate of pay.

Holiday pay will be counted as time worked for the purpose of calculating overtime.

### **Holidays Not Scheduled by Agency**

Employees may wish to observe days of worship or commemoration other than those observed by the Agency. Employees wishing to take additional days off for this purpose may do so with their manager's approval, provided their absence will not seriously hinder the operation of their department. Employees should request personal or vacation time on such occasions, or they may take an unpaid, excused absence with the approval of their supervisor.

### **Holiday Pay at Termination**

An employee who separates from the Agency for any reason will not be paid for any unused holidays.

# Vacation and Personal Time Policy

## POLICY

It is the policy of The Central Texas Regional Mobility Authority to provide full-time regular employees time away from work for rest and relaxation, or for family/personal business, as staffing and customer needs permit.

### Vacation and Personal Time Eligibility

Full-time regular employees are eligible for vacation and personal time.

Vacation time will be available for use at the beginning of the calendar year, but will accrue each month. Personal time will be granted at the beginning of each calendar year.

Employees must successfully complete 90 days of employment before being eligible to take vacation or personal time off.

All employees are required to take a minimum of five (5) consecutive business days of vacation per year.

Requests for vacation are subject to the approval of the employee's manager, and will be evaluated in light of business conditions, customer service needs and staffing schedules.

### Annual Vacation Accrual

Vacation time is accrued on a per-pay-period basis, according to following schedule unless an alternative agreement exists between an employee and the CTRMA. The accrual rate for annual leave, the maximum amount of accrued annual leave that an employee may carry over from one leave year (January 1 – December 31) to the next, and the maximum amount of annual leave payable upon separation from service are determined as shown in the following chart.

<b>Completed Yrs. of Svc.</b>	<b>Accrual Rate/Pay Period</b>	<b>Annual Accrual</b>	<b>Maximum Carryover</b>	<b>Maximum Payment</b>
0 – 2 yr.	3.08 hours	80 hours	180 hours	180 hours
3 – 4 yrs.	3.70 hours	96 hours	240 hours	240 hours
5 – 9 yrs.	4.62 hours	120 hours	300 hours	264 hours
10+ yrs.	6.16 hours	160 hours	400 hours	336 hours

If the employee terminates employment with a negative vacation time balance, any used vacation time in excess of his/her earned accrual will be deducted from the employee's final paycheck.

# Vacation and Personal Time Policy

## **Annual Personal Time Grant**

Full-time employees will receive three (3) personal days each calendar year, which can be used in increments of four (4) hours at a time. Personal days can be used for leisure/vacation time, personal business, children's school activities, parent-teacher conferences, household/domestic emergencies, etc., subject to the approval of the employee's manager. During the first year of employment, the number of personal days granted will be pro-rated, based on the date of hire.

All personal days are to be used in the calendar year in which they are granted.

## **Vacation and Personal Time Reporting**

- Employees will generally not receive pay for vacation or personal time in lieu of time off.
- Non-exempt employees must record on their time sheets vacation and personal time taken in increments of one hour or more for the appropriate pay period.
- Exempt employees must record vacation and personal time taken in increments of 4 hours or more on an exception report for the appropriate pay period.

## **Vacation and Personal Time Pay Rate**

Vacation and personal time will be paid at the employee's base rate, excluding overtime and bonus. Vacation and personal time will be counted as time worked for the purpose of calculating overtime.

## **Holiday During Vacation and Personal Time**

In the event that an Agency-scheduled holiday occurs during the employee's scheduled vacation or personal time, the employee will be paid for the holiday, and vacation or personal time will not be charged for that day.

## **Termination**

An employee who separates from the Agency will be paid for any unused, accrued, eligible vacation time.

An employee who separates from the Agency for any reason will not be paid for any unused, accrued, eligible personal days/time.

# Sick Time Policy

## **POLICY**

It is the policy of the CTRMA to provide full-time employees time off in the event of illness, and for medically-related appointments and treatments.

This policy will apply to the illness of the employee, spouse, child, domestic partner, or other family member who lives in the employee's home.

## **Definitions**

For purposes of this policy, definitions follow:

- A "child" is defined as a natural child, adopted child, foster child or step-child.

## **Eligibility**

Full-time regular employees are eligible for sick time.

Sick time will be available for use at the beginning of the calendar year, but will accrue each pay period.

Employees must successfully complete 90 days of employment before being eligible to take paid sick time off.

Sick leave may only be used for sickness and medical and dental appointments of the employee, or for the employee's immediate family (family members as defined in the Family and Medical Leave Act policy); or for paid leave under the Family and Medical Leave Act. It is not an alternative form of vacation leave. Sick leave may not be converted to another form of leave to avoid entering unpaid leave status.

## **Accrual**

Sick time will accrue at the rate of 4 hours per pay period. Sick leave hours will be accrued on the payroll system.

Paid sick leave is cumulative up to sixty days (480 hours).

If the employee terminates employment with a sick time balance, any used sick time in excess of his/her earned accrual will be deducted from the employee's final paycheck.

## Sick Time Policy

### **Reporting**

- Employees will not receive pay for sick time in lieu of time off.
- Non-exempt hourly employees will report sick time taken in increments of 0.25 hours on a time sheet for the appropriate pay period.
- Exempt employees must report sick time taken in increments 4 hours or more on an exception report for the appropriate pay period.

### **Sick Time Pay Rate**

Sick time will be paid at the employee's base rate, excluding overtime and bonus. Sick time will not be counted as time worked for the purpose of calculating overtime compensation.

### **Leave of Absence**

If an employee is on an approved leave of absence without pay, the sick time accrual rate will be prorated based on the leave date and/or number of hours worked.

### **Termination**

An employee who separates from the Agency for any reason will not be paid for unused accrued sick time.

## **Extended Medical Leave Policy**

### **POLICY**

A full-time employee may be eligible for up to thirty (30) days of paid Extended Medical Leave in a rolling twelve (12) month period.

### **Eligibility**

An employee is eligible for paid Extended Medical Leave if he or she:

(A). is a full-time employee who has maintained a satisfactory record of employment with the Central Texas Regional Mobility Authority (“CTRMA”) for a minimum of one (1) year; and

(B). provides acceptable certification from his or her physician establishing that the employee has a serious temporary (but recoverable) illness, injury or disability that renders the employee unable to perform an essential function of his or her position and the dates that the employee is required to be absent from work due to such condition.

Absence from work because of illness of the employee’s spouse, child or parent does not qualify the employee for paid Extended Medical Leave.

### **Group Health Benefits**

During an approved Extended Medical Leave, CTRMA will maintain the employee’s health benefits as elected by the employee prior to the leave and as if he or she continued to be actively employed.

### **PROCEDURES**

An employee may obtain medical certification forms from the HR Manager. Medical certification must be completed by the employee’s physician and submitted to CTRMA prior to receipt of any paid Extended Medical Leave. An employee’s request for paid Extended Medical Leave must be approved in writing by the HR Manager. If an employee’s request for paid Extended Medical Leave is not granted, the employee will be notified.

Employees with accrued paid leave such as vacation, personal or sick time must exhaust all such accrued paid leave, including sick leave pool where applicable, prior to receiving any paid Extended Medical Leave. An employee will not accrue any additional vacation or sick leave benefits during a paid Extended Medical Leave. Holidays will be charged as Extended Medical Leave and not as holiday.

## **Extended Medical Leave Policy**

### **Certification of Health Condition**

Prior to returning to work following a paid Extended Medical Leave, the employee is required to provide a medical certification that he or she is fit to resume work. The employee may obtain return-to-work medical certification forms from the HR Manager. Employees failing to provide the return-to-work medical certification form will not be permitted to resume work until the form is properly completed by the employee's physician and submitted to CTRMA. When an employee returns to work from a paid Extended Medical Leave, CTRMA will attempt to reinstate the employee to the position he or she previously held.

### **Notification**

Employees on a paid Extended Medical Leave are expected to report any change in status or intention to return to work to the HR Manager. In the event the employee's physician determines that he or she is able to return to work sooner than anticipated, the employee must immediately notify the HR Manager of the date he or she is able to return to work. In no event will an employee be entitled to paid Extended Medical Leave after the employee's physician has determined that he or she is able to return to work. If an employee is unable to return to work as scheduled following the end of his or her paid Extended Medical Leave, the employee must immediately notify the HR Manager. While an employee is out on Extended Medical Leave, CTRMA should request a periodic status report from the employee to determine if additional time is needed beyond the time that was initially granted. In certain circumstances, employees may be eligible for an additional period of unpaid leave.

Employees who accept other employment or who go into business for themselves while on a paid Extended Medical Leave will be considered to have voluntarily resigned from CTRMA as of the last day worked and will not be entitled to payment after such date.

### **Relationship to the Family and Medical Leave Act (FMLA)**

Any paid Extended Medical Leave provided under this policy will run concurrently with any unpaid leave provided to the employee under the Family and Medical Leave Act ("FMLA"). If the employee is eligible for unpaid FMLA leave, as well as paid Extended Medical Leave, he or she will be entitled to all rights and benefits and be subject to all terms and conditions governing FMLA leave, and all terms and conditions governing FMLA leave will control in the event of any conflict with this policy.

# Bereavement Leave

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to provide employees paid time away from work in the event of the death of an immediate family member or domestic partner.

## **Definitions**

For purposes of this policy, definitions follow:

- An “immediate family member” is defined as spouse, parent, person who legally served as parent, sibling, grandparent, grandchild (whether natural relative, step-relative, or in-law relative), child (whether natural child, adopted child, foster child or step-child), aunt, uncle, or other relative who lives in the employee’s home.

## **Eligibility**

A full-time regular employee experiencing the death of an immediate family member will be eligible to take paid bereavement leave. Leave for the death of a person other than an “immediate family member” (as defined herein) is at the discretion of the Executive Director.

## **Duration**

Paid bereavement leave will be granted for a maximum of three (3) workdays for an immediate family member. If granted by the manager, leave for the death of a person other than an immediate family member is limited to one day per calendar year. Vacation time or unpaid personal leave may also be used to supplement bereavement leave, subject to the prior approval of the Executive Director.

## **Pay During Bereavement Leave**

Pay during bereavement leave will be calculated at the employee’s regular base rate of pay.

## **PROCEDURES**

The employee must notify the supervisor as soon as possible when bereavement leave is required. The leave time is to be documented on the applicable time reporting system.

# Civic Duty Leave

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to provide employees time away from work for certain civic obligations, including voting, jury duty, and appearing in court or before other constituted authorities as a witness.

## **Definitions**

For purposes of this policy, definitions follow:

- “Voting” refers to the time required for employees to participate in elections.
- “Jury duty” refers to any period of time that an employee is summoned to serve as a member of an empanelled jury.
- “Witness service” refers to an appearance in court or before other constituted authorities as a witness.
- “Constituted authorities” refers to the employee’s appearance before a lawfully constituted legal authority.

## **Eligibility**

All full-time regular employees are eligible for paid civic duty leave.

An employee’s appearance as a defendant in a criminal matter is not covered by this policy and is not eligible for civic duty leave/pay.

## **Substantiation**

An employee requesting paid civic duty leave must provide documentation of having been called for and/or served on a jury, as a witness, or before a lawfully constituted authority.

If an employee’s work schedule and the election’s polling hours are insufficient to allow the employee to vote, the supervisor may adjust scheduling and/or allow adequate paid time for the purpose of voting.

## **Pay During Civic Duty Leave**

Employees who are eligible for paid jury duty leave will be paid at the regular base rate of pay for all work hours missed due to jury or civic duty for a maximum period of 40 hours. An extension of this time must have approval of the Executive Director.

# Policy on Family and Medical Leave (FMLA)

## **POLICY**

The Central Texas Regional Mobility Authority recognizes that it is important for employees to have leave for serious medical conditions, to participate in early child rearing, and to care for family members who have serious health conditions. Accordingly, as required by law, the Agency will permit eligible employees to take family or medical leave (“FMLA leave”), in accordance with the terms of this policy.

## **Definitions**

For purposes of this policy, definitions of “family members” follow:

- A “child” is defined as a natural child, adopted child, foster child or step-child.
- A “parent” is defined as a mother or father (whether natural relative, step-relative, or in-law relative), or person who legally served as mother or father.

## **Eligibility**

In order to be eligible to take family or medical leave, an employee must be employed by the Agency for at least twelve (12) months, and must have worked at least 1,250 hours in the immediate past year before the date of the requested leave.

## **Entitlement to Leave**

Eligible employees shall be entitled to take up to twelve (12) weeks of unpaid FMLA leave in a twelve (12) month period for any of the following reasons:

- To care for a newborn child within one (1) year of birth;
- For the placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, parent, of the employee who has a serious health condition; or
- Because of the employee’s own serious health condition.
- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or**
  - Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

An employee’s annual twelve week entitlement to FMLA leave will be calculated using a rolling calendar method. This means that the CTRMA will measure backward twelve (12) months from the date the employee uses FMLA leave to determine the amount of leave to which the employee may be entitled, up to a maximum of twelve (12) weeks in any twelve (12) month period.

For those employees requesting leave to care for a family member (as outlined above) with a serious health condition, the CTRMA may require the employee to submit substantiation of the relationship.

## **Policy on Family and Medical Leave (FMLA)**

### **Employee Benefits**

Employees will continue to accrue seniority during an FMLA leave. Employees will not continue to accrue vacation time or sick time during an unpaid FMLA leave.

### **Group Health Benefits**

If an employee takes FMLA leave in accordance with this policy, and if the employee participates in the CTRMA's group health insurance plan, he/she shall be entitled to continue benefits during the leave under the Agency's group health insurance plan by paying the regular employee portion of the monthly premium(s), provided that the employee was eligible for the group health insurance plan prior to requesting the FMLA leave.

The employee will also be entitled to continue any other group welfare benefits in which the employee was a participant prior to the commencement of his/her FMLA leave by paying the regular portion of the monthly premium(s) for any covered spouse's and/or child(ren)'s participation in such benefit plans.

### **Relationship to Sick Leave and Vacation**

FMLA leave will fully coordinate with the CTRMA's sick time policies. This means that when an employee takes FMLA leave, the employee must use any accrued, eligible sick time and vacation time, until all such accruals are exhausted. Thereafter, any portion of the FMLA that is not covered by the employee's use of accrued, eligible sick time and/or vacation time will be unpaid.

If an eligible employee takes a leave of absence that would otherwise qualify as FMLA leave, the CTRMA may, in its discretion, classify the leave of absence as an FMLA leave of absence.

### **Notification**

When the need to take FMLA leave is reasonably foreseeable, the employee must provide the CTRMA with at least thirty (30) days advance notice of his/her intention to request FMLA leave.

In circumstances in which the need to take FMLA leave is not reasonably foreseeable, the CTRMA requires that the employee provide as much advance notice as possible under the circumstances.

### **Certification of Health Condition**

If an employee requests FMLA leave based upon his/her own serious health condition, or the serious health condition of a spouse, child, parent, or domestic partner, the CTRMA may require,

## Policy on Family and Medical Leave (FMLA)

in its discretion, that the employee submit a medical certification, in a form approved by the Agency, which must be completed by the employee's or family member's health care provider, as appropriate, regarding the serious health condition. In addition, the CTRMA may require the employee to submit periodic re-certification of the serious health condition. These re-certifications may be required every thirty (30) days or until the minimum duration of the previous certification has elapsed, whichever period is longer.

Any medical certification must be returned by the employee within fifteen (15) days or the CTRMA may delay the commencement or continuation of the FMLA leave until the certification is submitted.

The CTRMA reserves the right to require an employee to obtain the opinion of a second health care provider, at the Agency's expense, with respect to any medical certification. In addition, if there is a conflict between the employee's medical certification and the opinion of a second health care provider, the CTRMA reserves the right to require a third opinion, at the Agency's expense, by a health care provider chosen jointly by the employee and the CTRMA. The opinion of the third, jointly-chosen health care provider shall be binding on the part of both the employee and the Agency.

### **Status Reports**

An employee will be required to contact his/her supervisor every two (2) weeks to report on his/her status and intent to return to work. Additionally, if the employee is able to return to work earlier than anticipated, the employee is required to provide the CTRMA notice within two (2) business days of the revised date of return.

### **Intermittent Leave**

Under certain limited circumstances, an employee may be entitled to take FMLA leave on an intermittent or reduced schedule basis, when such leave is based upon his/her own serious medical condition, or the serious medical condition of a spouse, child, parent, or domestic partner. However, intermittent medical leave will be authorized only if intermittent leave is medically necessary as a result of the serious health condition.

The CTRMA reserves the right to temporarily transfer an employee requesting intermittent or reduced schedule leave to an alternative position which better accommodates the recurring periods of leave, with no decrease in pay or benefits.

### **Restoration to Employment**

An employee who takes FMLA leave in accordance with this policy shall have the right to return to the position he/she held prior to the leave or, in the discretion of the Agency, to an equivalent position with the same pay, benefits and terms and conditions of employment. The CTRMA may require a fitness-for-duty medical certification that the employee is able to return to work.

## Policy on Family and Medical Leave (FMLA)

In certain cases, “key employees” of the CTRMA may be denied restoration when the Agency determines that restoration will result in substantial and grievous economic harm to the CTRMA. A “key employee” is a salaried employee who is among the highest paid 10 percent of all the Agency’s employees within 75 miles of the employee’s worksite.

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

If an employee fails to return to work after taking FMLA leave, as permitted by law, the CTRMA shall be entitled to recover from the employee all insurance premiums paid on behalf of the employee during the FMLA leave, unless the employee’s failure to return is for one of the following reasons:

- Continuation, recurrence or onset of a serious health condition which would qualify under this policy as family and medical leave; or
- Circumstances beyond the employee’s control, as approved by the CTRMA.

### **Non-discrimination/Non-retaliation**

The CTRMA will not interfere with, restrain or deny any employee’s right to request FMLA leave in accordance with the terms and provisions of this policy. In addition, the CTRMA will not discriminate or retaliate against any employee for requesting FMLA leave, or for taking a FMLA leave, in accordance with this policy.

Employees who have questions regarding this policy or who have the need to apply for FMLA leave should contact Human Resources.

## Leaves of Absence – General Information

### **POLICY**

It is the policy of the Central Texas Regional Mobility Authority to comply with all local, state and federal laws regarding employee leaves of absence

Leaves of absence will be coordinated by the Human Resources Manager. Leaves of absence may be managed with the cooperation of internal/external resources, including but not limited to: the employee; his/her healthcare practitioner (if applicable and with the employee's consent); Agency medical advisors; and insurance companies, in conjunction with employer-sponsored health/medical plans.

### **Military Leave**

An employee who is called to military service or who receives orders for a military obligation such as training exercises, encampment, or deployment must notify his/her manager as soon as practically possible. In addition, the employee should complete a Leave Request Form so that arrangements can be made for a military leave of absence.

The Central Texas Regional Mobility Authority complies with all local, state and federal laws regarding military leaves of absence, including the Uniformed Services Employment and Reemployment Rights Act (USERRA). For more information on military leaves of absence, employees should contact the Human Resources Manager.

### **Administrative Separation**

If an employee is on an approved military leave of absence that exceeds twelve (12) months, the employee will be administratively separated from the Agency. In this event, the employee may also be entitled to continue employee benefits or exercise conversion rights in accordance with USERRA, COBRA and/or the terms and provisions of the employee benefit plan documents.

Any employee of the Agency who has been on a non-military leave of absence and who has not performed any services for the Agency for any reason for a period of six (6) consecutive months shall be separated from active employment and considered administratively terminated. In this event, the employee may be entitled to continue employee benefits or exercise conversion rights in accordance with COBRA and/or the terms and provisions of the employee benefit plan documents.

An employee who is separated from employment with the Agency pursuant to this policy shall be eligible for rehire with the Agency, although re-employment cannot be guaranteed. The employee must submit an application for employment at the time he or she seeks to be re-employed, and will be considered along with other applicants, for any available position for which he or she is qualified.

**PERFORMANCE APPRAISAL AND SALARY**  
**ADMINISTRATION**

# Performance Management & Appraisal

## **POLICY**

The Central Texas Regional Mobility Authority strives to regularly evaluate the job performance of each employee.

## **PROCEDURES**

Performance management and appraisal is a formal system for aligning employee objectives with the Agency's strategic business plan and goals, managing employee performance on an ongoing basis, and evaluating and developing in individual employees the skills, knowledge, and behaviors that support those objectives.

The Central Texas Regional Mobility Authority's performance management and appraisal system defines specific, measurable performance objectives for each job in the Agency. Employees are then evaluated against the objectives associated with their particular jobs.

The CTRMA's performance management and appraisal system has the following goals:

- To provide employees with a clear understanding of their performance objectives and how the objectives contribute to the Agency's business plans.
- To strive to conduct performance reviews and evaluations on a regular basis.
- To facilitate ongoing and candid feedback among employees and managers.
- To encourage and support employees in their efforts to continually improve and develop.

Employees may respond, in writing, to their written performance appraisal, at the time the performance appraisal is conducted, or within 30 (thirty) days thereafter. If submitted within this time frame, the employee's written response and comments will be added to his/her personnel file.

# Salary Administration

## **POLICY**

It is the policy of the Central Texas Regional Mobility Authority to provide equitable and competitive compensation for each employee, based on the individuals' position, job performance and contributions to the Agency.

## **PROCEDURES**

The Human Resources Manager of the CTRMA is responsible for developing, maintaining and updating a salary administration program which complies with Agency guidelines and which supports the Agency's mission, goals and objectives. The basis of the salary administration program is the evaluation of each position within the Agency.

The Human Resources Manager is also responsible for communicating the compensation plan and salary administration program to employees. Questions about the compensation plan and salary administration program should be directed to a manager or to the Human Resources Manager.

The Agency strives to regularly evaluate individual job performance, which is typically accomplished through the use of performance appraisals conducted by each employee's manager.

In determining a rating on the performance appraisal, the supervisor will take into consideration the following:

- The employee's achievement of individual goals and objectives against Agency standards/expectations for the position; and
- The employee's demonstrated application of the Agency's mission and values in his/her work.

**SAFETY, SECURITY AND EMERGENCY**  
**MANAGEMENT**

# Workplace Health, Safety and Security

## **POLICY**

The Central Texas Regional Mobility Authority is committed to the safety, health and security of all employees in the workplace, and of all customers, including injury/accident prevention and security. The Agency complies with all regulations and rules of the Occupational Health and Safety Administration (OSHA) and other relevant government agencies. Maintaining a safe work environment, however, requires the continuous cooperation and effort of all employees.

Employees must immediately report any suspected unsafe conditions and all injuries that occur on the job. Employees will not be asked to perform any task which may present a health, safety or security risk. However, if an employee feels that a task may be dangerous, or if an employee is unsure of the safe way to perform a task, the employee should consult his/her manager.

As a condition of initial and continuing employment, each employee agrees to abide by the safety regulations and procedures in this policy.

## **PROCEDURES**

### **Agency Security**

The CTRMA's security program was developed to ensure the protection of customers and their information, Agency assets, employees and visitors. Confidentiality and security are the main tenets of this program, and each has a significant impact in the planning of facilities and service operations.

Physical and electronic security measures are in place to control and monitor access to the CTRMA's premises. This includes, but is not limited to electronic access controls and video surveillance.

All Agency premises, with the exception of the lobby during normal business hours, are considered restricted. Employees and contractors are permitted access to specific areas in order to perform their job duties.

For security reasons, persons other than employees and customers are not allowed on the premises without permission of a manager or the Executive Director. All vendors must check in at the front reception desk. Visitors who are properly authorized to enter the premises for business reasons may be required to wear a visitor's identification badge and be accompanied by a Agency representative until their departure.

All employees serve an important role in ensuring effective security. If an employee notices any suspicious person or stranger on Agency premises, he/she should immediately notify the Executive Director or his/her designee. Similarly, violations of this policy or concerns about this policy should be reported immediately to a manager or to the Executive Director.

## **Workplace Safety Responsibilities**

All employees have the following workplace safety responsibilities:

- To read and abide by all Agency safety policies and procedures.
- To perform job duties in a safe manner, using safe practices.
- To report any accidents to a manager, and to seek first aid, if necessary.
- To immediately report unsafe conditions, equipment or practices to a manager.
- To use all OSHA- or state-required Personal Protective Equipment (PPE) as indicated.
- To attend and participate in Agency safety meetings.
- To observe all hazard, warning and other posted signs.
- To keep aisles, walkways, hallways and working areas clear of slip and fall hazards.
- To operate only the equipment which the employee has been properly trained to use; and to observe safe operating procedures in the use of all equipment.
- To use proper lifting procedures at all times.

## **Right to Know/Hazard Communication**

Employees have the right to know about any hazardous chemicals that may be used in the workplace. A hazardous chemical is any chemical or mixture of chemicals that can cause injury and/or illness to employees. To learn more about a chemical, employees may consult two main sources of information: the label on the chemical; and the Material Safety Data Sheet (MSDS).

Reading the Label: All Agency employees are required to read and exactly follow the written instructions on the label of any chemical prior to using the chemical in the workplace. Labels explain how to handle and use the chemical safely, and the chemical's possible physical effects on people.

Consulting the Material Safety Data Sheets: MSDS sheets are technical bulletins that contain important information about chemicals used at the Central Texas Regional Mobility Authority. The MSDS sheets also provide emergency information. The sheets are retained on-site and are readily accessible to all employees in the Human Resources Department.

## **Employee Workplace Injury or Illness**

If an employee is injured and needs medical attention beyond basic first aid, then either the injured employee or a co-worker should contact an emergency response unit by dialing 911 from any Agency telephone.

## Workplace Health, Safety and Security

Regardless of whether an injured employee requires only basic first aid or more extensive medical attention, the employee should notify his/her manager as soon as possible following any injury. The Texas State Workers' Compensation Act requires the employee to report any workplace injury requiring medical attention beyond basic first aid. In this case, the employee and manager must complete the Employee Report of Accident Form.

If an employee recognizes a potential safety hazard, has a workplace-related health and safety issue, or would like to make a safety suggestion, then this information should be shared immediately with a manager. OSHA also provides employees the right to know about any health hazards which might be present on the job.

### **Customer Injury or Illness**

If a customer experiences a minor illness or an injury, then the employee should offer assistance or support, such as a chair, towel, bandage or glass of water. After first acknowledging the customer, the employee should contact a manager for assistance and for any decisions regarding contacting emergency services.

If a customer experiences a serious or life-threatening illness or injury, then the employee should first dial 911 from any Agency telephone, and then contact a manager for assistance.

The employee should **not** treat or clean a customer's wounds or apply bandages to a customer's wounds, as this may expose the employee to blood-borne pathogens. Instead, the customer should assist him/herself with the treatment of any minor wounds until trained medical professionals arrive.

In either case, the employee and the manager shall make the injured customer's comfort their primary concern.

### **Fire Prevention, Control and Safety**

- **Fire Extinguishers**

Employees should be familiar with the location of the fire extinguisher(s) on Agency premises and make sure they are kept clear at all times. ABC-rated fire extinguishers can be used for paper, wood, or electrical fires. Employees should immediately notify a manager if an extinguisher is used or if the seal is broken.

- **Fires**

If an employee is aware of a fire, he/she should:

- If the fire is small and contained, locate the nearest fire extinguisher. (This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.)
  - Evacuate all employees and customers from the area.
  - If possible, immediately contact a member of management.
- If the fire is out of control, the employee should:
  - Dial 911 from any Agency telephone.
  - Evacuate all employees and customers from the area.
  - If possible, contact a member of management.
  - Make no attempt to fight the fire.
  - When the fire department arrives, direct the crew to the fire.
  - Do not re-enter the building until directed to do so by the fire department.

- **Emergency Evacuation**

If employees are advised to evacuate the building or buildings, they should:

- Stop all work immediately.
- Contact 911 or other emergency response agencies, if needed.
- Shut off all electrical equipment and machines, if possible.
- Walk to the nearest exit, including emergency exit doors; exit quickly and orderly, but do not run.
- Do not stop for personal belongings.
- Proceed to the parking lot designated by management or emergency officials.
- Do not re-enter the building(s) until instructed to do so.

## Security - General Precautions

All employees should take responsibility for their personal security. Additionally, employees should take responsibility for the security of property (including personal, customer-owned, and Agency-owned property). The following are some helpful tips to ensure the security of persons and property.

- All employees are required to park in the area designated for employees. For safety reasons, employees should lock their cars every day and park within specified areas.
- If an employee should damage another car while parking or leaving, he/she should immediately report the incident to a manager, along with the license numbers of both vehicles and any other pertinent information.
- Please be advised that neither the CTRMA nor its management is responsible for any loss, theft or damage to employees' vehicles or vehicle contents.

## Workplace Health, Safety and Security

- Employees should not bring to work large amounts of cash or other valuables, or leave them on the CTRMA premises. The Agency is not responsible for lost items.
- Items found on Agency premises or parking lots should be immediately presented to the building management, for placement into the “Lost and Found” area.
- Any cash and other property should be properly secured. If an employee is aware of cash or other property that is not securely stored, he/she should immediately inform the individual or a manager.
- Employees should ensure that all appropriate doors and equipment are locked and secured.
- Employees who leave the work premises after dark are advised to take another employee as an escort.
- When employees leave the CTRMA’s premises, they are advised to be aware of their surroundings and have their vehicle keys in hand.
- Employees should immediately report any unusual or suspicious activities or persons in parking lots, in the buildings, or on Agency premises.
- Employees should never confront or attempt to restrain an individual who appears to be engaging in illegal activity in parking lots, parking garages, or in other areas owned, leased or under the management of the Central Texas Regional Mobility Authority. Instead, employees are advised to return to the building or leave the premises immediately, and then report the activity to management and/or law enforcement.
- Security Checks
  - Because we are concerned about all employees’ and customers’ safety and security, CTRMA’s management reserves the right to inspect all unusual packages and parcels entering and leaving our premises.
  - Management will not inspect an employee’s person, lunch pail, purse, backpack, briefcase, attaché or vehicle without the employee’s consent. However, an employee’s refusal to permit a search of his/her personal container(s) upon the request of management may result in corrective action, up to and including termination of employment.

### **Violence or Threat of Violence**

The CTRMA intends to create and sustain for its employees, customers and visitors a working environment which is free of workplace violence or the threat of violence.

Therefore, the Agency will assume and vigorously enforce a “zero tolerance” policy with respect to violence or threats of violence directed at any person. Prohibited behavior includes but is not limited to threatening language, whether verbal or written; threatening gestures, depictions or pictures; and/or actual violence of any kind directed at any individual.

A violation of this policy will be dealt with aggressively and, subject to investigation, may lead to corrective action up to and including termination of employment for a first offense.

### **Weapons**

The Central Texas Regional Mobility Authority strictly prohibits any person—whether employee, customer or visitor—from possessing, selling, distributing, concealing or transporting any weapon on Agency premises. This prohibition includes but is not limited to: handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, regardless of whether the person is licensed to carry the weapon or not. This prohibition also includes toy weapons and reproductions or replicas of weapons.

The only exception to this policy will be security guards, licensed law enforcement officials (e.g., police officers, peace officers, constables), or other persons who have been given written consent by the CTRMA to carry a weapon on the property.

Because of the potential for harm and serious injury, any employee violating this policy will be subject to disciplinary action up to and including termination of employment.

[For further information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook]

### **General Statement on Health, Safety and Security**

The Central Texas Regional Mobility Authority strongly encourages employee participation and input on health, safety and security matters.

# **Inclement Weather/Emergency Conditions**

## **POLICY**

On rare occasions, it may be necessary for the Central Texas Regional Mobility Authority to temporarily suspend operations out of concern for employee safety in inclement weather, power outage, or similar emergency situations.

## **PROCEDURES**

### **Temporary Suspension of Operations**

Management will make the decision whether to temporarily suspend some or all Agency operations due to emergency conditions. The decision will be made based on consulting with: appropriate news agencies; weather forecasts; and local school districts, whose lead in inclement weather closures is normally followed by the Agency; and/or any other authorities that may be appropriate in the circumstances.

In the event that some or all of Agency operations are temporarily suspended due to emergency conditions, management will record a message for employees on the main telephone line.

In the event that some/all operations are suspended during the course of a work day that has already begun, management will inform affected employees and may dismiss them for the remainder of the day.

### **Unable to Report due to Inclement Weather**

In the event that the Agency is open and operating normally, but an employee is unable to report to work due to inclement weather such as ice storm or snow storm, then the employee must notify his/her manager as soon as possible. In this case, the employee may use any accrued, eligible vacation or personal time for the missed day of work. Otherwise, the time off will be unpaid.

Employees are encouraged to consult with local weather forecasts and use common sense in determining whether they are able to report for work. The Agency does not encourage any employee to take unnecessary risks to his/her safety in order to report to work during severe weather situations.

## **Inclement Weather/Emergency Conditions**

### **Absence During Temporary Suspension of Operations**

If an employee is absent from work due to illness on a day when operations are temporarily suspended, then the employee must use any eligible sick, vacation, or personal time for the entire day. Otherwise, the entire day off will be unpaid.

# **EMPLOYEE PERFORMANCE AND CONDUCT**

## External Employment/Association

### POLICY

The Central Texas Regional Mobility Authority requires that employee activities away from the job, including but not limited to other employment or association, must not conflict with or compromise the Agency's interests or reputation, or adversely affect employees' job performance or ability to fulfill all responsibilities to the Agency.

Employees are cautioned to consider carefully the demands that any additional employment will create. External employment will not be considered as a valid reason for declining job performance, absenteeism, tardiness, leaving early, refusal to travel, refusal to work overtime, or refusal to work a certain schedule. If external employment does cause or contribute to any of these situations, such employment must be discontinued. If necessary, corrective action may be taken to address such situations, up to and including termination.

Employees should not seek or undertake outside employment/association if such employment/association may:

- reduce the employee's efficiency or effectiveness in working for the Central Texas Regional Mobility Authority;
- involve working for an organization which is a competitor of the CTRMA or which does a significant amount of business with the Agency, such as contractors, suppliers or customers;
- adversely affect the employee's professional reputation or credibility in his/her work with the CTRMA; and/or
- adversely affect the CTRMA's image, reputation or ability to do business.

All employees are expressly prohibited from engaging in any activity or association that competes with the Central Texas Regional Mobility Authority or compromises its interests. This prohibition includes but is not limited to the performance on non-working time of any services that are normally performed by The Central Texas Regional Mobility Authority personnel, the unauthorized use of any Agency technology tools (including software), equipment, and systems and the unauthorized use or application of any confidential trade information or techniques.

In addition, employees are not to conduct during paid working time any outside employment or other activities unrelated to The Central Texas Regional Mobility Authority business.

# Central Texas Regional Mobility Authority's Customer Service Commitment

## **POLICY**

The Central Texas Regional Mobility Authority is committed to ensuring that all customers are satisfied with our facilities, our service, and our Agency. Consequently, we have adopted a set of standards with that we refer to as the Central Texas Regional Mobility Authority Service Commitment. All employees are expected to adhere to these standards in all their dealings with customers, the public and with one another.

## **PROCEDURES**

The Agency's Customer Service Excellence Commitment does not mean merely making customers satisfied. Instead, we believe that what differentiates excellent customer service is the focus on providing a uniquely positive, better-than-expected experience. It is providing customers with a sense that *they received better service than what they expected*.

The excellent quality experience of The Central Texas Regional Mobility Authority's customers not only encourages their continued business but also sustains the Agency's reputation in the marketplace and influences the community in which we work. This, in turn, allows the Agency to continue to prosper.

### POLICY

The Central Texas Regional Mobility Authority believes that open, candid and direct two-way communication is a necessity in our workplace. It not only sets the foundation for a pleasant work environment, but also enhances customer service, productivity, teamwork and employee development.

It is the policy of the Central Texas Regional Mobility Authority to retain an “open door” approach that welcomes and encourages one-on-one communication and problem solving in the workplace. This means that a manager and/or the Human Resources Manager will be available to any employee who wishes to discuss a workplace problem or concern. [For issues related to harassment, please follow the reporting procedures outline in the Agency’s Workplace Harassment Policy.]

The open-door approach also means that we encourage employees to work directly with one another to resolve workplace problems, settle interpersonal conflicts, and offer constructive feedback. In addition, we encourage employees to be receptive to communication and feedback from one another.

### Open Door to Management

If an employee has a concern or question relating to a workplace issue; a management decision; or a Agency policy, procedure, method or process; then the employee should use the following procedures:

1. Discuss it openly—along with any suggestions he/she may have—with his/her direct manager.
2. If the employee has brought an issue to the attention of his/her direct manager but does not feel that an appropriate resolution has been reached, **OR**  
If the employee is uncomfortable discussing the matter with his/her manager, **THEN**  
The employee is encouraged to discuss it openly with another manager or with the Human Resources Manager.
3. If the employee has brought an issue to the attention of his/her manager, another manager, and/or the Human Resources Manager, but still does not feel that an appropriate resolution has been reached, then the employee is encouraged to discuss it openly with the Executive Director.

## Communication and Problem-Solving

### **Problem-Solving**

If an employee experiences a problem, disagreement, or conflict with a co-worker, both parties are encouraged to work out the matter directly with one another, using the following guidelines.

- Ensure that both parties have “cooled off” before approaching one another. Taking up a conflict when angry usually doesn’t produce good results.
- Treat one another with respect and courtesy.
- Allow each person to state his/her position and perspective and ideas, without interruption.
- Listen respectfully to and consider carefully the other person’s position and perspective.
- Explore possible solutions, taking into account the perspective of each person. Include the possibility of compromise. Consider asking a third-party employee to confidentially assist by offering his/her perspective or ideas.
- Make an agreement with one another on how to proceed.
- Follow up to see how the solution is working.

If, after using these guidelines, the employees are unable to resolve a conflict, then one or both of the employee(s) should bring the matter to the attention of the manager. At this point, both employees should be prepared for the manager to:

- Ask each employee to explain what steps or action he/she has taken in an attempt to resolve the conflict; and
- Facilitate the same process as outlined above, in order to guide the parties as they resolve the conflict and/or decide on a solution.

Because positive work relations and teamwork are critical to the success of the Agency, any employee who consistently fails to use the problem-solving guidelines (as outlined in this policy) in a good-faith effort to resolve workplace problems or interpersonal conflicts between may be subject to corrective action, up to and including termination of employment.

### **Feedback**

The Central Texas Regional Mobility Authority believes that feedback—both positive and constructive—can be a powerful development tool for employees and managers. Therefore, we encourage employees at all levels in the Agency to offer sincere and appropriate feedback.

Employees are reminded that constructive feedback should be shared with another employee only in a confidential, respectful manner.

### **Additional Information**

Please note that while the Communication and Problem-Solving Policy should be used to address most workplace problems between employees, it is not intended to address situations in which illegal or unethical activity or a breach of fiduciary duty is suspected, or where there may be imminent harm to persons or property. If an employee suspects any of these activities, he/she should immediately report the matter to the General Counsel or the Executive Director. If the General Counsel becomes aware of a suspected legal or ethical violation or breach of fiduciary duty, he/she shall report evidence of the breach or violation to the Executive Director.

The Executive Director shall respond to evidence of any suspected violation or breach by taking appropriate action, including adopting or enforcing appropriate remedial measures or sanctions. If in the judgment of the General Counsel or the employee reporting the suspected violation or breach, the Executive Director fails to respond appropriately to a suspected violation or breach, or if the suspected violation or breach involves the Executive Director, the General Counsel or employee shall report the matter to the Chairman of the Board of Directors.

Retaliation against an employee who reports a suspected legal or ethical violation or breach of fiduciary duty will not be tolerated.

Likewise, this policy is not intended to address illegal workplace discrimination and harassment. If an employee feels that he/she has been or is being subjected to unlawful discrimination or harassment of any kind, he/she should immediately report the matter to any manager, the Human Resources Manager or the Executive Director.

[For more information and for specific procedures, please reference the Workplace Harassment Policy and Equal Employment Opportunity Policy in this Handbook.]

# Solicitation

## **POLICY**

The orderly and efficient operation of the Central Texas Regional Mobility Authority's business requires certain restrictions on the solicitation of employees during work hours and in work areas. It also requires certain restrictions on the distribution of materials and information on the property or premises of the CTRMA.

## **Definitions**

For purposes of this policy, the term “soliciting” refers to activities which take place during work hours or in work areas, and are related to a third party Agency, group, or cause, whether the third party is for-profit or not-for-profit. Such activities include but are not limited to:

- Requesting donations.
- Requesting signatures, membership or other formal support or endorsement of a group or cause.
- Promoting products/services, circulating catalogs or brochures, or otherwise selling goods or services.
- Posting personal goods/services “for sale”.
- Posting or circulating literature (in written or e-mail form) about a group, issue, cause.
- Leafleting or giving away literature (in written or e-mail form) about a group, issue or cause.

The terms “soliciting” and “distribution” do not refer to selected civic activities that may be selected and sponsored by the Agency.

## **PROCEDURES**

### **Solicitation and Distribution by Others**

Third parties of any kind are prohibited from entering the Agency’s premises, including parking lots, for the purpose of solicitation or distribution of literature at any time for any purpose.

### **Solicitation and Distribution by Employees**

Employees of the CTRMA are prohibited from distributing or posting literature in work areas at all times for any purpose. If an employee wishes to post any material that is work-related or Agency-sponsored, then the material should be submitted to the Human Resources Manager for pre-approval.

## Solicitation

In addition, employees of the CTRMA are prohibited from soliciting during work time or in work areas for any purpose other than Agency business or Agency-sponsored activities. Work time includes the time spent working by the soliciting employee and the employee who is being solicited.

This prohibition on employee solicitation does not include employees' lunch periods, breaks or personal time spent before or after work. Work areas do not include parking lots, restrooms, and refreshment/break areas.

### **Use of Electronic Communications Systems**

The CTRMA's electronic communications systems, including e-mail, are to be used for business purposes only. Employees are prohibited from using these systems for solicitation or distribution of literature at any time for any purpose.

### **Employee Access to Agency Premises While Off-Duty**

All employees who are off duty are prohibited from entering Agency work areas for any reason other than legitimate business purposes.

[For more information, please reference the Code of Conduct Policy in this Handbook.]

# Smoking

## POLICY

The Central Texas Regional Mobility Authority prohibits smoking in any enclosed space occupied by the Agency. This policy applies to all buildings, including but not limited to offices, whether owned or leased. This policy applies to anyone who is on Agency premises, including employees, customers, visitors and vendors. This policy is applicable at all times.

Smoking is permitted only in designated smoking area(s) on Agency property, and in closed motor vehicles when occupied by only one (1) employee or with the consent of all occupants.

Employees who use designated public smoking areas during working hours should adhere to the following guidelines:

- Consider the designated smoking area as public space, where conversations may be overheard by unauthorized individuals. Employees should refrain from discussion of other employees, work-related issues and customers.
- Smoking should never take place in front of customers, or in areas visible to customers.
- Smoking breaks should be reasonable in number and duration. Excessive or inappropriate use of smoking breaks may lead to corrective action.

## Personal Appearance

### **POLICY**

It is the policy of the Central Texas Regional Mobility Authority that an employee's attire and grooming should be appropriate to the work environment, to the level of direct customer and public interaction, and to the individual's job duties.

Employees of the CTRMA are expected at all times to exercise good judgment in their dress and grooming, and to project an appropriate professional image at all times while on Agency premises. All employees will be required to adhere to guidelines established for their individual work location and type of job.

### **PROCEDURES**

Professional dress at the CTRMA may be defined differently depending on many work-related factors. In addition, many positions at the Agency require the wearing of Agency-issued uniforms. For this reason, employees should consult with their manager to learn the dress guidelines specific to their job.

### **Grooming**

Visible tattoos and facial or visible body piercing of any kind (other than piercing for earrings in the ear lobe) are prohibited in jobs that interact with members of the public, including customers.

### **Prohibited Items**

Some items are not appropriate for The Central Texas Regional Mobility Authority work environment, in any circumstances. These include but are not limited to:

- Excessively soiled, worn, frayed, wrinkled or faded clothing; clothing with obvious rips or holes;
- Excessively tight-fitting clothing; excessively short, sheer, low-cut, or other revealing clothing;
- Any clothing or accessories with slogans, photos or drawings which are obscene, defamatory, offensive, or inappropriate in a professional setting;
- Sweatpants, sweatshirts, muscle shirts, mesh shirts, and track/athletic/jogging suits, cargo/carpenter pants;
- Shirts with cut-off sleeves, visible midriff or open back, such as tank tops, halter tops, tube tops, etc.;
- Hats (except head coverings worn in observance of religious beliefs, or clean hats with The Central Texas Regional Mobility Authority logo);
- Visible undergarments;

## Personal Appearance

- House slippers; flip-flops;
- Denim/blue jeans (except clean jeans without rips, holes or tears on approved days); and
- Any hairstyle, footwear, clothing, jewelry, or matter of personal grooming that is deemed to present a safety risk.

There may be times when more formal business attire will be appropriate, as when meeting with customers, applicants or vendors, or attending formal business meetings. Anyone traveling on Agency business should dress appropriately for that occasion.

An employee who does not comply with this policy may be asked to leave the workplace (with or without pay, depending on the circumstances) and return when he/she is appropriately attired/groomed. Non-compliance may also lead to corrective action, up to and including termination of employment.

If an employee is unsure about what is considered appropriate professional attire at the CTRMA, he/she is advised to ask for guidance from his/her manager.

# Code of Employee Conduct

## **POLICY**

It is the policy of the Central Texas Regional Mobility Authority that all employees adhere to a Code of Conduct with respect to behavior and activities.

As a condition of initial and continued employment, all employees agree to abide by all the terms of this policy. If an employee fails to adhere to any part of the Code of Conduct, he/she may be subject to corrective action, up to and including termination of employment.

## **Conflict of Interest**

A conflict of interest can take many forms. It exists when the employee's objectivity or judgment is compromised—or even *appears* to be compromised—by the potential for personal gain for self, family or friends.

It can occur when an employee places personal interests ahead of his/her responsibilities to make work-related decisions impartially and objectively, based on facts. It can also occur when the employee's desire to influence a third party or to influence a particular outcome takes precedence over his/her duty of loyalty to the Agency.

Employees are strictly prohibited from entering into any agreement or contract, or from making any work-related decisions, *where the employee's objectivity or judgment is impaired, could be impaired, or could be perceived to be impaired* because of a conflict of interest or potential for conflict of interest.

While the following examples cannot anticipate or address every possible situation, they illustrate situations of conflict of interest or potential conflict of interest, and are helpful for guiding appropriate conduct.

1. Sue is asked by her manager to find some temporary employees to assist the Agency in staffing a new location. Sue's boyfriend, Jim, owns a temporary help firm, so she asks Jim to take the work requisitions and to refer qualified candidates to the Agency.
2. Ben asks his supervisor if he can shop around for less expensive office supply vendors. After he gets approval, he realizes that ABC, a separate Agency that he co-owns with his brother, can provide the supplies at a substantial savings. He begins using ABC as a vendor for all Agency office supplies.
3. Tammy, a manager, is asked to be part of a management team evaluating Sally's job performance for the year. Without revealing to the other employees that Sally is her best friend, Tammy agrees.

## Code of Employee Conduct

4. Ken's supervisor asks him to develop a new process for collecting fees from customers. Ken feels his workload is demanding enough already. He decides to implement a process that will save him a great deal of time, but which will result in much lower customer service quality.

If an employee has any doubt about a conflict of interest situation or potential for conflict of interest, he/she should immediately discuss the matter with his/her manager, before taking any action or making any decisions. Similarly, if an employee suspects a conflict of interest situation exists in the workplace, he/she should immediately discuss the matter with a manager or with the Human Resources Manager.

### **Proprietary and Confidential Information**

Much of the information collected by the Central Texas Regional Mobility Authority or received from customers is considered proprietary and confidential information, or information owned exclusively by the Agency.

Proprietary and confidential information includes but is not limited to: various kinds of private business information; documents; records; letters; plans; and manuals. Proprietary information also includes but is not limited to: Agency trade secrets; computer programs, including proprietary software and all related materials; Agency practices; training or instructional products and tools; Agency products and tools; new development projects; marketing plans; customer lists; fees and cost data; employees' daily agendas; personnel data, etc.

Proprietary and confidential information is to be disclosed and used solely for the purposes for which it was collected or received. Disclosure of such information to unauthorized persons (externally as well as internally) is prohibited, not only because such information is a valuable business asset that must be protected, but also because unauthorized disclosure could compromise or cause harm to our customers, and materially damage the reputation and image of the Agency.

The Central Texas Regional Mobility Authority's management will impose specific restrictions on the use and dissemination of information, both internally and externally. Specifically, access will be granted on a "need to know" basis. When in doubt about the appropriateness of disclosing or releasing information (internally or externally), an employee should not disclose the information, but rather, ask his/her manager for guidance.

The Central Texas Regional Mobility Authority is subject to and complies with Texas laws and regulations regarding Open Records. Requests pursuant to Open Records should be forwarded to the General Counsel.

## Code of Employee Conduct

At the conclusion of employment with the CTRMA, employees must return to the Agency all documents and records containing proprietary and confidential information. Even after employees leave employment at the CTRMA, they have a continuing obligation to safeguard such information.

### **Criminal Charges/Convictions**

The Central Texas Regional Mobility Authority must protect its reputation, credibility and image. Therefore, it is important that each employee also protect his/her professional reputation and credibility in the community.

The CTRMA will perform criminal background checks on all final applicants for the positions of Executive Director, Chief Financial Officer, General Counsel, and any positions involving the disbursement of Agency funds or the handling of cash, checks or credit cards; negotiable documents and materials; or highly confidential or sensitive information. All applicants admitting a felony conviction on their application materials shall also be subject to a criminal background check. Additionally, the CTRMA may at its discretion perform criminal background checks on applicants for any other position. Negative criminal background checks will be reviewed by the HR Manager in consultation with the General Counsel, and an applicant may be disqualified from employment if the HR Manager and General Counsel determine that justification for such disqualification exists.

If an employee has been charged with a felony or serious misdemeanor, or if an employee is convicted of a felony or serious misdemeanor (defined to include all misdemeanors other than traffic violations), the employee is required to immediately inform his/her manager. Failure to do so will lead to corrective action, up to and including termination of employment.

Employees who hold licenses or certifications that are required for their jobs must maintain active, current certification and/or licensure. If an employee's certification and/or license is suspended or revoked because of a pending legal charge(s) or conviction(s), or if an employee is being investigated for possible suspension or revocation of a required certification and/or license for any reason, then the employee is required to inform his/her manager immediately. Failure to do so will lead to corrective action, up to and including termination of employment.

Regardless of whether the employee holds any certification or license, if a situation arises in which an employee is charged with or convicted of a felony or serious misdemeanor, then the CTRMA's management will carefully consider the circumstances and facts of the situation, and will, in its sole discretion and judgment, decide on an appropriate course of action. Such courses of action may include but are not limited to:

- Administrative suspension (with or without pay, depending on the circumstances);
- Termination of employment; or
- Other appropriate action.

# Code of Employee Conduct

## **Employee Acts**

The Central Texas Regional Mobility Authority's insurance policies do not relieve an employee from personal and civil liability, criminal prosecution, and/or termination of employment if he/she commits a dishonest act.

Discovery of a fraudulent act related to a person's employment or job responsibilities—whether such an act was committed on or off the job—may result in corrective action, up to and including termination of employment.

If an employee has a concern about the legitimacy or appropriateness of any employee act, he/she should promptly discuss the matter with his/her manager or with the Human Resources Manager.

## **Agency Funds**

Each employee is personally accountable for any Agency funds over which he or she has control, including travel expenses. Employees who manage Agency money or who spend personal money that will be reimbursed by the CTRMA should always be sure the Agency receives good value in return.

Employees must obtain pre-authorization from their manager before incurring any expense on behalf of the CTRMA. In order to receive reimbursement of authorized expenses, the employee must submit all information on an expense report within 60 days of incurring the expense. The expense report must clearly indicate the nature and type of all expenses, and must demonstrate that the purchases and amounts are proper. Documentation (receipts, invoices, etc.) must be attached to support each expenditure.

Anyone responsible for the handling of CTRMA's funds and/or customer property, as well as associated records and materials, is accountable for their safekeeping. This may include but is not limited to: customer personal data such as addresses, contact information and social security numbers; checks and money orders; credit cards and credit card numbers; legal documents; financial statements and documents; account user identification data; account passwords; personnel data; and data stored on any medium (paper, electronic, magnetic, or photographic).

If an employee has a question or concern about the appropriate or prudent use of Agency funds and property or customer property, he/she should promptly discuss the matter with his/her manager. [For more information about managing Agency funds and expenses, please reference the Business Travel and Expenses Policy in this Handbook.]

## Code of Employee Conduct

### **Agency Records**

Successful management of the CTRMA requires the use of Agency business records, reports and related documents. These records are of critical importance in meeting financial, customer and other business obligations. Therefore, Agency records must always be prepared accurately, reliably and honestly.

Given the need for accurate and honest records, any false or misleading report or record, (including but not limited to: financial documents; resumes; employment applications; contracts; membership reports and other customer-related reports; and timekeeping reports) will be taken very seriously and may lead to corrective action, up to and including termination of employment. Employees who become aware of any suspected falsification of Agency records must immediately report the concern to a manager, the General Counsel or the Executive Director, who shall respond to the evidence by taking appropriate remedial action.

Employees must maintain all Agency records for at least the minimum amount of time prescribed by the records retention schedules applicable to local government entities adopted by the Texas State Library and Archives Commission. In the event that litigation is filed against the CTRMA or is reasonably anticipated to be filed, the CTRMA's General Counsel may determine that it is necessary to implement a litigation hold in order to ensure the preservation of all records related to the lawsuit. Employees must refrain from destroying any records that are the subject of a litigation hold. Additionally, Employees must comply with all records retention policies adopted by the CTRMA.

Members of the public may make written requests for records maintained by the CTRMA. In the event that an Employee receives a written request for information, the Employee must notify the General Counsel immediately so that the CTRMA may respond to the request within the time frame prescribed by the Texas Public Information Act. Employees must refrain from destroying any records that are subject of a pending public information request.

### **Gifts and Honoraria**

Employees must not solicit or accept gifts, loans, other compensation, unusual favor or hospitality (other than reasonable tips earned by employees in direct customer service positions) which could influence or even have the *appearance* of influencing them in the performance of their duties.

Employees are permitted to accept a business meal, as well as nominal items which are customary in business relationships, provided that such items do not exceed \$100 in value. Gifts received over \$100 should be reported to the employee's manager or supervisor and the employee may be required to return the item if it is deemed a potential conflict.

## Code of Employee Conduct

Similarly, employees must not give gifts, loans, other compensation, unusual favor or hospitality to customers, prospective customers, vendors, or suppliers, with the exception of certain approved promotional items (such as coffee mugs or t-shirts with The Central Texas Regional Mobility Authority logo) that may be authorized by Agency management from time to time.

Employees may not accept an honorarium for appearing at a conference, workshop, seminar or symposium as a representative of the CTRMA other than reimbursement for food, transportation or lodging.

If in doubt about the appropriateness of any gift, hospitality or honorarium, a full disclosure of the facts should be made to The Central Texas Regional Mobility Authority's General Counsel before accepting/making such an offer.

### **Sabotage/Espionage**

Sabotage is defined for purposes of this policy as any employee act or failure to act which is willful and/or negligent and which has the affect of materially destroying, damaging, disrupting or interfering with Agency operations, equipment, tools or systems.

Espionage is defined for purposes of this policy as any employee act which is willful and/or negligent and which has the affect of providing to an unauthorized third party (usually but not always a competitor) any of the Agency's confidential and proprietary information, trade secrets, or its customers' or employees' financial or personal information and/or records.

Employees have a duty to protect the CTRMA's confidential and proprietary information from unauthorized disclosure and release to third parties. Because of the potential for great harm to the CTRMA and its customers, it will not tolerate sabotage or espionage of any kind.

Allegations of sabotage and/or espionage will be taken very seriously and investigated promptly. If investigation reveals employee sabotage or espionage, the CTRMA will take swift and aggressive action, including but not limited to corrective action and possible termination of employment, criminal prosecution and civil claims.

[For more information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook.]

### **Training on Ethics and Compliance Issues**

Upon beginning employment with the CTRMA, all employees shall receive orientation on ethics laws and policies and the Agency's ethics and internal compliance program. Additionally, employees of the CTRMA shall participate in periodic training on ethics and internal compliance issues.

## Business Travel and Expenses

### POLICY

It is the policy of the Central Texas Regional Mobility Authority to reimburse employees for reasonable business travel expenses.

All employee business travel must be approved in advance by the employee's manager.

When approved, the actual costs of travel, meals, lodging and other expenses directly related to accomplishing business travel objectives will be reimbursed by the CTRMA. Employees spending personal money that will be reimbursed by the CTRMA should always ensure that expenses are limited to reasonable amounts, and that the CTRMA receives good value in return.

When business travel has concluded, employees should complete a travel expense report, which is available from the Accounting Department. The completed report must be accompanied by receipts for each expense, and should be submitted to Accounting within 60 days of the completion of the business travel. Any items over the 60 days will be denied reimbursement.

The CTRMA will not reimburse travel expenses incurred by a spouse or other individual accompanying an employee on business.

Sales tax on goods purchased will not be reimbursed. Sales tax for meals and hotel stays are the only sales taxes that will be reimbursed. Please request a sales tax exemption form from the CFO before purchasing goods.

Employees shall be responsible for repayment of inappropriately reimbursed expenses whenever an audit or subsequent review of the travel expense reimbursement documentation finds that such expenses were reimbursed contrary to these guidelines.

The following are reimbursement guidelines for business travel:

- **Transportation Services**
  - Air travel arrangements should be made as far in advance as possible and should represent the lowest available fare in coach or economy class.
  - Reasonable fares for shuttle service, bus service, van pool, taxi service or other public transportation will be reimbursed.
  - Car rental fees (a compact or mid-size vehicle for one person; a full size vehicle for two or more persons) will only be reimbursed if approved in advance by the Executive Director or Chief Financial Officer.
  - When renting vehicles, employees should elect loss damage waiver insurance coverage.
  - Gasoline should be refilled in any rental vehicle prior to returning it at the conclusion of business travel.

## Business Travel and Expenses

- **Lodging**
  - Accommodations in approved hotels or motels will be reimbursed, using the GSA rate as a guideline. Exceptions to the GSA rate will require an explanation such as: (1.) when the cost of the hotel would reduce total travel costs, such as eliminating the need for a rental car; (2.) when the cost of the hotel is a conference rate; (3.) when time constraints associated with business meetings require lodging at a closer hotel.
  - Lodging expenses will be reimbursed only if traveling **beyond** a 50-mile radius of Williamson/ Travis County. (This means 50 miles beyond the county line.)
  
- **Meals**
  - Meals will be reimbursed at the GSA rate.
  - Meals above the GSA per diem day rate will require specific justification and receipts.
  - If an overnight stay is **required**, but the stay does not exceed a 50-mile radius outside the county, you may claim an amount up to the \$28.00 overnight allowance for your meals, but lodging will not be reimbursed.
  - No reimbursement will be made for alcoholic beverages.
  - No reimbursement will be made for meals if the Conference included it as part of the package.
  
- **Food Service at Local Meetings**
  - Food service at business meetings required for the active performance of CTRMA business (such as CTRMA Board meetings, workshops, CTRMA Board Committee meetings, meetings with other governmental entities, and other official business as determined by the Executive Director) will be reimbursed.
  - The employee's expense report should include: purpose of the meeting; time and location of the meeting; names of principal attendees; and approval of the reimbursement request by the Executive Director.
  
- **Mileage Reimbursement**
  - Use of a personal vehicle on CTRMA business will be reimbursed using the current Internal Revenue Service rate. The employee's expense report should include: purpose of the travel; points of travel; dates of travel; and miles eligible for reimbursement.
  - If a personal vehicle is used, the maximum reimbursement will be at the lower of the IRS rate times the number of miles driven, or the lowest quoted airfare at the time of travel for overnight stay.
  - Mileage reimbursement is meant to cover only those miles incurred above and beyond the employee's normal commute to the CTRMA office. For example, if the normal commuting round trip is 20 miles, and the employee goes on a trip that covers 75 miles, only the incremental 55 miles are reimbursable.

## Business Travel and Expenses

- **Other Business/Travel Expenses**
  - Charges for telephone calls, internet connection, faxes, and similar services, will be reimbursed, provided that they are for legitimate business purposes.
  - Reasonable, customary tips and gratuities will be reimbursed and do not require a receipt.
  - Parking and toll fees will be reimbursed, with receipts.
  - Other minor expenditures should have a receipt and justification.
  - There will be no reimbursement for any of the following: parking or traffic violations; entertainment, including in-hotel movies; and alcoholic beverages of any kind. In addition, there will be no reimbursement of sales tax incurred on the purchase of goods. Instead, employees who are authorized to purchase approved goods on behalf of the CTRMA should use a tax exempt form, available from Accounting.
  - Cancellation fees associated with business travel will be reimbursed only if it is in the best interest of the CTRMA, or in the event of an approved family emergency.
  - Incremental expenses for any non-CTRMA companion traveling with the employee will not be reimbursed by the Agency.

If an employee is involved in a motor vehicle or other accident, or if an employee sustains any injury while traveling on business, he/she must promptly report the incident to his/her manager. If a vehicle owned, leased or rented by the CTRMA is involved in an accident, causes any injury or damage, or incurs any damage, the employee must promptly report the incident to his/her manager. Vehicles owned, leased or rented by the CTRMA may not be used for personal business without prior approval of the Executive Director.

If an employee needs guidance or assistance with any procedures related to business travel, travel arrangements, expense reports, or reimbursement for any specific expense, then the employee should consult with his/her manager.

Employees are reminded to ensure that travel records, expense reports and receipts are accurate and complete. Falsification of any Agency record, including but not limited to expense reports; or falsification or alteration of any Agency documentation, such as receipts, may lead to corrective action, up to and including termination of employment.

[For more information about managing Agency funds and expenses, please reference the Employee Code of Conduct Policy in this Handbook.]

# Use of Agency Equipment and Electronic Communications

## **POLICY**

The Central Texas Regional Mobility Authority provides employees with certain equipment and electronic communications resources to assist them in conducting Agency business.

It is the policy of the CTRMA that all employees must adhere to practices regarding the acceptable use of Agency-provided equipment and electronic communications systems, including but not limited to computers and related equipment, software, telephones, fax machines, email, voicemail, instant messaging systems, and the internet/world wide web.

## **PROCEDURES/PRACTICES**

### **Electronic Communications, Computers and Software**

The CTRMA owns the computers and other hardware, software, databases, servers, modems, internet access, telephones, faxes, copiers, printers, e-mail systems, instant messaging systems, and voicemail systems (hereinafter “technology/communications equipment, tools and systems”) which are used by employees. The CTRMA’s technology/communications equipment, tools and systems are intended for the purpose of aiding employees in work-related communication and in the efficient performance of their work duties.

Since the CTRMA owns the technology/communications equipment, tools and systems, any electronic communication composed, sent or received by the employee is and remains the sole property of the CTRMA.

Employees are prohibited from any of the following without the prior approval of the Agency’s Executive Director:

- Borrowing or removing the CTRMA’s technology/communications equipment, tools and systems from its premises.
- Copying or downloading software applications, databases, or other electronic materials or information stored by the Agency, on Agency premises, or on other premises owned or leased by the CTRMA.
- Disabling anti-virus software running on Agency-provided computer equipment. (Exceptions to the rule are allowed when an employee is doing so as a requirement of his/her job).

## Use of Agency Equipment and Electronic Communications

- Uploading or downloading copyrighted materials, trade secrets, proprietary financial or customer information, or similar materials without prior authorization from the owner of the materials.
- Using technology/communications equipment, tools and systems in violation of copyright and trademark laws.

Employees are also prohibited from using the CTRMA's technology/communications equipment, tools and systems for any of the following purposes:

- To distribute or disseminate (internally or externally) messages, images, or any other material or content containing obscene, abusive, pornographic, profane, sexually explicit or inflammatory remarks, inappropriate humor; or threatening or harassing language.
- To distribute or disseminate (internally or externally) messages, images, material or otherwise objectionable content that is disruptive, derogatory or offensive to another individual (whether the intended recipient or not), including but not limited to: sexual comments or images; gender or ethnic specific comments or slurs; or any statements or contents offensive to another on the basis of his/her race, national origin, religion, color, gender (including pregnancy), age, sexual orientation, disability, or any other status protected by law.
- To access websites or materials that are inappropriate in the workplace, including but not limited to: pornography; sexually-oriented materials; gambling sites; sites depicting violent acts, abusive acts or advocating violent or abusive acts; etc.
- To proselytize to, or solicit employees or others.
- For external employment or profit.
- To engage in illegal activity.
- To engage in activity that is in competition with the work of the CTRMA.
- To access, view or re-direct any files, documents, materials, records, or any other information which the sender or recipient has no legitimate business "need to know".
- To discriminate against, harass, threaten or intimidate another individual.
- For any other purpose that could damage the image or reputation of the Agency or impair its ability to conduct business.

Some employees will be assigned unique email addresses. These unique addresses and identifiers remain the property of the CTRMA and employees may use them only while employed by the Agency. With respect to user identification information, passwords, and other related information, employees are prohibited from the following activities without obtaining the prior approval of an authorized the CTRMA manager:

- Using the logon/user identification or password information of another employee.
- Accessing, listening to, viewing, or re-directing—with no legitimate business reason—the electronic files, documents, materials, records, e-mail or voicemail of another employee.

## Use of Agency Equipment and Electronic Communications

The CTRMA reserves the right to alter, modify, re-route or block the delivery of messages as appropriate. This includes but is not limited to:

- Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to Agency resources.
- Discarding attachments, such as music, considered to be of little business value and of significant resource cost.
- Rejecting or quarantining messages with suspicious content.
- Rejecting or quarantining messages containing offensive language.
- Re-routing messages with suspicious content to designated Agency employees for review.
- Rejecting or quarantining messages determined to be unsolicited commercial email (spam).
- Appending legal disclaimers to messages.

While the Agency's technology/communications equipment, tools and systems are intended primarily for business and work-related purposes, limited personal use of computers, software, e-mail, internet and voicemail systems is generally acceptable provided that:

- Their use complies with all other terms of this policy.
- Their use is not excessive and remains within reasonable, acceptable time limits.

Employees are reminded that e-mail and other electronic records are considered shared Agency files, discoverable under court-ordered subpoena or other legal process. As such, employees must ensure that the content of e-mail and other electronic records is legal, truthful, and complies with Agency policies, rules and procedures.

The Central Texas Regional Mobility Authority routinely monitors and records activity and use of its technology/communications equipment, tools and systems, including internet, e-mail systems and voicemail systems. Because employees have no right or expectation of privacy in their use of Agency-owned technology/communications equipment, tools and systems, employees are strongly encouraged to refrain from storing or accessing on computers, e-mail systems and voicemail systems any personal materials or other materials which they do not wish to be monitored and inspected by Agency management. Such inspections will be conducted by Agency management from time to time, with or without prior notification and with or without the consent or presence of the employee.

The CTRMA treats electronic messages as a business record. As with any business record, established practices and procedures for the safekeeping, retention and ultimate destruction of the business record must be followed. The CTRMA may serialize, archive, or retain copies of all internal and external electronic messages.

## Use of Agency Equipment and Electronic Communications

As a condition of employment, all employees must sign an acknowledgement indicating that they have read and understand the policies, practices, procedures, risks and cautionary advice that apply to the CTRMA's email, instant messaging, and internet resources.

Any employee who discovers a violation of these policies should immediately notify a manager or the Human Resources Manager. Any employee in violation of these policies is subject to disciplinary action, up to and including termination of employment.

## Use of Agency Vehicle

### **SECTION 1. SCOPE OF POLICY.**

Central Texas Regional Mobility Authority's ("CTRMA's") Motor Vehicle Use Policy governs the use and maintenance of all CTRMA vehicles by all salaried and non-salaried employees of CTRMA. This policy is intended to promote safe and responsible driving practices and to help prevent accidents, injuries and property damage. It is the responsibility of all members of the CTRMA staff to comply with this policy.

The use of CTRMA equipment or vehicles for personal use is prohibited by law, but because of the need for specific employees to respond to emergencies at night or on weekends, the following employees (with the concurrence of their department head) are authorized to take a CTRMA vehicle to their home at night within a 25 mile radius, even though this involves the use of a CTRMA vehicle for travel to and from their home each day:

- a.) Operations Director
- b.) Director of Engineering
- b.) Maintenance Manager

### **SECTION 2. DEFINITIONS.**

As used in this policy, the following definitions apply:

- A. A. "authorized driver" means a CTRMA employee who holds a current, valid license to operate a motor vehicle in Texas and who has complied with all provisions of Section 3 of this policy.
- B. B. "authorized passenger" means an employee of CTRMA or any other person accompanying an employee of CTRMA in a CTRMA vehicle in furtherance of official CTRMA business, not to include children.
- C. D. "employee" means any person who is in the employ of CTRMA and whose salary is paid either completely or partially by CTRMA.
- D. G. "CTRMA vehicle" means a motor vehicle designed primarily for passenger use which is the property of CTRMA.

### **SECTION 3. VEHICLE OPERATOR PRIVILEGES.**

- A. CTRMA vehicle operator privileges for its vehicles, will be available to employees of CTRMA at least 21 years of age and who possess a valid United States driver's license in effect for at least two years.
- B. CTRMA vehicle operator privileges are invalid upon revocation, suspension or expiration of a CTRMA employee's license to operate a motor vehicle in Texas. An authorized driver must report the suspension or revocation of his or her license by the State of Texas to their Manager within 48 hours of its occurrence.
- C. The Executive Director may suspend or revoke an authorized driver's CTRMA vehicle operator privileges for failure to comply with any provision of this policy. The Executive Director will notify an authorized driver when his or her CTRMA vehicle operator privileges have been revoked.

  - a. All CTRMA drivers are responsible for complying with this policy.
  - b. Violation of this policy may be grounds for corrective action and/or loss of driving privileges.

### **SECTION 4. VEHICLE EXPENSES**

A. Fuel Expenses.

Refueling of CTRMA should be done with the CTRMA procurement mastercard. Cards may be obtained through the CFO.

B. Maintenance and Repair.

Necessary repair and maintenance expenses for all CTRMA vehicles may be done by auto repair shops listed on the State Contract otherwise three quotes must be received before engaging the services of an Auto shop. The exception will only be considered in case of an emergency where immediate towing or repairs are necessary.

### **SECTION 5. VEHICLE USE.**

A. Responsibilities. All departments must comply with the following items:

- 1. The head of the department will be responsible for ensuring the driver(s) comply with Section 3.

## Use of Agency Vehicle

2. Vehicles are to be used only in the furtherance of CTRMA business. Vehicles are not to be used for personal errands, nor should they ever be taken home unless written authorization from the Executive Director is on file at the CTRMA Office.
3. Cleaning of the vehicle should be done on a weekly basis. The Operations Department will be responsible for delivering the vehicle to and from the car wash for cleaning
4. The Operations Department will be responsible for delivering the vehicle to and from an auto shop for routine maintenance.
5. CTRMA employees are required to keep a log to track business and personal miles of a CTRMA vehicle. Personal use, such as commuting and driving on vacation, will be treated as a "taxable fringe benefit" to the employee. IRS regulation require the value of the use to be reported as taxable income on the employee's W-2 form

### **SECTION 6. OCCUPANCY OF VEHICLES.**

- A. Authorized Use. Except as provided in subsections C through E, CTRMA vehicles may be occupied only by authorized drivers and authorized passengers. Employees of CTRMA are authorized to use CTRMA vehicles only in the furtherance of official CTRMA business.
- B. Unauthorized Use. Except as provided in subsection C through D, an employee of CTRMA who permits a CTRMA vehicle to be driven by an unauthorized driver or who transports or permits the transportation of an unauthorized passenger shall have his or her CTRMA vehicle operator privileges suspended or revoked and shall be held personally liable to the extent permitted by law for any liability for any personal injury, death or property damage arising out of the unauthorized use or occupancy of the CTRMA vehicle.
- C. Emergency Aid. Nothing in this section shall be construed to prohibit the use or occupancy of a CTRMA vehicle to render emergency aid or assistance to any person.

## Use of Agency Vehicle

- D. Use by Mechanics. Nothing in this section shall be construed to prohibit the use or occupancy of CTRMA vehicles by private sector automobile mechanics or other maintenance or repair personnel during the course of performing required maintenance or repairs.

### **SECTION 7. INTOXICATING LIQUOR, DRUGS AND TOBACCO PRODUCTS.**

- A. Use of Liquor, Drugs and Tobacco Products Prohibited. An employee of CTRMA may not drive a CTRMA vehicle while under the influence of intoxicating liquor or illegal drugs nor may he/she smoke any tobacco products while in the vehicle. Also, they may not possess open or closed containers of alcohol while operating any CTRMA vehicle.
- B. Penalty for Traffic Citation. An employee of CTRMA who receives a traffic citation for driving a CTRMA vehicle while under the influence of intoxicating liquor or drugs will have his or her CTRMA vehicle operator privileges suspended or revoked by the Executive Director. Any passengers who are authorized drivers may also have their CTRMA vehicle operator privileges suspended or revoked.
- C. Penalty for DWI Conviction. An employee of CTRMA who is convicted of driving a CTRMA vehicle while under the influence of intoxicating liquor or drugs shall be terminated from employment at CTRMA. Any employees of CTRMA who were passengers in the vehicle also may be terminated from CTRMA employment where it is shown that such officers or employees knew or should have known that the driver was under the influence of intoxicating liquor or drugs and did not take reasonable action to prevent the driver from driving the vehicle.

### **SECTION 8. TRAFFIC LAWS AND SEAT BELTS.**

- A. Traffic Laws. The failure to obey any applicable traffic law while driving or occupying a CTRMA vehicle may result in suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 3.D. Operate the vehicle in accordance with all applicable rules, regulations, law. Drive at legal speeds appropriate for road conditions.
- B. Seats Belts Required. All occupants of CTRMA vehicles must wear seat belts and require all other occupants to do likewise. The failure of any person to wear a seat belt while driving or occupying a CTRMA vehicle may result in the suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 3.D. The number of passengers should not exceed the number of seat belts. Also, check that front seat passengers are seated appropriately to decrease likelihood of severe air bag injuries.

## Use of Agency Vehicle

- C. Responsibility for Traffic Citations. An employee of CTRMA who receives a traffic citation or parking ticket while using a CTRMA vehicle will be personally responsible for the citation or ticket.

### **SECTION 9. CARE OF VEHICLES - ACCIDENTS - LIABILITY.**

- A. Care of Vehicle. Prior to using a CTRMA vehicle, an employee of CTRMA shall inspect the vehicle for safety concerns before leaving the parking area or garage. Determine that all tires are inflated properly and are not excessively worn and that the brakes, lights, windshields wipers, seat belts and steering are functioning properly. Check other safety equipment for observable defects. If unsafe conditions are noted, the maintenance Manager is to be notified immediately and the vehicle must not be driven.
- B. Fueling of Vehicle. Prior to returning the vehicle, the employee must refuel the vehicle.
- C. Leaving the Vehicle. An employee of CTRMA will turn off the ignition, close all windows, and lock the doors and trunk of a CTRMA vehicle whenever the vehicle is left unattended. Vehicles should be cleaned of items not belonging in the vehicle (trash, personal items, etc).
- D. Liability for Loss or Damage. An employee of CTRMA will not abuse or misuse a CTRMA vehicle. An employee of CTRMA may be assessed for the loss or damage of a CTRMA vehicle if the loss or damage was caused by:
1. driving while under the influence of intoxicating liquor or drugs; or
  2. reckless driving.
- E. Penalty for Negligence. The CTRMA vehicle operator privileges of an employee of CTRMA may be suspended or revoked by the Executive Director if a CTRMA vehicle is damaged or destroyed due to the negligence of the CTRMA or employee. An employee must report accidents, thefts, damage, vandalism or other acts of criminal mischief to the appropriate local law enforcement agency and to their Manager within 24 hours. Failure to report may result in disciplinary action at the discretion of the Executive Director.
- F. Accidents. If involved in an accident resulting in bodily injury or property damage, an employee of CTRMA shall notify their Manager by telephone and submit a complete accident report by the next working day. Failure to comply with this subsection may result in suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 2.A., who were in the vehicle at the time of the accident. See Appendix C for a copy of an accident report.
- G. Other. Not drive the vehicle “off road” unless it is made for that use

## Use of Agency Vehicle

### **SECTION 10. MECHANICAL OR OPERATIONAL FAILURE.**

A. Mechanical or Operational Deficiencies. Mechanical or operational deficiencies that occur while a CTRMA vehicle is being used for official CTRMA business will be corrected in accordance with this section. In no case will an employee of CTRMA continue to operate a CTRMA vehicle if continued operation could endanger any person or property.

1. Minor Repairs. Minor necessary repairs, including towing, that do not exceed \$100 dollars shall be ordered and paid for by CTRMA as described in Section 4-B.

2. Major Repairs. Whenever the estimated cost of repairs or adjustments exceeds \$100, the CTRMA employee shall notify the CFO during working hours or after hours.

### **SECTION 11. VEHICLE RETURN.**

A. Immediate Return Required. Immediately upon completion of a trip, the authorized driver must return the CTRMA vehicle. CTRMA vehicles may not be kept overnight following a trip. The vehicle must be returned clean and refueled.

B. Return During Business Hours. Whenever a CTRMA vehicle is returned during regular business hours, the CTRMA employee shall report vehicle defects to the Director of Engineering

C. Return After Business Hours. When it is necessary for an employee of CTRMA to return a CTRMA vehicle before or after normal working hours, the employee will:

1. park the CTRMA vehicle in the area designated for non-duty hour turn in;

2. record the odometer reading and the time of the turn in on the slip in the packet;

3. note any mechanical or operational deficiencies or needed adjustments;

4. close all windows and lock the CTRMA vehicle;

## Performance, Conduct and Corrective Action

### POLICY

It is the policy of The Central Texas Regional Mobility Authority to maintain a professional work environment that fosters respect, teamwork, productivity and safety for employees and customers. Consequently, employees are expected to perform their assigned job duties, to maintain professional, respectful conduct while on Agency premises or representing the Agency, and to abide by Agency policies and rules.

An employee who commits any infraction of the CTRMA policy or procedure, or who fails to meet job performance or conduct expectations, may be subject to corrective action, up to and including termination of employment.

Management reserves the right to take whatever corrective action it deems appropriate to each situation. When evaluating performance issues, conduct issues, or other work-related problems for possible corrective/disciplinary action, management will carefully consider the following:

- The nature and seriousness of the problem;
- The employee's work history; and
- The type of corrective action which would best impress upon the employee the need for improvement (if corrective action other than termination is taken).

While it is not possible to specify all types of conduct or activities that are considered unacceptable, some unacceptable activities are noted in the non-inclusive list below. If you have any questions concerning these or other unacceptable activities, please see your manager or the Human Resources Manager.

- Criminal acts, whether on or off duty, at any time.
- Violence or threats of violence (whether verbal, written, or by images or gesture); or threatening, intimidating, or coercing any person; whether on or off duty, at any time, for any purpose.
- Possessing, selling, distributing or transporting handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, even if properly licensed or permitted, on Agency premises or while representing the Agency.
- Being under the influence of alcohol or prohibited substances on duty, on Agency premises, or while representing the Agency.
- Possessing, selling, manufacturing, distributing, concealing, transporting or consuming alcoholic beverages, illegal drugs, or other prohibited substances on duty, on Agency premises, or while representing the Agency.
- Any act of harassment directed at an employee, customer, prospective customer, or other individual while on Agency premises, or while representing the Agency; or violating the Agency's Workplace Harassment Policy.
- Sabotage and/or espionage; or causing in any manner the defacing, destruction or damage of Agency property or the property of employees, customers, vendors, or visitors.

## Performance, Conduct and Corrective Action

- Failure to immediately report damage to, or an accident involving Agency equipment or property.
- Unauthorized use or removal of property, equipment or tools, including documents, keys, or other items belonging to/leased by the Agency, an employee, customer, vendor or prospective customer without prior permission from management.
- Violation of Agency safety/health rules; any action which could endanger the life or safety of another person.
- Violating confidentiality rules or providing confidential or proprietary information to competitors, other organizations or to unauthorized employees; breaching confidentiality with respect to personnel or customer information; unauthorized release of, or negligence in the use, care or protection of confidential and/or proprietary information.
- Financial misrepresentation or other material misrepresentation on any Agency record or document; omission or falsification of any Agency record, including time records and employment applications and documents; unauthorized alteration of Agency records or other Agency documents.
- Immoral conduct or indecency on Agency property.
- Obscene or abusive language directed at any employee or customer; any disorderly conduct on Agency property or while representing the Agency.
- Insubordination or refusing to obey work instructions properly issued by a manager or supervisor.
- Unsatisfactory performance or careless execution of work; failure to meet deadlines or quality standards as explained by a manager.
- Excessive tardiness or excessive amounts of unexcused absences; failure to notify manager of absence or tardiness.
- Leaving the work area before the end of the scheduled shift without prior approval of the manager; sleeping or appearing to sleep during working hours.
- Being on Agency property without authorization; or being on Agency property outside of normal business hours without a legitimate business reason.
- Violation of any Agency rule or any action that is obviously harmful to the Agency's efforts to operate reputably and profitably.

The disciplinary and corrective action guidelines herein do not alter the at-will relationship which exists between the CTRMA and each employee. This means that employment may be terminated either by the employee or by the CTRMA at any time and for any reason, with or without notice. Failure to enforce any policy, expectation or standard does not affect management's ability to do so in the future.

The Central Texas Regional Mobility Authority reserves the right to modify, defer or rescind this policy at any time, with or without prior notice.

# Workplace Harassment

## **POLICY**

All Agency employees have the right to work in an environment free from any type of unlawful discrimination or harassment based on race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law. This includes freedom from sexual harassment in the workplace.

Harassment based on any of the above is considered a form of illegal discrimination. The Central Texas Regional Mobility Authority will not tolerate any form of harassment in the workplace.

## **Prohibited Harassment**

For purposes of this policy, prohibited sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or
- such conduct otherwise adversely affects an individual's employment opportunities.

Other forms of prohibited harassment include any unwelcome verbal or physical conduct that belittles, shows hostility, or ridicules an individual because of gender, race, color, religion, national origin, age, sexual orientation, disability, or any other characteristic protected by law, when such conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

## **Harassment By Customers, Vendors and Third Parties**

The Agency recognizes that unwelcome harassment can also be perpetrated by a vendor, employee of a vendor, customer, or other third party. If an employee believes that he/she has been or is being harassed, or if an employee witnesses what he/she believes to be harassment by

# Workplace Harassment

a vendor, employee of a vendor, a customer, or other third party associated with his/work at the CTRMA, he/she should use the reporting and investigation procedures discussed herein. Where an investigation reveals that unwelcome harassment has occurred, the Agency will undertake appropriate measures to ensure that the harassment ceases.

## **Reporting Procedures**

If an employee believes that he/she is or has been subjected to harassment based on any protected status, including but not limited to any of the conduct listed herein, by any manager, other employee, customer, vendor or any other person in connection with employment at the CTRMA, the employee should report the incident to his/her manager; or bring the matter to the immediate attention of any Agency manager or to the Human Resources Manager.

Similarly, an employee who witnesses harassment directed at an employee should immediately report the matter to any manager or to the Human Resources Manager, with or without the permission of the employee involved.

An employee who believes that he/she has been subjected to prohibited harassment or who witnesses harassment directed at another employee should not assume that the Agency is already aware of the situation. Even if others observe the conduct, those individuals may not know that the particular conduct or comments are unwelcome. In order for the Agency to resolve an employee's concerns, each employee must bring such issues to the Agency's attention by following the reporting procedures outlined herein.

## **Investigation**

The Agency will take complaints or reports of harassment very seriously and will promptly initiate an investigation. Both the investigation and the resolution of the investigation shall be conducted and implemented in as confidential a manner as possible.

## **Remedial/Corrective Action**

The Agency will take appropriate remedial action, including disciplinary action when warranted, if an investigation reveals that prohibited harassment, discrimination or retaliation in violation of this policy has occurred.

Employees who violate this policy shall be subject to corrective action, up to and including termination of employment for a first offense.

## Workplace Harassment

### Non-discrimination/Non-retaliation

No employee who, in good faith, reports an alleged incident of harassment or who participates in an investigation of an alleged incident of harassment shall be subjected to discrimination, reprisal or retaliation in any form because of having made such a report or participating in such an investigation. Any employee who feels that he/she has been subjected to any form of discrimination, reprisal or retaliation because of having reported an alleged incident of harassment or because of having participated in an investigation of a harassment complaint should immediately report such reprisal or retaliation to any Agency manager, to the Human Resources Manager, or to the Executive Director.

[For more information, please reference the Equal Employment Opportunity Policy and the Performance, Conduct and Corrective Action Policy in this Handbook.]

# Alcohol and Prohibited Substances

## **POLICY**

The Central Texas Regional Mobility Authority recognizes a responsibility to help provide a safe and productive workplace for its employees. To this end, and to safeguard the Agency's property, protect the health and safety of the general public, and to set a positive example for the community in which the CTRMA does business, the Agency has adopted this substance abuse policy. Compliance with this policy is a condition of initial and continued employment with the CTRMA.

This policy is adopted in furtherance of the requirements of the Texas Workers' Compensation Act, and rules adopted thereunder, relating to the elimination of drug abuse in the workplace and of the Texas Transportation Code, §370.033(h).

## **Definitions**

As used in this policy, "controlled substances", "prohibited substances", and "illegal drugs" broadly refers to all forms of narcotics, depressants, stimulants, hallucinogens, and the illegal use of inhalants and other drugs, including marijuana, whose use, possession, or transfer is restricted or prohibited by law (substances listed in Schedules I-V of Section 202 of the Controlled Substances Act [21 U.S.C. §812], as amended, or as revised and set forth in federal regulations [21 C.F.R. §§1308.11-1308.15]. Copies of such schedules are maintained by the CTRMA for review by employees).

As used in this policy, "under the influence" is defined as:

- **Drugs, Inhalants or Controlled Substances**: having any detectable level in the person's body, regardless of when or where the drug, inhalant, or controlled substance may have been consumed.
- **Alcohol**: having a blood alcohol content of 0.04 or higher or having any odor of alcohol on the breath or body, regardless of when or where the alcohol may have been consumed.

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to maintain a drug-free workplace.

To that end, the Agency prohibits the manufacture, distribution, dispensation, possession, concealment, use, sale, purchase or transfer of alcohol, inhalants, drugs, or controlled substances ("prohibited substances") and the possession of drug-related paraphernalia or literature promoting the use of illegal drugs while at work or while representing the Agency, on Agency premises (including parking lots), in Agency vehicles, or on Agency business.

## Alcohol and Prohibited Substances

The CTRMA also prohibits any person, including employees of the CTRMA, to be on Agency premises (including parking lots), in Agency vehicles, or on Agency business while under the influence of any prohibited substance.

Over-the-counter medications and prescription drugs prescribed by a licensed medical practitioner for the person using or possessing them are generally not prohibited by this policy, provided they were lawfully obtained and are not consumed at a frequency or quantity greater than the dosage prescribed or otherwise recommended on the medication's label. However, any employee taking any prescription or over-the-counter drug or medication, regardless of whether it was lawfully obtained and properly consumed, which may adversely affect his/her ability to perform work in a safe and productive manner, must notify his/her supervisor or, if not available, another management representative immediately after entering onto Agency's premises and prior to starting work.

The employee's supervisor, in consultation with appropriate medical personnel when necessary, will decide if the employee may remain at work or on the CTRMA's premises and what work restrictions or accommodations, if any, are deemed necessary. Information regarding the employee's use of medication and any other information provided by appropriate medical personnel will be kept strictly confidential and will be disclosed only to Agency management personnel on a need-to-know basis and in accordance with the law.

The CTRMA currently does not have a pre-employment drug testing program. However, the Agency reserves the right to initiate, at any time, with or without notice, a program that requires candidates who have accepted a position with the Agency to take and pass a drug test as a condition of initial employment.

In addition, the Agency reserves the right to require employees, as a condition of initial and continued employment, to submit to drug, alcohol and prohibited substances testing in the event of any of the following circumstances:

- a work-related incident/accident requiring any employee, customer or visitor to seek medical attention;
- upon reasonable suspicion on the part of management; and

Compliance with the Agency's drug, alcohol and prohibited substances policy is a condition of initial and continued employment.

## Alcohol and Prohibited Substances

### Violations of Policy

An employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

An employee who violates this policy, or who is reasonably suspected of violating this policy, may be requested to undergo alcohol and drug testing. An employee who refuses to comply with a management request to submit to testing or who fails to cooperate with the testing process will be subject to disciplinary action, up to and including termination of employment.

In addition, an employee who violates this policy, or who is reasonably suspected of violating the policy of the Agency is subject to investigation that may involve searches of his/her person and property. Searches of employees' persons, clothing or personal effects, such as lunch bags/pails, purses, briefcases, attaches and vehicles will not be conducted without the employee's consent. However, an employee's refusal to permit a search of personal container(s) upon the request of management may result in disciplinary action, up to and including termination of employment.

Any employee who refuses to comply with a management request to cooperate with an investigation of alleged violation(s) of this policy may also be subject to disciplinary action, up to and including termination of employment.

The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is illegal. Therefore, the CTRMA will report possession, distribution or use of illegal drugs to law enforcement authorities and will submit to the custody of law enforcement authorities any such substances found on CTRMA premises or property. The Agency will fully cooperate in any investigation and/or prosecution of a violation of drug law(s).

Neither this policy nor any of its terms are intended to create a contract of employment, or to alter existing employment relationships in any way. The CTRMA retains the sole right to change, amend modify or defer any term or provision of this policy without notice.

All CTRMA officers, including Board officers (Chair, Vice-Chair, Secretary and Treasurer) are encouraged to adhere to this policy. Officers are reminded that use of illegal drugs, or abuse of controlled substances or alcohol, may be grounds for removal from office in accordance with the Texas Transportation Code §370.254.

[For further information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook].

## Weapons & Violence

### **POLICY**

The Central Texas Regional Mobility Authority intends to create and sustain for its employees, customers and visitors a working environment which is free of workplace violence or the threat of violence.

Therefore, the Agency will assume and vigorously enforce a “zero tolerance” policy with respect to weapons and to violence or threats of violence directed at any person. Prohibited behavior includes but is not limited to threatening language, whether verbal or written; threatening gestures or pictures; and/or actual violence of any kind directed at any individual.

The CTRMA also prohibits possessing, selling, distributing, concealing or transporting—whether by employee, customer, or visitor—of firearms or any other weapon while on Agency premises, or while conducting Agency business of any kind. This prohibition includes but is not limited to: handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, regardless of whether the person is licensed to carry the weapon or not. This prohibition also includes toy weapons and reproductions or replicas of weapons.

### **Violations of Policy**

A violation of this policy will be dealt with aggressively and, subject to investigation, may lead to corrective up to and including termination of employment for a first offense.

An employee who violates this policy or who is reasonably suspected of violating this policy is subject to investigation that may involve searches of his/her person and property. Employees are expected to comply with searches of their persons, clothing or personal effects, lunch bags/pails, purses, briefcases, attaches and vehicles. Such searches will not be conducted without the employee’s consent; however, an employee’s refusal to permit a search of his/her person, personal effects, or personal container(s) upon the request of management may result in disciplinary action, up to and including termination of employment.

He/she may also be subject to criminal prosecution and corrective action, up to and including termination of employment (and, in appropriate circumstances, termination for a first offense). Any employee who refuses to comply with a management request to cooperate with an investigation of alleged violation(s) of this policy may be subject to corrective action, up to and including termination of employment.

[For further information, please reference the Safety, Health and Security Policy, and the Performance, Conduct and Corrective Action Policy in this Handbook.]

## Investigation, Privacy and Searches

### **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to ensure a safe environment for employees and customers, and to ensure the efficient and proper operation of the business at all times.

To accomplish this objective, the CTRMA routinely monitors and records the use of its technology equipment, tools and systems, including internet, e-mail systems and voicemail systems.

From time to time, the Agency will need to search and inspect work areas for work-related reasons. Accordingly, the Agency reserves the right to inspect, search, and in appropriate circumstances, make electronic recordings in and around Agency-owned/leased structures and furniture, whether locked or unlocked, including offices, lockers, work cubicles, desks, file cabinets, computer databases, on-line services (e.g., the Internet), the electronic mail ("e-mail") and voicemail systems, work areas and storage areas on the premises or facilities of the CTRMA.

### **PROCEDURES**

Searches of Agency-owned structures and furniture (as outlined above) will be conducted by Agency management or its designee, from time to time, with or without prior notification and with or without the consent or presence of the employee.

Agency policy does not permit any employee to use a personal lock to secure any Agency-owned structures or furniture on the premises or facilities of the CTRMA.

Because employees have no right or expectation of privacy in Agency-owned structures, furniture, internet, e-mail and voicemail systems, employees are strongly encouraged to refrain from storing in or on Agency-owned property any personal item (including personal written material) which they do not wish to be inspected by Agency management.

Searches of employees' persons, clothing or personal effects, such as lunch bags/pails, purses, briefcases, attaches and vehicles will not be conducted without the employee's consent. However, an employee's refusal to permit a search of his/her person, personal effects, and personal container(s) upon the request of management may result in corrective action, up to and including termination of employment.

## **Investigation, Privacy and Searches**

Similarly, an employee's refusal to fully cooperate in an investigation conducted by management or a representative of management will be taken into consideration when making final decisions at the conclusion of such an investigation, and may result in corrective action, up to and including termination of employment.

**EMPLOYEE RECORDS AND TERMINATION OF  
EMPLOYMENT**

# Employee Records

## POLICY

The CTRMA's Human Resources Manager shall retain certain personnel records in order to comply with various federal, state and local laws, and to maintain other relevant information for each employee. The Agency makes every effort to balance each individual's right to privacy with the Agency's need to obtain, use and retain certain employment information.

Personnel records shall be treated privately and confidentially, to the degree permitted by law and their use for conducting normal business operations. Medical and benefits records/information shall be retained separately from the personnel records and shall not be made accessible to any person other than authorized human resources personnel and the employee.

## PROCEDURES

Personnel records are to contain information which is needed by the Agency to conduct its business or which is required by federal, state or local law. This information normally will include, but will not necessarily be limited to, the following:

- Application forms;
- Payroll information;
- Performance appraisals;
- Disciplinary records; and
- Work-related personal information.

Employees have a responsibility to keep their personnel information up-to-date and are to notify the Human Resources Manager in writing of any changes. Employees are generally allowed to inspect their own personnel records, with the exception of employment references. A request to do so should be directed to the Human Resources Manager, which will schedule a time for inspection that is convenient for both parties.

Third parties (banks, mortgage companies, etc.) who are seeking information concerning employees and former employees should be referred to the Human Resources Manager. The Human Resources Manager will comply with state laws (Texas Government Code §552.102) regarding confidentiality of employee information and will release to third parties only the dates of employment and position(s) held, unless the individual who is the subject of the inquiry provides written consent for the release of other relevant information.

Managers who receive verbal or written requests for personal or employment information about a current or former employee should refer these inquiries, without comment, to the Human Resources Manager.

# Leaving Employment with the Central Texas Regional Mobility Authority

Page 1 of 1

---

## **POLICY**

Because The Central Texas Regional Mobility Authority is an at-will employer, employees may resign from the Agency at any time, for any reason. Similarly, the Agency reserves the right to terminate employment at any time, for any reason, with or without advance notice and with or without cause.

The CTRMA has established guidelines regarding termination of employment. Termination of employment includes voluntary discharges such as: employee resignation, retirement, and expiration of an employment contract; and involuntary discharges, such as reorganization, reduction-in-force, or discharge for cause.

## **PROCEDURE**

In order to ensure that the CTRMA remains a premier employer of choice, employees who voluntarily leave the Agency will normally be asked to schedule a confidential exit interview with the Human Resources Manager or his/her designee.

Generally, former employees who leave in good standing may be considered for re-employment. Former employees who were involuntarily discharged generally will not be considered for re-employment.

Employees are not permitted to use remaining vacation time as part of the notice period, unless specifically approved by the employee's manager and the Executive Director.

Credited service/length of service for purposes of determining benefits eligibility is governed by the terms of each benefit plan.

The termination and discharge policy/procedures outlined in this policy are not all-inclusive, nor do they constitute a legal contract between the CTRMA and its employees. Employment with the CTRMA is on an at-will basis.

# **EMPLOYEE ACKNOWLEDGEMENT AND AGREEMENT**

I acknowledge that I have received The Central Texas Regional Mobility Authority's (the "Agency's") Employee Handbook (the "Handbook"), either in electronic or paper format. I certify that I have read the complete Handbook, and have had an opportunity to ask a manager to answer my questions about the Handbook.

I understand that the Handbook serves as a set of guidelines only. Since no handbook or set of policies can anticipate every possible circumstance or situation that may arise in the workplace, I understand that individual circumstances may call for individual attention. I further understand that the contents of this Handbook may be changed at any time at the discretion of the Agency.

I understand that nothing contained in the Handbook or this acknowledgment page, in whole or in part, shall act as a contract or guarantee of employment. I understand that my employment with The Central Texas Regional Mobility Authority is at-will, and that because I am employed for no definite period of time, both the Agency and I retain the right to terminate the employment relationship at any time and for any reason. I also understand and agree that the Agency retains the right to demote, transfer, change my job duties, and change my compensation at any time with or without cause in its sole discretion. It is my further understanding that this "at will" employment relationship may not be changed by any written document or by any conduct unless such change is specifically acknowledged in writing by me and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority.

As a condition of initial and continued employment, I agree to abide by and adhere to the rules and regulations of the Agency at all times during the entire course of my employment.

In particular, I have read, understand and agree to abide by the Workplace Harassment Policy and the Code of Conduct Policy.

I understand that my signature below indicates that I have read and understand the above statements.

---

Printed Name

---

Signature/Date

**Original – Employee file**  
**Copy – Employee**

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 12-\_\_\_**

**AMENDING THE POLICY CODE RELATING TO THE EMPLOYEE HANDBOOK**

WHEREAS, by Resolution No. 09-78 adopted November 18, 2009, the Board of Directors approved and adopted the most recently amended version of the Employee Handbook as Attachment "A" to that resolution; and

WHEREAS, by Resolution No. 12-016 adopted February 29, 2012, the Board adopted the Mobility Authority Policy Code ("Policy Code"), including as Section 101.041, Policy Code, the same Employee Handbook adopted by Resolution No. 09-78, attached and incorporated into the Policy Code as Appendix 1; and

WHEREAS, the Executive Director has proposed an updated Employee Handbook for approval by the Board, and recommends that the Board delegate authority to the Executive Director to revise the Employee Handbook from time-to-time, and grant the Executive Director the discretion to bring revisions of the Employee Handbook to the Board for its consideration and approval; and

WHEREAS, the Board agrees that delegating authority to the Executive Director to revise the Employee Handbook is consistent with the Executive Director's duties and responsibilities under Section 101.038 of the Policy Code.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves the updated Employee Handbook recommended by the Executive Director and attached as Attachment "A" to this resolution; and

BE IT FURTHER RESOLVED, that the Board hereby approves the amendments to the Policy Code set forth in Attachment "B" to this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of March, 2012.

Submitted and reviewed by:

Approved:

---

Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

---

Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 12-\_\_\_  
Date Passed: 3/28/2012

**Attachment A**

**Employee Handbook**

**(On the following 96 pages)**



Central Texas Regional  
Mobility Authority

# **Employee Handbook**

~~November 18, 2009~~ March 2012

# EMPLOYEE HANDBOOK

## TABLE OF CONTENTS

<b><u>INTRODUCTION</u></b>	<b><u>4-8</u></b>
About The Central Texas Regional Mobility Authority	5
Purpose/Scope of Employee Handbook	6
The Central Texas Regional Mobility Authority Mission and Values	7
Role of Management	8
<b><u>EMPLOYMENT PRACTICES</u></b>	<b><u>9-15</u></b>
Employment At Will Policy	10
Hiring/Promotion Practices Policy	11
Equal Employment Opportunity Policy	12
Employment Status and Classification Policy	13-14
Transfer/Change in Position Policy	15
<b><u>TIMEKEEPING AND PAY PRACTICES</u></b>	<b><u>16-23</u></b>
Hours of Operation Policy	17
Timekeeping and Pay Procedures Policy	18-21
Special Pay Practices	22
Absence/Tardiness	23
<b><u>TIME OFF AND LEAVE POLICIES</u></b>	<b><u>24-33</u></b>
Holiday Policy	25-26
Vacation and Personal Time Policy	27-29
Sick Time Policy	30-31
Bereavement Leave Policy	32
Civic Duty Leave Policy	33
Policy on Family and Medical Leave (FMLA)	34-37
Leaves of Absence—General Information	38
<b><u>PERFORMANCE APPRAISAL &amp; SALARY ADMINISTRATION</u></b>	<b><u>39-41</u></b>
Performance Management and Appraisal Policy	40
Salary Administration Policy	41
<b><u>SAFETY, SECURITY &amp; EMERGENCY MANAGEMENT</u></b>	<b><u>42-50</u></b>
Workplace Health, Safety and Security Policy	42-46
Inclement Weather/Emergency Conditions Policy	49-50

<b><u>EMPLOYEE PERFORMANCE AND CONDUCT</u></b>	<b><u>51-84</u></b>
External Employment/Association Policy	51
Customer Service Excellence Policy	52
Communication and Problem Solving Policy	53-55
Solicitation Policy	56-57
Smoking Policy	58
Personal Appearance Policy	59-60
Code of Conduct Policy	61-66
Business Travel Policy	67-69
Use of Agency Equipment and Electronic Communications Policy	70-77
Use of Agency Vehicle Policy	78-83
Performance, Conduct and Corrective Action Policy	84-75
Workplace Harassment Policy	86-88
Alcohol and Prohibited Substances Policy	89-91
Weapons & Violence in Workplace Policy	92
Investigation, Privacy and Searches Policy	93-84
<b><u>EMPLOYEE RECORDS &amp; TERMINATION OF EMPLOYMENT</u></b>	<b><u>95-97</u></b>
Employee Records	66
Leaving Employment with The Central Texas Regional Mobility Authority	97
<b><u>EMPLOYEE ACKNOWLEDGEMENT &amp; AGREEMENT</u></b>	<b><u>98</u></b>

**TABLE OF CONTENTS**

<b><u>INTRODUCTION</u></b> .....	<b><u>5</u></b>
ABOUT THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY .....	6
PURPOSE & SCOPE OF EMPLOYEE HANDBOOK .....	7
THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY MISSION, VISION AND VALUES .....	8
ROLE OF MANAGEMENT .....	10
<b><u>EMPLOYMENT PRACTICES</u></b> .....	<b><u>11</u></b>
EMPLOYMENT AT WILL .....	12
HIRING/PROMOTION PRACTICES.....	13
EQUAL EMPLOYMENT OPPORTUNITY .....	14
EMPLOYMENT STATUS AND CLASSIFICATION.....	15
TRANSFER/CHANGE IN POSITION.....	17
<b><u>TIMEKEEPING AND PAY PRACTICES</u></b> .....	<b><u>18</u></b>
HOURS OF OPERATION.....	19
TIMEKEEPING AND PAY PROCEDURES .....	20
SPECIAL PAY PRACTICES.....	24
ABSENCE/TARDINESS .....	25
<b><u>TIME OFF AND LEAVE POLICIES</u></b> .....	<b><u>26</u></b>
HOLIDAY POLICY .....	27
VACATION AND PERSONAL TIME POLICY.....	29

SICK TIME POLICY .....	32
EXTENDED MEDICAL LEAVE POLICY .....	34
BEREAVEMENT LEAVE .....	36
CIVIC DUTY LEAVE .....	37
POLICY ON FAMILY AND MEDICAL LEAVE (FMLA) .....	38
LEAVES OF ABSENCE – GENERAL INFORMATION.....	43
<b>PERFORMANCE APPRAISAL AND SALARY ADMINISTRATION.....</b>	<b>44</b>
PERFORMANCE MANAGEMENT & APPRAISAL .....	45
SALARY ADMINISTRATION .....	46
<b>SAFETY, SECURITY AND EMERGENCY MANAGEMENT .....</b>	<b>47</b>
WORKPLACE HEALTH, SAFETY AND SECURITY .....	48
INCLEMENT WEATHER/EMERGENCY CONDITIONS .....	54
<b>EMPLOYEE PERFORMANCE AND CONDUCT .....</b>	<b>56</b>
EXTERNAL EMPLOYMENT/ASSOCIATION.....	57
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY’S CUSTOMER SERVICE COMMITMENT.....	58
COMMUNICATION AND PROBLEM-SOLVING .....	59
SOLICITATION.....	62
SMOKING.....	64
PERSONAL APPEARANCE .....	65
CODE OF EMPLOYEE CONDUCT .....	67
BUSINESS TRAVEL AND EXPENSES .....	73
USE OF AGENCY EQUIPMENT AND ELECTRONIC COMMUNICATIONS .....	76
USE OF AGENCY VEHICLE .....	80
PERFORMANCE, CONDUCT AND CORRECTIVE ACTION .....	86
WORKPLACE HARASSMENT.....	88
ALCOHOL AND PROHIBITED SUBSTANCES .....	91
WEAPONS & VIOLENCE .....	94
INVESTIGATION, PRIVACY AND SEARCHES .....	95
<b>EMPLOYEE RECORDS AND TERMINATION OF EMPLOYMENT.....</b>	<b>97</b>
EMPLOYEE RECORDS.....	98
LEAVING EMPLOYMENT WITH THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY .....	99
<b>EMPLOYEE ACKNOWLEDGEMENT AND AGREEMENT .....</b>	<b>100</b>

# **INTRODUCTION**

## About the Central Texas Regional Mobility Authority

The Central Texas Regional Mobility Authority is authorized by the Texas Legislature under Chapter 370 of the Transportation Code. Formed in 2002 by a joint petition filed by Travis and Williamson counties and approved by the Texas Transportation Commission, the Mobility Authority was the State's first regional mobility authority and represents the Legislature's vision to give local communities greater flexibility to develop and implement innovative transportation programs. With the support and guidance of Travis and Williamson counties, the Mobility Authority has evolved into a vibrant, agile, highly effective organization.

~~The Central Texas Regional Mobility Authority was created as a result of public statute. In 2001, the 77<sup>th</sup> Texas State Legislature passed Senate Bill 342, which authorized the creation of Regional Mobility Authorities ("RMA's") to construct, operate and maintain turnpike projects in the state.~~

~~In 2002, Travis and Williamson Counties jointly filed a petition with the Texas Transportation Commission to form the Central Texas Regional Mobility Authority ("CTRMA"). The petition was approved in October 2002. In its petition, the CTRMA identified the 183-A Turnpike in Williamson County and SH 45 in Travis County as its first projects, along with several other potential projects.~~

~~The CTRMA was initially funded by contributions from each of the counties. Thereafter, the CTRMA will derive its funding from toll revenues. It works closely with the Texas Department of Transportation ("TXDOT") and the Capital Area Metropolitan Planning Organization ("CAMPO"), which is the planning organization for Williamson, County and Hays Counties.~~

The CTRMA is governed by a Board of Directors (the "Board"), consisting of seven (7) members, three (3) of whom are appointed by each of the Counties, and one (1) of whom (the presiding officer) is appointed by the Governor. ~~The first meeting of the Board of Directors took place on January 2003, with Robert E. (Bob) Tesch as the first presiding officer, appointed by Governor Rick Perry.~~

The Board has the ultimate decision-making authority and responsibility for directing and controlling the affairs of the CTRMA. In addition, the Board is responsible for the establishment of policies that direct the operations, management, and overall implementation of the CTRMA's Strategic Plan.

The Central Texas Regional Mobility Authority is proud to be the first RMA formed in the State of Texas and to serve as a model for others that have followed, including the Alamo RMA (Bexar County), Grayson County RMA, Northeast Texas RMA (Smith and Gregg Counties), and the Cameron County RMA.

# Purpose & Scope of Employee Handbook

## POLICY

The Central Texas Regional Mobility Authority (hereinafter referred to as the “CTRMA” or the “Agency”) provides this Employee Handbook (the “Handbook”) to outline basic Agency policies, practices and procedures. The policies have been written to apply on an Agency-wide basis and will supersede and replace all prior published and unpublished policies and procedures of The Central Texas Regional Mobility Authority.

The Handbook contains general statements of Agency policy and provides general guidelines for procedures, conduct and performance. Since no set of policies can anticipate every possible circumstance or situation that may arise in the workplace, any interpretation or application of a policy, or any decision to deviate from a policy, will be made at the sole discretion and judgment of management.

This Handbook does not represent an express or implied contract, promise or agreement of employment. Neither the Handbook nor any policy contained herein can alter the employment-at-will relationship in any way. This means that both the employee and the Agency retain the right to terminate the employment relationship at any time and for any reason. [For further information, please reference the Employment At Will Policy in this Handbook.]

In addition, no one other than the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority may alter or modify any of the policies in this Handbook, including the Employment At Will Policy. Any alteration or modification must be in writing, executed by both parties. Any oral representations to the contrary of a policy statement or contrary to the at-will employment status are not binding on the part of The Central Texas Regional Mobility Authority, its officers, or its management.

The Human Resources Manager will be responsible for maintenance and distribution of this Handbook. Each employee will be responsible for signing and returning to management an acknowledgement stating that he/she has read the Agency policies and procedures contained in this Handbook and agrees to abide by them.

Should an employee have a question concerning a policy contained in the Handbook, he/she is encouraged to consult a manager. Specific questions involving the interpretation or application of a policy should be referred to the Human Resources Manager.

The Agency reserves the right to modify, add or rescind policies in the Handbook at any time, at its sole discretion, with or without prior notice.

## Our Mission

~~The mission of the Central Texas Regional Mobility Authority is to expeditiously provide innovative, regional solutions to congestion problems while enhancing the economic vitality and quality of life in the Central Texas region.~~

~~To accomplish our mission, the Central Texas Regional Mobility Authority has developed a 5-year plan for the Agency. It includes the following:~~

- ~~▪ Provide Expertise in the Development of Solutions to our Region's mobility challenges~~
- ~~▪ Deliver Mobility projects expeditiously~~
- ~~▪ New Economic development opportunities~~
- ~~▪ Identify Financial Alternatives~~
- ~~▪ Organizational transparency and efficiency~~

## Our Vision

~~The Central Texas Regional Mobility Authority is committed to an open and transparent government organization staffed by experts who are purposefully working cooperatively with key stakeholder groups in the community.~~

## Core Ideology

The Mobility Authority's core ideology describes our consistent identity that transcends all changes related to our relevant environment. Our core ideology consists of two notions: core purpose, our reason for being and core values, the essential and enduring principles that guide our organization.

## Core Purpose

Be the provider of high quality regional mobility services in Central Texas.

## Core Values

*Integrity* – Demonstrated by honest communication, transparent transactions, ethical decisions and forthright behavior.

*Accountability* – Demonstrated in fiscal responsibility, commitment to our customers and constituents and collaboration with local and regional partners.

*Credibility* – Demonstrated in an earned reputation for fairness, dependability and dedication to public service.

*Innovation* – Demonstrated in visionary leadership, entrepreneurial spirit and tolerance for honest mistakes.

## Role of Management

### POLICY

The Agency's management considers it a privilege to lead The Central Texas Regional Mobility Authority. We are here to serve our customers and we are here to support our employees, so that they can grow and develop to their full potential.

The primary role of management at The Central Texas Regional Mobility Authority is to sustain a consistently high level of customer satisfaction and to attract, inspire, develop and retain top-flight talent in the organization, in alignment with the Agency's mission, vision and business objectives.

In addition, The Central Texas Regional Mobility Authority management is responsible for ensuring that employees carry out the Agency's mission and business objectives in a manner that is open, honest, effective and efficient, reflecting extraordinary customer service. Management is committed to maintaining high ethical standards among employees and is ultimately responsible for enforcing compliance with legal and ethical standards of conduct.

With respect to employment, management is responsible for creating strategy and structure within which employees can work effectively, while providing guidance and support to each individual at a level appropriate to his/her needs.

These practices, along with the Agency's comprehensive employee benefits program and its progressive, flexible policies, have established The Central Texas Regional Mobility Authority as both a leader in transportation management, and also an Employer of Choice.

# **EMPLOYMENT PRACTICES**

# Employment at Will

## **POLICY**

Employment with The Central Texas Regional Mobility Authority is considered “at will,” except where employment may be covered by a specific, written employment contract that is executed by both the employee and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority. This means that both the employee and the Agency have a voluntary employment relationship which exists for no certain period of time, and which may be terminated at will by either party. Thus, an employee may resign for any reason and at any time. Similarly, the Agency may choose to terminate employment at any time, for any reason, with or without advance notice and with or without cause.

This Handbook does not create a contract of employment or an implied contract of employment. No one at The Central Texas Regional Mobility Authority is authorized to verbally alter the employment-at-will status for any individual and no statements to the contrary can create an employment contract at The Central Texas Regional Mobility Authority.

Unless a written employment contract exists, signed by the employee, and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority, there is no contractual agreement between The Central Texas Regional Mobility Authority and any employee.

## Hiring/Promotion Practices

### POLICY

The Central Texas Regional Mobility Authority is an equal opportunity employer. This means that decisions regarding the hiring, promotion and compensation of candidates and employees will be made without regard to race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law.

Management will make decisions regarding the hiring, promotion and compensation of a candidate (whether internal or external) and employee solely upon the basis of the individual's work record, performance history and qualifications for the job for which he/she is being considered.

With respect to vacancies and promotional opportunities, the Agency will generally first consider interested and qualified internal candidates.

In no event shall the hiring or promotion of an employee be considered a contractual relationship between the employee and The Central Texas Regional Mobility Authority except where employment may be covered by a specific, written employment contract executed by the employee and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority. Therefore, employment is at will. This means that employees may resign from the Agency at any time for any reason, and the Agency may terminate employment at any time, for any reason, with or without advance notice and with or without cause.

In order to ensure that qualified candidates are selected for all positions, the Agency will utilize any and all available resources, as it deems appropriate.

Vacancies posted internally within The Central Texas Regional Mobility Authority generally will be communicated via the CTRMA website ([www.CTRMA.org](http://www.CTRMA.org)). Applications/resumes received from employees in response to internally posted jobs will be retained until the position is filled.

Vacancies posted externally of The Central Texas Regional Mobility Authority generally will be communicated via external advertisement and via the CTRMA website ([www.CTRMA.org](http://www.CTRMA.org)). Applications/resumes received from candidates in response to externally posted vacancies will be retained for one (1) year from the date of posting.

# Equal Employment Opportunity

## POLICY

The Central Texas Regional Mobility Authority is an Equal Opportunity Employer and is committed to the principles of equal employment opportunity.

All employment decisions, including but not limited to decisions regarding: recruitment, selection, hiring, compensation, benefits, training, advancement, discipline, discharge, reduction in force, and other terms, conditions and privileges of employment, are based on individual qualifications, without regard to race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law.

The Central Texas Regional Mobility Authority shall make reasonable accommodations for qualified individuals with disabilities, if it can do so without enduring an undue hardship.

# Employment Status and Classification

## POLICY

The Central Texas Regional Mobility Authority defines employment status and classification for purposes of benefits administration, pay administration and compliance with the Fair Labor Standards Act (FLSA).

### Definitions – Employment Status

Employment status will be communicated at the time of hire or assignment. Status will be determined according to the following definitions:

- **Full-time regular employee**

A full-time regular employee is an employee who is regularly scheduled to work at least 40 hours per work week for an indefinite period of time. For purposes of benefits eligibility, a full-time employee must be regularly scheduled to work 32 hours per work week.

- **Part-time regular employee**

A part-time regular employee is an employee who: (1) is hired to work for an indefinite period of time; and (2) is scheduled to work 30 or less hours per work week on a regularly scheduled basis.

Part-time regular employees are not eligible for Agency benefits, other than Worker's Compensation Insurance and FICA (Social Security and Medicare tax and participation in the TCDRS).

- **Intern**

An intern is an employee who generally: (1) is hired to work for a defined period of time, usually coinciding with the college semester; and (2) may work from 10-30 hours per work week, depending on business needs, the intern's college schedule, and other factors.

Interns are not eligible for Agency benefits, other than Worker's Compensation Insurance and FICA (Social Security and Medicare tax).

- **Temporaries and Independent contractors**

**Temporaries** are individuals paid on an hourly basis by a temporary services agency, consulting firm, or professional services firm, and are referred to The Central Texas Regional Mobility Authority to complete a specific task within a defined time period.

## Employment Status and Classification

**Independent contractors/consultants** are individuals who possess specialized expertise and are retained by the Agency to complete a specific project within a defined time period.

Neither a temporary nor an independent contractor is considered an employee of The Central Texas Regional Mobility Authority. Because temporaries and independent contractors are not employees of the Central Texas Regional Mobility Authority, they are not eligible for any Agency benefits.

### **Definitions – Employment Classification**

Each employee of the Central Texas Regional Mobility Authority will be classified according to the Wage and Hour provisions of the Fair Labor Standards Act (FLSA), which specifies that certain jobs are exempt from mandatory overtime payments.

Employees are reminded that exemption status is defined by the nature, type and scope of duties involved in the job, not by job title or by the individual.

- **Non-exempt**  
An employee who is eligible for mandatory overtime payments under the law is classified as non-exempt.
- **Exempt**  
An employee who is exempt from mandatory overtime payments under the law is classified as exempt.

The exemption status of each employee will be communicated to him/her at the time of hire, transfer and/or promotion.

## Transfer/Change in Position

### **POLICY**

The Agency, at its discretion, may initiate or approve employee job transfers from one job to another if such a transfer is consistent with the business and operating goals of the Agency.

### **PROCEDURES**

Generally, an employee must remain in his/her position for a minimum of six (6) months before requesting or applying for a transfer to another position. Exceptions may be permitted when: (1.) the managers of both the receiving and transferring departments approve the employee's transfer; and (2.) there is no disruption of normal business activities or customer service.

The Central Texas Regional Mobility Authority retains complete discretion in handling employee job transfers. Acceptable reasons for transfer may include, but are not necessarily limited to: increased career opportunities, employee request, changes in the business, fluctuations in workloads, better utilization of personnel, and employee preferences.

Job transfers may or may not include an adjustment in pay, regardless of whether the job requires more effort or additional responsibilities. The Central Texas Regional Mobility Authority will make such a determination after carefully evaluating both jobs and the individual circumstances of the transfer situation.

Temporary transfers may be considered if circumstances necessitate.

## **TIMEKEEPING AND PAY PRACTICES**

# Hours of Operation

## POLICY

The Central Texas Regional Mobility Authority has established the time and duration of working hours in order to ensure that the Agency functions at an optimal level of effectiveness, efficiency and responsiveness to customers' needs.

## PROCEDURES

Guidelines and provisions for The Central Texas Regional Mobility Authority's work week include the following:

- The Central Texas Regional Mobility Authority's normal business hours are 8:00 am to 5:00 pm. ~~Employees are expected to be physically present in the office during the core hours of 10:00am to 3:00 pm.~~ However, there may be deviations from these hours depending on The Central Texas Regional Mobility Authority's specific business and operating needs
- The work week is Monday through Sunday. The normal work week for full-time non-exempt employees consists of 40 hours.
- Management will approve each employee's schedule and monitor each employee's compliance with the work schedule, in order to ensure effective operations. Deviations from the employee's work schedule or deviations from this policy must be approved in advance by the employee's manager.
- Employees are expected to arrive for work in a timely manner and to leave work when duties are completed, in accordance with their assigned work schedules.
- For each eight (8) hour shift worked, there will normally be a lunch/rest break. However, there may be deviations from this schedule depending on The Central Texas Regional Mobility Authority's specific business and operating needs.
- In scheduling employees' hours of work, primary consideration will be given to customer service needs and the needs of business, as deemed appropriate by management.
- Occasionally, work schedules may be changed to meet the operational and service requirements of The Central Texas Regional Mobility Authority. Work schedules are assigned at the discretion of management.

# Timekeeping and Pay Procedures

## POLICY

It is the policy of the Central Texas Regional Mobility Authority to pay employees according to a regular schedule, which will be conspicuously posted in work areas. Payment is made either by check or by direct deposit, in accordance with any applicable laws and regulations.

## PROCEDURES

### Timekeeping

Non-exempt employees are responsible for keeping a written record of the hours worked each day. Non-exempt employees should round their work hours to the nearest quarter hour (0.25).

Exempt employees are responsible for [reporting vacation, sick or other time off used during the pay period. ~~keeping a written weekly record of vacation time or other time off used \(Exception Report\). Exempt employees should not submit any other time records.~~](#) All exempt employees must submit a timesheet/exception report to payroll by 5:00 p.m. on the Friday preceding the pay date in order to receive a paycheck in a timely manner on the following Friday.

An employee who makes an error in the recording of time shall immediately bring this error to the attention of his/her manager at the time the error is discovered. All time record corrections must be approved by the manager and recorded by the employee at the time the error is discovered.

Any employee who records another employee's time, has another employee record his/her time, or falsifies and/or tampers with any time keeping records or device will be subject to disciplinary action, up to and including termination of employment.

### Pay Periods and Pay Dates

Employees are paid on a bi-weekly basis (every other Friday), one week in arrears. If the pay date falls on a holiday, paychecks will be available on the preceding day.

### Rest/Meal Breaks

Generally, employees of The Central Texas Regional Mobility Authority will receive a 30-minute or one-hour unpaid rest/meal break each work day, depending on business and customer service needs.

## Timekeeping and Pay Procedures

Non-exempt employees must note on their written time sheets all time worked and any rest/meal break of 30 minutes or more. Rest/meal breaks of 30 minutes or more will be considered unpaid time.

Non-exempt employees are also reminded that unpaid meal/rest breaks must be spent free of work responsibilities such as paperwork, answering telephones, etc. Therefore, non-exempt employees should take unpaid breaks away from their general working areas and customer contact areas.

### Overtime/Compensatory Time

In accordance with the Fair Labor Standards Act, overtime is defined as any time worked by a non-exempt employee in excess of 40 hours in a work week. Overtime is based on the total number of hours worked during the work week, not on the number of hours worked per day.

Managers may schedule overtime work from time to time, as it is deemed necessary. In accordance with Texas law, non-exempt employees who work overtime will accrue compensatory time at a rate of 1.5 hours for each 1.00 hour of overtime worked in a work week. Employees are encouraged to work closely with their managers in order to use compensatory time within two weeks of earning it.

Non-exempt employees may accrue up to a total of 40 hours of compensatory time. After this point, further compensatory time accruals will cease, and overtime payment of one and one-half (1.5) times the employee's base rate of pay will be made for any hours worked in excess of 40 in a work week. No further compensatory time will accrue until the employee reduces the amount of accrued compensatory time to below 80 hours.

Compensatory time will not carry over from one calendar year to the next.

Vacation time, personal time and holiday time will be counted as time worked for purposes of determining whether overtime compensation is due. Sick time, civic duty leave and bereavement leave will not be counted as time worked for purposes of determining whether overtime compensation is due.

Non-exempt employees who work overtime must report the amount of overtime on their timesheets so that it can be properly converted to and recorded as compensatory time. **Non-exempt employees are not permitted to work overtime without the prior approval of their manager.** Non-exempt employees who work overtime without authorization, or who fail to report overtime worked, will be subject to corrective action, up to and including termination of employment.

## Timekeeping and Pay Procedures

Employees are reminded that overtime must be spent on legitimate, work-related activities that have been pre-approved by the manager.

Exempt employees are generally not eligible for overtime or compensatory time and are paid a salary for all hours worked in a week.

### **Time Off in Work Week**

A non-exempt employee may occasionally need to take excused time off during the work week for personal, family, illness or other reasons, but may wish to avoid using vacation time. In these circumstances, managers may, at their discretion, allow non-exempt employees to use accrued eligible compensatory time (if available) or to “make up” the amount of excused time off.

With respect to “make-up” time, the following restrictions will apply:

- Make up time will be permitted only during the same pay period worked in which the excused time off occurred. It may not be carried over to subsequent weeks.
- Make up time must be spent on legitimate, work-related activities that have been pre-approved by the employee’s manager.

Similarly, a non-exempt employee may accumulate 40 hours worked before the end of the work week. In these circumstances, the employee’s manager may ask him/her to take time off work or to leave work early, so that the employee’s worked hours do not exceed 40 in the week.

### **Seminars, Conferences and other non-standard Activities**

The following activities will be considered hours worked if approved in advance by the employee’s manager:

- Employee attendance at approved business/professional seminars and meetings;
- Employee attendance at required or otherwise pre-approved training;
- Required travel from one location to another during the work day; and
- Work-related travel to another town/city, when the period of travel takes place during the non-exempt employee’s normal work hours, regardless of the day of the week in which the travel occurs.

### **Relation of Overtime to Paid Time Off**

Holiday time, vacation time and personal time will be counted as time worked for the purpose of calculating overtime.

Sick time, civic duty leave and bereavement leave will not be counted as time worked for purposes of determining whether overtime compensation is due.

### **Mandatory Deductions From Paycheck**

The Agency is required by law to make certain deductions from employee paychecks. Among these are federal income taxes and contribution to Social Security, as required by law. These deductions will be itemized on employee check stubs.

Whenever the Agency is ordered to make any other mandatory deductions, such as court ordered garnishments, from an employee's paycheck, Accounting or Human Resources will generally notify the employee. [For more information on garnishments from paychecks, please reference the Special Pay Practices Policy in this Handbook.]

### **Other Deductions**

The Agency reserves the right to make deductions and/or withhold compensation from an employee's paycheck as long as such action complies with applicable state and federal law. In addition, employees may be permitted to authorize the Agency to make additional deductions from their paychecks for extra income taxes, contributions to the 401(a) and 457 Retirement Savings Programs, or employee Insurance Benefits (if eligible). For more information, contact the Human Resources Manager.

The Agency also reserves the right to suspend an employee without pay for major infractions of Agency policy. Exempt employees will be suspended without pay in full-day increments only.

## Special Pay Practices

### **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to adhere to certain procedures with regard to call-in work time and Qualifying Domestic Support Orders (“QDSO’s”).

### **Call-In Pay**

Non-exempt employees who are called in to work on an unscheduled basis will be paid at the employee's regular rate (calculated on an hourly basis). If the employee has worked more than 40 hours in the work week, the unscheduled hours worked will be paid at 1.5 times the employee's regular hourly rate.

### **Other Pay Practices**

The Central Texas Regional Mobility Authority complies with state and federal laws/regulations regarding orders for mandatory deductions from employee pay, such as for garnishment or Qualifying Domestic Support Orders (“QDSO” or child support).

These orders generally require The Central Texas Regional Mobility Authority to withhold a pre-established amount from each one of the affected employee's paychecks, and to remit such payments directly to the agency that made the order. Consequently, The Central Texas Regional Mobility Authority cannot lawfully refuse to obey the order, nor to modify or defer the amounts of the deductions taken without written notice from the agency that made the order.

If an affected employee has a question about the payment schedule or amount of payment that has been ordered, he/she is advised to contact the agency that made the garnishment order.

## Absence/Tardiness

### POLICY

It is the position of the Agency that regular attendance is important and that excessive absences or tardiness can have a serious effect on employee work performance. Therefore, employees should be prepared to begin work at the start of their assigned daily work hours, and to carry out their duties and responsibilities during assigned work hours.

### Absenteeism and Tardiness

From time to time, it may be necessary for an employee to be absent or late for work. If an employee is unable to report to work, or if he/she will arrive 15 minutes or more late, the employee must directly communicate with his/her manager as soon as practically possible. If an employee is physically unable to notify his/her manager because of an illness or emergency, the employee should have another person directly communicate with and notify the manager on his/her behalf.

If an employee fails to report to work for a scheduled shift without notification to the manager, then the employee may be subject to corrective action, up to and including termination of employment. If an employee is absent from work for three (3) consecutive days without notifying his/her supervisor, the employee will be considered to have abandoned his/her job and to have voluntarily resigned.

Personal business such as doctor appointments, dental appointments, school meetings, and other appointments should be scheduled, where possible, before or after the employee's assigned work hours. If such appointments cannot be scheduled outside of the employee's work hours, the employee should make every attempt to schedule them at the beginning or end of the work day, or adjoining his/her lunch break, in order to minimize disruption to work.

If an employee knows in advance that he/she will need to be absent, the employee is required to notify his/her manager as soon as possible to request this time off. In the case of an absence of more than four (4) consecutive days for medical reasons, the employee is required to provide a note from his/her healthcare provider, indicating that he/she is able to perform the essential functions of the job.

[For further important information on absences and tardiness, please reference the Leaves of Absence Policy in this Handbook.]

## **TIME OFF AND LEAVE POLICIES**

# Holiday Policy

## POLICY

It is the policy of The Central Texas Regional Mobility Authority to give employees time off work to observe scheduled holidays.

## Eligibility

All full-time regular employees shall be paid for the following holidays.

New Year's Day

Rev. Dr. Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day:

Veteran's Day

Thanksgiving and the day after

Christmas Eve and Christmas Day ~~and the day before or the day after~~

~~In addition, employees may choose to take one additional paid holiday (floating), for religious celebrations or otherwise.~~

~~In order to be eligible for holiday pay, an employee must normally work the scheduled work day immediately preceding the holiday and the scheduled work day immediately following the holiday.~~

Part-time employees, temporaries, interns and independent contractors are not eligible to receive holiday pay.

## Holiday Policy

### **Holiday Pay Rate**

For full-time regular employees, holiday pay shall normally be equivalent to one (1) regular shift at the employee's base rate of pay.

Holiday pay will be counted as time worked for the purpose of calculating overtime.

### **Holidays Not Scheduled by Agency**

Employees may wish to observe days of worship or commemoration other than those observed by the Agency. Employees wishing to take additional days off for this purpose may do so with their manager's approval, provided their absence will not seriously hinder the operation of their department. Employees should request [personal or](#) vacation time on such occasions, or they may take an unpaid, excused absence with the approval of their supervisor.

### **Holiday Pay at Termination**

An employee who separates from the Agency for any reason will not be paid for any unused holidays.

# Vacation and Personal Time Policy

## POLICY

It is the policy of The Central Texas Regional Mobility Authority to provide full-time regular employees time away from work for rest and relaxation, or for family/personal business, as staffing and customer needs permit.

### Vacation and Personal Time Eligibility

Full-time regular employees are eligible for vacation and personal time.

Vacation time will be available for use at the beginning of the calendar year, but will accrue each month. Personal time will be granted at the beginning of each calendar year.

Employees must successfully complete 90 days of employment before being eligible to take vacation or personal time off.

[All employees are required to take a minimum of five \(5\) consecutive business days of vacation per year.](#)

Requests for vacation are subject to the approval of the employee's manager, and will be evaluated in light of business conditions, customer service needs and staffing schedules.

### Annual Vacation Accrual

Vacation time is accrued on a per-pay-period basis, according to following schedule unless an alternative agreement exists between an employee and the CTRMA. The accrual rate for annual leave, the maximum amount of accrued annual leave that an employee may carry over from one leave year (January 1 – December 31) to the next, and the maximum amount of annual leave payable upon separation from service are determined as shown in the following chart.

Completed Yrs. of Svc.	Accrual Rate/Pay Period	Annual Accrual	Maximum Carryover	Maximum Payment
0 – 2 yr.	3.08 hours	80 hours	180 hours	180 hours
3 – 4 yrs.	3.70 hours	96 hours	240 hours	240 hours
5 – 9 yrs.	4.62 hours	120 hours	<del>264</del> 300 hours	264 hours
10+ yrs.	6.16 hours	160 hours	<del>384</del> 400 hours	336 hours

If the employee terminates employment with a negative vacation time balance, any used vacation time in excess of his/her earned accrual will be deducted from the employee's final paycheck.

|

# Vacation and Personal Time Policy

## **Annual Personal Time Grant**

Full-time employees will receive three (3) personal days each calendar year, which can be used in increments of four (4) hours at a time. Personal days can be used for leisure/vacation time, personal business, children's school activities, parent-teacher conferences, household/domestic emergencies, etc., subject to the approval of the employee's manager. During the first year of employment, the number of personal days granted will be pro-rated, based on the date of hire.

All personal days are to be used in the calendar year in which they are granted. ~~Otherwise, any/all remaining personal days will be rolled over to the following calendar year as vacation leave.~~

## **Vacation and Personal Time Reporting**

- Employees will generally not receive pay for vacation or personal time in lieu of time off.
- Non-exempt employees must record on their time sheets vacation and personal time taken in increments of one hour or more for the appropriate pay period.
- Exempt employees must record vacation and personal time taken in increments of ~~one full day~~ 4 hours or more on an exception report for the appropriate pay period.

## **Vacation and Personal Time Pay Rate**

Vacation and personal time will be paid at the employee's base rate, excluding overtime and bonus. Vacation and personal time will be counted as time worked for the purpose of calculating overtime.

## **Holiday During Vacation and Personal Time**

In the event that an Agency-scheduled holiday occurs during the employee's scheduled vacation or personal time, the employee will be paid for the holiday, and vacation or personal time will not be charged for that day.

## **Termination**

An employee who separates from the Agency will be paid for any unused, accrued, eligible vacation time.

An employee who separates from the Agency for any reason will not be paid for any unused, accrued, eligible personal days/time.

# Sick Time Policy

## **POLICY**

It is the policy of the CTRMA to provide full-time employees time off in the event of illness, and for medically-related appointments and treatments.

This policy will apply to the illness of the employee, spouse, child, domestic partner, or other family member who lives in the employee's home.

## **Definitions**

For purposes of this policy, definitions follow:

- A "child" is defined as a natural child, adopted child, foster child or step-child.

## **Eligibility**

Full-time regular employees are eligible for sick time.

Sick time will be available for use at the beginning of the calendar year, but will accrue each pay period.

Employees must successfully complete 90 days of employment before being eligible to take paid sick time off.

Sick leave may only be used for sickness and medical and dental appointments of the employee, or for the employee's immediate family (family members as defined in the Family and Medical Leave Act policy); or for paid leave under the Family and Medical Leave Act. It is not an alternative form of vacation leave. Sick leave may not be converted to another form of leave to avoid entering unpaid leave status.

## **Accrual**

Sick time will accrue at the rate of 4 hours per pay period. Sick leave hours will be accrued on the payroll system.

Paid sick leave is cumulative up to sixty days (480 hours).

If the employee terminates employment with a sick time balance, any used sick time in excess of his/her earned accrual will be deducted from the employee's final paycheck.

# Sick Time Policy

## Reporting

- Employees will not receive pay for sick time in lieu of time off.
- Non-exempt hourly employees will report sick time taken in increments of 0.25 hours on a time sheet for the appropriate pay period.
- Exempt employees must report sick time taken in increments ~~of one full day~~ 4 hours or more on an exception report for the appropriate pay period.

## Sick Time Pay Rate

Sick time will be paid at the employee's base rate, excluding overtime and bonus. Sick time will not be counted as time worked for the purpose of calculating overtime compensation.

## Leave of Absence

If an employee is on an approved leave of absence without pay, the sick time accrual rate will be prorated based on the leave date and/or number of hours worked.

## Termination

An employee who separates from the Agency for any reason will not be paid for unused accrued sick time.

## Extended Medical Leave Policy

### POLICY

A full-time employee may be eligible for up to thirty (30) days of paid Extended Medical Leave in a rolling twelve (12) month period.

### Eligibility

An employee is eligible for paid Extended Medical Leave if he or she:

\_\_\_\_\_ (A). is a full-time employee who has maintained a satisfactory record of employment with the Central Texas Regional Mobility Authority (“CTRMA”) for a minimum of one (1) year; and

\_\_\_\_\_ (B). provides acceptable certification from his or her physician establishing that the employee has a serious temporary (but recoverable) illness, injury or disability that renders the employee unable to perform an essential function of his or her position and the dates that the employee is required to be absent from work due to such condition.

Absence from work because of illness of the employee’s spouse, child or parent does not qualify the employee for paid Extended Medical Leave.

### Group Health Benefits

During an approved Extended Medical Leave, CTRMA will maintain the employee’s health benefits as elected by the employee prior to the leave and as if he or she continued to be actively employed.

### PROCEDURES

An employee may obtain medical certification forms from the HR Manager. Medical certification must be completed by the employee’s physician and submitted to CTRMA prior to receipt of any paid Extended Medical Leave. An employee’s request for paid Extended Medical Leave must be approved in writing by the HR Manager. If an employee’s request for paid Extended Medical Leave is not granted, the employee will be notified.

Employees with accrued paid leave such as vacation, personal or sick time must exhaust all such accrued paid leave, including sick leave pool where applicable, prior to receiving any paid Extended Medical Leave. An employee will not accrue any additional vacation or sick leave benefits during a paid Extended Medical Leave. Holidays will be charged as Extended Medical Leave and not as holiday.

## Extended Medical Leave Policy

### Certification of Health Condition

Prior to returning to work following a paid Extended Medical Leave, the employee is required to provide a medical certification that he or she is fit to resume work. The employee may obtain return-to-work medical certification forms from the HR Manager. Employees failing to provide the return-to-work medical certification form will not be permitted to resume work until the form is properly completed by the employee's physician and submitted to CTRMA. When an employee returns to work from a paid Extended Medical Leave, CTRMA will attempt to reinstate the employee to the position he or she previously held.

### Notification

Employees on a paid Extended Medical Leave are expected to report any change in status or intention to return to work to the HR Manager. In the event the employee's physician determines that he or she is able to return to work sooner than anticipated, the employee must immediately notify the HR Manager of the date he or she is able to return to work. In no event will an employee be entitled to paid Extended Medical Leave after the employee's physician has determined that he or she is able to return to work. If an employee is unable to return to work as scheduled following the end of his or her paid Extended Medical Leave, the employee must immediately notify the HR Manager. While an employee is out on Extended Medical Leave, CTRMA should request a periodic status report from the employee to determine if additional time is needed beyond the time that was initially granted. In certain circumstances, employees may be eligible for an additional period of unpaid leave.

Employees who accept other employment or who go into business for themselves while on a paid Extended Medical Leave will be considered to have voluntarily resigned from CTRMA as of the last day worked and will not be entitled to payment after such date.

### Relationship to the Family and Medical Leave Act (FMLA)

Any paid Extended Medical Leave provided under this policy will run concurrently with any unpaid leave provided to the employee under the Family and Medical Leave Act ("FMLA"). If the employee is eligible for unpaid FMLA leave, as well as paid Extended Medical Leave, he or she will be entitled to all rights and benefits and be subject to all terms and conditions governing FMLA leave, and all terms and conditions governing FMLA leave will control in the event of any conflict with this policy.

# Bereavement Leave

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to provide employees paid time away from work in the event of the death of an immediate family member or domestic partner.

## **Definitions**

For purposes of this policy, definitions follow:

- An “immediate family member” is defined as spouse, parent, person who legally served as parent, sibling, grandparent, grandchild (whether natural relative, step-relative, or in-law relative), child (whether natural child, adopted child, foster child or step-child), aunt, uncle, or other relative who lives in the employee’s home.

## **Eligibility**

A full-time regular employee experiencing the death of an immediate family member will be eligible to take paid bereavement leave. Leave for the death of a person other than an “immediate family member” (as defined herein) is at the discretion of the Executive Director.

## **Duration**

Paid bereavement leave will be granted for a maximum of three (3) workdays for an immediate family member. If granted by the manager, leave for the death of a person other than an immediate family member is limited to one day per calendar year. Vacation time or unpaid personal leave may also be used to supplement bereavement leave, subject to the prior approval of the Executive Director.

## **Pay During Bereavement Leave**

Pay during bereavement leave will be calculated at the employee’s regular base rate of pay.

## **PROCEDURES**

The employee must notify the supervisor as soon as possible when bereavement leave is required. The leave time is to be documented on the applicable time reporting system.

# Civic Duty Leave

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to provide employees time away from work for certain civic obligations, including voting, jury duty, and appearing in court or before other constituted authorities as a witness.

## **Definitions**

For purposes of this policy, definitions follow:

- “Voting” refers to the time required for employees to participate in elections.
- “Jury duty” refers to any period of time that an employee is summoned to serve as a member of an empanelled jury.
- “Witness service” refers to an appearance in court or before other constituted authorities as a witness.
- “Constituted authorities” refers to the employee’s appearance before a lawfully constituted legal authority.

## **Eligibility**

All full-time regular employees are eligible for paid civic duty leave.

An employee’s appearance as a defendant in a criminal matter is not covered by this policy and is not eligible for civic duty leave/pay.

## **Substantiation**

An employee requesting paid civic duty leave must provide documentation of having been called for and/or served on a jury, as a witness, or before a lawfully constituted authority.

If an employee’s work schedule and the election’s polling hours are insufficient to allow the employee to vote, the supervisor may adjust scheduling and/or allow adequate paid time for the purpose of voting.

## **Pay During Civic Duty Leave**

Employees who are eligible for paid jury duty leave will be paid at the regular base rate of pay for all work hours missed due to jury or civic duty for a maximum period of 40 hours. An extension of this time must have approval of the Executive Director.

# Policy on Family and Medical Leave (FMLA)

## POLICY

The Central Texas Regional Mobility Authority recognizes that it is important for employees to have leave for serious medical conditions, to participate in early child rearing, and to care for family members who have serious health conditions. Accordingly, as required by law, the Agency will permit eligible employees to take family or medical leave (“FMLA leave”), in accordance with the terms of this policy.

## Definitions

For purposes of this policy, definitions of “family members” follow:

- A “child” is defined as a natural child, adopted child, foster child or step-child.
- A “parent” is defined as a mother or father (whether natural relative, step-relative, or in-law relative), or person who legally served as mother or father.

## Eligibility

In order to be eligible to take family or medical leave, an employee must be employed by the Agency for at least twelve (12) months, and must have worked at least 1,250 hours in the immediate past year before the date of the requested leave.

## Entitlement to Leave

Eligible employees shall be entitled to take up to twelve (12) weeks of unpaid FMLA leave in a twelve (12) month period for any of the following reasons:

- To care for a newborn child within one (1) year of birth;
- For the placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, parent, of the employee who has a serious health condition; or
- Because of the employee’s own serious health condition.
- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or
  - Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

An employee’s annual twelve week entitlement to FMLA leave will be calculated using a rolling calendar method. This means that the CTRMA will measure backward twelve (12) months from the date the employee uses FMLA leave to determine the amount of leave to which the employee may be entitled, up to a maximum of twelve (12) weeks in any twelve (12) month period.

For those employees requesting leave to care for a family member (as outlined above) with a serious health condition, the CTRMA may require the employee to submit substantiation of the relationship.

## Policy on Family and Medical Leave (FMLA)

### **Employee Benefits**

Employees will continue to accrue seniority during an FMLA leave. Employees will not continue to accrue vacation time or sick time during an unpaid FMLA leave.

### **Group Health Benefits**

If an employee takes FMLA leave in accordance with this policy, and if the employee participates in the CTRMA's group health insurance plan, he/she shall be entitled to continue benefits during the leave under the Agency's group health insurance plan by paying the regular employee portion of the monthly premium(s), provided that the employee was eligible for the group health insurance plan prior to requesting the FMLA leave.

The employee will also be entitled to continue any other group welfare benefits in which the employee was a participant prior to the commencement of his/her FMLA leave by paying the regular portion of the monthly premium(s) for any covered spouse's and/or child(ren)'s participation in such benefit plans.

### **Relationship to Sick Leave and Vacation**

FMLA leave will fully coordinate with the CTRMA's sick time policies. This means that when an employee takes FMLA leave, the employee must use any accrued, eligible sick time and vacation time, until all such accruals are exhausted. Thereafter, any portion of the FMLA that is not covered by the employee's use of accrued, eligible sick time and/or vacation time will be unpaid.

If an eligible employee takes a leave of absence that would otherwise qualify as FMLA leave, the CTRMA may, in its discretion, classify the leave of absence as an FMLA leave of absence.

### **Notification**

When the need to take FMLA leave is reasonably foreseeable, the employee must provide the CTRMA with at least thirty (30) days advance notice of his/her intention to request FMLA leave.

In circumstances in which the need to take FMLA leave is not reasonably foreseeable, the CTRMA requires that the employee provide as much advance notice as possible under the circumstances.

### **Certification of Health Condition**

If an employee requests FMLA leave based upon his/her own serious health condition, or the serious health condition of a spouse, child, parent, or domestic partner, the CTRMA may require,

## Policy on Family and Medical Leave (FMLA)

in its discretion, that the employee submit a medical certification, in a form approved by the Agency, which must be completed by the employee's or family member's health care provider, as appropriate, regarding the serious health condition. In addition, the CTRMA may require the employee to submit periodic re-certification of the serious health condition. These re-certifications may be required every thirty (30) days or until the minimum duration of the previous certification has elapsed, whichever period is longer.

Any medical certification must be returned by the employee within fifteen (15) days or the CTRMA may delay the commencement or continuation of the FMLA leave until the certification is submitted.

The CTRMA reserves the right to require an employee to obtain the opinion of a second health care provider, at the Agency's expense, with respect to any medical certification. In addition, if there is a conflict between the employee's medical certification and the opinion of a second health care provider, the CTRMA reserves the right to require a third opinion, at the Agency's expense, by a health care provider chosen jointly by the employee and the CTRMA. The opinion of the third, jointly-chosen health care provider shall be binding on the part of both the employee and the Agency.

### **Status Reports**

An employee will be required to contact his/her supervisor every two (2) weeks to report on his/her status and intent to return to work. Additionally, if the employee is able to return to work earlier than anticipated, the employee is required to provide the CTRMA notice within two (2) business days of the revised date of return.

### **Intermittent Leave**

Under certain limited circumstances, an employee may be entitled to take FMLA leave on an intermittent or reduced schedule basis, when such leave is based upon his/her own serious medical condition, or the serious medical condition of a spouse, child, parent, or domestic partner. However, intermittent medical leave will be authorized only if intermittent leave is medically necessary as a result of the serious health condition.

The CTRMA reserves the right to temporarily transfer an employee requesting intermittent or reduced schedule leave to an alternative position which better accommodates the recurring periods of leave, with no decrease in pay or benefits.

### **Restoration to Employment**

An employee who takes FMLA leave in accordance with this policy shall have the right to return to the position he/she held prior to the leave or, in the discretion of the Agency, to an equivalent position with the same pay, benefits and terms and conditions of employment. The CTRMA may require a fitness-for-duty medical certification that the employee is able to return to work.

## Policy on Family and Medical Leave (FMLA)

In certain cases, “key employees” of the CTRMA may be denied restoration when the Agency determines that restoration will result in substantial and grievous economic harm to the CTRMA. A “key employee” is a salaried employee who is among the highest paid 10 percent of all the Agency’s employees within 75 miles of the employee’s worksite.

### Restoration to Employment

~~An employee who takes FMLA leave in accordance with this policy shall have the right to return to the position he/she held prior to the leave or, in the discretion of the Agency, to an equivalent position with the same pay, benefits and terms and conditions of employment. The CTRMA may require a fitness for duty medical certification that the employee is able to return to work.~~

~~In certain cases, “key employees” of the CTRMA may be denied restoration when the Agency determines that restoration will result in substantial and grievous economic harm to the CTRMA. A “key employee” is a salaried employee who is among the highest paid 10 percent of all the Agency’s employees within 75 miles of the employee’s worksite.~~

### Failure to Return from FMLA Leave

If an employee fails to return to work after taking FMLA leave, as permitted by law, the CTRMA shall be entitled to recover from the employee all insurance premiums paid on behalf of the employee during the FMLA leave, unless the employee’s failure to return is for one of the following reasons:

- Continuation, recurrence or onset of a serious health condition which would qualify under this policy as family and medical leave; or
- Circumstances beyond the employee’s control, as approved by the CTRMA.

### Non-discrimination/Non-retaliation

The CTRMA will not interfere with, restrain or deny any employee’s right to request FMLA leave in accordance with the terms and provisions of this policy. In addition, the CTRMA will not discriminate or retaliate against any employee for requesting FMLA leave, or for taking a FMLA leave, in accordance with this policy.

Employees who have questions regarding this policy or who have the need to apply for FMLA leave should contact Human Resources.

## Leaves of Absence – General Information

### **POLICY**

It is the policy of the Central Texas Regional Mobility Authority to comply with all local, state and federal laws regarding employee leaves of absence

Leaves of absence will be coordinated by the Human Resources Manager. Leaves of absence may be managed with the cooperation of internal/external resources, including but not limited to: the employee; his/her healthcare practitioner (if applicable and with the employee's consent); Agency medical advisors; and insurance companies, in conjunction with employer-sponsored health/medical plans.

### **Military Leave**

An employee who is called to military service or who receives orders for a military obligation such as training exercises, encampment, or deployment must notify his/her manager as soon as practically possible. In addition, the employee should complete a Leave Request Form so that arrangements can be made for a military leave of absence.

The Central Texas Regional Mobility Authority complies with all local, state and federal laws regarding military leaves of absence, including the Uniformed Services Employment and Reemployment Rights Act (USERRA). For more information on military leaves of absence, employees should contact the Human Resources Manager.

### **Administrative Separation**

If an employee is on an approved military leave of absence that exceeds twelve (12) months, the employee will be administratively separated from the Agency. In this event, the employee may also be entitled to continue employee benefits or exercise conversion rights in accordance with USERRA, COBRA and/or the terms and provisions of the employee benefit plan documents.

Any employee of the Agency who has been on a non-military leave of absence and who has not performed any services for the Agency for any reason for a period of six (6) consecutive months shall be separated from active employment and considered administratively terminated. In this event, the employee may be entitled to continue employee benefits or exercise conversion rights in accordance with COBRA and/or the terms and provisions of the employee benefit plan documents.

An employee who is separated from employment with the Agency pursuant to this policy shall be eligible for rehire with the Agency, although re-employment cannot be guaranteed. The employee must submit an application for employment at the time he or she seeks to be re-employed, and will be considered along with other applicants, for any available position for which he or she is qualified.

# **PERFORMANCE APPRAISAL AND SALARY** **ADMINISTRATION**

# Performance Management & Appraisal

Page 1 of 1

---

## **POLICY**

The Central Texas Regional Mobility Authority strives to regularly evaluate the job performance of each employee.

## **PROCEDURES**

Performance management and appraisal is a formal system for aligning employee objectives with the Agency's strategic business plan and goals, managing employee performance on an ongoing basis, and evaluating and developing in individual employees the skills, knowledge, and behaviors that support those objectives.

The Central Texas Regional Mobility Authority's performance management and appraisal system defines specific, measurable performance objectives for each job in the Agency. Employees are then evaluated against the objectives associated with their particular jobs.

The CTRMA's performance management and appraisal system has the following goals:

- To provide employees with a clear understanding of their performance objectives and how the objectives contribute to the Agency's business plans.
- To strive to conduct performance reviews and evaluations on a regular basis.
- To facilitate ongoing and candid feedback among employees and managers.
- To encourage and support employees in their efforts to continually improve and develop.

Employees may respond, in writing, to their written performance appraisal, at the time the performance appraisal is conducted, or within 30 (thirty) days thereafter. If submitted within this time frame, the employee's written response and comments will be added to his/her personnel file.

# Salary Administration

## **POLICY**

It is the policy of the Central Texas Regional Mobility Authority to provide equitable and competitive compensation for each employee, based on the individuals' position, job performance and contributions to the Agency.

## **PROCEDURES**

The Human Resources Manager of the CTRMA is responsible for developing, maintaining and updating a salary administration program which complies with Agency guidelines and which supports the Agency's mission, goals and objectives. The basis of the salary administration program is the evaluation of each position within the Agency.

The Human Resources Manager is also responsible for communicating the compensation plan and salary administration program to employees. Questions about the compensation plan and salary administration program should be directed to a manager or to the Human Resources Manager.

The Agency strives to regularly evaluate individual job performance, which is typically accomplished through the use of performance appraisals conducted by each employee's manager.

In determining a rating on the performance appraisal, the supervisor will take into consideration the following:

- The employee's achievement of individual goals and objectives against Agency standards/expectations for the position; and
- The employee's demonstrated application of the Agency's mission and values in his/her work.

# **SAFETY, SECURITY AND EMERGENCY MANAGEMENT**

## **POLICY**

The Central Texas Regional Mobility Authority is committed to the safety, health and security of all employees in the workplace, and of all customers, including injury/accident prevention and security. The Agency complies with all regulations and rules of the Occupational Health and Safety Administration (OSHA) and other relevant government agencies. Maintaining a safe work environment, however, requires the continuous cooperation and effort of all employees.

Employees must immediately report any suspected unsafe conditions and all injuries that occur on the job. Employees will not be asked to perform any task which may present a health, safety or security risk. However, if an employee feels that a task may be dangerous, or if an employee is unsure of the safe way to perform a task, the employee should consult his/her manager.

As a condition of initial and continuing employment, each employee agrees to abide by the safety regulations and procedures in this policy.

## **PROCEDURES**

### **Agency Security**

The CTRMA's security program was developed to ensure the protection of customers and their information, Agency assets, employees and visitors. Confidentiality and security are the main tenets of this program, and each has a significant impact in the planning of facilities and service operations.

Physical and electronic security measures are in place to control and monitor access to the CTRMA's premises. This includes, but is not limited to electronic access controls and video surveillance.

All Agency premises, with the exception of the lobby during normal business hours, are considered restricted. Employees and contractors are permitted access to specific areas in order to perform their job duties.

For security reasons, persons other than employees and customers are not allowed on the premises without permission of a manager or the Executive Director. All vendors must check in at the front reception desk. Visitors who are properly authorized to enter the premises for business reasons may be required to wear a visitor's identification badge and be accompanied by a Agency representative until their departure.

All employees serve an important role in ensuring effective security. If an employee notices any suspicious person or stranger on Agency premises, he/she should immediately notify the Executive Director or his/her designee. Similarly, violations of this policy or concerns about this policy should be reported immediately to a manager or to the Executive Director.

## **Workplace Safety Responsibilities**

All employees have the following workplace safety responsibilities:

- To read and abide by all Agency safety policies and procedures.
- To perform job duties in a safe manner, using safe practices.
- To report any accidents to a manager, and to seek first aid, if necessary.
- To immediately report unsafe conditions, equipment or practices to a manager.
- To use all OSHA- or state-required Personal Protective Equipment (PPE) as indicated.
- To attend and participate in Agency safety meetings.
- To observe all hazard, warning and other posted signs.
- To keep aisles, walkways, hallways and working areas clear of slip and fall hazards.
- To operate only the equipment which the employee has been properly trained to use; and to observe safe operating procedures in the use of all equipment.
- To use proper lifting procedures at all times.

## **Right to Know/Hazard Communication**

Employees have the right to know about any hazardous chemicals that may be used in the workplace. A hazardous chemical is any chemical or mixture of chemicals that can cause injury and/or illness to employees. To learn more about a chemical, employees may consult two main sources of information: the label on the chemical; and the Material Safety Data Sheet (MSDS).

Reading the Label: All Agency employees are required to read and exactly follow the written instructions on the label of any chemical prior to using the chemical in the workplace. Labels explain how to handle and use the chemical safely, and the chemical's possible physical effects on people.

Consulting the Material Safety Data Sheets: MSDS sheets are technical bulletins that contain important information about chemicals used at the Central Texas Regional Mobility Authority. The MSDS sheets also provide emergency information. The sheets are retained on-site and are readily accessible to all employees in the Human Resources Department.

## **Employee Workplace Injury or Illness**

If an employee is injured and needs medical attention beyond basic first aid, then either the injured employee or a co-worker should contact an emergency response unit by dialing 911 from any Agency telephone.

Regardless of whether an injured employee requires only basic first aid or more extensive medical attention, the employee should notify his/her manager as soon as possible following any injury. The Texas State Workers' Compensation Act requires the employee to report any workplace injury requiring medical attention beyond basic first aid. In this case, the employee and manager must complete the Employee Report of Accident Form.

If an employee recognizes a potential safety hazard, has a workplace-related health and safety issue, or would like to make a safety suggestion, then this information should be shared immediately with a manager. OSHA also provides employees the right to know about any health hazards which might be present on the job.

### **Customer Injury or Illness**

If a customer experiences a minor illness or an injury, then the employee should offer assistance or support, such as a chair, towel, bandage or glass of water. After first acknowledging the customer, the employee should contact a manager for assistance and for any decisions regarding contacting emergency services.

If a customer experiences a serious or life-threatening illness or injury, then the employee should first dial 911 from any Agency telephone, and then contact a manager for assistance.

The employee should **not** treat or clean a customer's wounds or apply bandages to a customer's wounds, as this may expose the employee to blood-borne pathogens. Instead, the customer should assist him/herself with the treatment of any minor wounds until trained medical professionals arrive.

In either case, the employee and the manager shall make the injured customer's comfort their primary concern.

### **Fire Prevention, Control and Safety**

- **Fire Extinguishers**

Employees should be familiar with the location of the fire extinguisher(s) on Agency premises and make sure they are kept clear at all times. ABC-rated fire extinguishers can be used for paper, wood, or electrical fires. Employees should immediately notify a manager if an extinguisher is used or if the seal is broken.

- **Fires**

If an employee is aware of a fire, he/she should:

- If the fire is small and contained, locate the nearest fire extinguisher. (This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.)
  - Evacuate all employees and customers from the area.
  - If possible, immediately contact a member of management.
- If the fire is out of control, the employee should:
  - Dial 911 from any Agency telephone.
  - Evacuate all employees and customers from the area.
  - If possible, contact a member of management.
  - Make no attempt to fight the fire.
  - When the fire department arrives, direct the crew to the fire.
  - Do not re-enter the building until directed to do so by the fire department.

- **Emergency Evacuation**

If employees are advised to evacuate the building or buildings, they should:

- Stop all work immediately.
- Contact 911 or other emergency response agencies, if needed.
- Shut off all electrical equipment and machines, if possible.
- Walk to the nearest exit, including emergency exit doors; exit quickly and orderly, but do not run.
- Do not stop for personal belongings.
- Proceed to the parking lot designated by management or emergency officials.
- Do not re-enter the building(s) until instructed to do so.

## Security - General Precautions

All employees should take responsibility for their personal security. Additionally, employees should take responsibility for the security of property (including personal, customer-owned, and Agency-owned property). The following are some helpful tips to ensure the security of persons and property.

- All employees are required to park in the area designated for employees. For safety reasons, employees should lock their cars every day and park within specified areas.
- If an employee should damage another car while parking or leaving, he/she should immediately report the incident to a manager, along with the license numbers of both vehicles and any other pertinent information.
- Please be advised that neither the CTRMA nor its management is responsible for any loss, theft or damage to employees' vehicles or vehicle contents.

- Employees should not bring to work large amounts of cash or other valuables, or leave them on the CTRMA premises. The Agency is not responsible for lost items.
- Items found on Agency premises or parking lots should be immediately presented to the building management, for placement into the “Lost and Found” area.
- Any cash and other property should be properly secured. If an employee is aware of cash or other property that is not securely stored, he/she should immediately inform the individual or a manager.
- Employees should ensure that all appropriate doors and equipment are locked and secured.
- Employees who leave the work premises after dark are advised to take another employee as an escort.
- When employees leave the CTRMA’s premises, they are advised to be aware of their surroundings and have their vehicle keys in hand.
- Employees should immediately report any unusual or suspicious activities or persons in parking lots, in the buildings, or on Agency premises.
- Employees should never confront or attempt to restrain an individual who appears to be engaging in illegal activity in parking lots, parking garages, or in other areas owned, leased or under the management of the Central Texas Regional Mobility Authority. Instead, employees are advised to return to the building or leave the premises immediately, and then report the activity to management and/or law enforcement.
- Security Checks
  - Because we are concerned about all employees’ and customers’ safety and security, CTRMA’s management reserves the right to inspect all unusual packages and parcels entering and leaving our premises.
  - Management will not inspect an employee’s person, lunch pail, purse, backpack, briefcase, attaché or vehicle without the employee’s consent. However, an employee’s refusal to permit a search of his/her personal container(s) upon the request of management may result in corrective action, up to and including termination of employment.

### **Violence or Threat of Violence**

The CTRMA intends to create and sustain for its employees, customers and visitors a working environment which is free of workplace violence or the threat of violence.

Therefore, the Agency will assume and vigorously enforce a “zero tolerance” policy with respect to violence or threats of violence directed at any person. Prohibited behavior includes but is not limited to threatening language, whether verbal or written; threatening gestures, depictions or pictures; and/or actual violence of any kind directed at any individual.

A violation of this policy will be dealt with aggressively and, subject to investigation, may lead to corrective action up to and including termination of employment for a first offense.

### **Weapons**

The Central Texas Regional Mobility Authority strictly prohibits any person—whether employee, customer or visitor—from possessing, selling, distributing, concealing or transporting any weapon on Agency premises. This prohibition includes but is not limited to: handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, regardless of whether the person is licensed to carry the weapon or not. This prohibition also includes toy weapons and reproductions or replicas of weapons.

The only exception to this policy will be security guards, licensed law enforcement officials (e.g., police officers, peace officers, constables), or other persons who have been given written consent by the CTRMA to carry a weapon on the property.

Because of the potential for harm and serious injury, any employee violating this policy will be subject to disciplinary action up to and including termination of employment.

[For further information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook]

### **General Statement on Health, Safety and Security**

The Central Texas Regional Mobility Authority strongly encourages employee participation and input on health, safety and security matters.

# Inclement Weather/Emergency Conditions

## **POLICY**

On rare occasions, it may be necessary for the Central Texas Regional Mobility Authority to temporarily suspend operations out of concern for employee safety in inclement weather, power outage, or similar emergency situations.

## **PROCEDURES**

### **Temporary Suspension of Operations**

Management will make the decision whether to temporarily suspend some or all Agency operations due to emergency conditions. The decision will be made based on consulting with: appropriate news agencies; weather forecasts; and local school districts, whose lead in inclement weather closures is normally followed by the Agency; and/or any other authorities that may be appropriate in the circumstances.

In the event that some or all of Agency operations are temporarily suspended due to emergency conditions, management will record a message for employees on the main telephone line.

In the event that some/all operations are suspended during the course of a work day that has already begun, management will inform affected employees and may dismiss them for the remainder of the day.

### **Unable to Report due to Inclement Weather**

In the event that the Agency is open and operating normally, but an employee is unable to report to work due to inclement weather such as ice storm or snow storm, then the employee must notify his/her manager as soon as possible. In this case, the employee may use any accrued, eligible vacation or personal time for the missed day of work. Otherwise, the time off will be unpaid.

Employees are encouraged to consult with local weather forecasts and use common sense in determining whether they are able to report for work. The Agency does not encourage any employee to take unnecessary risks to his/her safety in order to report to work during severe weather situations.

## **Inclement Weather/Emergency Conditions**

### **Absence During Temporary Suspension of Operations**

If an employee is absent from work due to illness on a day when operations are temporarily suspended, then the employee must use any eligible sick, vacation, or personal time for the entire day. Otherwise, the entire day off will be unpaid.

# **EMPLOYEE PERFORMANCE AND CONDUCT**

## External Employment/Association

### POLICY

The Central Texas Regional Mobility Authority requires that employee activities away from the job, including but not limited to other employment or association, must not conflict with or compromise the Agency's interests or reputation, or adversely affect employees' job performance or ability to fulfill all responsibilities to the Agency.

Employees are cautioned to consider carefully the demands that any additional employment will create. External employment will not be considered as a valid reason for declining job performance, absenteeism, tardiness, leaving early, refusal to travel, refusal to work overtime, or refusal to work a certain schedule. If external employment does cause or contribute to any of these situations, such employment must be discontinued. If necessary, corrective action may be taken to address such situations, up to and including termination.

Employees should not seek or undertake outside employment/association if such employment/association may:

- reduce the employee's efficiency or effectiveness in working for the Central Texas Regional Mobility Authority;
- involve working for an organization which is a competitor of the CTRMA or which does a significant amount of business with the Agency, such as contractors, suppliers or customers;
- adversely affect the employee's professional reputation or credibility in his/her work with the CTRMA; and/or
- adversely affect the CTRMA's image, reputation or ability to do business.

All employees are expressly prohibited from engaging in any activity or association that competes with the Central Texas Regional Mobility Authority or compromises its interests. This prohibition includes but is not limited to the performance on non-working time of any services that are normally performed by The Central Texas Regional Mobility Authority personnel, the unauthorized use of any Agency technology tools (including software), equipment, and systems and the unauthorized use or application of any confidential trade information or techniques.

In addition, employees are not to conduct during paid working time any outside employment or other activities unrelated to The Central Texas Regional Mobility Authority business.

# Central Texas Regional Mobility Authority's Customer Service Commitment

## POLICY

The Central Texas Regional Mobility Authority is committed to ensuring that all customers are satisfied with our facilities, our service, and our Agency. Consequently, we have adopted a set of standards with that we refer to as the Central Texas Regional Mobility Authority Service Commitment. All employees are expected to adhere to these standards in all their dealings with customers, the public and with one another.

## PROCEDURES

The Agency's Customer Service Excellence Commitment does not mean merely making customers satisfied. Instead, we believe that what differentiates excellent customer service is the focus on providing a uniquely positive, better-than-expected experience. It is providing customers with a sense that *they received better service than what they expected*.

The excellent quality experience of The Central Texas Regional Mobility Authority's customers not only encourages their continued business but also sustains the Agency's reputation in the marketplace and influences the community in which we work. This, in turn, allows the Agency to continue to prosper.

### POLICY

The Central Texas Regional Mobility Authority believes that open, candid and direct two-way communication is a necessity in our workplace. It not only sets the foundation for a pleasant work environment, but also enhances customer service, productivity, teamwork and employee development.

It is the policy of the Central Texas Regional Mobility Authority to retain an “open door” approach that welcomes and encourages one-on-one communication and problem solving in the workplace. This means that a manager and/or the Human Resources Manager will be available to any employee who wishes to discuss a workplace problem or concern. [For issues related to harassment, please follow the reporting procedures outline in the Agency’s Workplace Harassment Policy.]

The open-door approach also means that we encourage employees to work directly with one another to resolve workplace problems, settle interpersonal conflicts, and offer constructive feedback. In addition, we encourage employees to be receptive to communication and feedback from one another.

### Open Door to Management

If an employee has a concern or question relating to a workplace issue; a management decision; or a Agency policy, procedure, method or process; then the employee should use the following procedures:

1. Discuss it openly—along with any suggestions he/she may have—with his/her direct manager.
2. If the employee has brought an issue to the attention of his/her direct manager but does not feel that an appropriate resolution has been reached, **OR**  
If the employee is uncomfortable discussing the matter with his/her manager, **THEN**  
The employee is encouraged to discuss it openly with another manager or with the Human Resources Manager.
3. If the employee has brought an issue to the attention of his/her manager, another manager, and/or the Human Resources Manager, but still does not feel that an appropriate resolution has been reached, then the employee is encouraged to discuss it openly with the Executive Director.

### **Problem-Solving**

If an employee experiences a problem, disagreement, or conflict with a co-worker, both parties are encouraged to work out the matter directly with one another, using the following guidelines.

- Ensure that both parties have “cooled off” before approaching one another. Taking up a conflict when angry usually doesn’t produce good results.
- Treat one another with respect and courtesy.
- Allow each person to state his/her position and perspective and ideas, without interruption.
- Listen respectfully to and consider carefully the other person’s position and perspective.
- Explore possible solutions, taking into account the perspective of each person. Include the possibility of compromise. Consider asking a third-party employee to confidentially assist by offering his/her perspective or ideas.
- Make an agreement with one another on how to proceed.
- Follow up to see how the solution is working.

If, after using these guidelines, the employees are unable to resolve a conflict, then one or both of the employee(s) should bring the matter to the attention of the manager. At this point, both employees should be prepared for the manager to:

- Ask each employee to explain what steps or action he/she has taken in an attempt to resolve the conflict; and
- Facilitate the same process as outlined above, in order to guide the parties as they resolve the conflict and/or decide on a solution.

Because positive work relations and teamwork are critical to the success of the Agency, any employee who consistently fails to use the problem-solving guidelines (as outlined in this policy) in a good-faith effort to resolve workplace problems or interpersonal conflicts between may be subject to corrective action, up to and including termination of employment.

### **Feedback**

The Central Texas Regional Mobility Authority believes that feedback—both positive and constructive—can be a powerful development tool for employees and managers. Therefore, we encourage employees at all levels in the Agency to offer sincere and appropriate feedback.

Employees are reminded that constructive feedback should be shared with another employee only in a confidential, respectful manner.

### **Additional Information**

Please note that while the Communication and Problem-Solving Policy should be used to address most workplace problems between employees, it is not intended to address situations in which illegal or unethical activity or a breach of fiduciary duty is suspected, or where there may be imminent harm to persons or property. If an employee suspects any of these activities, he/she should immediately report the matter to the General Counsel or the Executive Director. If the General Counsel becomes aware of a suspected legal or ethical violation or breach of fiduciary duty, he/she shall report evidence of the breach or violation to the Executive Director.

The Executive Director shall respond to evidence of any suspected violation or breach by taking appropriate action, including adopting or enforcing appropriate remedial measures or sanctions. If in the judgment of the General Counsel or the employee reporting the suspected violation or breach, the Executive Director fails to respond appropriately to a suspected violation or breach, or if the suspected violation or breach involves the Executive Director, the General Counsel or employee shall report the matter to the Chairman of the Board of Directors.

Retaliation against an employee who reports a suspected legal or ethical violation or breach of fiduciary duty will not be tolerated.

Likewise, this policy is not intended to address illegal workplace discrimination and harassment. If an employee feels that he/she has been or is being subjected to unlawful discrimination or harassment of any kind, he/she should immediately report the matter to any manager, the Human Resources Manager or the Executive Director.

[For more information and for specific procedures, please reference the Workplace Harassment Policy and Equal Employment Opportunity Policy in this Handbook.]

# Solicitation

## **POLICY**

The orderly and efficient operation of the Central Texas Regional Mobility Authority's business requires certain restrictions on the solicitation of employees during work hours and in work areas. It also requires certain restrictions on the distribution of materials and information on the property or premises of the CTRMA.

## **Definitions**

For purposes of this policy, the term “soliciting” refers to activities which take place during work hours or in work areas, and are related to a third party Agency, group, or cause, whether the third party is for-profit or not-for-profit. Such activities include but are not limited to:

- Requesting donations.
- Requesting signatures, membership or other formal support or endorsement of a group or cause.
- Promoting products/services, circulating catalogs or brochures, or otherwise selling goods or services.
- Posting personal goods/services “for sale”.
- Posting or circulating literature (in written or e-mail form) about a group, issue, cause.
- Leafleting or giving away literature (in written or e-mail form) about a group, issue or cause.

The terms “soliciting” and “distribution” do not refer to selected civic activities that may be selected and sponsored by the Agency.

## **PROCEDURES**

### **Solicitation and Distribution by Others**

Third parties of any kind are prohibited from entering the Agency’s premises, including parking lots, for the purpose of solicitation or distribution of literature at any time for any purpose.

### **Solicitation and Distribution by Employees**

Employees of the CTRMA are prohibited from distributing or posting literature in work areas at all times for any purpose. If an employee wishes to post any material that is work-related or Agency-sponsored, then the material should be submitted to the Human Resources Manager for pre-approval.

## Solicitation

In addition, employees of the CTRMA are prohibited from soliciting during work time or in work areas for any purpose other than Agency business or Agency-sponsored activities. Work time includes the time spent working by the soliciting employee and the employee who is being solicited.

This prohibition on employee solicitation does not include employees' lunch periods, breaks or personal time spent before or after work. Work areas do not include parking lots, restrooms, and refreshment/break areas.

### **Use of Electronic Communications Systems**

The CTRMA's electronic communications systems, including e-mail, are to be used for business purposes only. Employees are prohibited from using these systems for solicitation or distribution of literature at any time for any purpose.

### **Employee Access to Agency Premises While Off-Duty**

All employees who are off duty are prohibited from entering Agency work areas for any reason other than legitimate business purposes.

[For more information, please reference the [Code of Conduct Policy](#) in this Handbook.]

# Smoking

## POLICY

~~In adherence to Travis County public ordinance, t~~The Central Texas Regional Mobility Authority prohibits smoking in any enclosed space occupied by the Agency. This policy applies to all buildings, including but not limited to offices, whether owned or leased. This policy applies to anyone who is on Agency premises, including employees, customers, visitors and vendors. This policy is applicable at all times.

Smoking is permitted only in designated smoking area(s) on Agency property, and in closed motor vehicles when occupied by only one (1) employee or with the consent of all occupants.

Employees who use designated public smoking areas during working hours should adhere to the following guidelines:

- Consider the designated smoking area as public space, where conversations may be overheard by unauthorized individuals. Employees should refrain from discussion of other employees, work-related issues and customers.
- Smoking should never take place in front of customers, or in areas visible to customers.
- Smoking breaks should be reasonable in number and duration. Excessive or inappropriate use of smoking breaks may lead to corrective action.

## Personal Appearance

### **POLICY**

It is the policy of the Central Texas Regional Mobility Authority that an employee's attire and grooming should be appropriate to the work environment, to the level of direct customer and public interaction, and to the individual's job duties.

Employees of the CTRMA are expected at all times to exercise good judgment in their dress and grooming, and to project an appropriate professional image at all times while on Agency premises. All employees will be required to adhere to guidelines established for their individual work location and type of job.

### **PROCEDURES**

Professional dress at the CTRMA may be defined differently depending on many work-related factors. In addition, many positions at the Agency require the wearing of Agency-issued uniforms. For this reason, employees should consult with their manager to learn the dress guidelines specific to their job.

### **Grooming**

Visible tattoos and facial or visible body piercing of any kind (other than piercing for earrings in the ear lobe) are prohibited in jobs that interact with members of the public, including customers.

### **Prohibited Items**

Some items are not appropriate for The Central Texas Regional Mobility Authority work environment, in any circumstances. These include but are not limited to:

- Excessively soiled, worn, frayed, wrinkled or faded clothing; clothing with obvious rips or holes;
- Excessively tight-fitting clothing; excessively short, sheer, low-cut, or other revealing clothing;
- Any clothing or accessories with slogans, photos or drawings which are obscene, defamatory, offensive, or inappropriate in a professional setting;
- Sweatpants, sweatshirts, muscle shirts, mesh shirts, and track/athletic/jogging suits, cargo/carpenter pants;
- Shirts with cut-off sleeves, visible midriff or open back, such as tank tops, halter tops, tube tops, etc.;
- Hats (except head coverings worn in observance of religious beliefs, or clean hats with The Central Texas Regional Mobility Authority logo);
- Visible undergarments;

## Personal Appearance

- House slippers; flip-flops;
- Denim/blue jeans (except clean jeans without rips, holes or tears on approved days); and
- Any hairstyle, footwear, clothing, jewelry, or matter of personal grooming that is deemed to present a safety risk.

There may be times when more formal business attire will be appropriate, as when meeting with customers, applicants or vendors, or attending formal business meetings. Anyone traveling on Agency business should dress appropriately for that occasion.

An employee who does not comply with this policy may be asked to leave the workplace (with or without pay, depending on the circumstances) and return when he/she is appropriately attired/groomed. Non-compliance may also lead to corrective action, up to and including termination of employment.

If an employee is unsure about what is considered appropriate professional attire at the CTRMA, he/she is advised to ask for guidance from his/her manager.

# Code of Employee Conduct

## **POLICY**

It is the policy of the Central Texas Regional Mobility Authority that all employees adhere to a Code of Conduct with respect to behavior and activities.

As a condition of initial and continued employment, all employees agree to abide by all the terms of this policy. If an employee fails to adhere to any part of the Code of Conduct, he/she may be subject to corrective action, up to and including termination of employment.

## **Conflict of Interest**

A conflict of interest can take many forms. It exists when the employee's objectivity or judgment is compromised—or even *appears* to be compromised—by the potential for personal gain for self, family or friends.

It can occur when an employee places personal interests ahead of his/her responsibilities to make work-related decisions impartially and objectively, based on facts. It can also occur when the employee's desire to influence a third party or to influence a particular outcome takes precedence over his/her duty of loyalty to the Agency.

Employees are strictly prohibited from entering into any agreement or contract, or from making any work-related decisions, *where the employee's objectivity or judgment is impaired, could be impaired, or could be perceived to be impaired* because of a conflict of interest or potential for conflict of interest.

While the following examples cannot anticipate or address every possible situation, they illustrate situations of conflict of interest or potential conflict of interest, and are helpful for guiding appropriate conduct.

1. Sue is asked by her manager to find some temporary employees to assist the Agency in staffing a new location. Sue's boyfriend, Jim, owns a temporary help firm, so she asks Jim to take the work requisitions and to refer qualified candidates to the Agency.
2. Ben asks his supervisor if he can shop around for less expensive office supply vendors. After he gets approval, he realizes that ABC, a separate Agency that he co-owns with his brother, can provide the supplies at a substantial savings. He begins using ABC as a vendor for all Agency office supplies.
3. Tammy, a manager, is asked to be part of a management team evaluating Sally's job performance for the year. Without revealing to the other employees that Sally is her best friend, Tammy agrees.

## Code of Employee Conduct

4. Ken's supervisor asks him to develop a new process for collecting fees from customers. Ken feels his workload is demanding enough already. He decides to implement a process that will save him a great deal of time, but which will result in much lower customer service quality.

If an employee has any doubt about a conflict of interest situation or potential for conflict of interest, he/she should immediately discuss the matter with his/her manager, before taking any action or making any decisions. Similarly, if an employee suspects a conflict of interest situation exists in the workplace, he/she should immediately discuss the matter with a manager or with the Human Resources Manager.

### **Proprietary and Confidential Information**

Much of the information collected by the Central Texas Regional Mobility Authority or received from customers is considered proprietary and confidential information, or information owned exclusively by the Agency.

Proprietary and confidential information includes but is not limited to: various kinds of private business information; documents; records; letters; plans; and manuals. Proprietary information also includes but is not limited to: Agency trade secrets; computer programs, including proprietary software and all related materials; Agency practices; training or instructional products and tools; Agency products and tools; new development projects; marketing plans; customer lists; fees and cost data; employees' daily agendas; personnel data, etc.

Proprietary and confidential information is to be disclosed and used solely for the purposes for which it was collected or received. Disclosure of such information to unauthorized persons (externally as well as internally) is prohibited, not only because such information is a valuable business asset that must be protected, but also because unauthorized disclosure could compromise or cause harm to our customers, and materially damage the reputation and image of the Agency.

The Central Texas Regional Mobility Authority's management will impose specific restrictions on the use and dissemination of information, both internally and externally. Specifically, access will be granted on a "need to know" basis. When in doubt about the appropriateness of disclosing or releasing information (internally or externally), an employee should not disclose the information, but rather, ask his/her manager for guidance.

The Central Texas Regional Mobility Authority is subject to and complies with Texas laws and regulations regarding Open Records. Requests pursuant to Open Records should be forwarded to the General Counsel.

## Code of Employee Conduct

At the conclusion of employment with the CTRMA, employees must return to the Agency all documents and records containing proprietary and confidential information. Even after employees leave employment at the CTRMA, they have a continuing obligation to safeguard such information.

### **Criminal Charges/Convictions**

The Central Texas Regional Mobility Authority must protect its reputation, credibility and image. Therefore, it is important that each employee also protect his/her professional reputation and credibility in the community.

The CTRMA will perform criminal background checks on all final applicants for the positions of Executive Director, Chief Financial Officer, General Counsel, and any positions involving the disbursement of Agency funds or the handling of cash, checks or credit cards; negotiable documents and materials; or highly confidential or sensitive information. All applicants admitting a felony conviction on their application materials shall also be subject to a criminal background check. Additionally, the CTRMA may at its discretion perform criminal background checks on applicants for any other position. Negative criminal background checks will be reviewed by the HR Manager in consultation with the General Counsel, and an applicant may be disqualified from employment if the HR Manager and General Counsel determine that justification for such disqualification exists.

If an employee has been charged with a felony or serious misdemeanor, or if an employee is convicted of a felony or serious misdemeanor (defined to include all misdemeanors other than traffic violations), the employee is required to immediately inform his/her manager. Failure to do so will lead to corrective action, up to and including termination of employment.

Employees who hold licenses or certifications that are required for their jobs must maintain active, current certification and/or licensure. If an employee's certification and/or license is suspended or revoked because of a pending legal charge(s) or conviction(s), or if an employee is being investigated for possible suspension or revocation of a required certification and/or license for any reason, then the employee is required to inform his/her manager immediately. Failure to do so will lead to corrective action, up to and including termination of employment.

Regardless of whether the employee holds any certification or license, if a situation arises in which an employee is charged with or convicted of a felony or serious misdemeanor, then the CTRMA's management will carefully consider the circumstances and facts of the situation, and will, in its sole discretion and judgment, decide on an appropriate course of action. Such courses of action may include but are not limited to:

- Administrative suspension (with or without pay, depending on the circumstances);
- Termination of employment; or
- Other appropriate action.

## **Employee Acts**

The Central Texas Regional Mobility Authority's insurance policies do not relieve an employee from personal and civil liability, criminal prosecution, and/or termination of employment if he/she commits a dishonest act.

Discovery of a fraudulent act related to a person's employment or job responsibilities—whether such an act was committed on or off the job—may result in corrective action, up to and including termination of employment.

If an employee has a concern about the legitimacy or appropriateness of any employee act, he/she should promptly discuss the matter with his/her manager or with the Human Resources Manager.

## **Agency Funds**

Each employee is personally accountable for any Agency funds over which he or she has control, including travel expenses. Employees who manage Agency money or who spend personal money that will be reimbursed by the CTRMA should always be sure the Agency receives good value in return.

Employees must obtain pre-authorization from their manager before incurring any expense on behalf of the CTRMA. In order to receive reimbursement of authorized expenses, the employee must submit all information on an expense report within 60 days of incurring the expense. The expense report must clearly indicate the nature and type of all expenses, and must demonstrate that the purchases and amounts are proper. Documentation (receipts, invoices, etc.) must be attached to support each expenditure.

Anyone responsible for the handling of CTRMA's funds and/or customer property, as well as associated records and materials, is accountable for their safekeeping. This may include but is not limited to: customer personal data such as addresses, contact information and social security numbers; checks and money orders; credit cards and credit card numbers; legal documents; financial statements and documents; account user identification data; account passwords; personnel data; and data stored on any medium (paper, electronic, magnetic, or photographic).

If an employee has a question or concern about the appropriate or prudent use of Agency funds and property or customer property, he/she should promptly discuss the matter with his/her manager. [For more information about managing Agency funds and expenses, please reference the Business Travel and Expenses Policy in this Handbook.]

### **Agency Records**

Successful management of the CTRMA requires the use of Agency business records, reports and related documents. These records are of critical importance in meeting financial, customer and other business obligations. Therefore, Agency records must always be prepared accurately, reliably and honestly.

Given the need for accurate and honest records, any false or misleading report or record, (including but not limited to: financial documents; resumes; employment applications; contracts; membership reports and other customer-related reports; and timekeeping reports) will be taken very seriously and may lead to corrective action, up to and including termination of employment. Employees who become aware of any suspected falsification of Agency records must immediately report the concern to a manager, the General Counsel or the Executive Director, who shall respond to the evidence by taking appropriate remedial action.

Employees must maintain all Agency records for at least the minimum amount of time prescribed by the records retention schedules applicable to local government entities adopted by the Texas State Library and Archives Commission. In the event that litigation is filed against the CTRMA or is reasonably anticipated to be filed, the CTRMA's General Counsel may determine that it is necessary to implement a litigation hold in order to ensure the preservation of all records related to the lawsuit. Employees must refrain from destroying any records that are the subject of a litigation hold. Additionally, Employees must comply with all records retention policies adopted by the CTRMA.

Members of the public may make written requests for records maintained by the CTRMA. In the event that an Employee receives a written request for information, the Employee must notify the General Counsel immediately so that the CTRMA may respond to the request within the time frame prescribed by the Texas Public Information Act. Employees must refrain from destroying any records that are subject of a pending public information request.

### **Gifts and Honoraria**

Employees must not solicit or accept gifts, loans, other compensation, unusual favor or hospitality (other than reasonable tips earned by employees in direct customer service positions) which could influence or even have the *appearance* of influencing them in the performance of their duties.

Employees are permitted to accept a business meal, as well as nominal items which are customary in business relationships, provided that such items do not exceed \$100 in value. Gifts received over \$100 should be reported to the employee's manager or supervisor and the employee may be required to return the item if it is deemed a potential conflict.

## Code of Employee Conduct

Similarly, employees must not give gifts, loans, other compensation, unusual favor or hospitality to customers, prospective customers, vendors, or suppliers, with the exception of certain approved promotional items (such as coffee mugs or t-shirts with The Central Texas Regional Mobility Authority logo) that may be authorized by Agency management from time to time.

Employees may not accept an honorarium for appearing at a conference, workshop, seminar or symposium as a representative of the CTRMA other than reimbursement for food, transportation or lodging.

If in doubt about the appropriateness of any gift, hospitality or honorarium, a full disclosure of the facts should be made to The Central Texas Regional Mobility Authority's General Counsel before accepting/making such an offer.

### **Sabotage/Espionage**

Sabotage is defined for purposes of this policy as any employee act or failure to act which is willful and/or negligent and which has the affect of materially destroying, damaging, disrupting or interfering with Agency operations, equipment, tools or systems.

Espionage is defined for purposes of this policy as any employee act which is willful and/or negligent and which has the affect of providing to an unauthorized third party (usually but not always a competitor) any of the Agency's confidential and proprietary information, trade secrets, or its customers' or employees' financial or personal information and/or records.

Employees have a duty to protect the CTRMA's confidential and proprietary information from unauthorized disclosure and release to third parties. Because of the potential for great harm to the CTRMA and its customers, it will not tolerate sabotage or espionage of any kind.

Allegations of sabotage and/or espionage will be taken very seriously and investigated promptly. If investigation reveals employee sabotage or espionage, the CTRMA will take swift and aggressive action, including but not limited to corrective action and possible termination of employment, criminal prosecution and civil claims.

[For more information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook.]

### **Training on Ethics and Compliance Issues**

| Upon beginning employment with the CTRMA, all employees shall receive orientation on ethics laws and policies and the Agency's ethics and internal compliance program. Additionally, employees of the CTRMA shall participate in periodic training on ethics and internal compliance issues.

# Business Travel and Expenses

## POLICY

It is the policy of the Central Texas Regional Mobility Authority to reimburse employees ~~and members of the Board of Directors~~ for reasonable business travel expenses.

All employee business travel must be approved in advance by the employee's manager.

When approved, the actual costs of travel, meals, lodging and other expenses directly related to accomplishing business travel objectives will be reimbursed by the CTRMA. Employees and Board Members spending personal money that will be reimbursed by the CTRMA should always ensure that expenses are limited to reasonable amounts, and that the CTRMA receives good value in return.

When business travel has concluded, employees ~~and Board Members~~ should complete a travel expense report, which is available from the Accounting Department. The completed report must be accompanied by receipts for each expense, and should be submitted to Accounting within 60 days of the completion of the business travel. Any items over the 60 days will be denied reimbursement.

The CTRMA will not reimburse travel expenses incurred by a spouse or other individual accompanying an employee on business.

Sales tax on goods purchased will not be reimbursed. Sales tax for meals and hotel stays are the only sales taxes that will be reimbursed. Please request a sales tax exemption form from the CFO before purchasing goods.

Employees shall be responsible for repayment of inappropriately reimbursed expenses whenever an audit or subsequent review of the travel expense reimbursement documentation finds that such expenses were reimbursed contrary to these guidelines.

The following are reimbursement guidelines for business travel:

- **Transportation Services**

- Air travel arrangements should be made as far in advance as possible and should represent the lowest available fare in coach or economy class.
- Reasonable fares for shuttle service, bus service, van pool, taxi service or other public transportation will be reimbursed.
- Car rental fees (a compact or mid-size vehicle for one person; a full size vehicle for two or more persons) will only be reimbursed if approved in advance by the Executive Director or Chief Financial Officer.
- When renting vehicles, employees ~~and Board Members~~ should elect loss damage waiver insurance coverage.
- Gasoline should be refilled in any rental vehicle prior to returning it at the conclusion of business travel.

## Business Travel and Expenses

- **Lodging**
  - Accommodations in approved hotels or motels will be reimbursed, using the GSA rate as a guideline. Exceptions to the GSA rate will require an explanation such as: (1.) when the cost of the hotel would reduce total travel costs, such as eliminating the need for a rental car; (2.) when the cost of the hotel is a conference rate; (3.) when time constraints associated with business meetings require lodging at a closer hotel.
  - Lodging expenses will be reimbursed only if traveling **beyond** a 50-mile radius of Williamson/ Travis County. (This means 50 miles beyond the county line.)
  
- **Meals**
  - Meals will be reimbursed at the GSA rate.
  - Meals above the GSA per diem day rate will require specific justification and receipts.
  - If an overnight stay is **required**, but the stay does not exceed a 50-mile radius outside the county, you may claim an amount up to the \$28.00 overnight allowance for your meals, but lodging will not be reimbursed.
  - No reimbursement will be made for alcoholic beverages.
  - No reimbursement will be made for meals if the Conference included it as part of the package.
  
- **Food Service at Local Meetings**
  - Food service at business meetings required for the active performance of CTRMA business (such as CTRMA Board meetings, workshops, CTRMA Board Committee meetings, meetings with other governmental entities, and other official business as determined by the Executive Director) will be reimbursed.
  - The employee's/~~Board Member's~~ expense report should include: purpose of the meeting; time and location of the meeting; names of principal attendees; and approval of the reimbursement request by the Executive Director ~~or Chair of the Board~~.
  
- **Mileage Reimbursement**
  - Use of a personal vehicle on CTRMA business will be reimbursed using the current Internal Revenue Service rate. The employee's/~~Board Member's~~ expense report should include: purpose of the travel; points of travel; dates of travel; and miles eligible for reimbursement.
  - If a personal vehicle is used, the maximum reimbursement will be at the lower of the IRS rate times the number of miles driven, or the lowest quoted airfare at the time of travel for overnight stay.
  - Mileage reimbursement is meant to cover only those miles incurred above and beyond the employee's normal commute to the CTRMA office. For example, if the normal commuting round trip is 20 miles, and the employee goes on a trip that covers 75 miles, only the incremental 55 miles are reimbursable.

## Business Travel and Expenses

- **Other Business/Travel Expenses**

- Charges for telephone calls, internet connection, faxes, and similar services, will be reimbursed, provided that they are for legitimate business purposes.
- Reasonable, customary tips and gratuities will be reimbursed and do not require a receipt.
- Parking and toll fees will be reimbursed, with receipts.
- Other minor expenditures should have a receipt and justification.
- There will be no reimbursement for any of the following: parking or traffic violations; entertainment, including in-hotel movies; and alcoholic beverages of any kind. In addition, there will be no reimbursement of sales tax incurred on the purchase of goods. Instead, employees who are authorized to purchase approved goods on behalf of the CTRMA should use a tax exempt form, available from Accounting.
- Cancellation fees associated with business travel will be reimbursed only if it is in the best interest of the CTRMA, or in the event of an approved family emergency.
- Incremental expenses for any non-CTRMA companion traveling with the employee ~~or Board Member~~ will not be reimbursed by the Agency.

If an employee is involved in a motor vehicle or other accident, or if an employee sustains any injury while traveling on business, he/she must promptly report the incident to his/her manager. If a vehicle owned, leased or rented by the CTRMA is involved in an accident, causes any injury or damage, or incurs any damage, the employee must promptly report the incident to his/her manager. Vehicles owned, leased or rented by the CTRMA may not be used for personal business without prior approval of the Executive Director.

If an employee needs guidance or assistance with any procedures related to business travel, travel arrangements, expense reports, or reimbursement for any specific expense, then the employee should consult with his/her manager.

Employees are reminded to ensure that travel records, expense reports and receipts are accurate and complete. Falsification of any Agency record, including but not limited to expense reports; or falsification or alteration of any Agency documentation, such as receipts, may lead to corrective action, up to and including termination of employment.

[For more information about managing Agency funds and expenses, please reference the Employee Code of Conduct Policy in this Handbook.]

# Use of Agency Equipment and Electronic Communications

## POLICY

The Central Texas Regional Mobility Authority provides employees with certain equipment and electronic communications resources to assist them in conducting Agency business.

It is the policy of the CTRMA that all employees must adhere to practices regarding the acceptable use of Agency-provided equipment and electronic communications systems, including but not limited to computers and related equipment, software, telephones, fax machines, email, voicemail, instant messaging systems, and the internet/world wide web.

## PROCEDURES/PRACTICES

### Electronic Communications, Computers and Software

The CTRMA owns the computers and other hardware, software, databases, servers, modems, internet access, telephones, faxes, copiers, printers, e-mail systems, instant messaging systems, and voicemail systems (hereinafter “technology/communications equipment, tools and systems”) which are used by employees. The CTRMA’s technology/communications equipment, tools and systems are intended for the purpose of aiding employees in work-related communication and in the efficient performance of their work duties.

Since the CTRMA owns the technology/communications equipment, tools and systems, any electronic communication composed, sent or received by the employee is and remains the sole property of the CTRMA.

Employees are prohibited from any of the following without the prior approval of the Agency’s Executive Director:

- Borrowing or removing the CTRMA’s technology/communications equipment, tools and systems from its premises.
- Copying or downloading software applications, databases, or other electronic materials or information stored by the Agency, on Agency premises, or on other premises owned or leased by the CTRMA.
- Disabling anti-virus software running on Agency-provided computer equipment. (Exceptions to the rule are allowed when an employee is doing so as a requirement of his/her job).
- ~~Using instant messaging programs or applications; sending instant messages (either internally or externally) via any electronic instant messaging application.~~

## Use of Agency Equipment and Electronic Communications

- Uploading or downloading copyrighted materials, trade secrets, proprietary financial or customer information, or similar materials without prior authorization from the owner of the materials.
- Using technology/communications equipment, tools and systems in violation of copyright and trademark laws.

Employees are also prohibited from using the CTRMA's technology/communications equipment, tools and systems for any of the following purposes:

- To distribute or disseminate (internally or externally) messages, images, or any other material or content containing obscene, abusive, pornographic, profane, sexually explicit or inflammatory remarks, inappropriate humor; or threatening or harassing language.
- To distribute or disseminate (internally or externally) messages, images, material or otherwise objectionable content that is disruptive, derogatory or offensive to another individual (whether the intended recipient or not), including but not limited to: sexual comments or images; gender or ethnic specific comments or slurs; or any statements or contents offensive to another on the basis of his/her race, national origin, religion, color, gender (including pregnancy), age, sexual orientation, disability, or any other status protected by law.
- To access websites or materials that are inappropriate in the workplace, including but not limited to: pornography; sexually-oriented materials; gambling sites; sites depicting violent acts, abusive acts or advocating violent or abusive acts; etc.
- To proselytize to, or solicit employees or others.
- For external employment or profit.
- To engage in illegal activity.
- To engage in activity that is in competition with the work of the CTRMA.
- To access, view or re-direct any files, documents, materials, records, or any other information which the sender or recipient has no legitimate business "need to know".
- To discriminate against, harass, threaten or intimidate another individual.
- For any other purpose that could damage the image or reputation of the Agency or impair its ability to conduct business.

Some employees will be assigned unique email addresses. These unique addresses and identifiers remain the property of the CTRMA and employees may use them only while employed by the Agency. With respect to user identification information, passwords, and other related information, employees are prohibited from the following activities without obtaining the prior approval of an authorized the CTRMA manager:

- Using the logon/user identification or password information of another employee.
- Accessing, listening to, viewing, or re-directing—with no legitimate business reason—the electronic files, documents, materials, records, e-mail or voicemail of another employee.

## Use of Agency Equipment and Electronic Communications

The CTRMA reserves the right to alter, modify, re-route or block the delivery of messages as appropriate. This includes but is not limited to:

- Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to Agency resources.
- Discarding attachments, such as music, considered to be of little business value and of significant resource cost.
- Rejecting or quarantining messages with suspicious content.
- Rejecting or quarantining messages containing offensive language.
- Re-routing messages with suspicious content to designated Agency employees for review.
- Rejecting or quarantining messages determined to be unsolicited commercial email (spam).
- Appending legal disclaimers to messages.

While the Agency's technology/communications equipment, tools and systems are intended primarily for business and work-related purposes, limited personal use of computers, software, e-mail, internet and voicemail systems is generally acceptable ~~while on the CTRMA~~, provided that:

- Their use complies with all other terms of this policy.
- Their use is not excessive and remains within reasonable, acceptable time limits.

Employees are reminded that e-mail and other electronic records are considered shared Agency files, discoverable under court-ordered subpoena or other legal process. As such, employees must ensure that the content of e-mail and other electronic records is legal, truthful, and complies with Agency policies, rules and procedures.

The Central Texas Regional Mobility Authority routinely monitors and records activity and use of its technology/communications equipment, tools and systems, including internet, e-mail systems and voicemail systems. Because employees have no right or expectation of privacy in their use of Agency-owned technology/communications equipment, tools and systems, employees are strongly encouraged to refrain from storing or accessing on computers, e-mail systems and voicemail systems any personal materials or other materials which they do not wish to be monitored and inspected by Agency management. Such inspections will be conducted by Agency management from time to time, with or without prior notification and with or without the consent or presence of the employee.

The CTRMA treats electronic messages as a business record. As with any business record, established practices and procedures for the safekeeping, retention and ultimate destruction of the business record must be followed. The CTRMA may serialize, archive, or retain copies of all internal and external electronic messages.

## Use of Agency Equipment and Electronic Communications

As a condition of employment, all employees must sign an acknowledgement indicating that they have read and understand the policies, practices, procedures, risks and cautionary advice that apply to the CTRMA's email, instant messaging, and internet resources.

Any employee who discovers a violation of these policies should immediately notify a manager or the Human Resources Manager. Any employee in violation of these policies is subject to disciplinary action, up to and including termination of employment.

# Use of Agency Vehicle

## **SECTION 1. SCOPE OF POLICY.**

Central Texas Regional Mobility Authority's ("CTRMA's") Motor Vehicle Use Policy governs the use and maintenance of all CTRMA vehicles by all salaried and non-salaried employees of CTRMA. This policy is intended to promote safe and responsible driving practices and to help prevent accidents, injuries and property damage. It is the responsibility of all members of the CTRMA staff to comply with this policy.

The use of CTRMA equipment or vehicles for personal use is prohibited by law, but because of the need for specific employees to respond to emergencies at night or on weekends, the following employees (with the concurrence of their department head) are authorized to take a CTRMA vehicle to their home at night within a 25 mile radius, even though this involves the use of a CTRMA vehicle for travel to and from their home each day:

- a.) Operations Director
- b.) Director of Engineering
- b.) Maintenance Manager

## **SECTION 2. DEFINITIONS.**

As used in this policy, the following definitions apply:

- A. A. "authorized driver" means a CTRMA employee who holds a current, valid license to operate a motor vehicle in Texas and who has complied with all provisions of Section 3 of this policy.
- B. B. "authorized passenger" means an employee of CTRMA or any other person accompanying an employee of CTRMA in a CTRMA vehicle in furtherance of official CTRMA business, not to include children.
- C. D. "employee" means any person who is in the employ of CTRMA and whose salary is paid either completely or partially by CTRMA.
- D. G. "CTRMA vehicle" means a motor vehicle designed primarily for passenger use which is the property of CTRMA.

### **SECTION 3. VEHICLE OPERATOR PRIVILEGES.**

- A. CTRMA vehicle operator privileges for its vehicles, will be available to employees of CTRMA at least 21 years of age and who possess a valid United States driver's license in effect for at least two years.
- B. CTRMA vehicle operator privileges are invalid upon revocation, suspension or expiration of a CTRMA employee's license to operate a motor vehicle in Texas. An authorized driver must report the suspension or revocation of his or her license by the State of Texas to their Manager within 48 hours of its occurrence.
- C. The Executive Director may suspend or revoke an authorized driver's CTRMA vehicle operator privileges for failure to comply with any provision of this policy. The Executive Director will notify an authorized driver when his or her CTRMA vehicle operator privileges have been revoked.
  - a. All CTRMA drivers are responsible for complying with this policy.
  - b. Violation of this policy may be grounds for corrective action and/or loss of driving privileges.

### **SECTION 4. VEHICLE EXPENSES**

#### A. Fuel Expenses.

Refueling of CTRMA should be done with the CTRMA procurement mastercard. Cards may be obtained through the CFO. ~~The Engineering department will be responsible for keeping the gas tank filled.~~

#### B. Maintenance and Repair.

Necessary repair and maintenance expenses for all CTRMA vehicles may be done by auto repair shops listed on the State Contract otherwise three quotes must be received before engaging the services of an Auto shop. The exception will only be considered in case of an emergency where immediate towing or repairs are necessary.

### **SECTION 5. VEHICLE USE.**

- A. Responsibilities. ~~At this time all CTRMA vehicles are assigned to the Operations Department, however, a~~All departments must comply with the following items:
  - 1. The head of the department will be responsible for ensuring the driver(s) comply with Section 3.

## Use of Agency Vehicle

2. Vehicles are to be used only in the furtherance of CTRMA business. Vehicles are not to be used for personal errands, nor should they ever be taken home unless written authorization from the Executive Director is on file at the CTRMA Office.
3. Cleaning of the vehicle should be done on a weekly basis. The Operations Department will be responsible for delivering the vehicle to and from the car wash for cleaning
4. The Operations Department will be responsible for delivering the vehicle to and from an auto shop for routine maintenance.
5. CTRMA employees are required to keep a log to track business and personal miles of a CTRMA vehicle. Personal use, such as commuting and driving on vacation, will be treated as a "taxable fringe benefit" to the employee. IRS regulation require the value of the use to be reported as taxable income on the employee's W-2 form

### **SECTION 6. OCCUPANCY OF VEHICLES.**

- A. Authorized Use. Except as provided in subsections C through E, CTRMA vehicles may be occupied only by authorized drivers and authorized passengers. Employees of CTRMA are authorized to use CTRMA vehicles only in the furtherance of official CTRMA business.
- B. Unauthorized Use. Except as provided in subsection C through D, an employee of CTRMA who permits a CTRMA vehicle to be driven by an unauthorized driver or who transports or permits the transportation of an unauthorized passenger shall have his or her CTRMA vehicle operator privileges suspended or revoked and shall be held personally liable to the extent permitted by law for any liability for any personal injury, death or property damage arising out of the unauthorized use or occupancy of the CTRMA vehicle.
- C. Emergency Aid. Nothing in this section shall be construed to prohibit the use or occupancy of a CTRMA vehicle to render emergency aid or assistance to any person.

## Use of Agency Vehicle

- D. Use by Mechanics. Nothing in this section shall be construed to prohibit the use or occupancy of CTRMA vehicles by private sector automobile mechanics or other maintenance or repair personnel during the course of performing required maintenance or repairs.

### **SECTION 7. INTOXICATING LIQUOR, DRUGS AND TOBACCO PRODUCTS.**

- A. Use of Liquor, Drugs and Tobacco Products Prohibited. An employee of CTRMA may not drive a CTRMA vehicle while under the influence of intoxicating liquor or illegal drugs nor may he/she smoke any tobacco products while in the vehicle. Also, they may not possess open or closed containers of alcohol while operating any CTRMA vehicle.
- B. Penalty for Traffic Citation. An employee of CTRMA who receives a traffic citation for driving a CTRMA vehicle while under the influence of intoxicating liquor or drugs will have his or her CTRMA vehicle operator privileges suspended or revoked by the Executive Director. Any passengers who are authorized drivers may also have their CTRMA vehicle operator privileges suspended or revoked.
- C. Penalty for DWI Conviction. An employee of CTRMA who is convicted of driving a CTRMA vehicle while under the influence of intoxicating liquor or drugs shall be terminated from employment at CTRMA. Any employees of CTRMA who were passengers in the vehicle also may be terminated from CTRMA employment where it is shown that such officers or employees knew or should have known that the driver was under the influence of intoxicating liquor or drugs and did not take reasonable action to prevent the driver from driving the vehicle.

### **SECTION 98. TRAFFIC LAWS AND SEAT BELTS.**

- A. Traffic Laws. The failure to obey any applicable traffic law while driving or occupying a CTRMA vehicle may result in suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 3.D. Operate the vehicle in accordance with all applicable rules, regulations, law. Drive at legal speeds appropriate for road conditions.
- B. Seats Belts Required. All occupants of CTRMA vehicles must wear seat belts and require all other occupants to do likewise. The failure of any person to wear a seat belt while driving or occupying a CTRMA vehicle may result in the suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 3.D. The number of passengers should not exceed the number of seat belts. Also, check that front seat passengers are seated appropriately to decrease likelihood of severe air bag injuries.

## Use of Agency Vehicle

- C. Responsibility for Traffic Citations. An employee of CTRMA who receives a traffic citation or parking ticket while using a CTRMA vehicle will be personally responsible for the citation or ticket.

### **SECTION 109. CARE OF VEHICLES - ACCIDENTS - LIABILITY.**

- A. Care of Vehicle. Prior to using a CTRMA vehicle, an employee of CTRMA shall inspect the vehicle for safety concerns before leaving the parking area or garage. Determine that all tires are inflated properly and are not excessively worn and that the brakes, lights, windshields wipers, seat belts and steering are functioning properly. Check other safety equipment for observable defects. If unsafe conditions are noted, the maintenance Manager is to be notified immediately and the vehicle must not be driven.
- B. Fueling of Vehicle. Prior to returning the vehicle, the employee must refuel the vehicle.
- C. Leaving the Vehicle. An employee of CTRMA will turn off the ignition, close all windows, and lock the doors and trunk of a CTRMA vehicle whenever the vehicle is left unattended. Vehicles should be cleaned of items not belonging in the vehicle (trash, personal items, etc).
- D. Liability for Loss or Damage. An employee of CTRMA will not abuse or misuse a CTRMA vehicle. An employee of CTRMA may be assessed for the loss or damage of a CTRMA vehicle if the loss or damage was caused by:
1. driving while under the influence of intoxicating liquor or drugs; or
  2. reckless driving.
- E. Penalty for Negligence. The CTRMA vehicle operator privileges of an employee of CTRMA may be suspended or revoked by the Executive Director if a CTRMA vehicle is damaged or destroyed due to the negligence of the CTRMA or employee. An employee must report accidents, thefts, damage, vandalism or other acts of criminal mischief to the appropriate local law enforcement agency and to their Manager within 24 hours. Failure to report may result in disciplinary action at the discretion of the Executive Director.
- F. Accidents. If involved in an accident resulting in bodily injury or property damage, an employee of CTRMA shall notify their Manager by telephone and submit a complete accident report by the next working day. Failure to comply with this subsection may result in suspension or revocation of the CTRMA vehicle operator privileges of all authorized drivers, as described in Section 2.A., who were in the vehicle at the time of the accident. See Appendix C for a copy of an accident report.
- G. Other. Not drive the vehicle “off road” unless it is made for that use

## Use of Agency Vehicle

### **SECTION 110. MECHANICAL OR OPERATIONAL FAILURE.**

A. Mechanical or Operational Deficiencies. Mechanical or operational deficiencies that occur while a CTRMA vehicle is being used for official CTRMA business will be corrected in accordance with this section. In no case will an employee of CTRMA continue to operate a CTRMA vehicle if continued operation could endanger any person or property.

1. Minor Repairs. Minor necessary repairs, including towing, that do not exceed \$100 dollars shall be ordered and paid for by CTRMA as described in Section 4-B.

2. Major Repairs. Whenever the estimated cost of repairs or adjustments exceeds \$100, the CTRMA employee shall notify the CFO during working hours or after hours.

### **SECTION 112. VEHICLE RETURN.**

A. Immediate Return Required. Immediately upon completion of a trip, the authorized driver must return the CTRMA vehicle. CTRMA vehicles may not be kept overnight following a trip. The vehicle must be returned clean and refueled.

B. Return During Business Hours. Whenever a CTRMA vehicle is returned during regular business hours, the CTRMA employee shall report vehicle defects to the Director of Engineering

C. Return After Business Hours. When it is necessary for an employee of CTRMA to return a CTRMA vehicle before or after normal working hours, the employee will:

1. park the CTRMA vehicle in the area designated for non-duty hour turn in;

2. record the odometer reading and the time of the turn in on the slip in the packet;

3. note any mechanical or operational deficiencies or needed adjustments;

4. close all windows and lock the CTRMA vehicle;

## Performance, Conduct and Corrective Action

### POLICY

It is the policy of The Central Texas Regional Mobility Authority to maintain a professional work environment that fosters respect, teamwork, productivity and safety for employees and customers. Consequently, employees are expected to perform their assigned job duties, to maintain professional, respectful conduct while on Agency premises or representing the Agency, and to abide by Agency policies and rules.

An employee who commits any infraction of the CTRMA policy or procedure, or who fails to meet job performance or conduct expectations, may be subject to corrective action, up to and including termination of employment.

Management reserves the right to take whatever corrective action it deems appropriate to each situation. When evaluating performance issues, conduct issues, or other work-related problems for possible corrective/disciplinary action, management will carefully consider the following:

- The nature and seriousness of the problem;
- The employee's work history; and
- The type of corrective action which would best impress upon the employee the need for improvement (if corrective action other than termination is taken).

While it is not possible to specify all types of conduct or activities that are considered unacceptable, some unacceptable activities are noted in the non-inclusive list below. If you have any questions concerning these or other unacceptable activities, please see your manager or the Human Resources Manager.

- Criminal acts, whether on or off duty, at any time.
- Violence or threats of violence (whether verbal, written, or by images or gesture); or threatening, intimidating, or coercing any person; whether on or off duty, at any time, for any purpose.
- Possessing, selling, distributing or transporting handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, even if properly licensed or permitted, on Agency premises or while representing the Agency.
- Being under the influence of alcohol or prohibited substances on duty, on Agency premises, or while representing the Agency.
- Possessing, selling, manufacturing, distributing, concealing, transporting or consuming alcoholic beverages, illegal drugs, or other prohibited substances on duty, on Agency premises, or while representing the Agency.
- Any act of harassment directed at an employee, customer, prospective customer, or other individual while on Agency premises, or while representing the Agency; or violating the Agency's Workplace Harassment Policy.
- Sabotage and/or espionage; or causing in any manner the defacing, destruction or damage of Agency property or the property of employees, customers, vendors, or visitors.

## Performance, Conduct and Corrective Action

- Failure to immediately report damage to, or an accident involving Agency equipment or property.
- Unauthorized use or removal of property, equipment or tools, including documents, keys, or other items belonging to/leased by the Agency, an employee, customer, vendor or prospective customer without prior permission from management.
- Violation of Agency safety/health rules; any action which could endanger the life or safety of another person.
- Violating confidentiality rules or providing confidential or proprietary information to competitors, other organizations or to unauthorized employees; breaching confidentiality with respect to personnel or customer information; unauthorized release of, or negligence in the use, care or protection of confidential and/or proprietary information.
- Financial misrepresentation or other material misrepresentation on any Agency record or document; omission or falsification of any Agency record, including time records and employment applications and documents; unauthorized alteration of Agency records or other Agency documents.
- Immoral conduct or indecency on Agency property.
- Obscene or abusive language directed at any employee or customer; any disorderly conduct on Agency property or while representing the Agency.
- Insubordination or refusing to obey work instructions properly issued by a manager or supervisor.
- Unsatisfactory performance or careless execution of work; failure to meet deadlines or quality standards as explained by a manager.
- Excessive tardiness or excessive amounts of unexcused absences; failure to notify manager of absence or tardiness.
- Leaving the work area before the end of the scheduled shift without prior approval of the manager; sleeping or appearing to sleep during working hours.
- Being on Agency property without authorization; or being on Agency property outside of normal business hours without a legitimate business reason.
- Violation of any Agency rule or any action that is obviously harmful to the Agency's efforts to operate reputably and profitably.

The disciplinary and corrective action guidelines herein do not alter the at-will relationship which exists between the CTRMA and each employee. This means that employment may be terminated either by the employee or by the CTRMA at any time and for any reason, with or without notice. Failure to enforce any policy, expectation or standard does not affect management's ability to do so in the future.

The Central Texas Regional Mobility Authority reserves the right to modify, defer or rescind this policy at any time, with or without prior notice.

# Workplace Harassment

## **POLICY**

All Agency employees have the right to work in an environment free from any type of unlawful discrimination or harassment based on race, color, religion, national origin, gender (including pregnancy), sexual orientation, age, disability or any other status protected by law. This includes freedom from sexual harassment in the workplace.

Harassment based on any of the above is considered a form of illegal discrimination. The Central Texas Regional Mobility Authority will not tolerate any form of harassment in the workplace.

## **Prohibited Harassment**

For purposes of this policy, prohibited sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or
- such conduct otherwise adversely affects an individual's employment opportunities.

Other forms of prohibited harassment include any unwelcome verbal or physical conduct that belittles, shows hostility, or ridicules an individual because of gender, race, color, religion, national origin, age, sexual orientation, disability, or any other characteristic protected by law, when such conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

## **Harassment By Customers, Vendors and Third Parties**

The Agency recognizes that unwelcome harassment can also be perpetrated by a vendor, employee of a vendor, customer, or other third party. If an employee believes that he/she has been or is being harassed, or if an employee witnesses what he/she believes to be harassment by

# Workplace Harassment

a vendor, employee of a vendor, a customer, or other third party associated with his/work at the CTRMA, he/she should use the reporting and investigation procedures discussed herein. Where an investigation reveals that unwelcome harassment has occurred, the Agency will undertake appropriate measures to ensure that the harassment ceases.

## **Reporting Procedures**

If an employee believes that he/she is or has been subjected to harassment based on any protected status, including but not limited to any of the conduct listed herein, by any manager, other employee, customer, vendor or any other person in connection with employment at the CTRMA, the employee should report the incident to his/her manager; or bring the matter to the immediate attention of any Agency manager or to the Human Resources Manager.

Similarly, an employee who witnesses harassment directed at an employee should immediately report the matter to any manager or to the Human Resources Manager, with or without the permission of the employee involved.

An employee who believes that he/she has been subjected to prohibited harassment or who witnesses harassment directed at another employee should not assume that the Agency is already aware of the situation. Even if others observe the conduct, those individuals may not know that the particular conduct or comments are unwelcome. In order for the Agency to resolve an employee's concerns, each employee must bring such issues to the Agency's attention by following the reporting procedures outlined herein.

## **Investigation**

The Agency will take complaints or reports of harassment very seriously and will promptly initiate an investigation. Both the investigation and the resolution of the investigation shall be conducted and implemented in as confidential a manner as possible.

## **Remedial/Corrective Action**

The Agency will take appropriate remedial action, including disciplinary action when warranted, if an investigation reveals that prohibited harassment, discrimination or retaliation in violation of this policy has occurred.

Employees who violate this policy shall be subject to corrective action, up to and including termination of employment for a first offense.

### Non-discrimination/Non-retaliation

No employee who, in good faith, reports an alleged incident of harassment or who participates in an investigation of an alleged incident of harassment shall be subjected to discrimination, reprisal or retaliation in any form because of having made such a report or participating in such an investigation. Any employee who feels that he/she has been subjected to any form of discrimination, reprisal or retaliation because of having reported an alleged incident of harassment or because of having participated in an investigation of a harassment complaint should immediately report such reprisal or retaliation to any Agency manager, to the Human Resources Manager, or to the Executive Director.

[For more information, please reference the Equal Employment Opportunity Policy and the Performance, Conduct and Corrective Action Policy in this Handbook.]

# Alcohol and Prohibited Substances

## **POLICY**

The Central Texas Regional Mobility Authority recognizes a responsibility to help provide a safe and productive workplace for its employees. To this end, and to safeguard the Agency's property, protect the health and safety of the general public, and to set a positive example for the community in which the CTRMA does business, the Agency has adopted this substance abuse policy. Compliance with this policy is a condition of initial and continued employment with the CTRMA.

This policy is adopted in furtherance of the requirements of the Texas Workers' Compensation Act, and rules adopted thereunder, relating to the elimination of drug abuse in the workplace and of the Texas Transportation Code, §370.033(h).

## **Definitions**

As used in this policy, "controlled substances", "prohibited substances", and "illegal drugs" broadly refers to all forms of narcotics, depressants, stimulants, hallucinogens, and the illegal use of inhalants and other drugs, including marijuana, whose use, possession, or transfer is restricted or prohibited by law (substances listed in Schedules I-V of Section 202 of the Controlled Substances Act [21 U.S.C. §812], as amended, or as revised and set forth in federal regulations [21 C.F.R. §§1308.11-1308.15]. Copies of such schedules are maintained by the CTRMA for review by employees).

As used in this policy, "under the influence" is defined as:

- Drugs, Inhalants or Controlled Substances: having any detectable level in the person's body, regardless of when or where the drug, inhalant, or controlled substance may have been consumed.
- Alcohol: having a blood alcohol content of 0.04 or higher or having any odor of alcohol on the breath or body, regardless of when or where the alcohol may have been consumed.

## **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to maintain a drug-free workplace.

To that end, the Agency prohibits the manufacture, distribution, dispensation, possession, concealment, use, sale, purchase or transfer of alcohol, inhalants, drugs, or controlled substances ("prohibited substances") and the possession of drug-related paraphernalia or literature promoting the use of illegal drugs while at work or while representing the Agency, on Agency premises (including parking lots), in Agency vehicles, or on Agency business.

## Alcohol and Prohibited Substances

The CTRMA also prohibits any person, including employees of the CTRMA, to be on Agency premises (including parking lots), in Agency vehicles, or on Agency business while under the influence of any prohibited substance.

Over-the-counter medications and prescription drugs prescribed by a licensed medical practitioner for the person using or possessing them are generally not prohibited by this policy, provided they were lawfully obtained and are not consumed at a frequency or quantity greater than the dosage prescribed or otherwise recommended on the medication's label. However, any employee taking any prescription or over-the-counter drug or medication, regardless of whether it was lawfully obtained and properly consumed, which may adversely affect his/her ability to perform work in a safe and productive manner, must notify his/her supervisor or, if not available, another management representative immediately after entering onto Agency's premises and prior to starting work.

The employee's supervisor, in consultation with appropriate medical personnel when necessary, will decide if the employee may remain at work or on the CTRMA's premises and what work restrictions or accommodations, if any, are deemed necessary. Information regarding the employee's use of medication and any other information provided by appropriate medical personnel will be kept strictly confidential and will be disclosed only to Agency management personnel on a need-to-know basis and in accordance with the law.

The CTRMA currently does not have a pre-employment drug testing program. However, the Agency reserves the right to initiate, at any time, with or without notice, a program that requires candidates who have accepted a position with the Agency to take and pass a drug test as a condition of initial employment.

In addition, the Agency reserves the right to require employees, as a condition of initial and continued employment, to submit to drug, alcohol and prohibited substances testing in the event of any of the following circumstances:

- a work-related incident/accident requiring any employee, customer or visitor to seek medical attention;
- upon reasonable suspicion on the part of management; and

Compliance with the Agency's drug, alcohol and prohibited substances policy is a condition of initial and continued employment.

## Alcohol and Prohibited Substances

### Violations of Policy

An employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

An employee who violates this policy, or who is reasonably suspected of violating this policy, may be requested to undergo alcohol and drug testing. An employee who refuses to comply with a management request to submit to testing or who fails to cooperate with the testing process will be subject to disciplinary action, up to and including termination of employment.

In addition, an employee who violates this policy, or who is reasonably suspected of violating the policy of the Agency is subject to investigation that may involve searches of his/her person and property. Searches of employees' persons, clothing or personal effects, such as lunch bags/pails, purses, briefcases, attaches and vehicles will not be conducted without the employee's consent. However, an employee's refusal to permit a search of personal container(s) upon the request of management may result in disciplinary action, up to and including termination of employment.

Any employee who refuses to comply with a management request to cooperate with an investigation of alleged violation(s) of this policy may also be subject to disciplinary action, up to and including termination of employment.

The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is illegal. Therefore, the CTRMA will report possession, distribution or use of illegal drugs to law enforcement authorities and will submit to the custody of law enforcement authorities any such substances found on CTRMA premises or property. The Agency will fully cooperate in any investigation and/or prosecution of a violation of drug law(s).

Neither this policy nor any of its terms are intended to create a contract of employment, or to alter existing employment relationships in any way. The CTRMA retains the sole right to change, amend modify or defer any term or provision of this policy without notice.

All CTRMA officers, including Board officers (Chair, Vice-Chair, Secretary and Treasurer) are encouraged to adhere to this policy. Officers are reminded that use of illegal drugs, or abuse of controlled substances or alcohol, may be grounds for removal from office in accordance with the Texas Transportation Code §370.254.

[For further information, please reference the Performance, Conduct and Corrective Action Policy in this Handbook].

# Weapons & Violence

## **POLICY**

The Central Texas Regional Mobility Authority intends to create and sustain for its employees, customers and visitors a working environment which is free of workplace violence or the threat of violence.

Therefore, the Agency will assume and vigorously enforce a “zero tolerance” policy with respect to weapons and to violence or threats of violence directed at any person. Prohibited behavior includes but is not limited to threatening language, whether verbal or written; threatening gestures or pictures; and/or actual violence of any kind directed at any individual.

The CTRMA also prohibits possessing, selling, distributing, concealing or transporting—whether by employee, customer, or visitor—of firearms or any other weapon while on Agency premises, or while conducting Agency business of any kind. This prohibition includes but is not limited to: handguns, firearms, knives, ammunition (whether live or spent), explosives, pepper spray or other incapacitating spray, or any other prohibited weapon of any kind, regardless of whether the person is licensed to carry the weapon or not. This prohibition also includes toy weapons and reproductions or replicas of weapons.

## **Violations of Policy**

A violation of this policy will be dealt with aggressively and, subject to investigation, may lead to corrective up to and including termination of employment for a first offense.

An employee who violates this policy or who is reasonably suspected of violating this policy is subject to investigation that may involve searches of his/her person and property. Employees are expected to comply with searches of their persons, clothing or personal effects, lunch bags/pails, purses, briefcases, attaches and vehicles. Such searches will not be conducted without the employee’s consent; however, an employee’s refusal to permit a search of his/her person, personal effects, or personal container(s) upon the request of management may result in disciplinary action, up to and including termination of employment.

He/she may also be subject to criminal prosecution and corrective action, up to and including termination of employment (and, in appropriate circumstances, termination for a first offense). Any employee who refuses to comply with a management request to cooperate with an investigation of alleged violation(s) of this policy may be subject to corrective action, up to and including termination of employment.

[For further information, please reference the Safety, Health and Security Policy, and the Performance, Conduct and Corrective Action Policy in this Handbook.]

## Investigation, Privacy and Searches

### **POLICY**

It is the policy of The Central Texas Regional Mobility Authority to ensure a safe environment for employees and customers, and to ensure the efficient and proper operation of the business at all times.

To accomplish this objective, the CTRMA routinely monitors and records the use of its technology equipment, tools and systems, including internet, e-mail systems and voicemail systems.

From time to time, the Agency will need to search and inspect work areas for work-related reasons. Accordingly, the Agency reserves the right to inspect, search, and in appropriate circumstances, make electronic recordings in and around Agency-owned/leased structures and furniture, whether locked or unlocked, including offices, lockers, work cubicles, desks, file cabinets, computer databases, on-line services (e.g., the Internet), the electronic mail (“e-mail”) and voicemail systems, work areas and storage areas on the premises or facilities of the CTRMA.

### **PROCEDURES**

Searches of Agency-owned structures and furniture (as outlined above) will be conducted by Agency management or its designee, from time to time, with or without prior notification and with or without the consent or presence of the employee.

Agency policy does not permit any employee to use a personal lock to secure any Agency-owned structures or furniture on the premises or facilities of the CTRMA.

Because employees have no right or expectation of privacy in Agency-owned structures, furniture, internet, e-mail and voicemail systems, employees are strongly encouraged to refrain from storing in or on Agency-owned property any personal item (including personal written material) which they do not wish to be inspected by Agency management.

Searches of employees’ persons, clothing or personal effects, such as lunch bags/pails, purses, briefcases, attaches and vehicles will not be conducted without the employee’s consent. However, an employee’s refusal to permit a search of his/her person, personal effects, and personal container(s) upon the request of management may result in corrective action, up to and including termination of employment.

## Investigation, Privacy and Searches

Similarly, an employee's refusal to fully cooperate in an investigation conducted by management or a representative of management will be taken into consideration when making final decisions at the conclusion of such an investigation, and may result in corrective action, up to and including termination of employment.

# **EMPLOYEE RECORDS AND TERMINATION OF EMPLOYMENT**

# Employee Records

## POLICY

The CTRMA's Human Resources Manager shall retain certain personnel records in order to comply with various federal, state and local laws, and to maintain other relevant information for each employee. The Agency makes every effort to balance each individual's right to privacy with the Agency's need to obtain, use and retain certain employment information.

Personnel records shall be treated privately and confidentially, to the degree permitted by law and their use for conducting normal business operations. Medical and benefits records/information shall be retained separately from the personnel records and shall not be made accessible to any person other than authorized human resources personnel and the employee.

## PROCEDURES

Personnel records are to contain information which is needed by the Agency to conduct its business or which is required by federal, state or local law. This information normally will include, but will not necessarily be limited to, the following:

- Application forms;
- Payroll information;
- Performance appraisals;
- Disciplinary records; and
- Work-related personal information.

Employees have a responsibility to keep their personnel information up-to-date and are to notify the Human Resources Manager in writing of any changes. Employees are generally allowed to inspect their own personnel records, with the exception of employment references. A request to do so should be directed to the Human Resources Manager, which will schedule a time for inspection that is convenient for both parties.

Third parties (banks, mortgage companies, etc.) who are seeking information concerning employees and former employees should be referred to the Human Resources Manager. The Human Resources Manager will comply with state laws (Texas Government Code §552.102) regarding confidentiality of employee information and will release to third parties only the dates of employment and position(s) held, unless the individual who is the subject of the inquiry provides written consent for the release of other relevant information.

Managers who receive verbal or written requests for personal or employment information about a current or former employee should refer these inquiries, without comment, to the Human Resources Manager.

# Leaving Employment with the Central Texas Regional Mobility Authority

Page 1 of 1

---

## **POLICY**

Because The Central Texas Regional Mobility Authority is an at-will employer, employees may resign from the Agency at any time, for any reason. Similarly, the Agency reserves the right to terminate employment at any time, for any reason, with or without advance notice and with or without cause.

The CTRMA has established guidelines regarding termination of employment. Termination of employment includes voluntary discharges such as: employee resignation, retirement, and expiration of an employment contract; and involuntary discharges, such as reorganization, reduction-in-force, or discharge for cause.

## **PROCEDURE**

In order to ensure that the CTRMA remains a premier employer of choice, employees who voluntarily leave the Agency will normally be asked to schedule a confidential exit interview with the Human Resources Manager or his/her designee.

Generally, former employees who leave in good standing may be considered for re-employment. Former employees who were involuntarily discharged generally will not be considered for re-employment.

Employees are not permitted to use remaining vacation time as part of the notice period, unless specifically approved by the employee's manager [and the Executive Director](#).

Credited service/length of service for purposes of determining benefits eligibility is governed by the terms of each benefit plan.

The termination and discharge policy/procedures outlined in this policy are not all-inclusive, nor do they constitute a legal contract between the CTRMA and its employees. Employment with the CTRMA is on an at-will basis.

# **EMPLOYEE ACKNOWLEDGEMENT AND AGREEMENT**

I acknowledge that I have received The Central Texas Regional Mobility Authority's (the "Agency's") Employee Handbook (the "Handbook"), either in electronic or paper format. I certify that I have read the complete Handbook, and have had an opportunity to ask a manager to answer my questions about the Handbook.

I understand that the Handbook serves as a set of guidelines only. Since no handbook or set of policies can anticipate every possible circumstance or situation that may arise in the workplace, I understand that individual circumstances may call for individual attention. I further understand that the contents of this Handbook may be changed at any time at the discretion of the Agency.

I understand that nothing contained in the Handbook or this acknowledgment page, in whole or in part, shall act as a contract or guarantee of employment. I understand that my employment with The Central Texas Regional Mobility Authority is at-will, and that because I am employed for no definite period of time, both the Agency and I retain the right to terminate the employment relationship at any time and for any reason. I also understand and agree that the Agency retains the right to demote, transfer, change my job duties, and change my compensation at any time with or without cause in its sole discretion. It is my further understanding that this "at will" employment relationship may not be changed by any written document or by any conduct unless such change is specifically acknowledged in writing by me and the Executive Director and/or Board of Directors of The Central Texas Regional Mobility Authority.

As a condition of initial and continued employment, I agree to abide by and adhere to the rules and regulations of the Agency at all times during the entire course of my employment.

In particular, I have read, understand and agree to abide by the Workplace Harassment Policy and the Code of Conduct Policy.

I understand that my signature below indicates that I have read and understand the above statements.

---

Printed Name

---

Signature/Date

**Original – Employee file**  
**Copy – Employee**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

**Attachment B**

**Policy Code Amendments**

SECTION 1. Section 101.041, Policy Code, is amended to read as follows:

101.041 Employee Handbook ~~Adopted (Resolution 09-78)~~

(a) ~~The board hereby approves and adopts the Employee Handbook, attached hereto as Appendix 1.~~

~~(b)~~—The executive director shall adopt an Employee Handbook and shall make it available to all employees of the authority. The executive director may revise the Employee Handbook as the executive director considers necessary or desirable to perform the executive director’s duties as chief administrator of the authority under Section 101.037 and Section 101.038.

(b) The executive director may elect to bring one or more revisions to the Employee Handbook to the board for its consideration and appropriate action ~~may be further amended from time to time~~ at the discretion of the board.

(c) The executive director is directed to take such steps as may be necessary to effectively communicate the authority’s ethics and compliance program to employees and agents and to enforce the requirements of the program.

(d) Staff shall develop and implement a program to provide information on ethics and internal compliance issues to directors.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #8 SUMMARY

---

Accept the monthly financial report for  
February, 2012.

Department: Finance

Associated Costs: None

Funding Source: None

Board Action Required: YES

Description of Matter:

Presentation and acceptance of the monthly financial report for February, 2012.

Attached documentation for reference:

Draft Resolution and Financial Report for February, 2012.

Contact for further information:

Bill Chapman, Chief Financial Officer

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 12-\_\_\_**

**ACCEPT MONTHLY FINANCIAL REPORT**

WHEREAS, the Central Texas Regional Mobility Authority (“CTRMA”) is empowered to procure such goods and services as it deems necessary to assist with its operations and to study and develop potential transportation projects, and is responsible to insure accurate financial records are maintained using sound and acceptable financial practices; and

WHEREAS, close scrutiny of CTRMA expenditures for goods and services, including those related to project development, as well as close scrutiny of CTRMA’s financial condition and records is the responsibility of the Board of Directors and its designees through procedures the Board may implement from time to time; and

WHEREAS, the Board of Directors has adopted policies and procedures intended to provide strong fiscal oversight and which authorize the Executive Director, working with the CTRMA’s Chief Financial Officer, to review invoices, approve disbursements, and prepare and maintain accurate financial records and reports; and

WHEREAS, the Executive Director, working with the Chief Financial Officer, has reviewed and authorized the disbursements necessary for the month of February, 2012, and has caused a Financial Report to be prepared which is attached to this resolution as Attachment “A.”

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors accepts the Financial Report for February, 2012, attached as Attachment “A” to this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of March, 2012.

Submitted and reviewed by:

Approved:

\_\_\_\_\_  
Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

\_\_\_\_\_  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 12-\_\_\_  
Date Passed: 3/28/2012

**Exhibit A**

**Financial Report for February, 2012**

**Central Texas Regional Mobility Authority  
Balance Sheet**

As of

February 29, 2012

February 28, 2011

**Assets**

**Current Assets**

Cash in Regions Operating Account	47,874		3,379
Cash In TexSTAR	5,824	46,771	
Regions Payroll Account	7,012	(2,196)	

**Restricted cash/cash equivalents**

Fidelity Government MMA	9,862,808	15,074,754	
Restricted Cash-TexStar	49,282,460	77,904,411	
Regions SIB account	0	13,175,232	
Overpayment accounts	26,727	16,465	

**Total Cash and Cash Equivalents**

	59,184,831	106,218,818	
--	------------	-------------	--

Accounts Receivable	22,475	50,894	
Due From TTA	414,570	399,123	
Due From NTTA	38,380	31,445	
Due From HCTRA	111,904	46,790	
Due From TxDOT	13,280,344	6,275,030	
Due From Federal Government	308,976	533,152	
Interest Receivable	251,786	99,670	

**Total Receivables**

	14,428,434	7,436,104	
--	------------	-----------	--

**Short Term Investments**

Short Term Investments	51,887,382		11,557,901
------------------------	------------	--	------------

**Other Current Assets**

Prepaid Insurance	36,244		55,452
-------------------	--------	--	--------

**Total Current Assets**

	125,584,765	125,268,274	
--	-------------	-------------	--

**Construction Work In Process**

	297,657,965	138,546,785	
--	-------------	-------------	--

**Fixed Assets**

Computers(net)	31,536	36,433	
Computer Software(net)	472,499	1,677,285	
Furniture and Fixtures(net)	14,077	20,614	
Equipment(net)	47,001	50,378	
Autos and Trucks(net)	23,569	1,311	
Buildings and Toll Facilities(net)	6,226,425	6,402,984	
Highways and Bridges(net)	174,408,051	179,375,258	
Communication Equipment(net)	1,015,050	1,193,863	
Toll Equipment(net)	2,237,500	2,699,281	
Signs(net)	5,000,247	5,133,516	
Land Improvements(net)	1,134,485	912,332	
Right of Way	24,683,553	23,683,553	
Leasehold Improvements	61,946	61,507	

**Total Fixed Assets**

	215,355,939	221,248,313	
--	-------------	-------------	--

**Long Term Investments**

GIC (Restricted )	203,598,582	71,299,619	
Agencies-LT	18,145,913	0	

**Other Assets**

Security Deposits	8,644	9,483	
Intangible Assets	650	650	
Total Bond Issuance Costs	15,670,753	10,581,162	

**Total Assets**

	876,023,210	566,954,287	
--	-------------	-------------	--

## Liabilities

### Current Liabilities

Accounts Payable	1,744,301	2,414,616
Overpayments	27,527	16,972
Interest Payable	7,228,196	2,955,265
Deferred Compensation Payable	0	4,934
TCDRS Payable	32,069	25,828
Medical Reimbursement Payable	63	0
Due to other Entities	9,050	0
Other	0	979
Due to State of Texas	2,098	3,276
<b>Total Current Liabilities</b>	<b>9,043,304</b>	<b>5,421,870</b>

### Long Term Liabilities

Accrued Vac & Sick Leave Paybl	413,815	365,641
Retainage Payable	0	(283,636)
Senior Lien Revenue Bonds 2005	172,143,281	172,698,781
Senior Lien Revenue Bonds 2010	100,428,639	97,516,323
Senior Lien Revenue Bonds 2011	306,355,531	0
Sn Lien Rev Bnd Prem/Disc 2005	4,680,425	4,847,221
Sn Lien Rev Bnd Prem/Disc 2010	180,559	214,712
Tot Sr Lien Rev Bond Pay Pre/D	1,229,861	5,061,933
Subordinated Lien Bond 2010	45,000,000	45,000,000
Subordinated Lien Bond 2011	70,000,000	0
Sub Lien Bond 2011 Prem/Disc	(2,107,479)	
TIFIA note 2008	77,526,562	76,440,806
2010 Regions BAB's Payable	0	59,955,000
2011 Regions Draw Down Note	200,000	
2009 State Infrastructure loan	0	32,805,187
Total Long Term Liabilities	<b>771,190,210</b>	<b>489,560,035</b>
<b>Total Liabilities</b>	<b>780,233,514</b>	<b>494,981,904</b>

### Net Assets Section

Contributed Capital	18,334,846	18,334,846
Net Assets beginning	61,990,955	37,183,660
Current Year Operations	15,463,896	16,453,877
<b>Total Net Assets</b>	<b>77,454,851</b>	<b>53,637,537</b>

### Total Liabilities and Net Assets

**876,023,210**

**566,954,287**

**Central Texas Regional Mobility Authority**  
**Income Statement**  
**All Operating Departments**

Account Name	Budget Amount FY 2012	Actual Year to Date 02/29/2012	Percent of Budget	Actual Prior Year to Date 2/28/2011
<b>Revenue</b>				
<b>Operating Revenue</b>				
Toll Revenue-TxTag-183A	21,395,350	10,517,543	49.16%	10,363,080
Toll Revenue-HCTRA-183A	656,250	461,616	70.34%	425,149
Toll Revenue-NTTA-183A	411,600	293,067	71.20%	261,481
Video Tolls	3,004,800	2,342,715	77.97%	2,125,846
Fee revenue	1,252,000	897,193	71.66%	833,626
<b>Total Operating Revenue</b>	<b>26,720,000</b>	<b>14,512,135</b>	<b>54.31%</b>	<b>14,009,181</b>
<b>Other Revenue</b>				
Interest Income	180,000	127,987	71.10%	167,887
Grant Revenue	800,000	19,049,320	2381%	20,910,667
Misc Revenue	2,200	918,366	41744%	1,650
Gain/Loss on Redemption Bonds	-	-	0.00%	1,000
Gain/Loss on Sale of Asset	-	12,342		-
<b>Total Other Revenue</b>	<b>982,200</b>	<b>20,108,016</b>	<b>2047%</b>	<b>21,081,205</b>
<b>Total Revenue</b>	<b>\$ 27,702,200</b>	<b>\$ 34,620,151</b>	<b>124.97%</b>	<b>\$ 35,090,386</b>
<b>Expenses</b>				
<b>Salaries and Wages</b>				
Salary Expense-Regular	2,010,301	1,234,372	61.40%	1,077,563
Part Time Salry Expense	12,000	7,927	66.06%	6,146
Overtime Salary Expense	4,000	-	0.00%	-
Contractual Employees Expense	105,000	7,623	7.26%	29,550
TCDRS	304,235	173,537	57.04%	154,527
FICA	97,856	47,003	48.03%	42,310
FICA MED	30,715	17,730	57.73%	15,203
Health Insurance Expense	204,527	126,513	61.86%	96,756
Life Insurance Expense	5,374	2,893	53.83%	3,770
Auto Allowance Expense	9,000	4,462	49.58%	6,248
Other Benefits	171,305	102,169	59.64%	35,480
Unemployment Taxes	13,059	1,651	12.64%	2,860
Salary Reserve	91,871	-	0.00%	-
<b>Total Salaries and Wages</b>	<b>3,059,243</b>	<b>1,725,880</b>	<b>56.42%</b>	<b>1,470,415</b>

**Central Texas Regional Mobility Authority**  
**Income Statement**  
**All Operating Departments**

Account Name	Budget Amount FY 2012	Actual Year to Date 02/29/2012	Percent of Budget	Actual Prior Year to Date 2/28/2011
<b>Contractual Services</b>				
<u>Professional Services</u>				
Accounting	9,500	21,366	224.91%	5,655
Auditing	55,000	44,771	81.40%	42,650
General Engineering Consultant	1,250,000	586,694	46.94%	566,217
General System Consultant	175,000	27,886	15.93%	5,016
Image Processing	600,000	534,307	89.05%	497,614
Facility maintenance	20,000	7,825	39.13%	57,243
HERO	820,000	450,034	54.88%	520,061
Human Resources	80,000	67,073	83.84%	14,796
Legal	250,000	76,676	30.67%	77,778
Photography	15,000	12,500	83.33%	13,100
Communications and Marketing	-	6,662		-
<b>Total Professional Services</b>	<b>3,274,500</b>	<b>1,835,795</b>	<b>56.06%</b>	<b>1,800,131</b>
<u>Other Contractual Services</u>				
IT Services	45,000	29,380	65.29%	25,231
Graphic Design Services	10,000	400	4.00%	1,580
Website Maintenance	25,000	8,278	33.11%	25,438
Research Services	25,000	3,100	12.40%	26,089
Copy Machine	9,000	3,704	41.15%	4,896
Software Licenses	26,000	805	3.09%	7,387
ETC Maintenance Contract	840,000	413,985	49.28%	393,028
ETC Development	125,000	-	0.00%	16,555
ETC Testing	30,000	16,620	55.40%	-
Communications and Marketing	170,000	46,899	27.59%	102,435
Advertising Expense	40,000	31,906	79.77%	39,364
Direct Mail	5,000	-	0.00%	-
Video Production	5,000	1,946	38.91%	-
Radio	15,000	-	0.00%	-
Other Public Relations	2,500	-	0.00%	-
Law Enforcement	250,000	155,473	62.19%	134,792
Special assignments	5,000	-	0.00%	-
Traffic Management	84,000	48,925	58.24%	36,240
Emergency Maintenance	10,000	-	0.00%	-

**Central Texas Regional Mobility Authority**  
**Income Statement**  
**All Operating Departments**

Account Name	Budget Amount FY 2012	Actual Year to Date 02/29/2012	Percent of Budget	Actual Prior Year to Date 2/28/2011
Security Contracts	600	-	0.00%	-
Roadway Maintenance Contract	300,000	53,182	17.73%	39,500
Landscape Maintenance	280,000	102,253	36.52%	81,544
Signal & Illumination Maint	175,000	60,950	34.83%	89,651
Mowing and litter control	40,000	40,603	101.51%	49,051
Hazardous Material Cleanup	10,000	-	0.00%	-
Striping	75,000	19,600	26.13%	-
Graffiti removal	10,000	-	0.00%	1,900
Cell Phones	10,700	4,622	43.19%	5,635
Local Telephone Service	16,000	8,803	55.02%	6,211
Long Distance	600	-	0.00%	192
Internet	6,000	435	7.25%	2,078
Fiber Optic System	63,000	30,739	48.79%	29,783
Other Communication Expenses	1,500	273	18.22%	1,220
Subscriptions	1,850	120	6.48%	52
Memberships	29,100	26,960	92.65%	21,650
Continuing Education	2,000	4,432	221.61%	3,100
Professional Development	5,000	3,020	60.40%	-
Seminars and Conferences	32,500	10,479	32.24%	11,320
Staff-Travel	76,500	26,594	34.76%	23,748
Other Contractual Svcs	125,200	177	0.14%	153
Roadway maintenance contract	-	-	0.00%	13,875
TxTag Collection Fees	1,347,791	819,419	60.80%	886,874
Contractual Contingencies	140,500	34,115	24.28%	11,748
<b>Total Other Contractual Services</b>	<b>4,470,341</b>	<b>2,008,197</b>	<b>44.92%</b>	<b>2,092,318</b>
<b>Total Contractual Services</b>	<b>7,744,841</b>	<b>3,843,992</b>	<b>49.63%</b>	<b>3,892,448</b>
<b>Materials and Supplies</b>				
Books & Publications	16,000	5,897	36.86%	9,522
Office Supplies	10,000	3,388	33.88%	4,533
Computer Supplies	13,000	8,107	62.36%	2,888
Copy Supplies	2,200	585	26.59%	649
Annual Report printing	10,000	6,005	60.05%	5,354
Other Reports-Printing	20,000	-	0.00%	381
Direct Mail Printing	5,000	-	0.00%	-

**Central Texas Regional Mobility Authority**  
**Income Statement**  
**All Operating Departments**

Account Name	Budget Amount FY 2012	Actual Year to Date 02/29/2012	Percent of Budget	Actual Prior Year to Date 2/28/2011
Office Supplies-Printed	3,000	1,117	37.22%	1,693
Ice Control Materials	25,000	-	0.00%	-
Maintenance Supplies-Roadway	100,000	9,175	9.17%	-
Promotional Items	10,000	-	0.00%	3,235
Displays	5,000	-	0.00%	-
ETC spare parts expense	30,000	-	0.00%	-
Tools & Equipment Expense	1,000	89	8.86%	14
Misc Materials & Supplies	2,000	683	34.15%	82
<b>Total Materials and Supplies</b>	<b>252,200</b>	<b>35,044</b>	<b>13.90%</b>	<b>28,352</b>
<b>Operating Expenses</b>				
Gasoline Expense	5,000	3,082	61.65%	2,329
Mileage Reimbursement	7,500	2,876	38.34%	2,114
Toll Tag Expense	4,100	2,053	50.07%	1,817
Parking	38,595	29,128	75.47%	24,026
Meeting Facilities	450	-	0.00%	100
Community Meeting/ Events	5,000	-	0.00%	500
Meeting Expense	6,750	3,051	45.19%	2,280
Public Notices	2,400	-	0.00%	-
Postage Expense	5,950	444	7.45%	452
Overnight Delivery Services	1,600	524	32.77%	72
Local Delivery Services	1,950	6	0.29%	706
Insurance Expense	90,000	48,640	54.04%	26,141
Repair & Maintenance-General	500	263	52.50%	158
Repair & Maintenance-Vehicles	100	426	425.74%	650
Repair & Maintenance Toll Equip	5,000	2,047	40.94%	-
Rent Expense	190,000	137,620	72.43%	124,838
Water	7,500	4,785	63.80%	3,270
Electricity	83,500	41,544	49.75%	41,919
Other Licenses	250	275	110.00%	235
Community Initiative Grants	65,000	37,500	57.69%	50,750

**Central Texas Regional Mobility Authority**  
**Income Statement**  
**All Operating Departments**

Account Name	Budget Amount FY 2012	Actual Year to Date 02/29/2012	Percent of Budget	Actual Prior Year to Date 2/28/2011
<b>Non Cash Operating Expenses</b>				
Amortization Expense	1,230,000	819,016	66.59%	819,744
Dep Exp- Furniture & Fixtures	16,500	5,768	34.96%	11,239
Dep Expense - Equipment	14,500	9,585	66.10%	9,585
Dep Expense - Autos & Trucks	5,000	4,024	80.48%	2,622
Dep Expense-Buildng & Toll Fac	177,000	117,706	66.50%	117,706
Dep Expense-Highways & Bridges	5,000,000	3,311,471	66.23%	3,311,471
Dep Expense-Communic Equip	195,000	127,226	65.24%	130,051
Dep Expense-Toll Equipment	465,000	307,854	66.21%	307,854
Dep Expense - Signs	135,000	88,845	65.81%	88,845
Dep Expense-Land Improvemts	52,000	43,869	84.36%	34,389
Depreciation Expense-Computers	6,500	6,507	100.11%	7,041
<b>Total Operating Expenses</b>	<b>7,817,645</b>	<b>5,156,133</b>	<b>65.96%</b>	<b>5,122,905</b>
<b>Financing Expenses</b>				
Arbitrage Rebate Calculation	2,500	5,455	218.20%	3,500
Loan Fee Expense	12,500	12,000	96.00%	11,500
Rating Agency Expense	33,000	5,300	16.06%	5,000
Trustee Fees	2,000	-	0.00%	-
Bank Fee Expense	7,500	15,374	204.98%	4,469
Continuing Disclosure	4,000	-	0.00%	-
Interest Expense	12,038,096	8,020,919	66.63%	7,899,882
Contingency	15,000	-	0.00%	-
<b>Total Financing Expenses</b>	<b>12,500,303</b>	<b>8,395,231</b>	<b>67.16%</b>	<b>8,122,389</b>
<b>Non Cash Financing Expenses</b>				
Bond issuance expense	385,707	336,183	87.16%	198,039
<b>Total Financing Expenses</b>	<b>12,500,303</b>	<b>8,395,231</b>	<b>67.16%</b>	<b>8,122,389</b>
<b>Other Gains or Losses</b>				
<b>Total Other Gains or Losses</b>	<b>-</b>	<b>-</b>	<b>0.00%</b>	<b>-</b>
<b>Total Expenses</b>	<b>\$ 31,374,232</b>	<b>\$ 19,156,280</b>	<b>61.06%</b>	<b>\$ 18,636,509</b>
<b>Net Income</b>	<b>\$ (3,672,032)</b>	<b>\$ 15,463,871</b>		<b>\$ 16,453,877</b>

**INVESTMENTS by FUND**

		<b>Balance</b>	
		<b>February 29, 2012</b>	
<b>Renewal &amp; Replacement Fund</b>			<b>TexSTAR 49,288,283.81</b>
TexSTAR	660,079.44		CD's -
Fidelity	0.66		Fidelity 9,862,807.90
Agencies		660,080.10	Agencies 70,024,659.70
<b>TxDOT Grant Fund</b>			<b>Bayerische GIC 203,572,103.80</b>
TexSTAR	4,414,362.21		
Fidelity	2,003,705.07		
Agencies	3,004,296.80	9,422,364.08	
<b>Subordinate Lien DS Fund 05</b>			
Fidelity	1,019,836.01	1,019,836.01	
<b>Debt Service Reserve Fund 05</b>			
TexSTAR	30,737,105.46		
Fidelity	0.00		
CD's	0.00		
Agencies	12,270,337.19	43,007,442.65	
<b>Debt Service Fund 05</b>			
Fidelity	1,680,840.27	1,680,840.27	
<b>2011 Debt Service Acct</b>			
Fidelity	2,631.02	2,631.02	
<b>2010 Senior Lien DSF</b>			
TexSTAR	0.15		
Fidelity	0.00	0.15	
<b>2011 Sub Debt DSRF</b>			
Fidelity	3,499,081.83		
Agencies	3,500,930.42	7,000,012.25	
<b>Operating Fund</b>			
TexSTAR	5,823.95		
TexSTAR-Trustee	147,304.24		
Fidelity	0.30		
Region's SIB Loan MMA	0.00	153,128.49	
<b>Revenue Fund</b>			
TexSTAR	1.00		
Fidelity	917,789.92	917,790.92	
<b>General Fund</b>			
TexSTAR	4,172,417.54		
Fidelity	311,454.33	4,483,871.87	
<b>2010 Senior Lien Capitalized Interest</b>			
Fidelity	531.34		
TexSTAR	842.56		
Bayerische GIC	3,419,964.75	3,421,338.65	
<b>2010-1 Sub Lien Capitalized Interest</b>			
Fidelity	0.00		
TexSTAR	0.09	0.09	
<b>2010-2 Sub Lien Capitalized Interest</b>			
TexSTAR	126.81		
Fidelity	250,390.68	250,517.49	
<b>2011 Sr Capitalized Interest Fund</b>			
Fidelity	34,415.76		
Agencies	35,527,061.73	35,561,477.49	
<b>2011 Sub Capitalized Interest Fund</b>			
Fidelity	817.37		
Agencies	9,373,613.93	9,374,431.30	
<b>2010-1 Sub BABs subsidy</b>			
Fidelity	0.39	0.39	
<b>2010-2 Sub BABs subsidy</b>			
Fidelity	2.25	2.25	
<b>2010 Senior Lien Debt Service Reserve Fund</b>			
TexSTAR	5,523,577.81		
Fidelity	28,766.50		
Agencies	3,947,399.63	9,499,743.94	
<b>2010-2Sub Lien Debt Service Reserve Fund</b>			
TexSTAR	711,131.58		
Fidelity	60,352.13		
Agencies	390,000.00	1,161,483.71	
<b>2010-1Sub Lien Debt Service Reserve Fund</b>			
TexSTAR	1,910,954.54		
Fidelity	33,696.35		
Agencies	2,011,020.00	3,955,670.89	
<b>2010-1 Sub Lien Projects Fund</b>			
TexSTAR	1,004,544.78		
Fidelity	17,707.88	1,022,252.66	
<b>2010 Senior Lien Construction Fund</b>			
TexSTAR	1.19		
Fidelity	425.54		
Bayerische GIC	16,536,629.23	16,537,055.96	
<b>2011 Sub Debt Project fund</b>			
Bayerische GIC	48,054,146.72		
Fidelity	0.10	48,054,146.82	
<b>2011 Senior Lien Project Fund</b>			
TexSTAR	10.46		
Fidelity	362.20		
Bayerische GIC	135,561,363.10	135,561,735.76	
		<u>\$ 332,747,855.21</u>	

**CTRMA INVESTMENT REPORT**

Month Ending 2/29/12						
Balance 1/31/2012	Additions	Discount Amortization	Accrued Interest	Withdrawals	Balance 2/29/2012	Rate Feb 12
<b>Amount in Trustee TexStar</b>						
2011 Senior Lien Construction Fund					10.46	0.123%
2010 Senior Lien Construction Fund					1.19	0.123%
2010-1 Sub Lien Projects			78.65		1,004,544.78	0.123%
General Fund			399.52	1,468,236.78	4,172,417.54	0.123%
Trustee Operating Fund	400,000.00		12.43	400,000.00	147,304.24	0.123%
Renewal and Replacement			51.68		660,079.44	0.123%
TxDOT Grant Fund			345.64		4,414,362.21	0.123%
Revenue Fund					1.00	0.123%
Senior Lien Debt Service Reserve Fund			2,504.92	5,309,428.74	30,737,105.46	0.123%
2010 Senior Lien DSF					0.15	0.123%
2010 Senior Lien Debt Service Reserve Fund			455.29	1,234,597.09	5,523,577.81	0.123%
2010-2Sub Lien Debt Service Reserve Fund			55.68		711,131.58	0.123%
2010-1Sub Lien Debt Service Reserve Fund			160.59	593,985.02	1,910,954.54	0.123%
2010 Senior Lien Capitalized Interest			0.07		842.56	0.123%
2010-1 Sub Lien Capitalized Interest					0.09	0.123%
2010-2 Sub Lien Capitalized Interest			0.01		126.81	0.123%
<b>57,884,643.01</b>	<b>400,000.00</b>	<b>0.00</b>	<b>4,064.48</b>	<b>9,006,247.63</b>	<b>49,282,459.86</b>	
<b>Amount in TexStar Operating Fund</b>						
<b>155,823.50</b>	<b>650,000.00</b>		<b>0.45</b>	<b>800,000.00</b>	<b>5,823.95</b>	<b>0.123%</b>

**CTRMA INVESTMENT REPORT**

Month Ending 2/29/12							Rate
Balance 1/31/2012	Additions	Discount Amortization	Accrued Interest	Withdrawals	Balance 2/29/2012		Feb 12
<b>Fidelity Money Market Fund</b>							
Operating Fund	0.00	650,000.00		0.30	650,000.00	0.30	0.001%
2010-1 Sub Lien Project Acct	19,223.43			0.16	1,515.71	17,707.88	0.001%
2010 Senior Lien Project Acct	1,477.91	1,992,198.89		1.42	1,993,252.68	425.54	0.001%
2011 Senior Lien Project Acct	714,123.12	2,577,480.28		2.45	3,291,243.65	362.20	0.001%
2005 Debt Service Fund	840,438.13	840,395.83		6.31		1,680,840.27	0.001%
2011 Senior Lien Debt Service Acct	2,631.00			0.02		2,631.02	0.001%
Subordinate Lien TIFIA DS Fund	368,367.11	651,466.33		2.57		1,019,836.01	0.001%
2010-2 BABs Supplemental Security	2.04			0.21		2.25	0.001%
2010-2 Cap I Fund	250,388.69			1.99		250,390.68	0.001%
2010 CAP Interest Senior lien	531.80			-0.46		531.34	0.001%
2011 Sr Cap I Fund	34,415.25			0.51		34,415.76	0.001%
2011 Sub Debt CAP I	817.28			0.09		817.37	0.001%
2010-1 Sub lien BABs supplemental Security	0.00			0.39		0.39	0.001%
2011 Subordinate Lien Project	0.10					0.10	0.001%
TxDOT Grant Fund	2,003,688.05			17.02		2,003,705.07	0.001%
Renewal and Replacement	0.66					0.66	0.001%
Revenue Fund	1,093,015.29	2,118,820.43		9.12	2,294,054.92	917,789.92	0.001%
General Fund	1,602.03	1,778,227.88		0.19	1,468,375.77	311,454.33	0.001%
2010 Senior Debt Service Reserve Fund	2,765,379.42	1,234,597.09		23.49	3,971,233.50	28,766.50	0.001%
2010-1 Debt Service Reserve Fund	1,420,503.00	627,681.37		11.98	2,014,500.00	33,696.35	0.001%
2010-2 Debt Service Reserve Fund	53,335.89	7,015.82		0.42		60,352.13	0.001%
2011 Sub Debt Debt Service Reserve Fund	3,499,050.19			31.64		3,499,081.83	0.001%
2005 Senior Lien Debt Service Reserve Fund	1.65	5,309,428.74			5,309,430.39	0.00	0.001%
<b>13,068,992.04</b>	<b>17,787,312.66</b>	<b>0.00</b>		<b>109.82</b>	<b>20,993,606.62</b>	<b>9,862,807.90</b>	

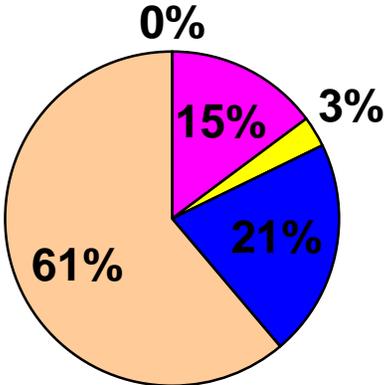
**CTRMA INVESTMENT REPORT**

Month Ending 2/29/12						
Balance 1/31/2012	Additions	Discount Amortization	Accrued Interest	Withdrawals	Balance 2/29/2012	Rate Feb 12
<b>Amount in Bayerische Landesbank GIC</b>						
Senior Lien Cap-I 2010	3,417,374.58		2,590.17		3,419,964.75	0.880%
Senior Lien Project Fund 2010	18,515,580.20		13,247.92	1,992,198.89	16,536,629.23	0.850%
Senior Lien Project Fund 2011	138,104,078.39		34,263.56	2,576,978.85	135,561,363.10	0.295%
Subordinate Lien Project Fund 2011	48,042,227.47		11,919.25		48,054,146.72	0.295%
<b>208,079,260.64</b>	<b>0.00</b>	<b>0.00</b>	<b>62,020.90</b>	<b>4,569,177.74</b>	<b>203,572,103.80</b>	
<b>Amount in Fed Agencies and Treasuries</b>						
Amortized Principal	58,837,313.15	11,245,825.70	(58,479.17)		70,024,659.68	
Accrued Interest			86,497.20			
	<b>58,837,313.15</b>	<b>11,245,825.70</b>	<b>(58,479.17)</b>	<b>0.00</b>	<b>70,024,659.68</b>	
<b>Certificates of Deposit</b>						
Total in Pools	3,000,000.00			3,000,000.00	0.00	
Total in Money Market	58,040,466.51	1,050,000.00		4,064.93	9,806,247.63	49,288,283.81
Total in Fed Agencies	13,068,992.04	17,787,312.66		109.82	20,993,606.62	9,862,807.90
Bayerische Landesbank GIC	58,837,313.15	11,245,825.70	(58,479.17)	0.00	70,024,659.68	
	208,079,260.64	0.00		62,020.90	4,569,177.74	203,572,103.80
<b>Total Invested</b>	<b>341,026,032.34</b>	<b>30,083,138.36</b>	<b>(58,479.17)</b>	<b>66,195.65</b>	<b>38,369,031.99</b>	<b>332,747,855.19</b>

All Investments in the portfolio are in compliance with the CTRMA's Investment policy.

William Chapman, CFO

# Allocation of Funds



- Certificates of Deposit
- Total in Money Market
- Bayerische Landesbank GIC
- Total in Pools
- Total in Fed Agencies

Amount of investments As of February, 2012

Agency	CUSIP #	COST	Book Value	Market Value	Yield to Maturity	Purchased	Matures	FUND
San Antonio Water Utilities	79642BLM3	200,000.00	200,000.00	200,068.00	1.1090%	11/23/2010	5/15/2012	2010-2 DSRF
San Antonio Water Utilities	79642BLN1	190,000.00	190,000.00	191,005.10	1.4570%	11/23/2010	5/15/2013	2010-2 DSRF
Federal Home loan Bank	3137EABY4	3,064,452.00	3,004,296.80	3,003,630.00	0.4005%	12/23/2010	3/23/2012	TxDOT Grant Fund
Fannie Mae	31398A6F4	2,319,702.34	2,317,612.41	2,319,491.10	0.2391%	6/29/2011	12/28/2012	2011 Sub Debt CAP I
Federal Home loan Bank	3137EABM0	2,473,720.78	2,422,147.19	2,427,390.06	0.3930%	6/29/2011	6/28/2013	2011 Sub Debt CAP I
Federal Home loan Bank	3134A4UL6	2,326,924.30	2,338,616.20	2,327,113.26	0.6300%	6/29/2011	11/15/2013	2011 Sub Debt CAP I
Treasury	912828GW4	2,367,714.38	2,295,238.13	2,294,647.02	0.0730%	6/29/2011	6/30/2012	2011 Sub Debt CAP I
Federal Home loan Bank	3134A4UL6	8,794,454.76	8,845,636.51	8,813,867.58	0.7190%	6/29/2011	11/15/2013	2011 Sr Debt CAP I
Federal Home loan Bank	3137EABM0	9,351,457.81	9,161,638.53	9,192,470.68	0.4830%	6/29/2011	6/28/2013	2011 Sr Debt CAP I
Treasury	912828NS5	8,776,228.75	8,750,742.92	8,752,330.32	0.1880%	6/29/2011	6/30/2012	2011 Sr Debt CAP I
Fannie Mae	31398A6F4	8,771,478.75	8,769,043.75	8,783,006.04	0.3331%	6/29/2011	12/28/2012	2011 Sr Debt CAP I
Fannie Mae	3135G0GU1	7,002,030.00	7,001,860.83	7,003,080.00	0.4704%	1/3/2012	12/27/2013	2011 Sr DSRF
Fannie Mae	3135G0GU2	3,501,015.00	3,500,930.42	3,501,540.00	0.4704%	1/3/2012	12/27/2013	2011 Sub DSRF
Davis Cnty Utah Sch Dist	239019UK6	1,397,056.00	1,391,927.50	1,392,374.60	0.2300%	2/9/2012	6/1/2013	2011 SR DSRF
Fannie Mae	31398A3L4	3,883,198.70	3,876,548.86	3,871,593.80	0.2605%	2/7/2012	9/17/2013	2005 Sr DSRF
Fannie Mae	31398A3L4	3,954,171.00	3,947,399.63	3,942,354.00	0.2605%	2/7/2012	9/17/2013	2010 Sr DSRF
Fannie Mae	3135G0GHO	2,011,400.00	2,011,020.00	2,003,060.00	0.2104%	2/6/2012	12/5/2014	2010-1 DSRF
		<u>70,385,004.57</u>	<u>70,024,659.68</u>	<u>70,019,021.56</u>				

Agency	CUSIP #	COST	Cumulative Amortization	2/29/2012		Interest Income February 2012		
				Book Value	Maturity Value	Accrued Interest	Amortization	Interest Earned
San Antonio Water Utilities	79642BLM3	200,000.00	0.00	200,000.00	200,000.00	184.83		184.83
San Antonio Water Utilities	79642BLN1	190,000.00	0.00	190,000.00	190,000.00	230.69		230.69
Federal Home loan Bank	3137EABY4	3,064,452.00	60,155.20	3,004,296.80	3,000,000.00	5,312.50	(4,296.80)	1,015.70
Fannie Mae	31398A6F4	2,319,702.34	2,089.93	2,317,612.41	2,315,000.00	723.44	(261.24)	462.20
Federal Home loan Bank	3137EABM0	2,473,720.78	51,573.59	2,422,147.19	2,319,000.00		(6,446.70)	(6,446.70)
Federal Home loan Bank	3134A4UL6	2,326,924.30	11,691.90	2,338,616.20	2,362,000.00		1,461.49	1,461.49
Treasury	912828GW4	2,367,714.38	72,476.25	2,295,238.13	2,259,000.00	9,177.19	(9,059.53)	117.66
Federal Home loan Bank	3134A4UL6	8,794,454.76	51,181.75	8,845,636.51	8,946,000.00		6,397.72	6,397.72
Federal Home loan Bank	3137EABM0	9,351,457.81	189,819.28	9,161,638.53	8,782,000.00	27,443.75	(23,727.41)	3,716.34
Treasury	912828NS5	8,776,228.75	25,485.83	8,750,742.92	8,738,000.00	4,551.04	(3,185.73)	1,365.31
Fannie Mae	31398A6F4	8,771,478.75	2,435.00	8,769,043.75	8,766,000.00	2,739.38	(304.38)	2,435.00
Fannie Mae	3135G0GU1	7,002,030.00	169.17	7,001,860.83	7,000,000.00	2,916.67	(84.58)	2,832.09
Fannie Mae	3135G0GU2	3,501,015.00	84.58	3,500,930.42	3,500,000.00	1,458.33	(42.29)	1,416.04
Davis Cnty Utah Sch Dist	239019UK6	1,397,056.00	5,128.50	1,391,927.50	1,315,000.00	8,218.75	(5,128.50)	3,090.25
Fannie Mae	31398A3L4	3,883,198.70	6,649.84	3,876,548.86	3,830,000.00	10,771.88	(6,649.84)	4,122.04
Fannie Mae	31398A3L4	3,954,171.00	6,771.37	3,947,399.63	3,900,000.00	10,968.75	(6,771.38)	4,197.37
Fannie Mae	3135G0GHO	2,011,400.00	380.00	2,011,020.00	2,000,000.00	1,800.00	(380.00)	1,420.00
		<u>70,385,004.57</u>	<u>486,092.19</u>	<u>70,024,659.68</u>	<u>69,422,000.00</u>	<u>86,497.20</u>	<u>(58,479.17)</u>	<u>28,018.03</u>



## Monthly Newsletter - February 2012

### Performance

#### As of February 29, 2012

Current Invested Balance	\$6,014,562,468.35
Weighted Average Maturity (1)	48 Days
Weighted Average Maturity (2)	70 Days
Net Asset Value	1.000124
Total Number of Participants	751
Management Fee on Invested Balance	0.05%*
Interest Distributed	\$751,543.90
Management Fee Collected	\$252,340.39
% of Portfolio Invested Beyond 1 Year	2.71%
Standard & Poor's Current Rating	AAAm

#### February Averages

Average Invested Balance	\$6,369,979,355.18
Average Monthly Yield, on a simple basis	0.0986%
Average Weighted Average Maturity (1)*	48 Days
Average Weighted Average Maturity (2)*	70 Days

#### Definition of Weighted Average Maturity (1) & (2)

(1) This weighted average maturity calculation uses the SEC Rule 2a-7 definition for stated maturity for any floating rate instrument held in the portfolio to determine the weighted average maturity for the pool. This Rule specifies that a variable rate instrument to be paid in 397 calendar days or less shall be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.

(2) This weighted average maturity calculation uses the final maturity of any floating rate instruments held in the portfolio to calculate the weighted average maturity for the pool.

\* The maximum management fee authorized for the TexSTAR Cash Reserve Fund is 12 basis points. This fee may be waived in full or in part in the discretion of the TexSTAR co-administrators at any time as provided for in the TexSTAR Information Statement.

Rates reflect historical information and are not an indication of future performance.

### New Participants

We would like to welcome the following entity who joined the TexSTAR program in February:

★ Texas Coalition for Affordable Power

### Holiday Reminder

In observance of Good Friday, **TexSTAR will be closed Friday, April 6, 2012.** All ACH transactions initiated on Thursday, April 5th will settle on Monday, April 9th.

### Economic Commentary

Risk markets continued their surge in February, reacting to positive developments on both sides of the Atlantic. Meanwhile, the ongoing improvement in U.S. economic data is an additional tailwind for market sentiment, with several important releases such as the ISM manufacturing survey, new vehicle sales (which topped 15 million annualized units for the first time since February 2008), payroll employment and the NAHB homebuilder survey moving higher over the course of the month. The principal source of disappointment was home prices, which fell further highlighting the continuing 'balance sheet' recession in the U.S. household sector. The steady recovery in the U.S. and determination of European officials to avoid market disruption, alongside the commitment of central banks across the developed world to keep policy rates near-zero have caused credit spreads to compress significantly so far this year. Economic data released during February supported growth improving to slightly below trend. The labor market continued to improve, and manufacturing and consumer confidence surveys were generally indicative of expansion. However, activity measures were more subdued, with new risks coming from rising oil and gas prices.

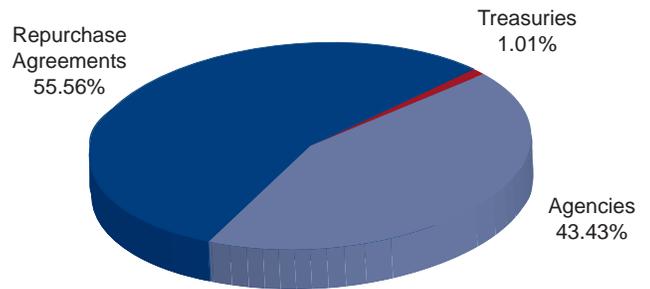
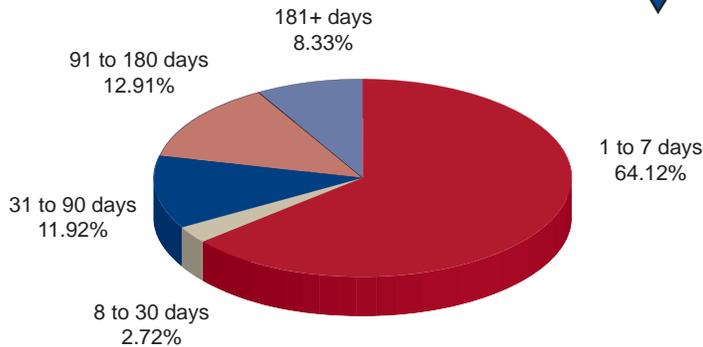
A number of risks continue to threaten the relative calm of recent months. Crude oil could spike further without an easing of tensions in the Persian Gulf and broader Middle East; more austerity in Greece risks a deeper recession; an opposition victory in April's French election could undermine Franco-German solidarity on the 'austerity with support' approach; and in the U.S., the lack of support from income or home prices could ultimately undermine confidence in the sustainability of the apparent demand recovery. In the U.S., risks from fiscal retrenchment have partially subsided given the extensions of the payroll tax cut and unemployment claims. Longer-term, headwinds remain in the form of expiring tax cut provisions and automatic spending cuts at the beginning of 2013. The rise in retail gasoline prices thus far in 2012 is a new risk to the economic expansion. High and rising gasoline prices will likely put upward pressure on consumer prices and weigh on consumption growth. With inflation data close to 2%, it may be difficult for the Federal Reserve to ease policy further unless risks to employment rise substantially.

This information is an excerpt from an economic report dated February 2012 provided to TexSTAR by JP Morgan Asset Management, Inc., the investment manager of the TexSTAR pool.

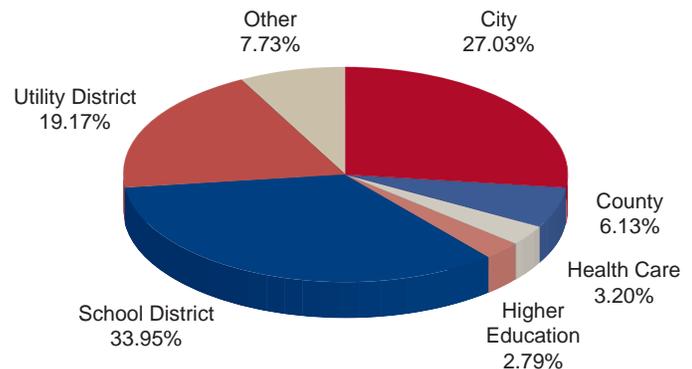
**For more information about TexSTAR, please visit our web site at [www.texstar.org](http://www.texstar.org).**

# Information at a Glance

## Portfolio by Type of Investment As of February 29, 2012



## Portfolio by Maturity As of February 29, 2012



## Distribution of Participants by Type As of February 29, 2012

# Historical Program Information

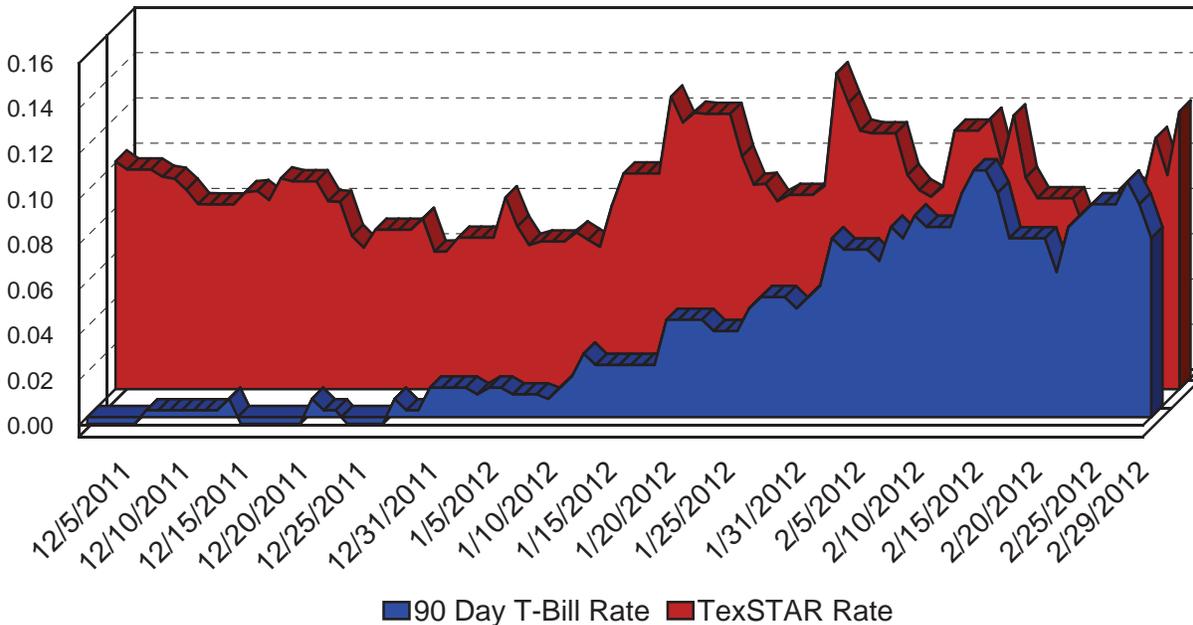
Month	Average Rate	Book Value	Market Value	Net Asset Value	WAM (1)*	WAM (2)*	Number of Participants
Feb 12	0.0986%	\$6,014,562,468.35	\$6,015,309,681.45	1.000124	48	70	751
Jan 12	0.0902%	6,122,141,791.23	6,122,989,120.67	1.000138	46	73	750
Dec 11	0.0815%	5,164,291,074.36	5,164,844,831.26	1.000107	48	79	749
Nov 11	0.0973%	4,964,174,535.92	4,964,899,185.74	1.000145	48	80	747
Oct 11	0.0807%	5,191,742,744.46	5,192,081,793.52	1.000065	47	74	745
Sep 11	0.0906%	5,218,150,511.94	5,218,680,416.17	1.000100	46	76	741
Aug 11	0.0940%	4,773,149,074.88	4,773,628,030.81	1.000100	45	69	735
Jul 11	0.0746%	4,990,872,181.48	4,991,025,373.13	1.000030	38	55	735
Jun 11	0.0889%	5,280,726,280.87	5,281,501,501.41	1.000146	50	69	733
May 11	0.0863%	5,566,580,016.75	5,567,478,247.07	1.000161	46	66	732
Apr 11	0.1108%	5,661,130,480.00	5,662,108,871.87	1.000172	50	72	731
Mar 11	0.1408%	5,949,037,975.79	5,949,804,553.22	1.000128	50	73	730

# Portfolio Asset Summary as of February 29, 2012

	Book Value	Market Value
Uninvested Balance	\$ 161.70	\$ 161.70
Accrual of Interest Income	425,258.05	425,258.05
Interest and Management Fees Payable	(844,601.52)	(844,601.52)
Payable for Investment Purchased	(250,000,000.00)	(250,000,000.00)
Repurchase Agreement	3,481,062,000.00	3,481,062,000.00
Government Securities	2,783,919,650.12	2,784,666,863.22
<b>Total</b>	<b>\$ 6,014,562,468.35</b>	<b>\$ 6,015,309,681.45</b>

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by J.P. Morgan Chase & Co. and the assets are safekept in a separate custodial account at the Federal Reserve Bank in the name of TexSTAR. The only source of payment to the Participants are the assets of TexSTAR. There is no secondary source of payment for the pool such as insurance or guarantee. Should you require a copy of the portfolio, please contact TexSTAR Participant Services.

# TexSTAR versus 90-Day Treasury Bill



This material is for information purposes only. This information does not represent an offer to buy or sell a security. The above rate information is obtained from sources that are believed to be reliable; however, its accuracy or completeness February be subject to change. The TexSTAR management fee may be waived in full or in part at the discretion of the TexSTAR co-administrators and the TexSTAR rate for the period shown reflects waiver of fees. This table represents investment performance/return to the customer, net of fees, and is not an indication of future performance. An investment in the security is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the issuer seeks to preserve the value of an investment at \$1.00 per share, it is possible to lose money by investing in the security. Information about these and other program details are in the fund's Information Statement which should be read carefully before investing. The yield on the 90-Day Treasury Bill ("T-Bill Yield") is shown for comparative purposes only. When comparing the investment returns of the TexSTAR pool to the T-Bill Yield, you should know that the TexSTAR pool consist of allocations of specific diversified securities as detailed in the respective Information Statements. The T-Bill Yield is taken from Bloomberg Finance L.P. and represents the daily closing yield on the then current 90-day T-Bill.

## Daily Summary for February 2012

Date	Mny Mkt Fund Equiv. [SEC Std.]	Daily Allocation Factor	TexSTAR Invested Balance	Market Value Per Share	WAM Days (1)*	WAM Days (2)*
2/1/2012	0.1264%	0.000003463	\$6,177,292,621.53	1.000142	47	71
2/2/2012	0.1142%	0.000003128	\$6,297,735,757.08	1.000117	48	71
2/3/2012	0.1130%	0.000003095	\$6,355,564,866.93	1.000111	48	70
2/4/2012	0.1130%	0.000003095	\$6,355,564,866.93	1.000111	48	70
2/5/2012	0.1130%	0.000003095	\$6,355,564,866.93	1.000111	48	70
2/6/2012	0.0945%	0.000002590	\$6,498,158,253.73	1.000111	49	72
2/7/2012	0.0879%	0.000002408	\$6,598,829,891.14	1.000108	49	70
2/8/2012	0.0850%	0.000002329	\$6,625,083,535.93	1.000106	49	70
2/9/2012	0.0894%	0.000002448	\$6,628,646,545.44	1.000103	49	71
2/10/2012	0.1142%	0.000003130	\$6,720,586,777.99	1.000097	48	69
2/11/2012	0.1142%	0.000003130	\$6,720,586,777.99	1.000097	48	69
2/12/2012	0.1142%	0.000003130	\$6,720,586,777.99	1.000097	48	69
2/13/2012	0.1194%	0.000003271	\$6,650,778,041.71	1.000096	48	70
2/14/2012	0.0995%	0.000002725	\$6,460,775,570.07	1.000073	54	76
2/15/2012	0.1209%	0.000003312	\$6,297,011,355.31	1.000051	51	73
2/16/2012	0.0934%	0.000002560	\$6,357,481,625.26	1.000061	50	72
2/17/2012	0.0843%	0.000002310	\$6,309,430,554.33	1.000081	48	70
2/18/2012	0.0843%	0.000002310	\$6,309,430,554.33	1.000081	48	70
2/19/2012	0.0843%	0.000002310	\$6,309,430,554.33	1.000081	48	70
2/20/2012	0.0843%	0.000002310	\$6,309,430,554.33	1.000081	48	70
2/21/2012	0.0704%	0.000001928	\$6,173,103,189.27	1.000092	49	72
2/22/2012	0.0665%	0.000001821	\$6,294,781,193.15	1.000085	48	70
2/23/2012	0.0787%	0.000002157	\$6,270,860,436.00	1.000124	48	70
2/24/2012	0.0884%	0.000002421	\$6,208,511,053.80	1.000112	47	69
2/25/2012	0.0884%	0.000002421	\$6,208,511,053.80	1.000112	47	69
2/26/2012	0.0884%	0.000002421	\$6,208,511,053.80	1.000112	47	69
2/27/2012	0.1109%	0.000003038	\$6,205,695,109.48	1.000114	47	69
2/28/2012	0.0945%	0.000002589	\$6,086,895,393.17	1.000136	48	70
2/29/2012	0.1226%	0.000003360	\$6,014,562,468.35	1.000124	48	70
Average	0.0986%	0.000002700	\$6,369,979,355.18		48	70

TexSTAR Participant Services  
First Southwest Asset Management, Inc.  
325 North St. Paul Street, Suite 800  
Dallas, Texas 75201



## **TexSTAR Board Members**

<i>William Chapman</i>	<i>Central Texas Regional Mobility Authority</i>	<i>Governing Board President</i>
<i>Nell Lange</i>	<i>City of Frisco</i>	<i>Governing Board Vice President</i>
<i>Melinda Garrett</i>	<i>Houston ISD</i>	<i>Governing Board Treasurer</i>
<i>Michael Bartolotta</i>	<i>First Southwest Company</i>	<i>Governing Board Secretary</i>
<i>Will Williams</i>	<i>JP Morgan Chase</i>	<i>Governing Board Asst. Sec./Treas.</i>
<i>Hardy Browder</i>	<i>City of Cedar Hill</i>	<i>Advisory Board</i>
<i>Oscar Cardenas</i>	<i>Northside ISD</i>	<i>Advisory Board</i>
<i>Stephen Fortenberry</i>	<i>McKinney ISD</i>	<i>Advisory Board</i>
<i>Monte Mercer</i>	<i>North Central TX Council of Government</i>	<i>Advisory Board</i>
<i>Becky Brooks</i>	<i>Government Resource Associates, LLC</i>	<i>Advisory Board</i>
<i>Len Santow</i>	<i>Griggs &amp; Santow</i>	<i>Advisory Board</i>

**For more information contact TexSTAR Participant Services ★ 1-800-TEX-STAR ★ [www.texstar.org](http://www.texstar.org)**



**J.P.Morgan**  
Asset Management



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #9 SUMMARY

---

Briefing on business considerations and state law requirements for the use of a comprehensive development agreement to develop a transportation project.

Strategic Plan Relevance:	Innovation
Department:	Finance and Law
Associated Costs:	None
Funding Source:	Not applicable.
Board Action Required:	No

Description of Matter:

Last year the 82<sup>nd</sup> Texas Legislature passed legislation to authorize the use by the Mobility Authority of a comprehensive development agreement (“CDA”) to develop two transportation projects identified by the Legislature: the MoPac Improvement Project and the 183 South Project (Bergstrom Expressway).

This item will brief the Board on the nuts-and-bolts of the CDA tool for developing a transportation project and the process required to use this tool.

Reference documentation:

Presentation to be provided.

Contact for further information:

Bill Chapman, Chief Financial Officer



# **Central Texas Regional Mobility Authority**

## **Briefing**

### **Overview of Comprehensive Development Agreements (CDA)**

March 28, 2012

# Table of Contents

---

**Introduction**

**Advantages / Disadvantages of CDAs**

**Typical Project Risks / Rewards**

**How are CDAs structured?**

**Protecting the Public Interest**

**Dispelling the Myths**

# Introduction

---

- ❑ A CDA entitles a private entity to a leasehold interest in a project or the right to operate or retain revenue from the operation of a project
- ❑ This past legislative session gave authority for certain entities, including the Mobility Authority to enter into Comprehensive Development Agreements (CDAs) for certain specific projects
- ❑ The Mobility Authority was given authority to enter into a CDA for the MoPac Improvement Project and Bergstrom Expressway (183-South)
- ❑ The legislation requires that environmental clearance for a CDA project be secured by August 31, 2013 and be under contract by August 31, 2015

# Introduction

---

## □ A CDA

- is a form of project delivery that results in a long-term contractual agreement between public and private sector partners
- provides for the design and construction of a project and may also include finance, operations and maintenance functions

## □ CDAs generally have the following characteristics, some of which are also inherent in Design-Build contracts:

- Allocation of risk to the party most suited to manage each specific risk
  - Appropriate risk allocation is dependent on a project's unique characteristics
- Private innovation that can help shape new solutions
- Accelerated project delivery
- Performance-based contracting
- Whole life costing approach to asset management
- Long-term single point of responsibility for project delivery and life cycle maintenance
- Contractual incentives and penalties to ensure timely project delivery and optimize quality of service
- Benefits derived from economies of scale
- Private financing alternatives that expand financing options

# Risk Allocation Defines the Business Model

	Design	Construction	Financing	Operate & Maintain	Traffic	Revenue
Design Bid Build (Traditional)	○	○	○	○	○	○
Design Build	●	●	○	○	○	○
Design Build Finance	●	●	◐	○	○	○
Design Build Operate Maintain	●	●	○	●	○	○
Design Build Finance Operate Maintain (Availability Payment)	●	●	●	●	○	○
Design Build Finance Operate Maintain (Toll Revenue Risk)	●	●	●	●	●	●

○ – Risk retained by Public Sector

● – Risk transferred to Private Sector

# Typical Project Risks / Rewards

---

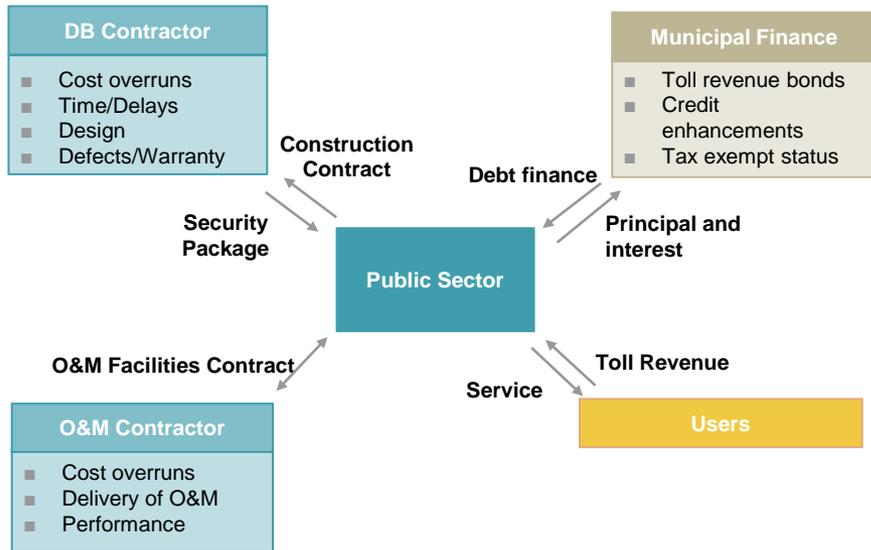
- ❑ **Risk is an uncertain event or condition that, if it occurs, has a negative or positive (reward) effect on at least one project variable**
  
- ❑ **Design and construction**
  - Site conditions
  - Environmental
  - Cost
  - Changes in project scope
  - Project completion schedule
  - Liability/latent defects
  - Regulatory/permitting
  - Right of Way
  
- ❑ **Operation and maintenance**
  - Asset performance necessary to generate toll revenues
  - Costs and inflation
  
- ❑ **Financing**
  - Credit quality of project
  - Interest rates and market conditions generally
  - Range and adequacy of available financing options
  - Tax treatment
  - Market appetite
  
- ❑ **Revenue**
  - Dependence on local economic growth and other demand factors e.g. competing facilities
  - Macro economic factors
  - Revenue collection efficiency
  - Ability to meet debt service obligations
  - Ability to meet O&M obligations

# Advantages / Disadvantages of CDAs

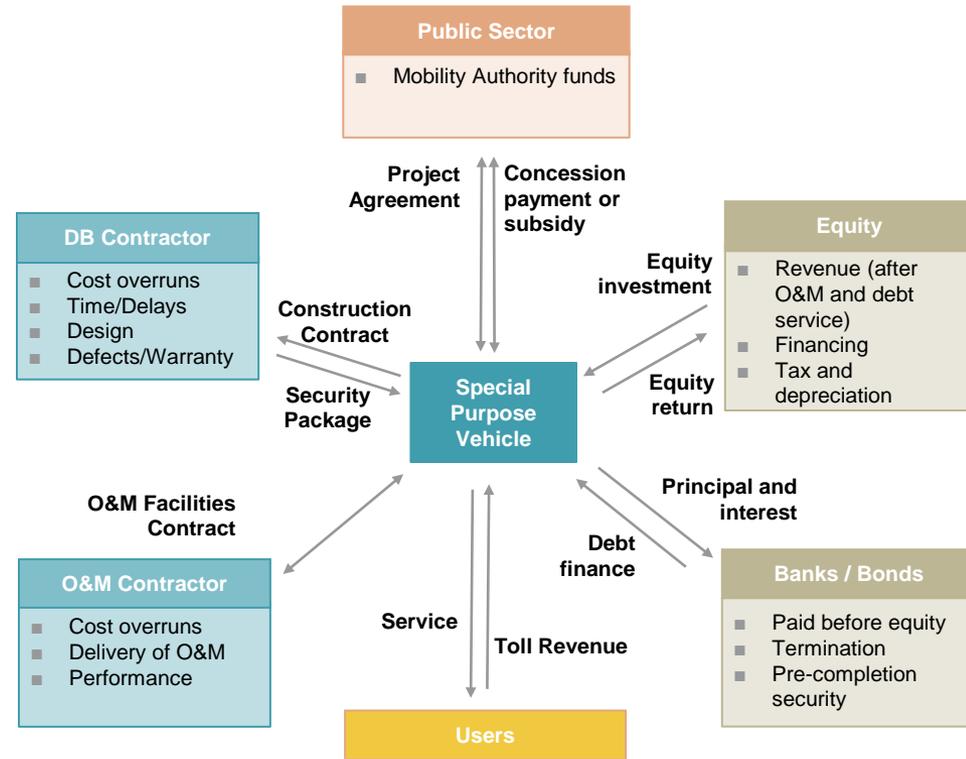
Potential Benefits to Public Sponsor	Potential Drawbacks to Public Sponsor
<ul style="list-style-type: none"><li>✓ Innovation leading to more cost effective delivery and long term operations</li><li>✓ Flexibility through private financing and funding regimes; can free up traditional municipal capital for additional or critical projects</li><li>✓ Budget certainty over the 'whole life' of an asset</li><li>✓ Defined cost / rehabilitation schedules</li><li>✓ Service standards are enforceable – private sector cannot defer maintenance of the asset</li><li>✓ Competition, accountability, and transparency</li><li>✓ Significant risk transfer to the private sector</li><li>✓ Off balance sheet financing</li></ul>	<ul style="list-style-type: none"><li>✓ Political / stakeholder sensitivity</li><li>✓ Potential for higher user fees if proper toll-rate setting mechanisms are not in place</li><li>✓ Shared control with the private sector / reduction in public control</li><li>✓ Potential higher cost of financing</li><li>✓ Motives of the private partner could conflict with public policy objectives</li></ul>

# How are CDAs Structured?

## Traditional Procurement Structure



## CDA Structure



# Protecting the Public Interest

---

- ❑ The Mobility Authority retains ownership of the Project at all times (required by statute)
- ❑ Selecting an experienced and well capitalized Developer team limits risk of Developer Default
- ❑ The CDA will contain provisions that protect the public interest, such as:
  - Term of agreement statutorily limited to 52 years including the construction period
    - A shorter concession term would allow the Mobility Authority to realize the upside benefits in the later years, but results in a reduction in the estimated upfront payment
  - Termination for Developer default or bankruptcy
    - Lenders and other equity participants are incentivized to prevent a default and will step-in to cure a default prior to termination of the agreement
  - Termination for convenience (required by statute)
  - Non-compliance points and liquidated damages to incentivize developer performance
  - Hazmat/environmental responsibilities generally include incremental risk sharing between the parties
  - Toll rate setting policy will be prescribed in the agreement therefore Developer must be compliant with the Market Valuation Agreement Terms and Conditions
  - Handback provisions to ensure the asset is returned to the Mobility Authority at the end of the term of the agreement in a state of good repair and without the need for immediate investment

## Protecting the Public Interest (cont'd)

---

- ❑ CDA competition incentivizes bidders to assume more aggressive revenue projections
  - The Mobility Authority receives the value of a bidder's optimistic views of project performance as an up front payment
  - This value is locked in for the Mobility Authority at financial close and is not subject to the project actually performing at those levels
  - As a result the developer's expected equity internal rate-of-return (IRR) is at risk and is not a guaranteed return
- ❑ If the project does outperform, revenue sharing provisions protect against the Developer making excessive profits
  - Revenue sharing may include sharing in gross revenues once revenues exceed predefined levels or a certain investor return is achieved.
  - Revenue sharing bands allow the Mobility Authority to share in an incrementally greater proportion of revenues
- ❑ Refinancing gain share provisions allow the Mobility Authority to participate in savings realized by the developer as a result of changes in financing structure and interest rates throughout the term of the agreement

# What CDAs are NOT: Dispelling the Myths

---

Myth #1

- CDAs = Privatization

Myth #2

- CDAs generate large upfront payments to the public sector

Myth #3

- CDAs cost more to the public

Myth #4

- Private sector participation comes at the expense of service

Myth #5

- Maintenance of facilities will suffer under a CDA

Myth #6

- CDAs are less transparent

Myth #7

- CDAs lead to public sector job losses



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #10 SUMMARY

---

Status briefing on the SH 45 Southwest Project.

Strategic Plan Relevance: To increase Regional Mobility

Department: Engineering

Associated Costs: None

Funding Source: N/A

Board Action Required: No

Description of Matter: Status update and briefing on the Central Texas Regional Mobility Authority's roles and responsibilities in the preliminary stages of project development.

Reference documentation: Project Update

Contact for further information: Wesley M. Burford, P.E., Director of Engineering



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #11 SUMMARY

---

Executive Director's Update.  
Presentation of Executive Director's Report.

Department: Administrative

Associated Costs: None

Funding Source: None

Board Action Required: No

Description of Matter:

The Executive Director's Report is attached for review and reference and includes the following:

- A. Project update on the MoPac Improvement Project.
- B. Update on Mobility Authority website and Dashboard
- C. Personal Financial Statements for calendar year 2011.

Attached documentation for reference:

Executive Director's Report

Contact for further information:

Mike Heiligenstein, Executive Director



# REPORT TO THE BOARD OF DIRECTORS MARCH 28, 2012

MIKE HEILIGENSTEIN - EXECUTIVE DIRECTOR

## PRIORITY ISSUES



MoPac Improvement Project  
Environmental Clearance



183A Northern Extension Grand  
Opening - April 6, 2012

### ADMINISTRATION

#### CAMPO

During the Transportation Policy Board's March 19th meeting, CAMPO Executive Director Maureen McCoy briefed the Board on the new \$2 billion in state and federal funds that are available for statewide projects. While details of project eligibility are still being formulated, we anticipate that some of our projects may qualify, and we will pursue their funding if appropriate. The available sources of revenue are:

- \$750 million in federal dollars
- \$600 million in Texas Mobility Funds
- \$650 million additional Proposition 12/  
Proposition 14 funds

### OPERATIONS

#### STATEWIDE REGIONAL MOBILITY AUTHORITY COORDINATION

Staff continues to support the efforts of Regional Mobility Authorities across the state. The Alamo Regional Mobility Authority Board Members and Staff are visiting Austin on March 29th to meet with our agency and to tour the TxTag customer service center.

In addition, we are handling toll transactions for the Cameron County Regional Mobility Authority and routing the tag transactions to the statewide toll system HUB and Pay By Mail transactions to Municipal Services Bureau for processing. We are currently working with the Fort Bend County Toll Road Authority and the

North East Texas Regional Mobility Authority to provide similar support.

### PROJECT DEVELOPMENT

#### MANOR EXPRESSWAY

#### US 183 INTERCHANGE PROJECT

Construction continues to progress on the interchange project. Crews have focused their efforts on setting steel bridge girders over US 290 and US 183. All the beams have been set for the entire southbound US 183 to eastbound US 290 direct connector, a major milestone for the project.

Traffic on US 290 was rerouted in February to allow for final construction of the northbound US 183 to eastbound US 290 connector. All bridge support structures have been completed, and 75% of the bridge beams have been set with just a few steel sections remaining. Crews have also reconstructed the westbound mainlanes and are ready to begin concrete pavement. In addition, toll gantry construction is underway.

To date, more than 75% of the bridge beams have been placed, more than 50% of the bridge decks have been poured and 100% of the bridge supports (footings, columns, bent caps, and capitals) have been completed.

#### MANOR EXPRESSWAY

#### PHASE II PROJECT

Central Texas Mobility Constructors (CTMC) continues to focus their efforts on project design activities. Staff have reviewed, approved and released for construction a majority of the plans.

Construction has centered around completing the eastbound mainlanes and frontage road, so traffic can be switched and construction of the westbound mainlanes and frontage road can begin. Significant progress has been made on earthwork, bridge structures and drainage structure installation. Construction of retaining walls has also begun. The traffic switch is anticipated this spring. In anticipation of opening the section between US 183 and Giles Road with the interchange project this fall, construction activities have increased to include work at night and on the weekends. The public involvement team has been working with neighbors along Walnut Creek to address concerns about water backing up during major rain events. The team has also been reaching out to the Rosemont at Hidden Creek apartment complex, which has been impacted by noise from nighttime work.

## MO PAC IMPROVEMENT PROJECT

### PROJECT DEVELOPMENT

We have responded to a second round of FHWA comments on the Environmental Assessment, and an updated draft was submitted to FHWA on March 14th. If found satisfactory, the study will be available for public review, and a Public Hearing could be held this summer. The Texas Historical Commission concurred that this project will have no adverse effect to historic properties.

Two Community Open Houses were held in March in anticipation of the Public Hearing. A combined total of 371 members of the public attended. Information was provided on the environmental process, the express lanes alternative, sound walls, project aesthetics and bicycle/pedestrian mobility improvements.

We also continue to review the best solution for the 5th Street/Cesar Chavez Street access to downtown at the southern end of the project. The University of Texas Center for Transportation Research is currently conducting additional traffic modeling

to determine how downtown streets would be impacted by traffic exiting the Express Lanes at 5th Street/Cesar Chavez Street.

## 183A EXTENSION

### CONSTRUCTION

The five mile extension project will open to traffic on April 6, 2012, following a Grand Opening Celebration at 10:30 a.m. at 183A and Hero Way. Webber is in the final stages of completing critical elements of the project for the April opening. They have placed most of the roadway striping and are focused on finishing the installation of signs, guardrail and lighting. Toll system installation and testing is complete. The contractor will have until this summer to finish final elements of the project including painting, landscaping and the shared-use path.

## INTERSECTION IMPROVEMENTS IN OAK HILL

### OPEN HOUSE

On March 22, 2012, TxDOT, in cooperation with the City of Austin and Travis County, hosted an Open House to discuss the intersection improvements being considered in Oak Hill. The improvements being considered are:

- Constructing turn lanes at the intersection of Ranch-to-Market Road 1826
- Constructing turn lanes at the intersection of Convict Hill Road
- Re-configuring the US 290/SH 71 intersection to allow a continuous flow design
- Re-configuring the William Cannon Drive intersection to allow a continuous flow design
- Improving operations at Joe Tanner Lane.

Bicycle and pedestrian accommodations are also being considered at the five intersections. Mobility Authority staff participated at the open house and answered questions about the longer term solutions that will be studied over the next several years as part of the Environmental Impact Statement process.