

**THIS PRINT COVERS CALENDAR ITEM NO.: 12  
FOR THE MEETING OF: September 16, 2004**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Adopting two Policies for the TJPA as follows:

Board Policy 004: Equal Employment Opportunity (EEO)/Non-Discrimination Policy  
Board Policy 005: Drug Free Workplace Policy

**SUMMARY:**

The Federal Transit Administration (FTA) requires that recipients of federal funds have in place several policies and procedures regarding procurement, contracting, employment practices and workplace practices. The two policies discussed in this report are among those policies required for the TJPA to obtain Federal Grantee status.

Currently, the TJPA is a subrecipient of federal grant funds from the Federal Transit Administration ("FTA"), through the Municipal Transportation Agency ("Muni"). If Federal funds were made available to the project in the future, the TJPA would be required to be an eligible grantee. Several of the TJPA's funding partners including MTC and the SFCTA have indicated that obtaining Federal Grantee status would cover the eligibility requirements for grants of local and regional funds.

**ENCLOSURES:**

1. Equal Employment Opportunity/Non-Discrimination Policy
2. Resolution for Equal Employment Opportunity/Non-Discrimination Policy
3. Drug Free Workplace Policy
4. Resolution for Drug Free Workplace Policy

**EXPLANATION:**

**Board Policy 004: Equal Employment Opportunity/Non-Discrimination Policy**

The attached EEO/Non-Discrimination Policy states the TJPA's commitment to ensuring

- equal opportunity to all persons in or seeking employment with the Authority,
- that selection of employees to positions within the Authority are made on the basis of merit and fitness without discrimination, and
- equal opportunity for people with disabilities in compliance with the Americans with Disabilities Act of 1990 (ADA).

Currently, the TJPA does not have directly hired employees. Further, Federal guidelines also state that these requirements do not apply to private employers or state and local governments

that employ fewer than 15 people. Adoption of this policy indicates the TJPA's commitment to EEO and Non-Discrimination even though such a policy is not technically required by the Federal government at this time.

#### **Board Policy 005: Drug Free Workplace Policy**

The attached Drug Free Workplace Policy states the TJPA's commitment to maintaining a drug free workplace, describes assistance to be provided to personnel who may have a drug or alcohol problem, and sets forth drug and alcohol testing policies for personnel in "safety-sensitive" positions.

The Authority has no staff positions designated as "safety-sensitive", nor will in the foreseeable future. Therefore, at such a time as such positions are created, it will be the responsibility of the Board of Directors to establish a separate drug and alcohol policy for safety sensitive personnel.

#### **RECOMMENDATION:**

Staff recommends that the Board of Directors adopt the Equal Employment Opportunity / Non-Discrimination Policy (No. 004) and the Drug Free Workplace Policy (No. 005).

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# TRANSBAY JOINT POWERS AUTHORITY

Board Policy No. 004

Category: Workplace Matters

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## **EQUAL EMPLOYMENT OPPORTUNITY / NON-DISCRIMINATION POLICY**

### **1. Equal Employment Opportunity**

The Transbay Joint Powers Authority (the “Authority”) is committed to equal opportunity in employment and services. It is the policy of the Authority to ensure:

- a. Equal opportunity to all persons in or seeking employment with the Authority.
- b. That selection of employees to positions within the Authority are made on the basis of merit and fitness without discrimination

The Authority, its staff, employees, contractors and agents shall not discriminate with respect to service provision or program operation or in the recruitment, selection, testing, training, transfer, promotion or demotion, termination, performance appraisal process, compensation or in any other term, condition, or privilege of employment because of the individual’s race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status, or any other basis protected by law.

### **2. Nondiscrimination Based on Disability**

The Authority is firmly committed to equal opportunity for people with disabilities in compliance with the Americans with Disabilities Act of 1990 (ADA) and corresponding state law. The law prohibits discrimination against persons with disabilities in the application process and in all phases of employment and requires that qualified individuals be provided with reasonable accommodation to perform the essential functions of their jobs and to enable them to enjoy equal benefits and privileges of employment. The Authority will provide reasonable accommodation for the known physical or mental disability of a qualified employee or applicant unless to do so would pose an undue hardship or direct threat to the health and safety of others.

**The Authority, its staff, employees, contracts and agents must administer all personnel functions in a manner that is equal and fair to all employees and prospective employees. It is the obligation of every staff member or employee of the Authority to comply with this policy in substance, practice and spirit.**

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No.**\_\_\_\_\_

WHEREAS, The Transbay Joint Powers Authority is a joint powers agency organized and existing under the laws of the State of California; and

WHEREAS, Pursuant to the Joint Powers Agreement creating the TJPA, dated April 4, 2001 (the "Agreement"), the TJPA has the authority to make and enter into contracts, to acquire real and personal property and to exercise all powers necessary and proper to carry out the provisions of the Agreement; and

WHEREAS, The Authority desires to adopt an Equal Employment Opportunity / Non-Discrimination Policy that, among other things, sets forth the Authority's commitment to ensuring equal opportunity to all persons in or seeking employment with the Authority; commitment to ensuring that selection of employees to positions within the Authority are made on the basis of merit and fitness without discrimination; and commitment to equal opportunity for people with disabilities in compliance with the Americans with Disabilities Act of 1990 (ADA) ; now, therefore, be it

RESOLVED, That the Transbay Joint Powers Authority Board adopts the Equal Employment Opportunity / Non-Discrimination Policy identified as Board Policy No. 005, Category: Workplace Matters.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary, Transbay Joint Powers Authority

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# TRANSBAY JOINT POWERS AUTHORITY

Board Policy No. 005

Category: Workplace Matters

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## **DRUG FREE WORKPLACE POLICY**

It is the Transbay Joint Powers Authority's (the "Authority") policy to maintain a drug free workplace. While the Authority has no intention of intruding into the private lives of its personnel, involvement with alcohol and drugs on and off the job can be very disruptive, adversely affect the quality of work and performance of personnel, pose serious health risks to users and others, and have a negative impact on productivity and morale. The Authority is concerned that personnel are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public, as well as themselves. The presence of alcohol and drugs on the job, and the influence of these substances on personnel during working hours are inconsistent with this objective and are prohibited. If a staff member has a drug or alcohol problem, the Authority shall refer the individual for treatment and maintain confidentiality. The Authority shall recognize and support that persons in treatment programs or recovered are protected under the Americans with Disabilities Act.

Personnel performing activities in their jobs that are funded by a federal grant must notify their department head of any convictions for drug law violations of that took place in the workplace within five days of any such conviction.

### Drug and Alcohol Testing:

Only personnel in positions designated "safety-sensitive" are required by law to undergo drug testing. The Authority has no staff positions so designated, nor will in the foreseeable future. Therefore, at such a time as such positions are created, it will be the responsibility of the Board of Directors to establish a separate drug and alcohol policy for safety sensitive personnel.

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No.**\_\_\_\_\_

WHEREAS, The Transbay Joint Powers Authority is a joint powers agency organized and existing under the laws of the State of California; and

WHEREAS, Pursuant to the Joint Powers Agreement creating the TJPA, dated April 4, 2001 (the "Agreement"), the TJPA has the authority to make and enter into contracts, to acquire real and personal property and to exercise all powers necessary and proper to carry out the provisions of the Agreement; and

WHEREAS, The Authority desires to adopt a Drug Free Workplace Policy that, among other things, sets forth the Authority's commitment to maintaining a drug free workplace, describes assistance to be provided to personnel who may have a drug or alcohol problem, and sets forth drug and alcohol testing policies; now, therefore, be it

RESOLVED, That the Transbay Joint Powers Authority Board adopts the Drug Free Workplace Policy identified as Board Policy No. 006, Category: Workplace Matters.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of \_\_\_\_\_.

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Secretary, Transbay Joint Powers Authority