



Thomas J. Ross  
Executive Director

Attention: Members of the Northeastern Illinois Task Force

From: T.J. Ross, Executive Director, Pace Suburban Bus

Please find attached today's full testimony. You will also find the requested answers to questions 2, 3, 9, 10, 11, 12, and 13 related to the ethics issue.

Good Afternoon. I am T.J. Ross, Executive Director of Pace. I thank the task force for the opportunity to spend some time with you today. I would like to spend a brief moment telling you about Pace.

Pace operates mainline transit services in suburban Cook County, DuPage County, Kane County, Lake County, McHenry County and Will County. Our service area is approximately the size of the State of Connecticut. We have the largest service area of any transit system in the country that does not serve a central business district.

We have seen ridership gains every year since 2009, in fact our ridership for August of this year was the highest August ridership in the history of the organization.

For the past five years we have operated with a balanced budget without a fare increase or service cuts unlike our sister agencies.

We operate a family of services – besides our fixed route buses – we have one of the largest vanpool programs in the nation - with 800 vans on the road every day – we have over 90 agreements with local municipalities for various types of service, such as the Niles Free Bus, Rosemont Shuttle, McRide in McHenry County, Ride in Kane and Ride DuPage. We launched our highly successful Bus On Shoulders demonstration on I-55 in November of 2011. The two routes that serve that

corridor have seen ridership gains of 400% and 70% respectively.

We have listened to our customers and have invested in passenger amenities that enhance their commute and promote customer loyalty. By way of example, we installed 120 shelters in the last two years in high traffic areas to help protect our riders from the elements and provide a safe place to wait for the bus. We have implemented Traffic Signal Priority in south suburban congested corridors of Halsted Street and 159<sup>th</sup> Street. This will not only improve the speed and reliability of our service but allows all traffic to flow smoothly.

We have begun to place Wi-fi on our fleet. We have ordered the regions first compressed natural gas vehicles (CNG) that should be delivered in the summer of 2014. Not only are the vehicles more environmentally friendly, they will also make us less reliant on the volatile foreign oil market. A conservative estimate is that this first batch of CNG buses – about 1/7 th of our fleet – will save us \$1 to \$1.5 million annually in fuel costs. If we are able to convert the entire fleet to CNG in the future we could be looking at savings of \$6 to \$10 million dollars annually.

Earlier this month along with CTA we launched Ventra. Ventra replaces our 20 year old existing fare system and is putting us on track to finally have a universal fare system for

the region. To date we have seen over 3 million taps on Ventra system wide.

This year Pace received a national award for being the largest small bus operator in the nation. Over the last decade we have aggressively taken large 40 foot buses off the road for more economically friendly 30 foot vehicles.

By the way, have I told you we have done all this with 8 cents? That's right, for every dollar invested in public transit in northeast Illinois Pace receives 8 cents. The other 92 cents are invested in transit to primarily serve the central business district in the City of Chicago.

In 2007 the General Assembly made Pace responsible for ADA Paratransit service in the entire region including the City of Chicago. To say we have succeeded would be an understatement. For our most vulnerable residents, ADA service is their life line to employment, doctor's appointments, shopping and social activities. Pace ADA Paratransit allows for people with disabilities to live active lives within our community – something most of us take for granted every day, as a result, since 2007, ridership has increased nearly 50 percent which translates to over 1 million additional trips annually. We have recently surveyed the riders of ADA Paratransit and 90% replied that they are either satisfied or very satisfied with Pace ADA Paratransit services.

But we are not done improving this service. We are working with RTA to identify funding for a centralized call center that will not only provide more efficient trips for the customer but also save money for the taxpayer. We also believe that a dedicated capital investment would also make the service more efficient for the taxpayer. Historically, there has been no commitment to capital investment within ADA Paratransit service such as vehicles, garages or a centralized call center. Therefore, we pay for these items out of our operating revenues. We have worked with the Governor and General Assembly to begin a capital investment in this area by securing \$45 million for ADA vehicles in the State's Jump Start Capital Program.

To the Task Force's question on serving our current riders, Pace conducts regular customer satisfaction surveys. The latest survey was done in 2011. The key findings of that survey include:

- Overall satisfaction among riders is 90%
- 89% are likely or very likely to recommend Pace to others
- 89% are likely or very likely to continue riding Pace

Two-thirds of Pace customers that are dependent upon Pace bus services for their transportation needs do not have access to a vehicle and/or do not have a driver's license.

When we talk about serving the overall region and the broader economy it is important to note that the Pace service area comprises 67% of the regional job market and population base and we receive 8% of the funding provided to transit. According to a Brookings Institute Study on Job Access by Transit

- Only 12% of suburbanites can reach a job via transit in less than 90 minutes
- Our regional transit system has less than a 3% job to work market share in the suburban employment market which is where the vast majority of the regions jobs exist
- Many of our suburban communities are experiencing economic decline and high unemployment exacerbated by lack of access to jobs – they are literally transit deserts – not connected to employment markets in any meaningful way
- The continued lack of investment in serving suburban employment markets is detrimental to the region's economic well-being and must be addressed.

Pace is operating extremely efficiently as evidenced by our continued increased ridership, balanced budget, no fare increases, and expansion of service in the past 5 years. On top

of that I would point out the 2007 Illinois Auditor General's Performance Audit of Mass Transit Agencies of Northeastern Illinois that found Pace was as good as or better than its peers in 24 of 29 categories. That is no small accomplishment because Pace's service area is much larger than those of its peers, with many parts of our service area lacking the population density to produce high ridership and all of our peers serve a central business district.

The Task Force asks what are the most important criteria for evaluating Pace's performance? That answer is easy, - customer satisfaction. Are the riders and taxpayers of the system satisfied? Does the system meet their needs and expectations? Is the public transit system a viable option? Given the fact that we receive 8 cents on every \$1, I would say that Pace is doing the best we can with the resources we have – optimizing routes, utilizing staff and satisfying customers.

To the question on what defines a world class transit system and what actions are necessary to achieve it is a very broad and complex issue. Pace alone faces a capital backlog of \$1.8 billion over the next 10 years to keep our existing system in a state of good repair. We have identified a little more than \$500 million in available funding.

Without the financial investment, political investment, and public investment to build a world class transit system my belief is that we will have many more meetings such as this one debating that issue. Make no mistake about it: a real suburban

transit system is going to take a significant amount of investment and new money – what is needed is not just an investment to maintain existing services but to sustain a level of economic vitality and personal well-being from any vantage point in this region. More people live in the suburbs and work in suburbs than in the central business district yet we currently only invest 8 cents on every dollar to serve the suburb to suburb and reverse commute market.

In closing, I would like to thank the Task Force members for the opportunity to testify on behalf of Pace today. As Executive Director of Pace, every day I ask myself where do we go from here to really serve the needs of the people of Northeastern Illinois? As someone who has dedicated over 40 years to public transit, I feel strongly that Pace has a vital role to play in helping to not only solve some of the challenges facing transit today but to also be a leader in the growth and development of transit in Northeastern Illinois in the future. I can tell you that Pace is not the reason or the problem as to why we are here today. We are part of the solution because we firmly believe that a strong community depends on a strong Pace. Working together I believe we can achieve a world class transit system.



Thomas J. Ross  
Executive Director

2. Pursuant to the Regional Transportation Authority Act, 70 ILCS 3615/§3A.02, the governing body of Pace, the Suburban Bus Division, is a board consisting of 13 directors appointed by the designated authority in each region: Cook County will have six directors from the following regions: Northwest Region, North Central Region, North Shore Region, Central Region, Southwest Region, South Region and one Director shall be appointed from Kane County, Lake County, DuPage County, McHenry County, Will County and one Director shall be appointed from the Mayor's Office for People with Disabilities from the City of Chicago. Therefore, Pace does not have the authority to appoint or vet our Board of Directors.

As far as employees, the Pace Human Resources department is responsible for handling hiring and conducting background checks. Every new employee is subject to a background check prior to being hired with the exception of board members. Attached please find a copy of Pace's policy on the Employment of Convicted Felons.

Pace's hiring policies and procedures are consistent with the law. Pace is an Equal Opportunity Employer.

3. Once appointed, each Director completes the Statement of Economic Interest with the Cook County Clerk David Orr's office annually. Additionally, each Director undergoes annual Ethics training approved by the Office of the Executive Inspector General for the Agencies of Illinois Governor. Also, the Pace Ethics Ordinance addresses conflicts of interest under Article 4. (See attached Pace Ethics Ordinance, approved June 5, 2013).

9. Pace is unaware of any court decision that applies the *Rutan* decision to Pace and the Regional Transit Authority. The *Rutan* case allows employment decisions based upon political factors for certain positions. However, the RTA Act has a much more stringent set of standards for hiring.

"No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit." (See 70 ILCS 3615/2.14.)

The mirror provision for this in the RTA Act specific to Pace can be found at 70 ILCS 3615/3A.05.

10. It is the policy of Pace to seek and employ qualified personnel in all job classifications; to provide equal opportunities for the advancement of employees including upgrading, promotion and training; and to administer these activities in a manner which will not discriminate against any person because of race, color, religion, sex, age, national origin, family status, disability, military status, sexual orientation and any other protected characteristic defined under Federal and/or State laws. This commitment to equal opportunity is fundamental to our policy. A successful Equal Employment Opportunity Program provides benefits through full utilization and development of potential human resources. (See attached copy of Pace EEO Program for 2013-2016).

11. The controls that Pace has in place to ensure that outside influence on hiring is not allowed includes; but is not limited to, the following provisions which establish that multiple managers are involved in the process. Every new position at Pace requires completing the new position justification memo which must be authorized by both the Deputy Executive Director and the Executive Director as well as confirmed by the manager of Human Resources. Each time an employee leaves a position; a re-justification form must be completed and approved by the Deputy Executive Director and the Executive Director in order to fill the position. All personnel actions ; such as, salary change or position change must be approved by the Executive Director, the Equal Employment Officer, the manager of Human Resources and the Deputy Executive Director of an employee's respective department. All personnel actions are signed off on by the Human Resources Officer, the Deputy Executive Director, the Equal Employment Opportunity Officer and in some instances the Executive Director. (See attached forms regarding Personnel Action Notice, Position Re-justification, New Position Justification, and New Hire Checklist for both union and non-union employees).

12. Pursuant to Public Act 96-1528 effective July 1, 2011, the State Officials and Employees Act was applied to the Regional Transit Boards. As such, members of Pace's Board of Directors as well as all full-time, part-time or contractual employees are subject to the provisions set forth in the State Officials and Employees Ethics Act. This includes the gift ban restrictions enumerated in Article 10 of the Act. (See 5 ILCS 430/10-10).

Additionally, Pace's Ethic Ordinance addresses gift ban under Article 3. (See attached Ordinance also attached to Question 3).

13. Pace is subject to oversight by federal, state and local authorities; including but not limited to: the Federal Transit Authority, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Transportation, the Regional Transit Authority, the Office of the Executive Inspector General for the Agencies of the Governor and the Illinois Department of Human Rights. Internally, Pace employs an Ethics Officer and an Internal Auditor.



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| Section<br><b>HUMAN RESOURCES</b> | Subject<br><b>EMPLOYMENT OF CONVICTED FELONS<br/>(Employment)</b> |              |

The purpose of this **Policy** is to establish procedures with respect to the employment of Convicted Felons. This **Policy** is intended to ensure fair employment practices and maintain the integrity of the recruitment process, and the safety of the public.

This **Policy** applies to all regular full-time, regular part-time, reduced schedule and temporary employees of Pace.

### **Definitions**

Convicted Felon is defined as an individual receiving a judgment of conviction or sentence entered upon a plea of guilty or upon verdict of finding of guilty of an offense, for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

### **Policy**

1. All applicants for employment shall be required to disclose on the Pace Application for Employment whether he/she has been convicted of a felony and, if so, the nature of the offense, the date of conviction and any dates of incarceration. No applicant shall be required to disclose any matter sealed or expunged by court order.
2. All applicants are subject to an employment/criminal background check. Failure by an applicant to disclose a felony conviction on the Application of Employment will result in the applicant receiving no further employment consideration or, if that person is already employed when the conviction becomes known to Pace, that person is subject to termination from employment for falsification of the Application For Employment.
3. The Human Resources Department will maintain the confidentiality of any felony conviction disclosure pending an assessment of the applicant based on information (minus the felony disclosure) submitted on the Application for Employment, and resume if included.
4. Should the applicant having the felony disclosure be selected by the hiring department for interview, the hiring department will be informed of the felony conviction and that information is expected to be included for review in the recruitment interview.
5. The Human Resources Department and the hiring department will review the Application of Employment and the information from the interview, giving consideration to the nature and gravity of the offense; the number of convictions; the time that has passed since the



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conviction and/or incarceration; and the nature of the position sought by the applicant. If necessary, the General Counsel, or designee may be consulted in the review.

- 6. The review may result in a decision to either continue the applicant in the recruitment process, or reject the applicant from further employment consideration.
- 7. A determination made by the HR and hiring departments to not consider an applicant with conviction information will be reviewed with the Executive Director. The decision of the Executive Director concerning further consideration of the applicant is final.
- 8. An application accepted into the recruitment/hiring process under these guidelines will be treated in accordance with the applicable provisions of the Pace Employee Handbook, most particularly regarding Equal Employment Opportunity and the commitment to hiring the best qualified candidate.

PACE maintains the sole authority to change, modify or eliminate this **Policy**. Questions considering this **Policy** should be addressed to Human Resources.

Responsible Party: Marion Roglich, Dept. Manager, Human Resources

Approval Party: TL AR, Executive Director

**PACE SUBURBAN BUS DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY**

**ETHICS ORDINANCE**

**PREAMBLE**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003, as further amended by Public Act 96-1528, effective July 1, 2011), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees, granting the Executive Ethics Commission and the Office of the Executive Inspector General for the Agencies of the Illinois Governor jurisdiction over all board members, employees, vendors and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance or violations of the Act and administer the revolving door prohibitions on prospective employment; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt Ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by officers, the Board members and employees of such units "in a manner no less restrictive" than the provisions of the Act;

WHEREAS, Pace Adopted An Ordinance Implementing the Provisions of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 *Et Seq.*), Ordinance No. SBD 04-61 on May 5, 2004, with the intention of adopting a more comprehensive Ethics Ordinance at a later date; and

WHEREAS, Pace desires to adopt the following Ethics Ordinance in compliance with the provisions of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF PACE,  
THE SUBURBAN BUS DIVISION OF THE REGIONAL TRANSPORTATION  
AUTHORITY, AS FOLLOWS:**

**SECTION A:** Pace Ethics Ordinance No. SBD adopted on June 5, 2013, is hereby supplemented by the amendment of this Ethics Ordinance with the following provisions:

## ARTICLE 1

### DEFINITIONS

**Section 1-1.** For purposes of this Ordinance, the following terms shall be given these definitions:

(a) **"Board member"** means a person appointed to and/or serving on the Pace Board of Directors.

(b) **"Campaign for elective office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

(c) **"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

(d) **"Collective bargaining"** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

(e) **"Compensated time"** means, with respect to an employee or officer, any time worked by or credited to the employee or officer that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the person is on a leave of absence.

With respect to an officer or employee whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

With respect to Board members, "compensated time" means any period of time when the Board member is executing his or her official duties under the RTA Act, regardless of the location where such duties are being performed. (The issuance of I.R.S. form W-2 to a Board member has no bearing on the foregoing definition).

(f) "Compensatory time off" means authorized time off earned by or awarded to an employee or officer to compensate in whole or in part for time worked in excess of the minimum work time required of that person as a condition of his or her employment.

(g) "Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

(h) "Employee" means a person employed by Pace Suburban Bus, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of Pace with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(i) "Employer" means Pace Suburban Bus Division of the Regional Transportation Authority.

(j) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer, Board member, or employee.

(k) "Leave of absence" means any period during which an officer, Board member, or employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

(l) "Officer" means a person who holds, by election or appointment, an office with Pace which is created by statute or Ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

(m) "Pace" means the Suburban Bus Division of the Regional Transportation Authority.

(n) "Pace Board" means the Board of Directors of Pace.

(o) "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

(p) "Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**(q) "Prohibited political activity" means:**

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

(r) "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or Board member or (ii) by an employee, or by the Board member or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or Board member or (ii) with an employee, or with the officer, Board member or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or Board member or (ii) by an employee, or by the Board member or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer, Board member, or employee.

(s) "RTA Act" means the Regional Transportation Authority Act, 70 ICLS 3615/1.01 et seq.

## ARTICLE 2

### PROHIBITED POLITICAL ACTIVITIES

#### Section 2-1. Prohibited political activities.

(a) No officer, Board member, or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or Board member or employee shall intentionally use any property or resources of Pace in connection with any prohibited political activity.

(b) At no time shall an officer, Board member, or employee intentionally require any other Board member or employee to perform any prohibited political activity (i) as part of that Board member or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer, Board member, or employee shall be required at any time to participate in any prohibited political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are either permissible for an officer, Board member, or employee to engage in as part of his or her official duties, or activities that are

undertaken by a Board member, officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

### ARTICLE 3

#### GIFT BAN

**Section 3-1. Gift ban.** Except as permitted by this Article 3, no officer, Board member or employee, and no spouse of or immediate family member living with any Board member or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or Ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section. Gifts received under this section should be reported to the Ethics Officer within 24 hours after receipt.

**Section 3-2. Exceptions.** Section 3-1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or Board member or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Ordinance, Section 3-2, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or Board member or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an officer or Board member or employee from another officer or Board member or employee, and "inter-governmental gift" means any gift given to an officer or Board member or employee by an officer or Board member or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section 3-2 is mutually exclusive and independent of every other.

**Section 3-3. Disposition of gifts.** An officer, Board member, or employee, his or her spouse or an immediate family member living with the officer, Board member, or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## ARTICLE 4

### CONFLICT OF INTEREST IN CONTRACT PROCUREMENT

**Section 4-1. Personal Conflicts of Interest:** No officer, employee, or Board member shall participate in the selection, or in the award or administration of a contract supported by Federal or State funds if a conflict of interest, real or apparent is involved. Such a conflict arises when: the officer, employee, or Board member; any member of his/her immediate family; his or her partner; an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

**Section 4-2. Organizational Conflicts of Interest:** Where the nature of the work to be performed under a proposed third party contract or sub agreement may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or sub recipient or impair its objectivity in performing the contract work, it shall be prohibited.

#### **Section 4.3. Conflicts of Interest Involving Families/Relatives:**

(a) Employees or officers or Board members and their spouses, their children, their parents, their brothers and sisters and their children, are prohibited from having or acquiring any contract or any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of property of Pace. Any firm, partnership, association or corporation from which any employee or Board member or officer is entitled to receive more than seven and one-half percent (7.5%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by payment of funds or the transfer of property of Pace.

(b) Any firm, partnership, association or corporation from which employees or Board members and their spouses, their children, their parents, their brothers and sisters and their children are entitled to receive in the aggregate more than fifteen percent (15%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by the payment of funds or the transfer of property of Pace. Nothing in this section invalidates the provisions of any bond or security hereto or hereafter offered for sale or sold by or for Pace.

(c) Any purchase order or contract executed in violation of these regulations shall be null and void as to Pace.

**Section 4-4. Prior Interests:** This Ordinance does not affect the validity of any contract made between an employee or Board member or officer, his or her spouse, minor child or any combination of those persons if that contract was in existence before his or her employment or election/appointment as a Board member. The contract is voidable, however, if it cannot be

completed within 365 days after the employee or Board member or officer is employed or takes office.

**Section 4-5. Negotiations:** It is a violation of this Ordinance for any employee or Board member or officer to participate in contract negotiations on behalf of Pace with any firm, partnership, association, or corporation with whom that employee or officer or Board member has a contract for future employment or is negotiating concerning possible future employment.

**Section 4.6. Reporting Anticompetitive Practices:** When, for any reason, any vendor, bidder, contractor, officer, employee or Board member suspects collusion or other anticompetitive practice among any bidders, contractors, proposers, employees or Board members, a notice of the relevant facts shall be transmitted to the Ethics Officer.

**Section 4.7. Insider Information:** It is a violation of this Ordinance for any current or former employee, Board member, or officer to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for himself or herself or for any other person.

**Section 4.8. Voidable Contracts:** If any contract is entered into or any purchase or expenditure of funds is made, in violation of this Ordinance or any law, the contract may be declared void by the Purchasing Manager if a recommendation is made to that effect by the Ethics Advisor with the concurrence of the Executive Director and Pace Board.

## ARTICLE 5

### PROCUREMENT – REVOLVING DOOR PROHIBITION

**Section 5-1.** Pursuant to 5 ILCS 430/5-45 of the Illinois State Officials and Employees Ethics Act, no former Pace employee or officer or Board member or spouse or immediate family member living with such person shall, within a period of one year immediately after termination of employment or service, knowingly accept employment or receive compensation or fees for services from a person or entity if the employee, officer or Board member, during the year immediately preceding termination of employment or service, by the nature of their duties may have the authority to participate personally and substantially in the decision to award Pace contracts with a cumulative value of over \$25,000 or who has the authority to award contracts or change orders to the prospective employer, person or entity, or its parent or subsidiary.

**Section 5-2.** The requirements of this Section set forth that Pace's Ethics Officer shall submit a list of employees subject to the provisions of 5 ILCS 430/5-45(c) to the Governor and the Executive Ethics Commission. The Executive Inspector General has the authority to add names to this list for the agencies under their jurisdiction.

**Section 5-3.** This Section applies only to persons who are identified as subject to the provisions of 5 ILCS 430/5-45(c) by the Ethics Officer. Prior to accepting a job offer during current employment and for a one year period after departure, a C-list employee must notify the

Executive Inspector General of the job offer. The Ethics Officer and the employee must complete and submit the requisite forms to the Executive Inspector General. The Executive Inspector General has 10 days to analyze the prospective employment based upon the provisions enumerated in 5 ILCS 430/5-45(a). A negative response may be appealed to the Executive Ethics Commission within 10 days.

**Section 5-4. Penalties.** An intentional violation of the revolving door prohibition or failure to obtain a required determination constitutes a Class A misdemeanor. The Executive Ethics Commission may also levy an administrative fine of \$5,000 or up to three times the total annual compensation that would have been obtained in violation of the revolving door prohibition.

## ARTICLE 6

### POST-EMPLOYMENT RESTRICTIONS

**Section 6-1.** No former employee, Board member, or officer shall assist or represent any person other than Pace in any judicial or administrative proceeding involving Pace or any of its divisions, if the employee, Board member, or officer was counsel of record or participated personally and substantially in the proceeding during his/her term of service or employment.

**Section 6-2.** No former employee, Board member, or officer shall, for a period of one year after the termination of his/her term of service or employment, assist or represent any person in any business transaction involving Pace, if the employee, Board member, or officer participated personally and substantially in the subject matter of the transaction during his/her term of service or employment; provided that if the employee, Board member, or officer exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

**Section 6-3** No former employee, Board member, or officer shall, for a period of two years after the termination of his/her term of service or employment engage in any activity amounting to a personal or organizational conflict of interest, or any other activity which amounts to a violation of the contract procurement provisions of this Ordinance. This prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation.

**Section 6-4.** Those seeking waiver of post-employment restrictions must appeal in writing to the Ethics Officer. The Ethics Officer will submit the appeal to the Executive Director and Pace Board for a decision as to whether the restriction can be waived.

## ARTICLE 7

### USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

No current or former employee or Board member or officer shall use or disclose other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

## ARTICLE 8

### ETHICS OFFICER

**Section 8-1. Designation of the Ethics Officer.** An Ethics Officer is hereby designated for Pace pursuant to the Illinois State Officials and Employees Ethics Act (5ILCS 430/20-230), effective on the adoption date of this Ordinance.

**Section 8-2. Duties of the Ethics Officer.** The Ethics Officer shall (a) if required by law, review the employees or Board members' statements of economic interest and disclosure forms; (b) provide guidance to officers, employees or Board members in the interpretation and implementation of this Ordinance; (c) perform all other duties which may be required of the Ethics Officer under this Ordinance; (d) perform such other duties with respect to this Ordinance as may be delegated to the Ethics Officer by the Executive Director; (e) act as the liaison between Pace and the appropriate Executive Inspector General, the Executive Ethics Commission and the other Regional Transit Boards; and (f) provide guidance to officers and employees in the interpretation and implementation of the State Officials and Employees Ethics Act (5ILCS 430).

## ARTICLE 9

### ENFORCEMENT

**Section 9-1. Allegations of Ordinance Violations.** (a) Each allegation of a violation of this Ordinance shall be in the form of a complaint. The complaint shall be prepared in duplicate and each copy shall: be in writing, signed and notarized; identify by name and position with Pace the person alleged to have committed the alleged violation; and specify the nature of the alleged violation. One copy of the complaint shall be delivered to the Ethics Officer or and one copy of the complaint shall be delivered to the Executive Director, in each case either personally or by certified mail, return receipt requested.

(b) If a complaint conforms to the requirements of Section 9-1(a), within five business days after receipt of the complaint, either the Ethics Officer or the Executive Director shall send written notification to the respondent named in the complaint that a complaint has been filed

against him or her; with a statement as to the specific nature of the complaint; and that an investigation will proceed as provided in Sections 9-2 or 9-3, as appropriate.

**Section 9.2. Investigations and Further Proceedings for Complaints Not Involving the Executive Director or a Board Member.** Upon receipt of a complaint which conforms with the requirements of Section 9-1(a), alleging that an Employee, other than the Executive Director or a member of the Pace Board has violated this Ordinance, the Executive Director shall either direct the general counsel to appoint an attorney to investigate and report on the alleged violation to the executive director or shall refer the matter to the Human Resources Department to investigate and report on the alleged violation to the executive director. When investigated by an attorney, that attorney shall determine if, based upon the evidence, there is probable cause that a violation has occurred which should be prosecuted. When investigated by the Human Resources Department and a violation is found of Article 2 (Prohibited Political Activities) or Article 3 (Gift Ban), the findings shall be reviewed by an attorney to determine if, based upon the evidence, there is probable cause that a violation has occurred which should be prosecuted. If the report concludes that prosecution is warranted, the Executive Director and the Legal Officer will report to the Board and seek the concurrence of the Pace Board to (a) direct the general counsel to contact the Illinois Attorney General or the State's Attorney for prosecution; or (b) appoint special counsel to prosecute the matter judicially. If the report concludes that prosecution is not warranted, but a violation has occurred, the Executive Director shall recommend the matter for handling by the Human Resources Department through the Pace internal disciplinary process.

**Section 9-3. Investigations and Further Proceedings for Complaints Involving the Executive Director or a Board Member.** Upon receipt of a complaint which conforms with the requirements of Section 9-1(a), alleging that the Executive Director or a member of the Pace Board has violated this Ordinance, the Ethics Officer shall inform the Chairman of the Pace Board. (If the allegation involves the Chairman of the Board, the Ethics Officer shall inform the Vice Chairman of the Board). The Chairman or Vice Chairman, as the case may be, shall promptly advise all other members of the Pace Board. The members of the Pace Board, other than the respondent if the complaint alleges a violation by a Board member (the "independent directors"), shall convene in executive session as promptly as feasible to consider the matter. If the independent directors conclude an investigation is warranted, the Chairman or the Vice Chairman, as the case maybe, shall appoint independent counsel to investigate the allegation and submit a report of such investigation to the independent directors. The investigating counsel shall determine if, based upon the evidence, there is probable cause that a violation has occurred and such determination shall be included in his or her report. If, after reviewing the report, the independent directors conclude that prosecution is warranted and/or the internal disciplinary process should be initiated, the Chairman or the Vice Chairman, as the case may be, shall: (a) direct the General Counsel to contact the Illinois Attorney General or the State's Attorney for prosecution; (b) if necessary, appoint special counsel to prosecute the matter judicially; and/or (c) recommend to the Board the appropriate procedure to handle the matter internally.

## ARTICLE 10

### PENALTIES

**Penalties.** The penalties below are in accordance with Governmental Ethics laws; however Pace may impose an administrative or quasi-criminal procedure for the violation of any Article contained herein so long as the procedure affords due process.

**Section 10-1.** A person who intentionally violates any provision of Article 2 (Prohibited Political Activities) of this Ordinance may be punished (prosecuted in the circuit court under the rules of criminal procedure) by a Class A misdemeanor, being a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

**Section 10-2.** A person who intentionally violates any provision of Article 3 (Gift Ban) of this Ordinance is subject to a business offense which is subject to a fine (or time off that has the same economic impact) in an amount of not less than \$1,001 and not more than \$5,000.

**Section 10-3.** Any person who is found to have intentionally made a false allegation of a violation of Article 2 or Article 3 of this Ordinance under Section 9-1 to the Pace Ethics Officer, Pace Board, Executive Director or the Attorney General, State's Attorney or any other law enforcement official may be punished (prosecuted in a court of law) by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined (or given time off that has the same economic impact) in an amount not to exceed \$2,500.

**Section 10-4.** If a violation of Article 2 of this Ordinance is prosecuted by Pace, it shall be prosecuted as a criminal offense by an attorney for Pace by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

**Section 10-5.** A violation of Article 3 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for Pace Suburban Bus Service or, may be addressed through Pace internal disciplinary procedures.

**Section 10-6.** In addition to any other penalty that may be applicable, whether criminal or civil, an officer, employee or Board member who intentionally violates any provision of this Ordinance is subject to discipline or discharge as authorized by applicable Pace internal disciplinary procedures, a collective bargaining agreement or the RTA Act.

**SECTION B: CONFLICTS.** This Ordinance does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of Board members, officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Ordinance, however, the provisions of this Ordinance shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

**SECTION C: AMENDMENTS.** Any amendment to the Act that becomes effective after the effective date of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption shall not be incorporated into this Ordinance by reference without formal action by the Board.

#### **SECTION D: CONSTITUTIONALITY**

1. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then those portions of this Ordinance adopted pursuant to the Act shall be repealed as of the date that the Illinois Supreme Court's decision becomes final without further action by the Board and the remaining portions of this Ordinance shall remain in full force and effect.
2. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Board.

#### **SECTION E: IMPLEMENTATION**

1. This Ordinance shall be in effect upon its passage and approval by the Board as provided by law.
2. The Executive Director is hereby authorized and directed to take all necessary action to implement this Ordinance and any amendments to the Act.

ORDINANCE SBD #13-45

ADOPTED by the Board of Directors of Pace, the Suburban Bus Division of the RTA, June 5, 2013:

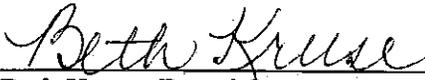
DIRECTORS VOTING AYE: 10 Ayes Directors Larson, Marcucci, Mitchell, Schielke, Shepley, Squires, Tamley, Wells, Welton, Chairman Kwasneski

DIRECTORS VOTING NAY: 0 Nays

(Seal)

  
Richard A. Kwasneski, Chairman

Attest:

  
Beth Kruse, Board Secretary

(70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

Sec. 2.14. Appointment of Officers and Employees. The Authority may appoint, retain and employ officers, attorneys, agents, engineers and employees. The officers shall include an Executive Director, who shall be the chief executive officer of the Authority, appointed by the Chairman with the concurrence of 11 of the other then Directors of the Board. The Executive Director shall organize the staff of the Authority, shall allocate their functions and duties, shall transfer such staff to the Suburban Bus Division and the Commuter Rail Division as is sufficient to meet their purposes, shall fix compensation and conditions of employment of the staff of the Authority, and consistent with the policies of and direction from the Board, take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Board shall determine. The Executive Director must be an individual of proven transportation and management skills and may not be a member of the Board. The Authority may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of the Service Boards in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Authority shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Authority shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

Sec. 3A.05. Appointment of officers and employees. The Suburban Bus Board shall appoint an Executive Director who shall be the chief executive officer of the Division, appointed, retained or dismissed with the concurrence of 9 of the directors of the Suburban Bus Board. The Executive Director shall appoint, retain and employ officers, attorneys, agents, engineers, employees and shall organize the staff, shall allocate their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Suburban Bus Board take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Suburban Bus Board shall determine. The Executive Director shall be an individual of proven transportation and management skills and may not be a member of the Suburban Bus Board. The Division may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of transportation agencies in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Suburban Bus Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Division shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Suburban Bus Board shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 95-906, eff. 8-26-08.)

**ORDINANCE SBD #13-46**

ADOPTED by the Board of Directors of Pace, the Suburban Bus Division of the RTA, June 5, 2013:

DIRECTORS VOTING AYE: 11 Ayes Directors Hastings, Larson, Marcucci, Mitchell, Schielke, Shepley, Squires, Tamley, Wells, Welton, Chairman Kwasneski

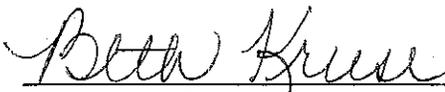
DIRECTORS VOTING NAY: 0 Nays

(Seal)



Richard A. Kwasneski, Chairman

Attest:

  
Beth Kruse, Board Secretary

## I. INTRODUCTION

The Suburban Bus Division of the Regional Transportation Authority (hereafter referred by its operating name of "Pace") is a unit of local government and a municipal corporation, created under Sections 1.04 and 3A.01 of the Regional Transportation Authority Act (70 ILCS 3615/1.04, 3A.01). Pace is the operating division of the Regional Transportation Authority ("RTA") responsible for providing all public non-rail mass transportation throughout suburban Cook (exclusive of suburban service provided by the Chicago Transit Authority), DuPage, Kane, Lake, McHenry and Will Counties. Pace is also responsible for Chicago ADA Paratransit. Pace provides public transportation by grants and contracts with other transportation agencies; through nine Pace-owned operating divisions; and by contracts with private carriers. By statute, Pace is governed by a Board of thirteen directors (the Board of Directors).

**As of March 31, 2013 Pace employed 1,606 employees.** These employees are assigned to the Administrative Headquarters in Arlington Heights, Illinois and nine operating divisions in Aurora (Fox Valley Division), Des Plaines (Northwest Division), Elgin (River Division), Evanston (North Shore Division), Joliet (Heritage Division), Markham (South Division), Melrose Park (West Division), Bridgeview (Southwest Division), Waukegan (North Division), and the Paratransit Office in Chicago, Illinois.

*The 2013 Equal Employment Opportunity (EEO) Program for Pace has been developed pursuant to the Federal Transit Administration Circular 4704.1 and the Illinois Human Rights Act, (775 ILCS 5/1-101 et seq).*

The objectives of Pace's EEO Program are to ensure that applicants are equitably selected for employment, and that during employment, employees are treated fairly without regard to race, color, religion, sex, national origin, military status, family status, age or disability, sexual orientation or any other protected characteristic defined under Federal and State laws. The provisions of this plan are implemented by management within Pace's organization.

The EEO Program includes Assurances by the Pace Board of Directors signed by the Chairman, and an EEO Policy Statement signed by the Executive Director. Management responsibilities for implementing and monitoring the Program are defined and current employment practices are outlined. The Program also features utilization analysis including goals and timetables.

As it pertains to the EEO Program, and as defined in FTA Circular 4704.1, the term Minority means: Black (not Hispanic origin), Hispanic, Asian American and American Indian. The phrase Protected Class means: minorities, non-minority females, and persons with disabilities.

**PACE SUBURBAN BUS DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY**

**EEO PROGRAM 2013 - 2016**

**ORDINANCE SBD #13-46**

**WHEREAS**, In accordance with FTA Circular 4704.1 "EEO Program Guidelines for Grant Recipients" dated July 26, 1988, Pace, the Suburban Bus Division of the RTA, is required to submit a written Equal Employment Opportunity (EEO) Program to the Federal Transit Administration, and

**WHEREAS**, Pace's current EEO Program was approved and adopted per Ordinance No. SBD 07-81 on July 7, 2010, and

**WHEREAS**, FTA Circular 4704.1 requires all grant recipients to submit updated EEO Programs every three years,

**NOW, THEREFORE, BE IT ORDAINED** that the Pace Board of Directors hereby approves and adopts the revised EEO Program dated June 5, 2013, and the statement of policies contained therein, in substantially the same form as attached hereto. The Executive Director is hereby authorized and directed to take such action as he deems necessary or appropriate to administer the EEO Program.

**ADOPTED** by the Board of Directors of Pace, the Suburban Bus Division of the RTA, this *5th day of June 2013*.

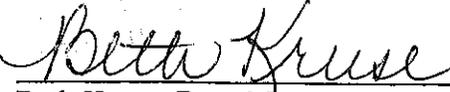
Voting Aye:

Voting Nay:

(Seal)

  
Richard A. Kwasneski, Chairman of the Board

Attest:

  
Beth Kruse, Board Secretary

## II. POLICY STATEMENTS

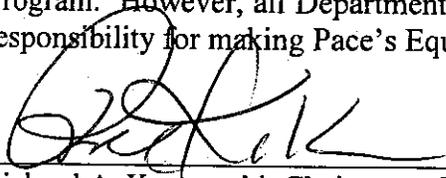
### A. Pace Board of Directors Assurances

The Pace Board of Directors is committed to a policy of non-discrimination in the conduct of its business, including administration of its Equal Employment Opportunity Policy, Plan and Program. The Board of Directors recognizes its responsibilities to all employees of Pace to use its best efforts to develop and implement an Equal Employment Opportunity (EEO) Program which assures that no employee nor applicant for employment shall be discriminated against because of race, color, religion, sex, age, national origin, military status, family status, disability, sexual orientation, and any other protected characteristic defined under federal and/or state laws. The Board will take affirmative action to insure equal employment opportunity.

Toward this end, Pace ensures that:

1. Equal employment opportunity is afforded in all employment practices, including (but not limited to); recruiting, hiring, promotions, compensation, training and separations.
2. An ongoing assessment is prepared of present employment practices regarding recruitment, selection, salaries, promotion, separation and other conditions of employment by race, sex and national origin in order to further assist in the identification of problem areas and corrective actions.
3. Specific personnel and their responsibilities for implementing and maintaining adherence to the equal employment opportunity program are designated.
4. The Equal Employment Opportunity Policy Statement, as well as appropriate elements of the program, are disseminated to all personnel, applicants, and to the public.
5. Internal monitoring and reporting procedures are established for assessing accomplishments of the EEO programs, and for revising that program as necessary.
6. Copies of the signed Equal Employment Opportunity Policy Statement, shall be circulated to all Pace managers, supervisors and employees, as well as posted conspicuously in all offices where Pace personnel work.

The responsibility for carrying out Pace's commitment to this program has been delegated to Pace's Executive Director by the Board of Directors. The Executive Director's office will rely upon the assistance of the EEO Officer in the day-to-day operations of this Program. However, all Department, Division and Section managers and employees share in the responsibility for making Pace's Equal Employment Opportunity Program a success.

  
Richard A. Kwasneski, Chairman of the Board

6-5-13  
Date

**B. EEO Policy Statement**

**PACE**

**2013-2016 EQUAL EMPLOYMENT OPPORTUNITY**

**EEO Policy Statement**

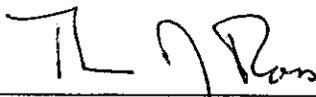
It is the policy of Pace, the Suburban Bus Division of the Regional Transportation Authority (hereinafter referred to as "Pace") to seek and employ qualified personnel in all job classifications; to provide equal opportunities for the advancement of employees including upgrading, promotion and training; and to administer these activities in a manner which will not discriminate against any person because of race, color, religion, sex, age, national origin, family status, disability, military status, sexual orientation and any other protected characteristic defined under Federal and/or State laws. This commitment to equal opportunity is fundamental to our policy. A successful Equal Employment Opportunity Program provides benefits to Pace through full utilization and development of potential human resources.

This policy will require action throughout Pace at every level of each department and division.

The primary responsibility for the Equal Employment Opportunity Plan is assigned to the EEO Officer, who reports directly to the Executive Director. However, all Pace management personnel share in this responsibility and are expected to share fully in implementing this plan.

Management performance in the Pace Equal Employment Opportunity Program will be evaluated with the same rigorous standards as are performed on all other Pace goals.

Applicants and employees may address any EEO concerns through the appropriate problem solving procedure, to their supervisor(s) or the EEO Officer. External avenues for complaint resolution are also available through the Federal Transit Administration, the Equal Employment Opportunity Commission and/or the Illinois Department of Human Rights.



Thomas J. Ross  
Executive Director

6.5.13

Date

C. Pace Harassment Free Policy

***PACE HARASSMENT FREE WORKPLACE POLICY***

Pace's policy is to maintain a working environment for all Pace employees free from all forms of illegal harassment. Pace has **zero tolerance** for sexual harassment. Employees who believe they have been subjected to sexual harassment must report it immediately to their supervisor or Division Manager, or to Pace's EEO Officer, Jeanne Wrenn at (847)364-2609, or through the alternative reporting channels set forth below. Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. No employee at Pace is exempt from reporting misconduct in violation of this policy. In response to every complaint, Pace investigates promptly and thoroughly. Pace assures its employees that there is no retaliation against any employee filing a harassment complaint, or against any employee who cooperates with a Pace investigation. If allegations of illegal harassment are substantiated, Pace commits to taking appropriate action, including disciplinary measures up to and including discharge.

**Definition of Sexual Harassment**

Under federal and state laws, sexual harassment is defined as *any unwelcome sexual advances or request for sexual favors* or any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effects of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Examples of Sexual Harassment**

Sexual harassment is generally considered to exist if it qualifies as either ***quid pro quo*** or ***hostile work environment***. ***Quid pro quo*** sexual harassment involves conduct which demands sexual favors as a condition to a term of the individual's employment. For example, an individual might be promised a promotion or raise if he or she consents to sexual behavior with a manager. ***Hostile work environment*** sexual harassment, occurs when the atmosphere in the workplace is so offensive due to conduct such as sexual comments, jokes, propositions, touching or gestures, or the presence of sexually-explicit printed material or objects that a reasonable person feels that he or she cannot perform their job as a result. Recent court rulings have found that illegal sexual harassment may exist even if the alleged harasser is the same gender as the individual being harassed. These examples are not meant to be exhaustive. If an individual is not certain if illegal sexual harassment has occurred, he or she should feel free to discuss the situation with Pace's EEO Officer, Jeanne Wrenn. Pace promises no retaliation for such inquiries.

## Complaint Procedures

Sometimes an incident of this nature is quickly remedied. An individual who finds a person's behavior or language to be offensive should ask them to stop. If the conduct continues or the employee is uncomfortable confronting the individual directly, the employee must report the incident or behavior to their supervisor or Division Manager. If the individual is the alleged harasser or there are reasons not to report the matter to the supervisor or Division Manager, the employee must report the complaint to Pace's EEO Officer, Jeanne Wrenn at (847) 364-2069. If the employee is more comfortable, other staff members designated to receive complaints are Pace's Human Resources Department Manager, Marion Roglich at (847) 228-2310, or Chief Internal Auditor, Colette Thomas Gordon at (847) 228-2304. **In all cases, the individual who hears the complaint must forward it immediately to Pace's EEO Officer, Jeanne Wrenn.**

All harassment complaints are investigated promptly. Complaints are confidential, and every reasonable attempt is made to honor employee requests for confidentiality, consistent with applicable legal requirements. Pace initiates prompt and thorough investigation of the complaint, and provides the employee with progress reports and final resolution of the complaint, consistent with employee confidentiality restrictions. Every employee has a responsibility to cooperate with a Pace investigation, if requested to do so.

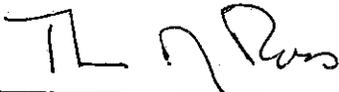
Individuals should recognize that the consequences of unfounded allegations can have serious effects on the innocent men or women against whom the harassment claim is made, and also on the person who makes a fraudulent claim of harassment. Each person must therefore act responsibly. The intentional filing of a false harassment claim is a violation of Pace's *General Rule Book Governing All Employees* and will be treated accordingly.

## Other Avenues for Filing Complaints

Employees who believe they are a victim of harassment have specific legal rights under the Illinois Human Rights Act. An employee has the right to file a charge of harassment with the Illinois Department of Human Rights. Usually, the Department will investigate the charge and may hold a fact-finding conference to gather more information necessary for completing the investigation.

The Illinois Department of Human Rights is located in the State of Illinois, James R. Thompson Center, 100 W. Randolph St., Suite 10-100, Chicago, IL, 60601 and the Department's phone number is (312) 814-6200. The Illinois Human Rights Commission is located in the same building, Suite 5-100, and the Commission's phone number is (312) 814-6269. Information may also be obtained from these agencies concerning complaint procedures at the U.S. Equal Employment Opportunity Commission (EEOC).

ORIGINAL SIGNED



Thomas J. Ross, Executive Director

6.5.13

Date

### III. **RESPONSIBILITIES/POLICY DISSEMINATION**

#### A. **Designation of Personnel**

##### 1. **Ethics Officer/EEO Officer**

The monitoring and reporting of Pace's Equal Employment Opportunity Program is the responsibility of Pace's EEO Officer, whose duties include the following:

- A. Implements, develops and reaffirms Pace's EEO Program and Policy.
- B. Collects and analyzes employment data, identification of problem areas, recommending goals and timetables and developing programs to achieve goals.
- C. Designs, implements and monitors internal audit and reporting systems to measure program effectiveness, and determines progress made and where further action is needed and assures that such action is taken.
- D. Prepares quarterly progress reports relating to Pace goals.
- E. Serves as liaison between Pace and government regulatory agencies, protected class organizations, and community applicant sources.
- F. Assures that current legal and regulatory information affecting Equal Employment Opportunity is disseminated to the Executive Director, Department Managers and Division Managers.
- G. Maintains a system for the resolution of allegations of discrimination in the workforce.
- H. Reviews employment decisions and transactions.

##### 2. **Management**

All administrative and supervisory personnel share the responsibility for ensuring the effectiveness of Pace's EEO Program and are evaluated on their performance in this area. Full cooperation and active support of the Program is provided by the Pace Board, the Executive Director, the EEO Officer, and the Department Manager, Human Resources.

#### B. **Policy Dissemination**

Pace's EEO Policy is published in the Employee Handbook, is posted on bulletin boards at all Pace locations, and is prominently displayed in Human Resources where it can be seen by all applicants for employment. Furthermore, it is made available upon request to all recruitment sources, colleges and universities, and public and private employment agencies listed in Exhibit A.

#### IV. PROCEDURES FOR MONITORING EEO COMPLIANCE

The Pace workforce is made up of both bargained for and non-bargained for employees. The bargained for employees are located at the nine Operating Divisions and primarily perform the operational functions such as bus driving and maintenance. Each Division has a different union and the employees are subject to separate collective bargaining agreements. The collective bargaining agreements contain certain employment rights and practices that apply to the bargained for employees while the Employee Handbook is the primary source of these practices for non-bargained for employees.

The following is a description of various Pace employment policies and practices and how EEO compliance is monitored in each case. Differences between bargained for and non-bargained for employees are noted.

##### A. Recruitment

Primary responsibility for employee recruitment is assigned to the Human Resources Department. Job posting notices are promptly routed to the EEO Officer which provides functional guidance in the process of recruiting protected class members. Exhibit A contains a list of community resources, publications, and colleges used in the recruitment process. Recruitment practices may include the following:

1. The Human Resources Department will consult with selected community resource agencies and organizations which specialize in the recruitment of protected class members, a listing of which is updated by the EEO Officer as necessary. This listing is utilized in addition to the State of Illinois Job Service and non-protected class resources ordinarily used as recruitment sources.
2. The Human Resources Department will maintain a relationship as necessary with schools and colleges, public and private, within the six-county labor market for the purpose of recruitment, as well as generating interest among protected class members in pursuing careers in areas pertinent to Pace's needs.
3. Job announcements are posted at all Pace facilities to enable current employees the opportunity to apply for any position for which they may qualify. Job postings include title, department, grade, salary range and a brief summary job description. Further details on this procedure are contained in the Employee Handbook.
4. Newspaper advertisements may be placed for vacant positions. Advertisements state that Pace is an Equal Opportunity Employer and contain no requirements as to race, sex, age, religion, political affiliation, citizenship, national origin or disability. Vacant positions may be advertised in newspapers of general circulation within the Chicago area (to include Cook, DuPage, Kane, Lake, McHenry and Will Counties). Each advertisement will generally list the job title and description, and applicant contact information. Pace will not advertise jobs when it is judged that it has a sufficient flow of apparently qualified applicants.

5. The minimum Pace hiring area is defined as that geographical area to include all portions of the six counties of Cook, DuPage, Kane, Lake, McHenry and Will.
6. All applicants, besides completing an application form, are also asked to complete a statistical form, which records the applicant's race, sex and job category. This Affirmative Action information is used only for statistical and analytical purposes.

## **B. Selection**

The selection of applicants for employment is the responsibility of the Human Resources Department in conjunction with the appropriate hiring department. Employment selections may be reviewed by the EEO Officer. Human Resources shall review with the EEO Officer the selection for job categories that have been specifically identified in the EEO Program. The Executive Director must concur in all employment selections.

Selection may be made from internal or external candidates. Internal candidates are those employees who have bid on a posted position pursuant to the Job Postings procedure described in the Bargained For and Non-Bargained For Handbooks.

Hiring standards such as education, previous work experience and skill levels will be related to the job and will be applied without regard to race, color, religion, sex, age, national origin, military status, family status, disability, sexual orientation or any other protected characteristics defined under Federal and/or State laws.

### **1. Non-Bargained For Employees**

Once a job opening is posted or advertised, submitted applications and resumes are reviewed by Human Resources to select qualified candidates for an interview. The candidates are interviewed by a member of the Human Resources staff and a manager from the appropriate department. Criteria such as experience, education, demonstrated knowledge and skills will be considered in making the selection. The position will be offered to the candidate, whether internal or external, who is judged to possess the best qualifications.

### **2. Bargained For Employees**

a. Bus operators – applications for bus operators are reviewed by Human Resources as to work history and driving record in order to select individuals to take the "Start Transit" test from Ergometrics. The Start Transit test withstood a vigorous review by outside test validation consultants to insure both relevant and non-discriminatory recruiting decisions would result from the use of this test. The Start Transit test has proven to be useful as a non-discriminatory selection tool focusing on measurement of applicants' human relations skills. Applicants with a passing score on the Start Transit test will be interviewed by members of Human Resources and the appropriate Operating Division management. Based on the interview and validation of applicant driver's license, the best qualified candidate is chosen.

b. Other employees - those applicants meeting the minimum qualifications of the position are selected for an interview. Criteria such as experience, education/training, and demonstrated knowledge and skills are considered in making the selection. The position is offered to the best qualified candidate.

c. Postings/seniority – bargained for employees are subject to the provisions in their respective Collective Bargaining Agreements regarding priority of postings and selection within departments of bargaining units.

### **C. Promotions**

A promotion is the movement of an employee to a position of a higher level or grade pursuant to the job bidding procedure described above. A promoted employee will usually receive a salary increase. In accordance with the Collective Bargaining Agreements at each Operating Division, movement from one bargained for position to another must be within that Operating Division to be considered a promotion. Pace will take steps to assist a promoted employee in adjusting to a new position.

### **D. Training & Tuition Reimbursement**

#### **1. Non-Bargained For Employees**

The training program for non-bargained for employees is coordinated by the Organization Development Department. This Department conducts, coordinates, and recommends training. Supervisors may choose employees or individual employees may request to participate in applicable training. The employee's supervisor and the Organization Development Manager will approve training. However, if out of region travel is involved, the Executive Director must approve. Non-bargained for employees may participate in the tuition reimbursement program for academic courses. A description of this program is in the Employee Handbook. Managers are offered training in diversity, sensitivity, and harassment prevention. These programs help assure that employees' needs and/or concerns are addressed in a professional and sensitive manner.

#### **2. Bargained For Employees**

a. Bus Operators - all new bus operators receive comprehensive training prior to operating the buses. There is also periodic refresher training given to the operators. The training is conducted by the Safety Managers at each Operating Division.

b. Maintenance - Pace has an in-house training program available to maintenance employees. The Pace Maintenance Training Specialist conducts periodic training sessions on various maintenance subjects. Participation in these sessions may be mandatory or voluntary depending on subject matter. Pace may be offering a voluntary training program directed to Maintenance employees who wish to serve as an apprentice to the next higher job level.

**E. Wage and Salary Structure**

The Department Manager, Human Resources, is responsible for the continuing review of Pace's wage and salary structure to assure non-discrimination in compensation, benefits, conditions and privileges of employment, and that jobs of equal skill, effort and responsibility receive equal pay, opportunity for overtime, raises, etc. He/she will further insure that standards for separation, demotion, discipline, layoff and recall are the same for all permanent employees.

Documentation will be maintained by the Human Resources and made available to the EEO Officer on a timely basis of all separations, layoffs and demotions. Records will be kept of all exit interviews, and information relating to discriminatory policies or practices will be brought to the attention of the EEO Officer.

1. Non-Bargained For Employees

Pace's Salary Administration Program for all non-bargained for employees consists of a salary range system with positions assigned a grade level based on job duties and level of responsibility.

2. Bargained For Employees

Wages for bargained for employees are determined by the union contracts negotiated for each Operating Division.

**F. Benefits**

1. Non-Bargained For Employees

A description of employee benefits available to all full-time non-bargained for employees is contained in Section 5 of the Employee Handbook.

2. Bargained For Employees

Bargained for employees receive benefits as delineated in each Operating Division's Collective Bargaining Agreement.

**G. Disciplinary Action Policy**

The Pace bargained for and non-bargained for Employee General Rule Book is given to respective employees and each contains rules that are binding. In addition, bargained for employees are subject to absenteeism and dress code policies. Bargained for employees are subject to the Pace General Rule Book and Collective Bargaining Agreement. Violation of any rules or policies is cause for disciplinary action.

## H. Problem Solving Procedures

### 1. No-Bargained For Employees

The Employee Handbook contains the three-step Problem Solving Procedure available to all non-bargained for employees. In the event a problem involves a suspension of more than fifteen days, demotion or a recommendation for discharge, the employee may request a hearing. The hearing procedure is set forth in detail in the Employee Handbook.

An EEO Problem Solving Procedure is available to all employees.

### 2. Bargained For Employees

The Collective Bargaining Agreement for each of the Operating Divisions contains grievance procedures for bargained for employees.

## I. Quarterly EEO Reports

The Pace Quarterly EEO Reports, which are prepared for the Board of Directors and the Executive Director, identify applicants and personnel transactions by race, sex and national origin of the individuals. The personnel transactions, other than applications, also indicate the job category of the employees involved. Current utilization analyses are also provided to the Board of Directors and the Executive Director. Exhibit B includes copies of the EEO Quarterly reports prepared since the last EEO Program was submitted in July 2010.

As of March 31, 2013, Pace's workforce was made up of 1,606 employees. The breakdown by sex and race is:

| GENDER | WHITE          | BLACK OR<br>AFRICAN<br>AMERICAN | HISPANIC<br>OR<br>LATINO | ASIAN         | AMERICAN<br>INDIAN/<br>ALASKA<br>NATIVE | NATIVE<br>HAWAIIAN/<br>PACIFIC<br>ISLAND | TWO OR<br>MORE<br>RACES |
|--------|----------------|---------------------------------|--------------------------|---------------|---|--|-------------------------|
| MALE   | 434<br>(27.0%) | 479<br>(29.82%)                 | 118<br>(7.3%)            | 47<br>(2.92%) | 6<br>(0.37%)                            | 0<br>(0%)                                | 4<br>(0.12%)            |
| FEMALE | 160<br>(9.9%)  | 307<br>(19.1%)                  | 34<br>(2.1%)             | 11<br>(0.68%) | 2<br>(0.12%)                            | 0  | 4<br>(0.25%)            |

## J. EEO Complaint Procedure

### PACE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURES

It is the policy of Pace to maintain a working environment free from all forms of discrimination. Any acts of discrimination are serious violations of our policy and will not be condoned or permitted. Not only is discrimination a violation of company policy, but it may also violate Title VII of the Civil Rights Act of 1964, The Illinois Human Rights Act, and other local and/or municipal laws.

Pace strongly disapproves of any act of discrimination and will not tolerate its occurrence. An EEO Hotline is set up to answer any questions you may have about discrimination or sexual harassment. You can reach the hotline by dialing extension 2306 or (847) 228-2306 outside of the Pace Headquarters. Pace will take appropriate action against any individual engaging in such conduct.

**Filing a Complaint:** Sometimes an incident of this nature can be quickly remedied. An individual who finds a person's behavior or language to be offensive should choose to ask them to stop. If the conduct continues, the employee may:

File a complaint using Pace's Equal Employment Opportunity Complaint Form. *It is not a requirement for you to put your complaint in writing, however, the complaint form will be used as a guide to insure enough information is submitted to fully investigate the situation.* Complaints can be submitted to any of the following people:

- your supervisor or manager
- the EEO Officer, Jeanne Wrenn, or
- the Department Manager of Human Resources, Marion Roglich, or
- the Chief Internal Auditor, Colette Thomas Gordon

When complaints are filed with anyone other than the EEO Officer, *the complaint should be forwarded to the EEO Office within three working days.*

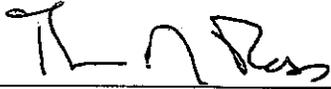
**Investigation of Complaints:** All discrimination complaints will be investigated promptly. Reasonable measures will be undertaken to preserve the confidentiality of information that is reported during the investigation.

The EEO Officer will review *every* complaint, and when necessary, assign a neutral party to investigate. At a minimum, the investigating officer will:

- Identify and review all relevant documents.
- Identify and interview anyone germane to the incident, i.e., the person making the complaint; witnesses or anyone identified by the person complaining; the accused; anyone identified by the accused; anyone who may have been subject to similar activity by the accused, or anyone with relevant information.
- Keep copious notes on the entire process.

All notes or investigatory reports will be kept separate from individual personnel files. Upon completion, the final report will be reviewed by Pace's Legal Counsel before final disposition.

Employees reporting instances of discrimination will not be subject to retaliation. Individuals should recognize, however, that the consequences of unfounded allegations can have serious effects on the innocent men and women against whom the discrimination claim has been made, and on the person who makes a fraudulent claim of discrimination. Persons should therefore act responsibly.



Thomas J. Ross, Executive Director

6.11.13

Date

## **I. EQUAL EMPLOYMENT OPPORTUNITY**

### **1.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY**

**It is the policy of Pace, the Suburban Bus Division of the Regional Transportation Authority (hereinafter referred to as "Pace"), to seek and employ qualified personnel in all job classifications, to provide equal opportunities for the advancement of employees including assignments, supervision, promotions, training, rates of pay, benefits and other terms and conditions of employment, and to administer these activities in a manner which will not discriminate against any person because of race, color, religion, sex, age, national origin, family status, disability, military status, sexual orientation or any other protected characteristic defined under Federal and/or State laws. This commitment to equal opportunity is fundamental to our policy. A successful Equal Employment Opportunity Program provides benefits to Pace through full utilization and development of employees.**

**The primary responsibility for the Equal Employment Opportunity Plan is assigned to the Pace Equal Employment Opportunity Officer. However, all Pace management personnel share in this responsibility and are expected to fully participate in implementing this plan.**

**Applicants and employees who have an Equal Employment Opportunity concern may either:**

- 1) Report the incident to supervision or department management, or if either of those levels of management are the person(s) who has allegedly discriminated against the employee who is complaining, or there are other reasons not to report the matter to management, the complaint should be reported to Pace's Equal Employment Opportunity Officer; or**
- 2) Utilize the appropriate problem-solving procedure, or contact Human Resources.**

**External avenues for complaint resolution are also available through the Federal Transit Administration, the Equal Employment Opportunity Commission and/or the Illinois Department of Human Rights.**

### **1.2 ADA POLICY STATEMENT**

**Pace is committed to a policy of equal opportunity and non-discrimination in all aspects of its business including provision of service and employment. It is the policy of Pace to include persons with disabilities in the participation and receipt of benefits from the services, programs, and activities of Pace as a public entity and, in particular, as a provider of public transportation.**

**It is further the policy of Pace to comply with the Americans With Disabilities Act of 1990 (ADA) 42 USC 12101 et. seq. and all other applicable local, state, and federal statutes and regulations concerning non-discrimination against persons with disabilities. In accordance therewith, Pace will take measures to ensure that no qualified individual with a disability shall, by reason of such disability, be excluded from participating in or denied the benefits of services, programs or activities of Pace, or subjected to discrimination by Pace.**

An employee or interested job applicant seeking specific information regarding their rights and Pace obligations under ADA may contact the Human Resources Department. Human Resources will be responsible for addressing complaint or reasonable accommodation issues raised under the ADA through a process involving the employee or interested job applicant and Pace management.

Each employee at Pace, at every organizational level, is responsible and accountable for his/her performance in all areas of employment and the provision of services in order to carry out Pace's commitment to this ADA Policy.

### 1.3 HARASSMENT POLICY STATEMENT

Pace policy is to maintain a working environment for all Pace employees free from sexual harassment as well as other forms of harassment based on factors such as race, color, religion, sex, age, national origin, family status, disability, military status, sexual orientation and any other protected characteristic defined under Federal and/or State laws. Pace has *zero tolerance* for harassment. Employees who believe they have been subjected to harassment must report it immediately to their supervisor or Department or Division Manager, or to the Pace EEO Officer, or to Human Resources, or through the alternative reporting channels set forth below. Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. No employee at Pace is exempt from reporting misconduct in violation of this policy. In response to every complaint, Pace investigates promptly and thoroughly. Pace assures its employees that there is no retaliation against any employee filing a harassment complaint, or against any employee who cooperates with a Pace investigation. If allegations of illegal harassment are substantiated, Pace commits to taking the appropriate action, including disciplinary measures up to and including discharge.

#### Definition of Sexual Harassment

Under federal and state laws, sexual harassment is defined as *any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature* when:

- (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### Examples of Sexual Harassment

Illegal sexual harassment is generally considered to exist if it qualifies as either *quid pro quo* or *hostile work environment* sexual harassment. *Quid pro quo* sexual harassment involves conduct which demands sexual favors as a condition to a term of the individual's employment. For example, an individual might be promised a promotion or raise if he or she consents to sexual behavior with a manager. *Hostile work environment* sexual harassment occurs when the

atmosphere in the workplace is so offensive due to conduct, such as repeated sexual comments, jokes, propositions, touching or gestures, or the presence of sexually-explicit printed material or objects, that a reasonable person feels that he or she cannot perform their job as a result. Illegal sexual harassment may exist even if the alleged harasser is of the same gender as the individual being harassed. These examples are not meant to be exhaustive. If an individual is not certain if illegal sexual harassment has occurred, he or she should feel free to discuss the situation with Pace EEO Officer or Human Resources Manager. Pace promises no retaliation for such inquiries.

### **Complaint Procedures**

An individual who finds a person's behavior or language to be offensive should ask them to stop. If the conduct continues, or the employee is uncomfortable confronting the individual directly, the employee must report the incident or behavior to their supervisor, Department or Division Manager, or Deputy Executive Director. If that individual is the alleged harasser, or there are reasons not to report the matter through management supervision, the employee must report the complaint to the Pace EEO Officer; or, if the employee chooses, to the Pace Human Resources Department Manager. In all cases, the individual who hears the complaint must forward it immediately to the Pace EEO Officer.

All harassment complaints are investigated promptly. Complaints are confidential, and every reasonable attempt is made to honor employee requests for confidentiality, consistent with applicable legal requirements. Pace initiates prompt and thorough investigation of the complaint, and provides the employee with progress reports and final resolution of the complaint, consistent with employee confidentiality restrictions. Every employee has a responsibility to cooperate with a Pace investigation, if requested to do so.

Individuals should recognize that the consequences of unfounded allegations can have serious effects on both the innocent men and women against whom the harassment claims are made, and also on the person who makes a fraudulent claim of harassment. Persons must therefore act responsibly. The intentional filing of a harassment claim with knowledge that it is false is a violation of Pace *General Rule Book Governing All Employees* and will be treated accordingly.

### **Other Avenues for Filing Complaints**

Employees who believe they were victims of harassment have specific legal rights under the Illinois Human Rights Act. An employee has the right to file a charge of harassment with the Illinois Department of Human Rights. Usually, the Department will investigate the charge and may hold a fact-finding conference to gather more facts necessary to the investigation.

The Illinois Department of Human Rights is located in the State of Illinois Center, 100 W. Randolph St., Chicago, Illinois, and the Department phone number is (312) 814-6200. The Illinois Human Rights Commission is located in the same building and the Commission phone number is (312) 814-6269. Information may also be obtained from these agencies concerning complaint procedures at the U.S. Equal Employment Opportunity Commission (EEOC).



## EEO COMPLAINT FORM

Pace is committed to ensuring compliance with the Title VII of the Civil Rights Act of 1964. This form is a means for filing a complaint based on discrimination due to race, color, sex, sexual harassment, sexual orientation, equal pay, disability, age, genetic information, pregnancy, religion, national origin, retaliation and any other protected characteristic defined under federal and/or state laws. This information will be used as a data source for complaint information and to monitor the resolution of complaint efforts.

The following information is necessary to process your complaint.

### Part I-Complainant Information

|                     |               |                  |  |
|---------------------|---------------|------------------|--|
| Last Name:          | First Name:   |                  |  |
| Mailing Address:    |               |                  |  |
| City:               | State:        | Zip:             |  |
| Telephone:          |               | E-Mail Address:  |  |
| Job Title:          | Employee I.D. | Date of Hire:    |  |
| Dept/Work Location: |               | Name of Manager: |  |

Title VII of the Civil Rights Act of 1964, prohibits employment discrimination on the basis of race, color, religion, sex (sexual harassment is a form of sex discrimination) and national origin; the Age Discrimination Act of 1967 (ADEA), protects individuals who are 40 years of age and older against discrimination on the basis of age; and Title I of the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008 (ADAAA), prohibits employment discrimination against qualified individuals with disabilities.

### Part II-Cause of Discrimination

|  |  |
|--|--|
| Please check appropriate box(es) that best describes the alleged discrimination:               |  |
| <input type="checkbox"/> Race/Color  | <input type="checkbox"/> National Origin   |
| <input type="checkbox"/> Pregnancy   | <input type="checkbox"/> Age (You must have been 40 years old when the matter of concern occurred) |
| <input type="checkbox"/> Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | <input type="checkbox"/> Sexual Orientation  |
| <input type="checkbox"/> Sexual Harassment   | <input type="checkbox"/> Disability  |
| <input type="checkbox"/> Religion  | <input type="checkbox"/> Reprisal (Retaliation)  |
| <input type="checkbox"/> Genetic Information   |  |
| <input type="checkbox"/> Equal Pay Compensation  |  |

**Part III- Please describe your complaint.** Specify how you believe you were discriminated against. Use additional sheets if necessary. Identify specific acts, incidents, or events and dates of occurrence.

Complaint description continued....

**Part IV-Witnesses** (Please list names and contact information):

**Part V-Remedial Action:** Please state what you believe the final outcome should be to resolve this complaint.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Complainant's Signature)

**For Official Use Only**

Date Complaint Received: \_\_\_\_\_

Received by: \_\_\_\_\_

**When complaints are filed with anyone other than the EEO officer, the complaint must be forwarded to the EEO officer within three (3) working days.**



Date of Report:

# PERSONNEL ACTION NOTICE

|           |                             |                        |                       |        |             |          |
|-----------|-----------------------------|------------------------|-----------------------|--------|-------------|----------|
| NAME      |                             | EMPNO                  | DEPARTMENT / DIVISION |        |             |          |
| ADDRESS   |                             |                        |                       |        | CURRENT PAY |          |
| JOB CODE  | JOB TITLE                   | SOCIAL SECURITY NUMBER |                       |        |             | BIWEEKLY |
| HIRE DATE | JOB GRADE / MIN \$ / MAX \$ | EEO                    | FLSA                  | STATUS | GENDER      |          |

|                        |                  |                  |
|------------------------|------------------|------------------|
| <b>EMPLOYEE ACTION</b> |                  |                  |
| ACTION DATE:           |                  |                  |
| ACTION TYPE:           |                  |                  |
| ACTION REFERENCE:      |                  |                  |
| RATE TYPE:             |                  |                  |
| SALARY:                |                  | INCREASE AMT / / |
| SEPARATION:            | LAST DAY WORKED: |                  |

| APPROVALS               | SIGNATURE | DATE |
|-------------------------|-----------|------|
| HUMAN RESOURCES OFFICER |           |      |
| DEPUTY EXEC DIR         |           |      |
| EEO OFFICER             |           |      |
| EXECUTIVE DIRECTOR      |           |      |

|           |
|-----------|
| COMMENTS: |
|           |
|           |
|           |
|           |

|                                |             |
|--------------------------------|-------------|
| <i>FOR HUMAN RESOURCES USE</i> |             |
| DATE OFFER MADE:               | _____       |
| DATE OFFER ACCEPTED:           | _____       |
| INITIALS: _____                | DATE: _____ |
| ORIGINATOR:                    | _____       |

**POSITION RE-JUSTIFICATION**

**Title:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Range:** \_\_\_\_\_

**Reporting to:** \_\_\_\_\_

**Replacing:** \_\_\_\_\_

**General Description of Work Performed:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Who is doing job now?** \_\_\_\_\_

**Can the work be assimilated by other employees?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Can it be contracted out for less?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**How will the work get done if the position is not filled?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Authorization: \_\_\_\_\_

DED

Date

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

**NEW POSITION JUSTIFICATION**

**Title:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Range:** \_\_\_\_\_

**Reporting to:** \_\_\_\_\_

**Replacing:** \_\_\_\_\_

**General Description of Work Performed:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Who is doing job now?** \_\_\_\_\_

**Can the work be assimilated by other employees?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Can it be contracted out for less?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**How will the work get done if the position is not filled?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorization: \_\_\_\_\_  
DED Date

\_\_\_\_\_  
Executive Director Date



# New Hire Checklist – Internal Promotion/Transfer

Name: \_\_\_\_\_ Position: \_\_\_\_\_ Division: \_\_\_\_\_

Union to Non Union Yes  No

Date Interviewed \_\_\_\_\_ Department \_\_\_\_\_ Manager \_\_\_\_\_

Meets Requirements:  6-month Probationary Period  Personnel Record Review

Bid Form Received within Posting Dates  Yes  No Date Received: \_\_\_\_\_

Salary Justification Completed (Non Union Positions Only) Date: \_\_\_\_\_

Received Signed *Hire* and *Salary* Justification Date: \_\_\_\_\_

Made Contingent Offer  Accepted  Declined Date: \_\_\_\_\_

Anticipated Start Date: \_\_\_\_\_ Time: \_\_\_\_\_

Vacation/PTO Accrual Memo Completed (Union to Non Union Only) Date: \_\_\_\_\_

*(Send to division managers, division payroll, and corporate payroll)*

Called to Confirm Start Date Date: \_\_\_\_\_

✓ *Review details of first day (start time and orientation)*

*(Give copy of Vacation/PTO Accrual Memo to employee and review with them during orientation)*

Notified Payroll of Change Date: \_\_\_\_\_

Updated PowerSource Date: \_\_\_\_\_

Interfaced with Payroll Date: \_\_\_\_\_

Notes:

Process Terminated Date \_\_\_\_\_ Reason: \_\_\_\_\_



## New Hire Checklist – Union

Name \_\_\_\_\_ Position \_\_\_\_\_ Division \_\_\_\_\_

Date Tested \_\_\_\_\_ Score \_\_\_\_\_  Abstract Qualifies Date Interviewed \_\_\_\_\_

Received Signed Justification Date: \_\_\_\_\_

Made Contingent Offer  Accepted  Declined Date: \_\_\_\_\_

*Anticipated Start Date:* \_\_\_\_\_ *Time:* \_\_\_\_\_

Has Class B CDL with Passenger and Airbrake Endorsements

Need Permit (CDL – Pass – AB) Anticipated Due Date: \_\_\_\_\_ Date Obtained: \_\_\_\_\_

✓ *Explain next steps in process (CDL, DOT, and Training.)*

Sent Offer Letter

Gave Information to Schedule DOT Physical/Drug Screen Date Results Received: \_\_\_\_\_

Criminal Background Check Ordered Date: \_\_\_\_\_

Employment Verification/Reference Check Date: \_\_\_\_\_

Safety Performance History Verification Date: \_\_\_\_\_

Called to Give Results and Confirm Start Date Date: \_\_\_\_\_

✓ *Review start time.*

✓ *Review training uniform requirements.*

✓ *Remind to bring identification for completing the I9 form.*

Reported to First Day of Training Date: \_\_\_\_\_

Entered into PowerSource  Interfaced with Payroll

### Notes:

Process Terminated Date \_\_\_\_\_ Reason: \_\_\_\_\_



### New Hire Checklist – Non Union

Name: \_\_\_\_\_ Position: \_\_\_\_\_ Division: \_\_\_\_\_

Date Interviewed \_\_\_\_\_ Department \_\_\_\_\_ Manager \_\_\_\_\_

Salary Justification Completed Date: \_\_\_\_\_

Received Signed *Hire* and *Salary* Justification Date: \_\_\_\_\_

Made Contingent Offer  *Accepted*  *Declined* Date: \_\_\_\_\_

*Anticipated Start Date: \_\_\_\_\_ Time: \_\_\_\_\_*

Created/Sent Offer Letter Date: \_\_\_\_\_

Sent for Physical/Drug Date Results Received: \_\_\_\_\_

**Send for Drug Screen only if Position is Safety Sensitive**

**(Candidate Must Sign Background Authorization Form)**

Criminal Background Check Ordered Date Results Received: \_\_\_\_\_

Employment Verification/Reference Check Date: \_\_\_\_\_

Called to Confirm Start Date Date: \_\_\_\_\_

- ✓ *Review start time.*
- ✓ *Bring in Identification for I9*

Reported to First Day - Orientation Date: \_\_\_\_\_

Entered Into PowerSource Date: \_\_\_\_\_

Interfaced with Payroll Date: \_\_\_\_\_

**Notes:**

Process Terminated Date \_\_\_\_\_ Reason: \_\_\_\_\_

**Information maintained by the Legislative Reference Bureau**

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**GENERAL PROVISIONS**  
**(5 ILCS 430/) State Officials and Employees Ethics Act.**

(5 ILCS 430/Art. 10 heading)

ARTICLE 10

GIFT BAN

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-10)

Sec. 10-10. Gift ban. Except as otherwise provided in this Article, no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the officer, member, or State employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-15)

Sec. 10-15. Gift ban; exceptions. The restriction in Section 10-10 does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer, member, or State employee pays the market value.

(3) Any (i) contribution that is lawfully made under the Election Code or under this Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(5) Travel expenses for a meeting to discuss State business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-

in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer, member, or employee as an office holder or employee) of the officer, member, or employee, or the spouse of the officer, member, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, member, or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

exclusive and independent of one another.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-30)

Sec. 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-40)

Sec. 10-40. Gift ban; further restrictions. A State agency may adopt or maintain policies that are more restrictive than those set forth in this Article and may continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this Article.

(Source: P.A. 93-617, eff. 12-9-03.)