



Non-Represented Employee Handbook



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1. Introduction

This handbook serves as a resource for Non-Represented employees at the Bay Area Rapid Transit District (“BART” or “the District”), providing guidance on employment terms and conditions. It is designed to assist both new and current employees with questions related to policies, procedures, and benefits.

The content in this handbook reflects the most up-to-date information as of the publication date and is subject to change at the discretion of executive management. Unless otherwise stated, all provisions are effective as of the publication date, and this version replaces any previous editions.

It is the responsibility of all Non-Represented employees to read, understand, and follow the policies outlined in this handbook. If you have any questions, please reach out to your supervisor, manager, or the Human Resources Department for clarification (see Human Resources Department Directory & Contact List on MyBART under Department > Administration).

2. Workplace Standards & Expectations

2.1 BART POLICIES AND PROCEDURES

BART has created policies and procedures to set clear expectations for employees. These cover important topics like workplace behavior, benefits, safety, and legal compliance. When hired, employees received the Operating Rules & Procedures Manual and the Employee Code of Conduct. Along with the policies outlined in this handbook, there are also other documents that employees should review. Following these policies helps maintain a fair, respectful, and productive work environment, supporting our shared success.

2.1.1 Equal Employment Opportunity

BART is committed to creating and maintaining a workplace free from discrimination, harassment and retaliation. BART is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practices laws ensuring that all employment decisions are based on merit, qualifications, and business needs. Discrimination based on race, color, religion, gender, gender identity, sexual orientation, age, disability, national origin or ancestry, ethnicity, sex or any other protected status under applicable federal, state, or local law is strictly prohibited. We strive to maintain a diverse and inclusive environment where all employees feel valued and respected.

All employees must follow the Equal Employment Opportunity (EEO) Policy, which outlines key principles, implementation procedures, guidelines for corrective actions, and how to report concerns.

The EEO Policy can be found in the resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees. For questions or support, please contact the Office of Civil Rights.

2.1.2 Prevention of Sexual Harassment in the Workplace

BART is dedicated to maintaining a workplace free from sexual harassment and retaliation. The District does not tolerate any form of harassment based on someone's sex or gender, unwelcome sexual advances, requests for sexual favors, or other verbal, physical, visual or other conduct of a sexual nature. Retaliation against anyone who reports sexual harassment or participates in an investigation is also strictly prohibited.

All employees are expected to treat each other with respect and dignity. Reports of sexual harassment or retaliation are taken seriously, thoroughly investigated, and addressed with

appropriate action. Our goal is to ensure everyone works in an environment where they are treated fairly and respectfully.

All BART staff are responsible for following the Prevention of Sexual Harassment Policy. The policy includes definitions, reporting procedures, required training, and enforcement guidelines. Per state law, training must be kept up to date.

The District's Prevention of Sexual Harassment in the Workplace Policy can be found in the resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees. For questions or support, please contact the Office of Civil Rights.

2.1.3 Safe Work Environment

Keeping a safe work environment is a top priority for the District. All employees are responsible for complying with local, state, or federal requirements, following safety rules, using equipment correctly, and reporting any potential hazards. Employees should actively participate in safety training, complete any required training on time, and follow all safety guidelines to prevent accidents or injuries. Creating a safe workplace is a shared responsibility, and we count on everyone to help maintain a culture of safety and well-being.

Employees should discuss any safety concerns with their supervisors.

Workplace Violence

BART is committed to maintaining a safe work environment for everyone. This policy aims to reduce the risk of injury to employees and protect District and personal property.

Employees are not expected to physically confront violent or threatening individuals and are strongly discouraged from doing so. However, employees should use good judgment to recognize and report potentially dangerous situations.

Prohibited Conduct

BART does not tolerate threats, violent behavior, or any acts of aggression made toward or by any District employees. This includes:

- Verbal or physical harassment
- Attempts to intimidate or create fear
- Menacing gestures
- Displaying weapons
- Stalking

- Any hostile, destructive, or aggressive actions intended to dominate or intimidate others, including bullying

All employees are expected to report any incidents of violence or threats immediately. Violations will be subject to discipline, up to and including termination.

Procedures for Reporting a Threat

If you experience or witness a threat from a co-worker or outside party, report it immediately to any District manager, the Manager of Employee Relations, or the Director of Human Resources. Reports will remain confidential unless sharing information is necessary for the investigation.

All threats will be investigated promptly, and employees who report concerns in good faith under this policy will not face retaliation, intimidation, or disciplinary action.

2.1.4 Drug-Free and Alcohol-Free Workplace

BART is committed to providing a safe and productive work environment by maintaining a workplace free of drugs and alcohol. This policy applies to all employees and anyone performing work for the District.

It is illegal to manufacture, distribute, possess, or use controlled substances in the workplace. Employees who engage in these activities on District property, in District vehicles, while in uniform, or while performing District business will face disciplinary action, up to and including termination. In some cases, employees may be required to complete a drug abuse assistance or rehabilitation program, and law enforcement may be notified.

Employees must notify Substance Abuse Programs (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources) within five days of any workplace-related drug conviction unless otherwise prohibited by law. Failure to do so may result in disciplinary action, including termination or required participation in a rehabilitation program.

Support for substance abuse issues is available through your health benefits, the Employee Assistance Program (EAP), and the District's Substance Abuse Programs. Details about BART's drug and alcohol testing program can be found in the Substance Abuse Program Policy and Procedures (see resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees).

2.1.5 Smoking or Vaping

Smoking and vaping are strictly prohibited on all BART property.

“Smoking” or “vaping” means the carrying, holding, or burning of a lighted pipe, cigar, cigarette, or e-cigarette of any kind, electronic nicotine delivery system or smoking device, or any other smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar, cigarette, hookahs, or e-cigarette of any kind. If you witness an employee smoking or vaping, report it immediately to any District manager, the Manager of Employee Relations, or the Director of Human Resources. Reports made in good faith are protected. Retaliation against anyone who reports a concern is strictly prohibited.

For additional information, refer to Management Procedures on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

2.1.6 Employee Dress and Personal Appearance

Employees are expected to dress in a way that is appropriate for their job duties and the work environment, whether they are in an office, shop, yard, field, or another offsite work location. Clothing should be clean, neat, and professional, and meet any safety standards of the workplace. Employees should avoid strong or distracting odors—whether from hygiene, perfume, or other sources—as they can affect the comfort and well-being of others at work.

Departments can set their own dress code guidelines based on their needs, as long as those guidelines comply with the law. Supervisors and employees should work together to make sure everyone understands and follows department standards.

Employees who are not dressed according to this policy or their department’s guidelines may be considered unfit for work. They may be asked to leave and return in appropriate clothing, unless otherwise prohibited by law.

Employees who need a reasonable accommodation due to religion, disability, pregnancy, childbirth, a related medical condition, or another reason protected by law should contact Leave Management. Reasonable accommodations may be provided unless they would cause undue hardship for the District.

If there is any uncertainty about what is appropriate for the role, employees should discuss it with their supervisor.

2.1.7 Personal Visits

For safety and security, personal guests are not allowed in BART facilities, except in reception areas and public spaces. If an employee needs to have a visitor, they must get prior written approval from their manager and arrange for an escort and adherence to security protocols.

2.1.8 Solicitations

Employees and non-employees are not allowed to conduct any non-BART business or engage in solicitation during working hours unless they have explicit written approval from their manager. This rule applies to all activities on BART property and through BART communications.

2.1.9 Additional District Policies

The District also has other important policies and procedures, including:

- Operating Rules & Procedures Manual
- Management Procedures
- Use of Communications and Computer Systems
- District Internet Usage Policy
- Personal and Company-Provided Portable Communication Devices

This list is not exhaustive and may be updated. Please familiarize yourself with all District policies (see resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees). If you have questions or need clarification, contact your supervisor or the Manager of Employee Relations.

2.2 ATTENDANCE AND ACCOUNTABILITY

2.2.1 Attendance Guidance and Expectations

Reliability and Dependability

Being reliable and dependable means showing up for work on time and consistently, which is crucial for a successful workplace. Good attendance helps productivity, teamwork, and personal growth.

Good attendance habits include:

- Showing up for work regularly
- Arriving to work on time, ready to start your shift
- Leaving at your scheduled end time
- Following the department's call-off procedures
- Taking breaks within the expected time limits

Time Keeping and Punctuality

Being on time is key to the smooth operation of the District. Arriving late can disrupt work and affect productivity.

Being "on time" means arriving at your scheduled start time at your assigned work location, ready to work (excluding any donning and doffing rules).

- Non-exempt employees should use their District-issued access card to clock in when they arrive to work and clock out at the end of their shift to accurately report their time.
- To help with scheduling, please request time off (vacation, floating holidays, or compensatory time) at least two weeks in advance.

Accurate Time Reporting

Employees are expected to accurately report their hours worked. Time theft (such as reporting hours not worked or misreporting time) is strictly prohibited. Employees must clock in and out for each shift worked and ensure their time is recorded correctly. Falsifying time or failing to report time worked can result in disciplinary action, up to and including termination.

2.2.2 Roles and Responsibilities

Employee Responsibility:

- Read, understand, and follow this attendance policy.
- Keep track of your available sick leave balance.
- Your reported time or clock-in and clock-out times must accurately reflect the correct and actual time worked.

Management Responsibility:

- Monitor attendance and ensure employees follow the attendance policy.
- Implement progressive disciplinary actions when needed.
- Review time and ensure accuracy before approval.
- Address any attendance concerns with the employee promptly.

2.2.3 Types of Absences

If an employee knows ahead of time that they will be absent, they must let their supervisor know as soon as possible. If the absence is unexpected, the employee must contact their supervisor as

early as they can—ideally before the start of their shift. If the employee needs to leave work before their shift ends, the employee must also notify their supervisor as soon as possible.

Absences are usually classified as either Excused or Unexcused, as explained below:

Excused / Planned Absences

Excused absences happen when an employee takes pre-planned time off (like vacation days, floating holidays, compensatory time, or leave of absence).

An absence is excused when all of these conditions are met, unless otherwise required by law:

- The employee gives their supervisor at least 48 hours' notice.
- The absence is approved by the supervisor in advance.
- The employee has enough paid time off (PTO) to cover the absence.

If you need to be absent or late due to illness or an emergency, inform your supervisor at least 45 minutes before your scheduled start time or as soon as possible if it's an unexpected situation. If you cannot contact your supervisor yourself, have someone else notify your supervisor on your behalf.

Exigent circumstances will be considered on a case-by-case basis.

Unexcused / Unplanned Absences

Unexcused absences happen when an employee does not show up for work as scheduled and expected or does not meet the expectations for notice, documentation, or proper use of leave. This can include:

- Not providing acceptable notice
- Tardiness
- Misusing the District's leave policies
- Not providing required medical documentation, unless otherwise provided by law

An absence is considered unexcused if any of the above conditions apply. Unexcused absences can result in disciplinary action, up to and including termination.

Doctor's Notes

The District will require a doctor's note after three or more consecutive work days of illness-related absences, as allowed by law. The District will accept a doctor's note for pay purposes, as allowed by law.

2.2.4 Attendance Issues

Failure to follow attendance guidelines and expectations may lead to disciplinary action. For more information, see the Discipline section.

Occurrence

An occurrence refers to an unscheduled absence or late arrival not covered by a protected leave.

Unauthorized Absences

An unauthorized absence occurs when an employee takes time off that is not preapproved and/or not protected by law. This includes exceeding accrued and available paid sick leave.

Patterned Use, Misuse, and Abuse

Patterned Use

Patterned use occurs when leave is regularly used in a way that suggests it is not being used for its intended purpose (i.e., for personal or family illness or medical appointments) in violation of the District's policies and, if applicable, in violation of the corresponding law.

Examples include:

- Consistently calling out on specific days of the week.
- Using leave after being denied vacation time.
- Frequently calling out before or after weekends, holidays, or paydays.
- Calling out only on weekends while working the rest of the week.
- Calling out for a regular shift but working an overtime shift the same day or week.

Misuse

Misuse occurs when an employee uses leave for something other than its intended purpose, such as for a vacation or personal time, or in a way that does not comply with applicable laws or policies.

Examples:

- Using sick leave for non-sick leave reasons, like a vacation or personal time off.
- Falsely claiming sick leave for an appointment or treatment that did not occur.
- Providing false or altered medical documents to cover an absence.

Abuse

Abuse occurs when an employee uses sick leave for a reason not covered under the law to avoid working or in violation of the law.

Examples:

- Irregular attendance patterns that disrupt operations and performance.
- Using more sick leave than the amount accrued and protected by law.
- Taking extended sick leave for illness without notice to the District.

No Call No Show

A "No Call No Show" (NCNS) happens when an employee misses a scheduled shift without informing their supervisor in advance.

Reporting Absences

If an employee is unable to attend a scheduled shift, they must notify their supervisor as soon as possible, preferably before the shift begins. This allows the supervisor to make necessary arrangements and ensures the absence is properly documented.

In the event of an unexpected absence, the employee must contact their supervisor via phone, email, or another agreed-upon method. If the supervisor is unavailable, the employee should leave a message with the department or HR as soon as possible. Failure to report an absence may result in the designation of a "No Call No Show," which could lead to disciplinary action.

Job Abandonment

If an employee misses three consecutive days without notifying their supervisor and/or the Manager of Employee Relations or Director of Human Resources, they will be considered to have voluntarily ended their employment due to job abandonment.

For questions or more information, contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

3. Employment

3.1 OATH OF OFFICE

You are required to take the Oath of Office as specified in the California State Constitution.

3.2 DISASTER SERVICE WORKERS

By law, all public employees in California are considered Disaster Service Workers (DSWs). During a declared emergency or disaster, employees may need to take on duties outside their regular roles and work hours to help as DSWs. These assignments will focus on supporting local communities and ensuring essential services continue.

3.3 EMPLOYMENT STATUS AND CLASSIFICATIONS

3.3.1 Employment Status

Employment status defines an employee's phase of employment, determining aspects such as job security, duration, and benefits. An employee's status remains unchanged by temporary assignments, such as a temporary upgrade. Employment status types include:

Probationary Status

Applies during the probationary period. Employees in this status can be terminated at any time, for any reason, without notice or appeal rights.

Regular Status

Granted after completing the probationary period. However, continued employment is not guaranteed. Employees must meet performance, conduct, and attendance standards. Disciplinary action, including termination, may result from failing to meet these standards. Positions may also be eliminated due to funding or other factors, in compliance with applicable laws.

Temporary Status

This phase applies to employees hired for specific, short-term assignments. Temporary status includes two subtypes:

- **Limited Term:**
Temporary assignment lasting 6 months, extendable for another 6 months with approval from the Director of Human Resources. This assignment can end at any time, without notice or appeal rights.
- **Intern:**
Temporary status as part of a learning or development program approved by the Director of Human Resources. The intern must be a current student or have graduated within the past year. The assignment can end at any time, without notice or appeal rights.

3.3.2 Probationary Period

The probationary period is an extension of the selection process, giving the employee time to adapt to the job and responsibilities, and the supervisor time to assess whether the employee can meet performance expectations and is the right fit. Once the probationary period is completed, new or rehired employees will have their continuous District service counted from their original hire or rehire date. This service time is used to determine eligibility for benefits such as vacation, service awards, merit evaluations (if applicable), and severance pay.

During this period, employees may be terminated at any time, for any reason, without prior notice or right to appeal. The District may end a probationary employee's employment at any time and does not need to have cause. Probationary employees do not have property rights in the employment, do not have a right to a hearing about their termination, and cannot use the employment complaint process.

New Hires and Re-Hires

- New hires and re-hires (former Non-Represented BART employees) are considered probationary for the first **180 calendar days** of their employment or most recent appointment with BART.

Promotions and Transfers

- Employees promoted or transferred into a new job classification are on probation for the first **90 calendar days** in their new role. This includes employees promoted through recruitment or flexible staffing (see Flex Promotions section) within a classification series, as well as those transferring between executive offices within the same job classification.
- At BART's discretion, a promoted or transferred employee may be allowed to return to their previous position, if available. However, this is not guaranteed, and the employee does not have any right to bump or displace another employee.

Onboarding and Communication

At the start of the probationary period, supervisors and employees are encouraged to meet for an orientation that reviews job responsibilities, the job description, and a training plan. Regular check-ins are also recommended to track progress and adjust as needed for a successful onboarding process. A probationary form is available to assist in documenting progress (see resource guide on MyBART under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

Extension of the Probationary Period

The probationary period may be extended under certain circumstances:

- If an employee takes an approved leave, the probationary period can be extended by the number of days of the absence.
- BART may extend the probationary period by up to 90 calendar days for new hires and re-hires, and up to 45 calendar days for promoted/transferred employees.

Extensions are at the sole discretion of BART, reviewed on a case-by-case basis, and are non-precedent-setting. Extending the probationary period does not guarantee continued employment or successful completion of probation.

Applying for Other Positions During Probation (Effective 7/1/25)

Probationary employees are not permitted to apply for other BART positions or temporary assignments (see Temporary Backfill / Temporary Upgrade section) unless approved by their current Assistant General Manager or executive office head. However, if the employee applied for a BART position before starting probation, they may still be considered for that role. Employees are encouraged to carefully evaluate their interest in any new role before beginning their probationary period. Once probation is successfully completed, employees may apply for other positions.

3.3.3 Job Classifications

The Human Resources Department is responsible for developing, authorizing, and maintaining all official BART job classification descriptions. These classifications are periodically reviewed to ensure they remain accurate, relevant, and aligned with BART's needs. The most current job classification descriptions can be found on the BART website.

Every employee is assigned to a specific classification that reflects their primary roles and responsibilities. While job classifications provide an overview of duties, they may not list every

task associated with a position. Some classifications may include specific requirements that employees must meet to maintain their employment. If employees have questions about their classification, they should first consult their supervisor. For further clarification, please contact Human Resources' Classification & Compensation Division.

3.4 WORK SCHEDULES AND BREAKS

3.4.1 Working Hours and Meal & Rest Breaks

BART's standard office hours are Monday through Friday, 8:15 a.m. to 5:00 p.m., though work schedules may vary depending on operational needs. Employees should coordinate their schedules with their supervisor, including meal and rest breaks, to ensure adequate coverage for business operations.

Standard Full-Time Hours

A standard full-time work schedule typically consists of 40 hours per week, structured as five 8-hour days (commonly known as a 5/8 schedule). The typical hours are Monday through Friday, 8:15 a.m. to 5:00 p.m., including a 45-minute unpaid lunch break and two 15-minute paid rest breaks.

Work schedules can begin earlier or later than 8:15 a.m., as long as an 8-hour workday is completed, and adequate coverage is maintained. Work schedules must be approved by the employee's supervisor.

Meal Periods & Rest Breaks

- **Meal Periods:** Meal breaks are unpaid and can range from 30 minutes to 1 hour, as approved by their supervisor. Employees who work 6 hours or more are required to take at least a 30-minute lunch break. *Non-exempt* employees must take an uninterrupted meal break and stop all work during this time. Working "off the clock" during a meal break is not allowed.
 - If a *non-exempt* employee believes their job duties prevent them from taking a full or timely meal break, they should notify Human Resources, their manager, or their supervisor as soon as possible.
- **Rest Breaks:** Rest breaks are paid. Full-time employees receive two 15-minute rest breaks per day, typically taken midway through each half of their work shift. Part-time employees who work more than 4 hours receive one 15-minute rest break. If they work more than 6 hours, they are entitled to a second 15-minute break. *Non-exempt* employees are encouraged to take their rest breaks and should not work during this time.

- If a *non-exempt* employee works during a rest break or the break is interrupted for a work-related reason, they must be given another uninterrupted paid rest break.

Employees may not skip, combine, or shorten their rest or meal breaks to arrive late, leave early, or shorten their workday. Breaks are intended to support employee well-being and must be taken as scheduled. Using rest breaks in place of a required lunch period is not allowed.

Alternative Work Schedules

After completing the probationary period, employees may request an alternative work schedule.

Alternative work schedules must be approved in writing in advance. To request approval, managers must submit the appropriate schedule form to the Time and Attendance Administration Division (TAAD). Participation in this program is a discretionary benefit and depends on job duties, department needs, and management approval. Misuse of an alternative work schedule—such as arriving late, leaving early, or failing to meet performance expectations—may result in the schedule being modified or revoked at the discretion of management. This program is currently under review and may be changed or ended at any time.

Meal and rest break requirements still apply and must be followed, even with an alternative schedule.

Common alternative work schedules include:

- **9/80 Schedule:** In this arrangement, one week includes four 9-hour days and one 8-hour day (44 hours total), followed by a week with four 9-hour days and a day off (36 hours total).
- **4/10 Schedule:** The 4/10 schedule consists of four 10-hour days, completing a 40-hour workweek.

To enroll in an alternative work schedule, complete and submit the forms available on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

Pilot Hybrid Remote Work

BART offers a Pilot Hybrid Remote Work program, allowing eligible, non-probationary employees to work from home up to two days per week.

Participation in this program is a discretionary benefit and depends on job duties, department needs, and management approval.

Misuse of remote work privileges or failure to meet performance expectations may result in the arrangement being modified or revoked.

This program is currently under review and may be changed or ended at any time.

For more information, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

3.5 WAGE AND SALARY ADMINISTRATION

3.5.1 Pay Cycle and Your Paycheck

Pay Procedures

All BART employees are paid bi-weekly, with paychecks issued every other Friday. If a payday falls on a holiday or a weekend, paychecks will typically be issued a day earlier. Employees are encouraged to use direct deposit for automatic payments via electronic transfer.

Pay is based on your salary and the hours worked or leave taken. If there is an overpayment or underpayment, Payroll will correct it as soon as possible, in accordance with legal requirements. The employee's immediate or appropriate supervisor is responsible for making sure the necessary paperwork to correct a pay shortage is sent to Payroll after receiving written notice of the issue from the employee.

Payroll Deductions

Mandatory deductions from each paycheck include federal and state income taxes, as well as contributions to the California Public Employees' Retirement System (CalPERS). Additional deductions may apply for benefit premiums or optional items like credit union deposits and deferred compensation, in accordance with legal requirements.

Reviewing Your Paystub

Employees should regularly check their pay statements for accuracy. Paystubs are available through Employee Connect/Self Service. If you notice any errors, please follow these steps:

- **Pay issues:** Contact your supervisor first.
- **Benefit issues:** Contact the Human Resources Benefits Division.
- **Timekeeping issues:** Contact the Time Accounting and Administration Department (TAAD).
- **Pay calculation questions:** Contact Payroll.

Final Pay

When employment ends, final pay is usually sent within three business days from the date termination becomes effective. However, it will always be paid by the next regular payday, following the normal payroll schedule. Unless other arrangements are made ahead of time, the final paycheck will be mailed to the employee's address on file.

3.6 SPECIAL COMPENSATION AND ALLOWANCES

This section includes the most common types of special pay and allowances for Non-Represented employees. It's not a complete list, and these may change based on District policies or needs.

3.6.1 Overtime

Working overtime hours is only authorized when necessary to support business operations. While it is not guaranteed, employees may be required to work overtime when needed.

All overtime hours worked must be approved by a supervisor in advance. Overtime worked without prior approval will not be compensated unless required by the Fair Labor Standards Act (FLSA). Working unapproved overtime may result in disciplinary action. Participation in voluntary group events should not cause a need for overtime, unless required by law.

Overtime is administered in accordance with FLSA guidelines, and employees' FLSA status (exempt or non-exempt) is listed in their job classification. Overtime compensation eligibility is outlined below:

- a. **FLSA Non-Exempt / Hourly Employees:**
 - Earn time-and-a-half for overtime worked beyond 8 hours per day or 40 hours per week, and for hours worked on a holiday or the first Regular Day Off (RDO).
 - Earn double-time for hours worked on the second and third RDO after working the first RDO.
- b. **FLSA Exempt / Professional and Supervisory / Managerial Employees (Pay Bands 1 - 8):**
 - Earn straight-time compensation for overtime worked and holidays worked, where permitted by law.
- c. **FLSA Exempt / Managers (Pay Bands 9 and Above):**
 - May accrue 1 hour of compensatory time off for each full hour of overtime worked (see resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees).

For questions about overtime eligibility, contact Human Resources' Compensation & Analytics Division. For pay statement inquiries, contact Payroll.

3.6.2 Compensatory Time

Employees may request to earn compensatory time instead of receiving overtime pay, subject to supervisor approval. The maximum accrual of compensatory time is 40 hours.

Key Points

- Earning compensatory time must be approved by a supervisor before it is earned.
- Where permitted by law, compensatory time off must be approved by a supervisor before it is taken, just like any other paid leave.
- Employees should use accrued compensatory time before using accrued vacation time.
- Upon termination, any unused compensatory time will be paid out at the employee's rate of pay in effect at the time of termination, unless otherwise required by law.

Eligibility

Eligibility for compensatory time is based on an employee's FLSA classification, which is specified in their job classification:

- Non-Exempt/Hourly Employees:**
 - Where permitted by law, hourly employees can accrue and use compensatory time at the appropriate rate, as detailed in the Overtime section.
- Exempt / Professional and Supervisory / Managerial Employees (as of 7/1/25 applies to all Pay Bands):**
 - Eligible to receive compensatory time off with pay at the straight-time rate instead of overtime pay, where permitted by law, as detailed in the Overtime section.

For questions about eligibility, contact Human Resources' Compensation and Analytics Division. For pay-related questions, contact Payroll.

3.6.3 Management Incentive

Executive management employees reporting directly to the General Manager are eligible for Management Incentive Pay due to the unique nature of their duties. The incentive pay is **\$4,800 annually**, paid in equal installments over the year (e.g., \$184.61 per pay period for 26 pay periods).

Eligible positions include:

- Assistant General Manager, Administration
- Assistant General Manager, Infrastructure & Delivery
- Assistant General Manager, External Affairs
- Assistant General Manager, Finance
- Assistant General Manager, Operations
- Assistant General Manager, Performance & Budget
- Assistant General Manager, Planning & Development
- Assistant General Manager, Technology
- Chief Financial Officer
- Deputy General Manager
- Police Chief
- Managing Director, Capitol Corridor

Deputy Police Chief Incentive: The Deputy Police Chief receives an additional 10% of their regular base pay due to their supervisory role over Police Lieutenants.

3.6.4 Shift Differential

Non-Represented employees with **regular shifts** outside of the standard Monday-Friday daytime hours may be eligible for shift premiums:

- **Swing Shift Premium (7%):** Applies when 50% or more of an employee's regularly scheduled shift falls between 4 p.m. and 12 midnight.
- **Graveyard Shift Premium (9.5%):** Applies when 50% or more of an employee's regularly scheduled shift falls between midnight and 8 a.m.

The shift premium is calculated based on the employee's straight-time rate and is not part of their base salary. **Shift premiums are not applicable to employees in Pay Band 9 or above**, except for Managers of Central Control and managers within the Maintenance Department. The Director of Human Resources may approve shift premiums for other classifications on a case-by-case basis. Shift premiums are only provided to employees whose regular, ongoing work shifts fall outside the standard Monday-Friday daytime hours, **not for occasional or one-time instances of working a night or weekend shift.**

3.6.5 Standby and Call-Back Pay

Employees required by the District to be on standby for potential call-ins will be compensated as follows:

- **Regular Workdays:** Employees on standby will be paid 50% of their total regular shift pay for each day on standby.

- **Off-Duty Days:** Employees will be paid the equivalent of one shift of pay per day on standby unless the District releases them from standby duty before it begins.

Employees on standby must be reachable by phone, and be able to respond, take appropriate action, and report to the work site within a reasonable amount of time, as determined by their manager. Employees must also remain fit for duty for the entire duration of the standby period.

If an employee on standby is called in to work, they will be paid standby compensation only for the hours they were on standby and regular pay for the hours they worked.

Call-Back Pay

If an employee is called back to work for unscheduled duties outside of their regular workday or workweek, they will be paid a minimum of 50% of a day's pay at the applicable rate. This applies only to assignments involving interrupted or broken time.

Employees cannot receive both standby and call-back pay for the same hours.

This benefit does not apply to employees in Pay Bands 9 and above, except for Manager of Central Control, Manager of Media Relations, Manager of Substance Abuse Program, Chief Communications Officer, and Chief Safety Officer. On a case-by-case basis, other classifications in Pay Band 9 and above may qualify with approval from the Deputy Director of Human Resources over Classification and Compensation.

3.6.6 Special Pay Provisions for Non-Represented Sworn Employees

Education Allowance

BART provides an education allowance for the Police Chief and Deputy Police Chiefs based on their educational achievements:

- **Police Chief:** Receives 4% of their base pay for holding a B.A. or B.S. degree.
- **Deputy Police Chiefs:**
 - 2% for an A.A. or A.S. degree.
 - 4% for a B.A. or B.S. degree.
 - 8% for an M.A. or M.S. degree.

The allowance takes effect in the pay period following the employee's notification to BART, per Department procedures, that they have met the educational requirements. All certifications are subject to confirmation.

Skill Allowance

Deputy Police Chiefs are eligible for a skill allowance based on POST (Peace Officer Standards and Training) certifications:

- 1% of base pay for an Advanced POST certificate.
- 2% of base pay for a Supervisory POST certificate.

This allowance also begins the pay period after the employee notifies BART that they have earned the certification, in line with Department procedures. All certifications are subject to confirmation.

Longevity Pay

Deputy Police Chiefs are eligible for longevity pay after reaching specific service milestones:

- **10 years of BART service:** 3.5% of base pay.
- **14 years of BART service:** 7% of base pay.
- **25 years of BART or safety service:** 8.4% of base pay (with a minimum of 10 years of BART service).

This longevity pay is not used to compare or set salaries. To receive the pay, employees must notify the Chief of Police in writing within 90 days of eligibility, providing the necessary service dates. The Chief will confirm eligibility and forward the memo to Human Resources for approval.

3.6.7 Uniform Allowance

Non-Represented sworn employees (Police Chief and Deputy Police Chief) are provided with uniforms appropriate to their position.

- **Annual Payment:** An annual payment of **\$1,005** is provided in the first pay period of October to cover cleaning, maintenance, and uniform shoe purchases (excluding safety shoes).
- **Uniform Replacement:** BART reimburses employees for replacing worn-out or damaged uniforms and shoes, or equipment lost, damaged, or destroyed in the line of duty. The value of initial uniform provisions or replacements (excluding personal health and safety items) is expected to be less than \$2,000 per year, with a 5% increase anticipated annually.

Employees must obtain approval from their department before replacing uniforms or equipment. Reimbursement is given upon submission of valid receipts.

Uniform Allowance Reduction: If an employee is on extended leave, their uniform allowance will be reduced as follows:

- 30 days: 25% reduction
- 60 days: 50% reduction
- 90 days: 100% reduction

3.7 EMPLOYMENT POLICIES

3.7.1 Applying for Promotions or Other District Jobs

Eligibility

To apply for promotions or other District jobs, employees must:

- Be a current, non-probationary full-time or part-time employee.
- Meet the minimum qualifications listed in the job posting.

Employees who have received formal discipline may be temporarily restricted from applying for other District jobs based on the disciplinary action taken:

- **Three (3) written warnings or suspensions of less than 5 working days:** Not eligible to apply for 6 months from the start of the most recent disciplinary action.
- **Suspensions of 5 working days or more:** Not eligible to apply for 1 year from the start of the disciplinary action.

These restrictions apply to all internal job applications, including promotions and transfers.

If interested in a position on the BART Career Opportunities website, employees should submit an online application by the deadline. Temporary assignments and temporary upgrades are not part of the online application process.

Selection Process

Management will assess candidates based on their qualifications, experience, and suitability for the role. The District will choose the most qualified candidates for open Non-Represented positions, based on management's judgment. All applications are reviewed to ensure applicants meet the minimum qualifications. The selection process may include, but is not limited to:

- Application review.
- Testing, interviews, or other screening methods.

If selected, a conditional offer may be extended, subject to background checks, drug and alcohol testing, physical requirements, and/or certification verification.

Employees are encouraged to discuss career growth with their supervisors. For more information on training or career development, contact Human Resources' Workforce Development Division.

Flex Promotions

Human Resources is responsible for classifying positions based on their assigned duties, responsibilities, and the qualifications needed to perform the work. If a position is part of a classification series with multiple levels, the District may use flexible staffing. This allows an employee to be hired at one level and later move to the next level in the series once they gain the required skills and experience. Advancement requires approval from senior management and Human Resources and does not require a competitive hiring process.

Lateral Transfers

A lateral transfer moves an employee into a role at the same (or similar) classification and pay range. These transfers don't require a competitive process and are made at management's discretion based on the needs of the department. All lateral transfers must be approved by Human Resources and the receiving department.

3.7.2 Temporary Backfill / Temporary Upgrade

Sometimes the District needs temporary help to cover vacancies, leaves of absence, or special projects. In these cases, managers can request temporary backfill. Eligibility for a temporary assignment is at the District's discretion and will be reviewed on a case-by-case basis.

Temporary Backfill

Managers must submit a request explaining:

- Why the position is vacant
- Why temporary backfill is needed
- Key duties and responsibilities
- Work schedule and expected duration

Once approved, managers can hire a contractor through a staffing agency, a short-term contract, or consider a temporary upgrade before hiring a contractor.

Temporary Upgrade

Instead of hiring externally, managers can assign a Non-Represented employee temporarily to a role at a higher classification. These assignments, provided in writing via the Temporary Upgrade request to Human Resources' Classification & Compensation Division, provide career development opportunities.

- **First 15 days:** Employees are not eligible for temporary upgrade pay during the first 15 working days of the assignment, as this is considered a development period.
- **Beyond 15 days:** If the assignment lasts longer than 15 working days, prior approval from the department manager and the Classification & Compensation Division is required. This approval must be obtained before the 15th working day. After 15 consecutive days, the employee receives a 5% pay increase above their base pay for the duration of the assignment. Additional pay may be approved on a case-by-case basis by the General Manager or their designee. If approved, the pay increase can be applied retroactively starting from the first day of the assignment.
- **Leave taken during this period is not paid at the higher rate.**
- Prior to 7/1/2013, the waiting period for temporary upgrade pay was 45 days.

Requests for Temporary Backfills / Upgrades

All temporary backfill and upgrade requests are reviewed individually and must be approved by Human Resources' Classification & Compensation Division.

For more information about the Temporary Backfill or Temporary Upgrade Programs, please refer to the resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees.

3.7.4 Re-Employment of Former Employees

Employees who resign in good standing may be eligible to return to the District within one year without reapplying or going through the formal hiring process. An employee who was terminated, or who resigned to avoid being terminated, for misconduct or any other legitimate, non-discriminatory, and non-retaliatory reason is not eligible to be rehired. Re-employment depends on Management's approval and the availability of positions in the employee's previous job classification.

Re-employment is not guaranteed and will be evaluated on a case-by-case basis. If approved, the employee must complete any required pre-employment steps, such as fingerprinting, and are subject to new hire probation. If re-hired, their prior service with the District will count toward applicable benefit calculations, including vacation accrual rates. A rehired employee must complete a new probation period before becoming a regular employee.

3.7.5 CalPERS Retired Annuitant

If a temporary backfill request is approved, the District may consider hiring a retired CalPERS employee, as long as they meet all CalPERS requirements before and during the temporary assignment. Hiring a CalPERS retiree brings specialized knowledge and continuity, as they are already familiar with the District's operations.

General rules:

- There is typically a 180-day waiting period requirement after a CalPERS retiree retires before they can be hired, unless the BART Board gives prior approval.
- The retiree can work no more than 960 hours in total across any temporary assignments during the fiscal year.
- The retiree will only receive the base salary for the position, with no additional benefits or compensation, except as required by law.
- The pay for a retired annuitant position must fall within the minimum and maximum monthly base salary range for similar jobs listed on the District's public pay schedule.

All requests to hire a CalPERS retiree must be approved by the Human Resources Classification and Compensation Division. The retiree is also responsible for checking with CalPERS to make sure all requirements are met.

For more information, see CalPERS Working After Retirement (see resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees).

3.7.6 Employment and Assignment of Relatives

BART follows two key documents regarding the employment of relatives:

1. **Employments and Assignment of Relatives** (Management Procedures)
2. **Employee Code of Conduct**
 - Management Procedures can be found on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).
 - The Employee Code of Conduct is available on bart.gov under Board-adopted Policies.

Managers and employees are responsible for reviewing and complying with these documents. It is the employee's responsibility to disclose any business, personal and/or familial relationship with another BART employee to Human Resources. For questions or to report a relationship, contact Human Resources' Employee Relations Division.

3.8 PERFORMANCE AND DEVELOPMENT

3.8.1 Employee Training and Development

BART is committed to building, maintaining, and retaining a skilled workforce to meet current and future needs. Training opportunities are offered based on staff availability and funding and may include in-person sessions, self-paced digital learning, and on-the-job training.

Training Type

Training falls into two main categories:

- **New Hire Orientation:** Aimed to be completed within 120 days of initial employment with the District. Please note that all Supervisory and/or Management classifications will also complete a New Supervisor Orientation within 120 days of initial employment.
- **Ongoing Learning and Development:** Includes skill-building opportunities to enhance employee growth.

Required training typically occurs during work hours, with associated costs covered by the District. Supervisors and employees must ensure all required training is completed.

Eligibility

Employees must receive supervisor approval to participate in training and development activities. Supervisors review and approve training requests based on cost, business needs, and departmental budget limits.

Cost and Reimbursement

Each department manages its own training budget and is responsible for reimbursing employees for eligible training expenses such as program costs, transit fares, vehicle mileage, or meals. Reimbursement guidelines are detailed in Management Procedures (see resource guide under Explore BART > Union Contracts > Non-Rep).

For information on external education opportunities and reimbursement, refer to the Educational Assistance Program section of this handbook.

To explore available training programs, visit the Human Resources Workforce Development website (see resource guide under Explore BART > Union Contracts > Non-Rep).

3.8.2 Performance Management

Performance management is an ongoing process where managers and employees work together to set goals, clarify expectations, monitor progress, and provide feedback. The program's objectives are to:

- Develop performance plans to help employees achieve performance goals.
- Strengthen communication between supervisors and employees.
- Recognize accomplishments and identify areas for improvement.

Performance Evaluation Timeline

The performance evaluation period runs from **July 1 to June 30** of the following year. During this time, supervisors and employees should:

- **Start the Year:** Have an initial discussion to set performance goals.
- **Throughout the Year:** Hold quarterly check-ins to track progress.
- **End of the Year:** Complete an annual review to evaluate overall performance.

For New Employees:

- Employees hired between **July 1 and December 31** should work with their manager to create and review a performance plan within their first 30 days of employment. Probationary reviews must also be completed.

For Employees on Leave:

- Employees on leave are exempt from performance management while on leave. The process should restart within 30 days of their return from leave, unless otherwise required by law.

Documentation and Use

Performance discussions and evaluations should be recorded in the online performance management system. This helps track employee progress, feedback, and development goals accurately, ensuring a clear and consistent approach to performance management. Performance evaluations may also affect, but are not limited to, the following areas:

- Eligibility for remote work.
- Wage increases.
- Other employment-related decisions.

When an employee is not performing at an acceptable level, a Performance Improvement Plan (PIP) will be implemented by the supervisor in collaboration with the Manager of Employee Relations or Director of Human resources. The purpose of a PIP is to address performance issues and expected levels of performance to bring it up to satisfactory levels. Once a PIP is established, the supervisor will provide on-going and constructive feedback regarding performance. Failure to achieve and sustain required improvement may lead to formal disciplinary action and in the extreme termination of the employee.

For more details, refer to the Performance Management Guide (see resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees). Employees with performance-related concerns are encouraged to speak with their supervisors or contact Human Resources' Workforce Development Division for guidance.

4. Benefits

4.1 BENEFITS OVERVIEW

BART offers a wide range of benefits to support employees. You can find detailed information in the official plan documents on MyBART (under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees). Resources for each benefit are listed there. Please note that plan providers may change.

This overview summarizes BART's benefits but does not include every detail. The official plan documents explain how each benefit works, including eligibility, benefit amounts, and how to file a claim. If there are differences between this summary, verbal information, or the official documents, the official documents will apply. The District may change or end these benefits at any time, at its own discretion.

Eligibility

- **Full-time probationary and regular employees:** Eligible for all benefits if they meet enrollment and plan requirements.
- **Part-time regular, limited-term employees, and interns:** Eligible for select benefits if they meet enrollment and plan requirements.

The eligibility table below outlines the details for each benefit.

Benefits Eligibility Chart

Benefit Type	Probationary Full-time or Regular Full-time	Probationary Part-time or Regular Part-time	Limited Term Employee (Part-time or Full-time)	Student and Engineering Interns (Part-time or Full-time)
Medical Insurance	Yes	Yes	Yes	No
Dental Insurance	Yes	No	No	No
Vision Insurance	Yes	No	No	No
BART Riding Privileges	Yes	Yes - Employee only	Yes - Employee Only	Yes - Intern only
Employee Assistance Program	Yes	Yes	Yes	Yes
Survivor Benefits Program	Yes	No	No	No
Short Term Disability	Yes	Yes	No	No
Long Term Disability	Yes	No	No	No
CalPERS Retirement Plan	Yes	Yes	Yes	No
Deferred Compensation	Yes	Yes	Yes	No
Money Purchase Pension Plan	Yes	Yes	Yes	No

Educational Assistance Program	Yes	No	No	No
Tax Savings Programs	Yes	Yes	Yes	No

4.2 HEALTH AND WELLNESS BENEFITS

4.2.1 Medical Insurance

BART offers medical insurance for eligible employees and their dependents through the CalPERS Health Program. Coverage includes medical services, hospital care, mental health services, and prescriptions. Many plans also offer wellness resources like stress management, weight loss programs, smoking cessation, and healthy eating tips. Plan options are based on the employee's home or work zip code.

Both BART and employees share the cost of medical premiums. Employees pay a monthly premium, including a small administrative fee, through payroll deductions. Premium amounts vary by plan. Employees with other non-BART medical coverage can choose to waive BART coverage and receive a monthly payment instead. In order for employees to receive the monthly payment, they must submit proof of other coverage to the Benefits team.

Enrollment

- **New Hires:** Must choose a medical plan within 60 days of their hire date.
- **Existing Employees:** Can make changes during Open Enrollment or after a qualified life event (like marriage or birth). Timeframes for changes depend on the event.

Delays can occur if elections are not made within the required timeframe. To enroll or make changes, use EmployeeConnect > Self Service or contact Human Resources' Benefits Division. Do not submit changes through your department.

For details on plan options, co-pays, prescriptions, or zip code eligibility, visit the CalPERS website (see resource guide under Explore BART > Union Contracts > Non-Rep). For more information about medical contributions or opting out of coverage, visit MyBART > Department > Administration or contact the Human Resources Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.2 Dental Insurance

BART provides dental insurance for eligible employees and their dependents. The plan covers preventive, basic, major, and orthodontic services. There is only one plan option, and BART covers the full premium for both employees and their dependents.

Enrollment

- **New Hires:** Must enroll within 30 days of their hire date.
- **Existing Employees:** Can add or change coverage during Open Enrollment or within 30 days of a qualifying life event (like marriage or birth).

Missing the enrollment deadline may delay coverage. To enroll or make changes, use EmployeeConnect > Self Service or contact the Human Resources Benefits Division. Do not submit changes through your department.

For more information, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact the Human Resources Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.3 Vision Plans

BART offers vision insurance for eligible employees and their dependents, covering eye exams, frames, lenses, and contacts. Employees can choose between a basic vision plan and an enhanced vision plan. BART pays for the basic vision plan premium, while the employee pays for the enhanced vision plan through monthly payroll deductions.

Enrollment

- **New Hires:** Must enroll within 30 days of their hire date.
- **Existing Employees:** Can add or change coverage during Open Enrollment or within 30 days of a qualifying life event (like marriage or birth).

Missing the enrollment deadline may delay coverage. To enroll or make changes, use EmployeeConnect > Self Service or contact the Human Resources Benefits Division. Do not submit changes through your department.

For more information, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact the Human Resources Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.4 Dependents

An eligible dependent can be a legal spouse, a domestic partner, or a child, subject to BART's eligibility criteria and guidelines of the individual health plans.

- For medical and vision insurance, children are eligible until their 26th birthday.

- For dental coverage, children are eligible until their 23rd birthday.
- For transportation passes, children are eligible from their 5th birthday until their 19th birthday, or until their 23rd birthday if they are full-time students.

If a dependent child is disabled and cannot care for themselves before reaching the age limit, medical proof may allow them to continue coverage beyond the usual age limit. This must be approved by CalPERS for medical benefits or BART Benefits for other benefits.

Employees must notify the Human Resources Benefits Division immediately if there are any changes to a dependent's status, such as divorce, domestic partnership dissolution, or death. Failing to do so may result in the loss of benefits for the dependent, and the employee could be responsible for any costs associated with services provided to an ineligible dependent.

For domestic partners, as well as their dependents, the value of the benefits will be added to the employee's taxable income. This additional amount is called imputed income.

For more information on eligible dependents and enrollment rules, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees), the CalPERS Health Program guide for medical, or contact the Human Resources Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.5 Employee Assistance Program

BART provides an Employee Assistance Program (EAP) to all employees and their dependents. The EAP offers confidential counseling for personal, family, marital, emotional, and psychological issues, as well as alcohol and drug problems. It also provides support for domestic violence, legal matters, financial concerns, and job-related issues. All counseling services are confidential and provided by professional therapists across the Bay Area. Employees can schedule appointments at a location that's convenient for them.

EAP services are available to employees and dependents as soon as they are hired. Each employee is eligible for five free in-person counseling visits per calendar year.

Managers and supervisors can also use the EAP to address performance issues, improve team relationships, and handle conflicts.

In addition, employees and dependents can access a library of educational sessions on various topics, available by phone, tablet, or computer.

For more information, visit MyBART (under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact BART Human Resources' Substance Abuse Programs Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.6 Life Insurance

BART provides eligible employees with basic term life and accidental death and dismemberment (AD&D) insurance, which amounts to two times an eligible employee's annual base salary. Employees can also choose to purchase additional supplemental life and AD&D insurance. If an employee is diagnosed with a terminal illness and is on disability, accelerated life insurance benefits may be available.

BART covers the premiums for basic life insurance. For the supplemental life insurance, BART pays a portion of the premiums, and employees cover the rest. Employees who opt for voluntary life insurance are responsible for the full premium. All insurance premiums, whether covered by BART or paid by the employee, are deducted from monthly payroll.

New hires have 30 days from their hire date to make an election without needing proof of good health. Additional or supplemental life insurance can also be elected during Annual Open Enrollment, though approval may require medical certification. If medical certification is required, any related costs are the employee's responsibility.

For more information about Life Insurance, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.7 Survivor Benefits Program

Eligible employees can enroll in BART's Survivor Benefits Program, which reimburses premiums for medical, dental, and vision care insurance for a surviving spouse, domestic partner, and eligible children if the employee passes away. Enrollment is voluntary and must be completed within 90 days of first eligibility, usually the hire date. **This is a one-time opportunity; employees cannot enroll later, even after a life event.** Once enrolled, employees will have a payroll deduction for this benefit. Participation in the program does not guarantee continued enrollment in any of these plans.

For more information about survivor benefits, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.8 Disability Benefits (Short-Term & Long-Term Disability)

BART provides short-term disability (STD) and long-term disability (LTD) insurance for eligible employees who are unable to work due to a disability. These plans help replace part of the employee's income and are separate from the California State Disability Insurance Program (SDI). BART does not provide an equivalent California State Paid Family Leave Insurance Program (PFLI), such as salary replacement for child/baby bonding or adoption.

Disability benefits cannot be used to cover a workplace injury/illness unless the Workers' Compensation claim has been delayed at the time benefits are paid, or all Workers' Compensation wage replacement benefits have been exhausted. BART offers one STD plan and two LTD plans: a basic plan and a voluntary plan. The basic disability coverage always meets or exceeds state law requirements.

BART covers the premiums for the basic STD and basic LTD plans. Employees who choose the voluntary LTD plan will have the extra cost deducted from their monthly paycheck. Part-time employees can participate in the STD plan but are responsible for the full cost. For more details, refer to the plan summary.

Employees must use all their accrued sick leave before qualifying for short-term disability benefits, except for those with disabilities due to pregnancy or childbirth and those whose disabilities qualify under other specific criteria. Employees with disabilities from pregnancy or childbirth can use sick leave to supplement their disability benefits, but the total benefits cannot exceed their base salary.

New hires have 30 days from their hire date to elect disability coverage without needing proof of good health. Employees can also elect voluntary LTD during the annual Open Enrollment period, but approval may require medical certification. If medical certification is needed, the employee is responsible for the associated costs.

Participation in these programs (such as accepting a claim or receiving benefits) does not grant additional leave or employment rights, unless otherwise required by law.

For more information, visit MyBART (under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Leave Management Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.2.9 Workers' Compensation Benefits

All employees are covered for Workers' Compensation benefits in accordance with California law to protect employees in case of work-related injuries or illnesses. This coverage includes:

- **Medical Expenses:** Coverage for necessary medical treatment, hospitalization, and medications.

- **Disability Benefits:** Partial wage replacement for temporary or permanent disabilities.
- **Job Displacement Benefits:** Vouchers for retraining if the employee cannot return to their previous job.
- **Death Benefits:** Financial support for dependents in the event of a work-related fatality.

Eligibility & Reporting Requirements

All employees are covered from their first day of work. To qualify for benefits, employees must:

1. **Report the injury or illness** to their supervisor **immediately** or as soon as possible.
2. **Seek medical attention** from an approved provider, if necessary.
3. **Complete a claim form (DWC-1)** provided by the employer.

For more information, contact Human Resources' Leave Management Division.

4.2.10 Assault Insurance

All employees are covered by a policy providing \$75,000 coverage for death or dismemberment due to a felonious assault occurring while on duty. Premiums for this program are paid by BART. For more information about assault insurance, contact the Insurance and Risk Management Department.

4.3 RETIREMENT AND FINANCIAL PLANNING

4.3.1 CalPERS Retirement

BART participates in the California Public Employees' Retirement System (CalPERS) for employee retirement benefits. Once eligible employees apply for service retirement with CalPERS, they receive a lifetime retirement benefit based on a formula that accounts for their age, years of service, and final compensation at retirement. BART uses the following formula:

CalPERS category	Classic members	Public Employees' Pension Reform Act (PEPRA) members
Miscellaneous (All groups except Sworn Police)	2% at 55	2% at 62
Safety (Sworn Police)	3% at 50	2.7% at 57

Employees hired before 2013 with CalPERS contributions are usually classified as "Classic" members. Most employees hired on or after January 1, 2013, are classified as PEPRA members.

Employees are automatically enrolled in the retirement plan when hired, based on CalPERS eligibility. The CalPERS category may change if an employee becomes or stops being a sworn police officer. Disability retirement options and death benefits are also available.

Both BART and employees contribute to retirement plans, and employees may also be required to contribute toward the employer's share.

For more details about CalPERS retirement plans, visit the CalPERS website. For specific retirement contribution information, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.3.2 Social Security

BART does not participate in Social Security. However, employees may still be eligible for Social Security benefits based on prior employment. To check eligibility or get more information about the program, employees should contact their nearest Federal Social Security Administration office.

4.3.3 Money Purchase Pension Plan (401a)

BART offers a Money Purchase Pension Plan as an additional retirement program. Contributions are made by BART on behalf of eligible employees, and these pre-tax contributions, along with any investment earnings, are not taxed until the funds are distributed. Withdrawals can only be made under the plan's specific rules. Employees can also make after-tax contributions through the annual sick, vacation, and holiday buy-back programs.

The plan is managed by the BART Investment Plans Committee. For more details, including a summary plan description and information about contributions, visit www.bartipc.org or contact Human Resources' Benefits Division. For questions about depositing leave buy-back payments into the plan, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' HRIS Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.3.4 Deferred Compensation Plan (457b)

BART offers an additional retirement program known as the Deferred Compensation Plan. Eligible employees can choose to allocate a portion of their pay, either before taxes or through Roth 457 after-tax contributions, into various investment funds to save for retirement. Withdrawals are subject to the plan's specific requirements.

The plan is managed by the BART Investment Plans Committee, which has selected approved investment options. For detailed information, including a summary plan description, a copy of the Plan document, and contribution limits, visit www.bartipc.org or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.3.5 BART Benefits Upon Retirement

Employees who retire from BART at age 50 or older (for Classic members) or age 52 or older (for PEPPRA members) and have at least 5 years of service with BART may be eligible for certain benefits. These benefits include medical insurance, life insurance, a transportation pass, survivor benefits, and dental and vision coverage.

To receive a BART contribution towards their medical premium, retirees must be enrolled in the CalPERS retiree medical program. This coverage includes retirees and their eligible dependents. No alternative benefits are offered.

Any time spent in an unpaid status does not count toward CalPERS retirement service credit.

Employees hired on or after January 1, 2014, must meet a medical eligibility schedule. They need a minimum of 10 years of BART service to receive 50% of BART's contribution. For each additional year of service beyond the 10 years, the contribution increases by 10%, up to a maximum of 100% after 15 years. Retirees, like active employees, are responsible for their share of the medical premium.

CalPERS requires eligible retirees and their dependents to enroll in Medicare Part B, with costs paid by the retiree. Employees approved for CalPERS disability retirement are exempt from the medical eligibility schedule.

Retiree life insurance is provided to all eligible retirees, starting at 50% of the employee's base salary at retirement and reducing by 10% per year to 20% the 4th year and remaining at 20% for the succeeding years. Accidental Death and Dismemberment (AD&D) and optional additional life insurance terminate upon separation from BART but may be converted at the retiree's expense. BART covers the cost of retiree life insurance premiums.

Retirees and their eligible dependents receive a transportation pass. The rules and eligibility for dependents mirror those for active employees. New passes are issued for retirees, while dependents continue using their existing passes.

Retirees who had Survivor Benefits at retirement may continue this coverage, though they will be billed for the cost. Non-payment results in termination from the program with no chance to reinstate. Survivor benefits will not cover retiree medical if the retiree lacks CalPERS medical coverage or does not provide a CalPERS retirement allowance for their survivor.

Retirees have a one-time opportunity to enroll in retiree dental and vision coverage at retirement. Two options are available for each. The cost is borne by the retiree, who will be billed. Failure to pay will result in termination from these programs with no option to reinstate.

Employees do not need to retire from CalPERS to qualify for BART retiree benefits. However, if they do not retire from CalPERS within the required timeframe, they may lose eligibility for retiree medical benefits. This could also affect the survivor's eligibility for Retiree Survivor Benefits.

For additional information regarding retiree benefits, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.3.6 Medicare Deduction

Medicare is a federal health insurance program for individuals aged 65 or older, or those with certain disabilities. BART employees are subject to Medicare taxes, which are deducted from each paycheck by BART. Active employees and their dependents are not required to enroll in Medicare. However, upon separation, employees aged 65 and older must enroll in Medicare.

4.4 ADDITIONAL BENEFITS

4.4.1 BART Riding Privileges / Transportation Pass

BART provides a transportation pass to eligible employees and their dependents. This pass is assigned to a specific person and allows them to ride the BART system at no cost. Employees must tag in and out at the entry and exit gates to use it. **The transportation pass is non-transferable and cannot be used by anyone other than the person to whom it was issued.** Misuse of the pass can result in denied access to the BART system, revocation of the pass, and/or disciplinary action. If the pass is lost, damaged, or stolen, employees should report it immediately to Human Resources' HRIS / Badging Division. A replacement fee may apply.

Proof of full-time student status is required to maintain the transportation pass for eligible dependents over the age of 18.

For questions about the BART Transportation pass, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' HRIS / Badging Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

Parking at BART stations is not provided or discounted for employees. If parking is needed, employees are responsible for paying the full parking cost. However, BART does offer a **commuter tax savings benefit**. For more details, see the *Tax Savings Programs* section in the Benefits chapter of this handbook.

4.4.2 Tax Savings Programs (Flexible Spending Accounts and Commuter & Parking)

BART provides two types of Flexible Spending Accounts (FSAs): a Health Care FSA and a Dependent Care FSA. These accounts enable employees to set aside pre-tax dollars for certain out-of-pocket health care or dependent care expenses.

New hires must make an FSA election within 30 days of their hire date. To continue participation in the Program for the following plan year, employees **must re-enroll** during the annual Open Enrollment period. **Re-enrollment is not automatic.**

Additionally, BART offers a Commuter and Parking Tax Savings Program. This program allows employees to set aside pre-tax dollars for certain out-of-pocket commuter or parking expenses related to getting to work.

Employees can enroll in or discontinue the Commuter and Parking Tax Savings Program at any time during the year.

For questions about the Tax Savings Program, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.4.3 Educational Assistance Program

The Educational Assistance Program supports BART staff in their personal and professional growth, aligning with BART's current and future needs. Eligible employees can receive funds for job-related or promotion-oriented courses.

Approved courses include classes, workshops, seminars, and training provided through traditional classroom settings, video-based, distance learning, web-based (online), and certain correspondence formats. Registration fees for professional conferences may also be covered. However, travel, lodging, and per diem expenses are not reimbursed under this program.

Approval for educational assistance does not guarantee any associated time off (paid or unpaid).

For more information about the Educational Assistance Program, visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or contact Human Resources' Workforce Development Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.5 LEAVES AND ACCOMMODATIONS

4.5.1 Holidays

BART observes the following holidays for Non-Represented probationary and regular full-time employees:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

To be eligible for holiday pay, probationary and regular full-time employees must be in an active paid status (actively receiving pay through payroll from time worked or paid leave) on the holiday unless one of the following applies:

1. Suspension of 15 days or less
2. First 31 consecutive days of unpaid leave

If a holiday falls on a **Saturday**, it will be observed the previous Friday. If it falls on a **Sunday**, it will be observed the following Monday.

If a holiday falls on an employee's regular day off (other than Saturday or Sunday), the employee can choose between:

- One paid shift (based on the 4/10, 9/80, or 5/8 schedule) at the employee's straight-time rate or
- One paid shift off, depending on department scheduling

Employees working shifts of 10 or more hours will receive 10 hours of holiday pay.

If required to work on a holiday, the employee can choose:

- One shift of holiday pay at the employee's straight-time rate or
- “Floating” the holiday for future use

4.5.2 Floating Holidays

In addition to the fixed holidays observed by the District, full-time regular or probationary employees will receive **5 floating holidays** each year, credited upon hire and at the start of each new fiscal year.

- **Usage:** Floating holidays must be used in full-day increments and will be credited based on the employee's regular work schedule in the timekeeping system.
- **Approval:** Employees must request floating holidays in advance, and they are subject to supervisor approval based on department needs.
- **No Waiting Period:** Employees can use floating holidays immediately upon hire, with no waiting period.
- **Carryover:** Employees can carry over up to 5 unused floating holidays into the next fiscal year, with a maximum balance of 10 days.
- **Excess Floating Holidays:** Any floating holiday days over the 5-day carryover limit will be automatically paid out during the processing cycle.
- **Termination:** Employees will be paid for any unused floating holidays when they leave the District.

Floating Holiday Buy-Back

Each year, employees can choose to sell back unused floating holidays. To meet IRS rules, this decision must be made during a specific election period.

- **Eligibility:** Must have at least one (1) accrued floating holiday as of June 30.
- **Election Period:** Employees must decide in June if they want to sell back floating holidays they will earn in the next fiscal year.
- **Accrual Period:** Floating holidays are tracked on a fiscal-year basis (July 1 – June 30).
- **Carry-Over Rules:**
 - **Automatic Carry-Over:** Unused floating holidays carry over to the next fiscal year, up to 5 days.
 - **Maximum Balance:** The total limit is 10 days, combining new and carried-over holidays.
 - **Excess Holidays:** Any days over the 5-day carry-over limit will be automatically paid out during the next payroll cycle.
- **Payment Options:** Employees can choose to

- Receive the payment through regular payroll.
- Deposit the payment into their Money Purchase Pension Plan account.
- Both options are subject to federal and state tax deductions.

4.5.3 Paid Vacation (Vacation Accruals)

Full-time employees earn paid vacation based on their years of service at BART. Vacation is accrued at the end of each pay period and credited in the following pay period. Paid vacation does not apply to part-time employees or limited term employees or interns.

Vacation Accrual Schedule (Pro-rated per pay period):

- Less than 5 years of service: 3 weeks per year
- 5 through 14 years of service: 4 weeks per year
- 15 through 19 years of service: 5 weeks per year
- 20+ years of service: 6 weeks per year

Vacation Usage

- Vacation can be taken in partial or full-day increments.
- Employees can take up to 160 uninterrupted hours of vacation every two years, with advanced notice of at least 45 days and approval from an executive manager.
- Employees cannot use continuous vacation leave prior to separation of employment.

Vacation Approval

- Employees must request vacation in advance.
- Approval is subject to supervisor discretion and department needs.

Eligibility for Paid Vacation Use

- Unless required by law, employees must be in active pay status (receiving pay for time worked, paid leave, or within the first 31 continuous days of unpaid leave).
- Employees are only eligible to use paid vacation accruals after vacation accruals are vested.

Vesting Period

- Vacation accruals are vested after completing 6 months of service.
- If an employee leaves before 6 months of service, unused vacation will not be paid out as it is not yet earned.

Maximum Accrual

- Employees can accrue a maximum of 480 hours and will be cashed out for hours over 480 during the next buy-back period.

Termination

- Employees who meet the 6-month vesting requirement will be paid for any accrued and unused vacation time upon leaving BART at the same pay rate as their final day of service.

Vacation Buy-Back

Each year, employees with at least 160 hours of accrued vacation can choose to sell back up to 60 hours of their *future* vacation accruals. To meet IRS requirements, this decision must be made during a designated period.

- **Eligibility:** Must have at least 160 hours of accrued vacation as of December 31.
- **Election Period:** Employees must decide in December if they want to sell back vacation hours they will earn in the next calendar year.
- **Accrual Period:** Vacation hours are tracked on a calendar-year basis (January 1 – December 31).
- **Carry-Over Rules**
 - **Automatic Carry-Over:** Unused vacation hours are automatically carried over to the next year, up to 480 hours.
 - **Excess Vacation:** Any hours over 480 on December 31 will be automatically paid out during the next payroll cycle.
- **Payment Options:** Employees can choose to
 - Receive the payment through regular payroll or
 - Deposit the payment into their Money Purchase Pension Plan account.
 - Both options *are subject to federal and state tax deductions.*

4.5.4 California Paid Sick Leave

Under the Healthy Workplaces, Healthy Families Act, BART employees in California who work 30 or more days within a year are eligible for paid sick leave. In some cases, employees may be asked to provide written verification for their absence, except as exempted by law.

Full-Time Probationary and Regular Employees

- **Accrual:** Paid sick leave starts accruing from the first day of employment. Employees earn about 8 hours of paid sick leave per full month worked.
- **Maximum Accrual:** Up to 2,000 hours.

Part-Time, Limited-Term, and Interns

- **Accrual:** Paid sick leave starts accruing from the first day of employment. Employees earn 1 hour of paid sick leave for every 30 hours worked.

- **Usage:** Paid sick leave can be used starting on the 90th day of employment.
- **Maximum Accrual:** Up to 10 days (80 hours).

All Employees

- **Paid sick leave will be provided for the following purposes:**
 - For the diagnosis, care, treatment of an existing health condition, or preventive care of the employee or the employee's family member (child, spouse, domestic partner, parent, grandparent, grandchild, sibling, and anyone else covered by FMLA/CFRA).
 - If the employee is a victim of domestic violence, sexual assault, or stalking as provided by law.
- **Request Process:**
 - Notify any manager orally or in writing.
 - If the need for paid sick leave is foreseeable, provide reasonable advance notice.
 - If the need for paid sick leave is unforeseeable, provide notice as soon as possible.
- **Termination:**
 - Unused paid sick leave is not paid out when an employee leaves BART, unless otherwise required by law.
- **Protection Against Retaliation:**
 - Employees are protected from retaliation or discrimination for requesting or using paid sick leave.
 - If retaliation occurs, employees can file a complaint with the Labor Commissioner.
- **Using Sick Leave Near Retirement:**
 - Using sick leave just to delay a retirement date—without a valid reason or proper documentation—is not allowed, unless the law specifically permits it. Doing so may lead to losing eligibility for BART retirement benefits.

For questions about the paid sick leave policy, contact Human Resources' Leave Management Division.

Sick Leave Buyback

Each year, employees can choose to sell back up to 50% of their future sick leave accruals. To meet IRS rules, this decision must be made during a specific election period.

Eligibility

- **No Sick Leave Used:** Eligible to sell back up to 50% of sick leave accrued for the year.

- 1-3 Days Used: Eligible to sell back up to 40% of sick leave accrued for the year.
- More than 3 Days Used: Not eligible to participate in the buyback.

Election Period

- Employees must decide in September if they want to sell back sick hours they will earn in the next sick year.

Accrual Period

- Sick leave is tracked from October 1 to September 30.

Carry-Over Rules

- Unused sick leave will automatically carry over to the next sick year, up to a maximum of 2,000 hours.

Payment Options

Employees can choose to:

1. Receive the payment through regular payroll.
2. Deposit the payment into their Money Purchase Pension Plan account.

Both options are subject to federal and state tax deductions.

For questions about sick leave buyback, contact Human Resources' HRIS Division.

4.5.5 Leave Banks - Discontinued 2015 (Floating Holiday, Vacation, and Sick)

Leave banks were discontinued on January 1, 2015. If you were hired after this date, this policy does not apply to you.

If you had a leave bank before 2015, you can still use it in the following ways:

1. Receive a lump sum payment when you leave BART.
2. Use floating holiday or vacation leave bank time for terminal leave before retirement.

You can view your leave bank balances in the timekeeping system. They are labeled as:

- *Holiday Bank* (for floating holidays)
- *Vacation Bank*
- *Sick Bank*

Leave banks are not shown on your pay statement.

For questions about leave banks, contact Human Resources' HRIS Division.

4.5.6 Terminal Leave Prior to Retirement (Paid Time Off Using Leave Balances Prior to Retirement)

Terminal leave was discontinued in January 2015. If you were hired after this date, this policy does not apply to you.

To take terminal leave, you must:

1. Be retiring from BART.
2. Submit written notice to your supervisor.
3. Fill out a Terminal Leave form and send it to BART Human Resources – Benefits.

Terminal leave must be requested at least 14 calendar days before your planned start date. Only banked leave can be used for terminal leave. You cannot combine regular vacation leave with banked vacation leave.

For questions about terminal leave, contact Human Resources' Benefits Division.

4.5.7 General Leave Provisions

BART provides various leave options for both medical and non-medical reasons. Each leave request is reviewed individually, and all leave policies follow federal, state, and local laws.

Eligibility for leave depends on factors like employment status, hours worked, and length of employment. The benefits for each type of leave may differ. While most leaves are unpaid unless stated otherwise in the specific leave policy or as required by law, there may be cases in which eligible paid leave accruals may be applied.

Below is a list of common leave options, but not all may apply to you, and some leaves may overlap.

If you have any questions about leave or eligibility, please reach out to Human Resources' Leave Management Division. For bereavement, military, jury duty/witness, or non-medical leaves of absence, please contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.5.8 Family and Medical Leaves

BART offers time off for various situations to support employees during times of need. These leave options are available for things like pregnancy, your own injury or illness, caring for a family member with a serious injury or illness, or if you are a victim of domestic violence, sexual assault, or stalking.

Here are some examples of available leave options:

- Family Medical Leave (Family and Medical Leave Act/California Family Rights Act)
- Pregnancy Disability Leave
- Baby/Child Bonding Leave
- Time Off for Crime Victims
- Reproductive Loss Leave

For questions, please contact Human Resources' Leave Management Division.

4.5.9 Disability and Health-Related Leaves

BART offers leave options for employees dealing with health-related issues or disabilities or any impairment that may require the use of related leaves. These leaves are designed to support employees who need time off for medical conditions or recovery from injuries, both work-related and non-work related.

Here are some examples of available leave options:

- Rehabilitation Leave (substance abuse-related)
- Workers' Compensation Leave (industrial/work-related injury)
- Leave as a Reasonable Accommodation (non-work-related conditions)

For questions about Rehabilitation Leave, contact the Substance Abuse Program. For Workers' Compensation Leave and/or Leave as a Reasonable Accommodation questions, contact Human Resources' Leave Management Division.

4.5.10 Reasonable Accommodations

If an employee has a physical or mental impairment, the District will attempt to provide reasonable accommodations that will help the employee perform the essential functions of their job, as required by law, unless the accommodation would cause an undue hardship. The District is committed to providing equal opportunities for all employees.

Some examples of reasonable accommodations include:

- Leave as a Reasonable Accommodation
- Temporary Modified Assignment
- Temporary Reasonable Accommodation
- Lactation Accommodation
- Pregnancy Accommodation

Religious Accommodation

The District will consider reasonable accommodations for employees whose sincerely held religious beliefs, practices, or observances prevent them from meeting certain job requirements.

Accommodations will be provided if they are reasonable, allow the employee to perform essential job duties, and do not cause undue hardship for the District or pose a direct threat to the health or safety of the employee or others.

If you have any questions or think you need a reasonable accommodation, please contact Human Resources' Leave Management Division.

4.5.11 Military-Related Leaves

BART provides leave options for employees who are serving in the military or are spouses of military personnel. These leaves are intended to support employees during military-related events or duties and include Military Leave and Time off for Military Spouses (may fall under FMLA/CFRA).

Military Leave

BART follows the Uniformed Services Employment and Reemployment Rights Act (USERRA) and fully supports employees who serve in the military or other uniformed services. Military Leave is available to all employees who are called to active duty, reserves, the National Guard, or other military services. Pay eligibility will be reviewed on a case-by-case basis and subject to the applicable laws. Contact Absence Management for more information.

Categories of Military Leave:

1. **Active-Duty Leave:** For employees called to active duty or military training.
2. **Reserve or National Guard Leave:** For employees attending drills, training, or other reserve duties.
3. **Emergency Leave:** For employees responding to a national emergency or urgent military duties.
4. **Inactive Duty Leave:** For employees who need unpaid time off to fulfill military obligations when not on active duty. Employees may use PTO for this type of leave.

Job Protection:

Under USERRA, eligible employees must be reinstated to the position they would have had if they had not taken military leave. Tour of duty should not exceed 5 consecutive years, unless otherwise required by law.

Notifying Your Supervisor:

Employees should inform their supervisor about their military leave as early as possible, but no later than two weeks before the leave begins. If two weeks' notice is not possible because of

military necessity or for other reasons, employees should give as much advance notice to the District as possible.

Pay While on Leave:

Employees may be eligible for paid Military Leave. Pay eligibility will be reviewed on a case-by-case basis and will follow this structure:

- You will receive full pay (100% of your District salary) for up to 30 days per fiscal year (July 1 - June 30).
- After 30 days and up to 180 days, your pay will be reduced by your military salary.
- Military Leave pay, including travel time, cannot exceed 180 days.

District Benefits:

- Benefits and accruals will stop on the 1st of the month after 180 days.
- Insurance and co-payments will be deducted from your paychecks while on leave.
- Vacation, sick time, and statutory/floating holidays will continue during the 180 days.

Returning to Work After Military Leave:

Employees must return to work on the first regularly scheduled workday after completing Military Leave. If your military orders are extended, you must provide the new return-to-work date. Failure to return without notice will be treated as an unauthorized absence.

For questions, please contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

4.5.12 Other Types of Non-Medical Leaves

In addition to the more common leave options, BART offers time off for various other circumstances. These leaves help support employees during specific personal or civic situations.

The following are some examples of other types of leave available:

- Victim Protection Leave for victims or those who are assisting a family member who is a victim of Sexual Assault, Domestic Violence, Stalking or other crimes
- Time Off for School-Related Activities Leave
- Bereavement
- Voting Leaves
- Jury Duty / Witness Duty

Victim Protection Leave

Employees who are victims of a crime or helping a family member who is a victim of sexual assault, domestic violence, stalking or other crimes are entitled to job-protected leave. This leave can be used to attend court hearings (such as for restraining orders or trials) or to get medical care, including physical or mental health services.

Contact Human Resources' Leave Management Division for more information.

Time Off for School-Related Activities Leave

Employees can take up to 8 hours per month, and up to 40 hours per year, of unpaid leave to:

- Participate in their child's school or childcare activities (K–12)
- Find or enroll their child in school or childcare
- Handle a school or childcare emergency

Employees must request time off from their supervisor and provide **reasonable advance notice** when possible. In emergencies, such as unexpected disciplinary meetings, employees should notify their supervisor as soon as possible. Employees may use available vacation or unpaid time off for this leave.

Contact Human Resources' Leave Management Division for more information.

Bereavement

BART understands the emotional difficulty of losing a loved one. Employees may take one bereavement leave of up to 5 days per immediate family member per calendar year. To be eligible for bereavement leave, an employee must have been employed for at least 30 days before taking the leave. The leave does not have to be taken consecutively but must be used within 3 months of the date of death. Requests to take bereavement leave 3 months or more after the death will be considered on a case-by-case basis. Contact the Absence Management Department for more information.

- **Immediate Family Members:** Current spouse, domestic partner, child, stepchild, child under legal guardianship, parent, stepparent, current father-in-law, current mother-in-law, grandparent, grandchild, or sibling.
- **Duration of Leave:** 5 days of paid leave.
- **Eligibility:** Employees are allowed one bereavement leave per immediate family member per calendar year.

Bereavement leave must be requested through the employee's supervisor or manager and should only be used on regularly scheduled workdays. In some cases, documentation may be required.

If employees need more time off, they may request additional leave, which will be reviewed on a case-by-case basis. Employees are expected to return to work after their approved bereavement leave ends.

For questions, please contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

Jury Duty

All employees are eligible for jury duty leave if they are legally summoned to serve. Employees must inform their supervisor or manager as soon as they receive a jury duty summons.

Employees will receive full pay for each day they are required to report for jury duty. Employees should not accept compensation from the court for serving. If an employee receives compensation from the courts, they must return that money to the District.

If an employee has served five consecutive days on jury duty and that time overlaps with one or more of their regular days off (RDOs), the employee may request to reschedule their RDOs with their supervisor. The change must not result in any extra cost to the District.

Employees must provide a copy of the jury duty summons or other documentation to confirm their service dates. They must also update their supervisor or manager if the jury service schedule changes.

Employees are encouraged to discuss any concerns or questions regarding jury duty leave with their supervisor or an HR representative.

Witness Duty

Employees will be excused from work for the time required to serve as a witness in a District-related case, including travel time, if they are subpoenaed to court, a grand jury, or a deposition. Employees must notify their supervisor in advance.

- **Pay:** For District related cases, employees will receive their regular pay and travel fees for the excused absence, minus any witness fees they receive.
- **Regular Day Off:** If subpoenaed for a District-related matter on a regular day off, employees will be paid the difference between their regular pay and any witness fees received (not including reimbursable travel expenses). Employees must provide a copy of

the subpoena and a statement of any witness fees received to their supervisor and to Payroll.

Non-BART Matters: If the court appearance or deposition is for personal matters, employees must use their own accrued leave for any time off, unless prohibited by law.

For any questions or concerns, employees should contact their supervisor or an HR representative.

4.5.13 Leave of Absence / Personal Business (Non-Medical)

A Leave of Absence (LOA) allows employees to take time off while keeping their job with the District. This leave is discretionary and unpaid and can be requested for personal, non-medical reasons that do not fall under other leave categories. Employees can request this leave once per calendar year for personal, educational, or emergency reasons. Before taking an LOA, employees must use all available paid leave (paid vacation accruals, compensatory time, and floating holidays). LOAs should be requested 2 weeks in advance. Requests will be evaluated on a case-by-case basis.

	LOA Duration (Unpaid, Non-Medical Leave) (Cumulative)	Required Approvers	District Approval Letter
A.	3 Days or Less	Department	No
B.	More than Three Days but Less Than Two Weeks	Department / HR Manager	Yes
C.	More Than Two Weeks	Department / HR Manager	Yes

A. **3 Days or Less**

LOA requests for three days or less can be approved by the employee's director only. Employees should make a written request, e.g. via email, to their managers.

B. **More than Three Days but Less Than Two Weeks**

For requests longer than three days but less than two weeks, employees must complete an LOA application and get approval from both the employee's director and an HR Manager. The employee's timesheet should be marked as "Personal Business" for the approved LOA period. If approved, employees will receive an approval letter for any LOA longer than three days.

C. **More Than Two Weeks**

For leaves longer than two weeks, the LOA must be between two weeks and six months.

To request an LOA of more than two weeks, employees must complete an application and get approval from both their Department Manager and an HR Manager. Once approved, the employee will receive a letter with the details of the LOA. Any time spent in an unpaid status does not count toward vacation or sick leave accrual. **For LOAs longer than two weeks, employees must pay both their own and the employer's premiums to keep health coverage.**

LOA Extension

If an employee's LOA is less than six months, they can request an extension by submitting a new application before the current LOA ends. All extensions must go through the same approval process. In total, even with an extension, the LOA cannot be longer than six months in a calendar year.

Return to Work Expectations

Employees must return to work when their LOA ends. Failing to do so may lead to termination for Job Abandonment. If an employee is unable to return on time, they should contact the Absence Management Department for assistance.

For questions or assistance with how to apply for LOA, please contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources). **An LOA application form** is available on the resource guide on MyBART under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

5. Addressing Workplace Issues

5.1 CORRECTIVE ACTION / DISCIPLINE

This section explains how and when progressive discipline is applied to ensure accountability in the workplace. Supervisors and managers should use discipline to address and correct employee behavior, performance issues, or attendance problems.

Disciplinary actions are discretionary and determined based on the situation's severity and may skip or combine steps. Serious issues can result in immediate termination. Each case of misconduct, poor performance, or attendance concerns will be reviewed individually.

After three years from the effective date of discipline, employees may request that formal disciplinary actions be removed from their personnel file, subject to review and approval by Human Resources.

The disciplinary process outlined below does not apply to employees serving a probationary period. Refer to the Probationary Period section for more information.

For questions about the discipline process, contact the Manager of Employee Relations or Director of Human Resources.

5.1.1 Misconduct

Disciplinary action may occur if an employee fails to follow District policies, rules, procedures, or directives.

Progressive Disciplinary Process for Misconduct Issues

1. Verbal Reminder or Reprimand
2. Written Reminder or Reprimand
3. Suspension or Decision-Making Leave
4. Termination / Discharge from the District

Failure to comply with any District work rule, instruction, regulation, guidelines, or procedure, including any policy contained in and/or referred to in the Non-Representative Employee Handbook, may result in disciplinary action. The administration of discipline by District management is intended to be corrective rather than punitive, and the progressive steps of the disciplinary procedure usually are to be applied in cases of misconduct. However, termination/discharge may be the appropriate level of discipline and may be initiated immediately

for cases which occur during a probationary period or for cases involving serious offenses, which shall include, but not be limited to, the following:

- a. Insubordination
- b. Falsification of employment application
- c. Fighting on District property
- d. Possession, use or sale of drugs on District property
- e. Intoxication or under the influence of alcohol or drugs while on duty
- f. Violation of a prohibition contained in the District's Substance Abuse Program
- g. Theft of District property
- h. Sleeping while on duty
- i. Falsification of District records
- j. Unauthorized possession of explosives and/or firearms
- k. Three (3) consecutive days of absence from work during scheduled work hours without medical certification when required by law and/or failure to notify your supervisor
- l. Flagrant violation of operating rules, regulations, policies or procedures which endanger health, safety or welfare of employees or patrons
- m. Gambling on District property.

For questions about employee conduct, contact the Manager of Employee Relations or Director of Human Resources.

5.1.2 Inadequate Performance

Employees may face discipline if their job performance does not meet the District's reasonable expectations.

Progressive Disciplinary Process for Performance Issues:

1. Informal Counseling
2. Verbal Reminder or Reprimand
3. Written Reminder or Reprimand
4. Suspension or Decision-Making Leave
5. Termination / Discharge from the District

When an employee is not performing at an acceptable level, a Performance Improvement Plan (PIP) will be implemented by the supervisor in collaboration with the Manager of Employee Relations or Director of Human resources. A PIP is not a disciplinary action but a tool to help employees improve their performance. For more information, see the Performance Management section of this handbook.

For questions about performance or performance evaluations, contact the Manager of Employee Relations or Director of Human Resources or Human Resources' Workforce Development Division.

5.1.3 Inadequate Attendance

Employees may face discipline for failing to report to work on time, not being prepared to work as scheduled, or being absent without proper notification, documentation, or approval.

Exceptions

Absences protected by laws, such as the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), or Protected Sick Leave, are not subject to discipline under this policy. For questions about leave or accommodations, contact Human Resources' Leave Management Division.

Progressive Disciplinary Process for Attendance Issues:

1. Informal Counseling
2. Verbal Reminder or Reprimand
3. Written Reminder or Reprimand
4. Suspension or Decision-Making Leave
5. Termination / Discharge from the District

Examples of Inadequate Attendance (Not Applicable to Sick Leave Covered by Law):

- Taking unscheduled sick time near weekends, holidays, or vacation days.
- Calling in sick after being denied vacation.
- Using sick leave for non-qualifying reasons.
- Taking sick leave to avoid work.
- Failure to return to work after end of approved leave.

For questions about attendance, contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

5.1.4 Pre-Disciplinary Hearing for Discharge or Loss of 5 or More Days of Pay

If disciplinary action involves termination or losing five or more days of pay due to suspension or other discipline, the employee will receive a pre-disciplinary hearing. The process is informal and will be tailored to the situation by the hearing officer and Human Resources (Manager of Employee Relations or designee). The hearing officer will be a District manager who is not in the employee's chain of command.

Key Points:

- The employee will receive advance notice of the charges.
- The employee has the right to be represented by counsel at their own cost.
- During the hearing, management will present the charges and supporting evidence.
- The employee can, as circumstances allow, question witnesses who appear at the hearing, present their own witnesses, and provide evidence.
- Both parties will be allowed to make opening and closing remarks.
- The hearing officer will oversee the process, review the information presented, and issue a written decision with findings.
- Rules of Evidence do not apply during this hearing.

Hearing Officer's Decision from the Pre-Disciplinary Hearing:

- Employees can appeal through the Employment Complaint Process, starting at Step 4: General Manager's Employment Review Committee (see Employment Complaint Process below).
- The General Manager's decision is final.

5.2 EMPLOYMENT COMPLAINT PROCESS

An employment complaint is a formal report from an employee alleging a violation or misapplication of a policy, procedure, or section in this Handbook. To file a complaint, employees must complete an employment complaint form as soon as possible.

Key Steps to File a Complaint

- Identify which policy, procedure, or section of the Handbook was violated or misapplied.
- Complaints can start at Step 1 with the employee's supervisor, Step 2 with the employee's director, or Step 3 with the Manager of Employee Relations or Human Resources Director (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).
- Employees may skip Step 1 and/or Step 2 if their supervisor or director is involved in the complaint.

Discrimination, Harassment, or Retaliation Complaints

Complaints related to the District's Equal Employment Opportunities (EEO) Policy should be filed with the Office of Civil Rights and must not follow this process.

For questions about the Employment Complaint Process, contact the Manager of Employee Relations or Director of Human Resources. For EEO-related complaints, contact the Office of Civil Rights.

Fraud, Waste or Abuse Complaints

Complaints related to fraud, waste, or abuse should be filed with the Office of the Inspector General.

Steps for Filing an Employment Complaint

Step 1: Immediate Supervisor / 1st Line of Supervision Review

- Discuss the issue with your supervisor, including the policy or procedure involved.
- If unresolved after 10 working days, the employee may move to Step 2.
- Resolutions should be briefly documented in writing and signed by both parties.

Step 2: Immediate Manager / 2nd Line of Supervision Review

- Submit a written complaint to your manager within 10 working days of an unresolved Step 1 or upon reasonable knowledge of the issue.
- The complaint must clearly state the facts and desired outcome.
- The manager will provide a written response, and a resolution (if achieved) will be documented and signed by both parties.

Step 3: Human Resources Review

- If unresolved at Step 2, submit a written appeal to the Manager of Employee Relations or Director of Human Resources within 15 working days of the director's response.
 - The appeal should include the original complaint and reasons for dissatisfaction with Step 2 (or the last step where a complaint was filed).
- If beginning on Step 3, submit a written complaint to the Manager of Employee Relations or Director of Human Resources.
- The Manager of Employee Relations or Director of Human Resources will provide a written response.

Step 4: General Manager's Employment Review Committee

- If unresolved at Step 3, submit a written appeal to the General Manager's Employment Review Committee through the Assistant General Manager, Administration, within 10 working days of the response from Human Resources.

- The Employment Review Committee will be selected by the General Manager and meet with the employee, gather facts, and prepare a summary with recommendations for the General Manager.
- The General Manager will make the final decision.
- The employee will receive a written response.

Conflict of Interest

If a conflict of interest arises at Step 3 or Step 4, the HR Director or Assistant General Manager, Administration may reassign the matter to another District Non-Represented director, higher-level leader, or an external party.

A copy of the Employment Complaint Form can be found in the resource guide under MyBART > Explore BART > Document, Policies & Procedures > Human Resources > Non-Represented Employees.

For additional questions, contact the Manager of Employee Relations or the Director of Human Resources.

6. Separation & Resolution Procedures

6.1 VOLUNTARY SEPARATIONS

If an employee decides to leave BART, they should give their supervisor or manager at least **2 weeks' notice** to allow for a smooth transition.

Once a resignation is submitted, it cannot be rescinded or changed without approval from the employee's Assistant General Manager (AGM) or, if no AGM, the Director of Human Resources.

Employees must return all BART property (keys, security cards, laptops, cell phones, transit passes, etc.) by the separation date. Confidential Information must also be returned. Any outstanding debts, including overpayments, advances, etc. must be settled upon separation.

For final pay, see *3.5.1 Pay Cycle and Your Paycheck*.

For more information and employee offboarding checklists, please visit MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

6.2 MEDICAL SEPARATIONS

Medical separation is a process the District uses when all efforts to return an employee to work—with or without a reasonable accommodation—have been exhausted. The following conditions must be met for medical separation to occur:

1. The employee is unable to perform their usual job duties, with or without reasonable accommodation.
2. No suitable vacancies were identified for placement, even with accommodations.
3. The employee is not retiring, either because they are ineligible or did not pursue the retirement process.
4. No other options are available to enable the employee to perform the essential duties of any District position, with or without accommodations.
5. Additional leave cannot reasonably be provided, and no evidence supports that extending leave would resolve the situation.

At the conclusion of the Reasonable Accommodation Interactive Process, the employee will receive a closure letter from Leave Management explaining their options:

1. Voluntarily retire from District employment (either due to years of service or as a disability retirement, if eligible).

2. Resign from District employment.

There is no set amount of time that employment is guaranteed during this process. If all options for returning to work have been exhausted and the employee cannot return to work, the District may move forward with medical separation.

If the employee does not take action, the District will proceed with the Medical Separation Process, which includes the following steps:

Step 1: Notice of Intent to Medically Separate

The Absence Management Department will notify the employee of the District's intent to medically separate them. This notice will explain the reasons for the separation and invite the employee to respond to the notice within 15 calendar days.

Step 2: Notice of Medical Separation

If after 15 calendars the District does not receive a response or after considering the employee's response the District still moves forward with separation, it will issue a formal notice of Medical Separation. This formal notice will be submitted to the Human Resources Information System (HRIS) Division to remove the employee from District employment. Medical separation is a non-disciplinary and neutral process based on the conditions listed above.

For any questions about this process, please contact the Absence Management Department (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

Employment Complaint Process

Employees cannot appeal a medical separation decision. However, employees who believe they have been treated unfairly or that their civil rights have been violated under laws like the Americans with Disabilities Act (ADA), the California Fair Employment and Housing Act (FEHA), or California Workers' Compensation legislation can file a complaint.

If you believe you were discriminated against, including denial of a valid request for a reasonable accommodation, you can submit a formal complaint to the Office of Civil Rights (OCR). OCR investigates claims of discrimination based on protected statuses outlined in the District's Equal Employment Opportunity (EEO) Policies.

To report prohibited conduct, contact OCR immediately at eeocomplaint@bart.gov. For questions about EEO complaint procedures, reach out to the Office of Civil Rights.

6.3 REDUCTION IN FORCE (RIF) PROCEDURES

If there is a need to reduce staff or reorganize the District, the District will follow all applicable federal, state, and local regulations. Management, at its sole discretion, will decide the order in which employees are laid off. However, before laying off employees, the District will consider whether they can be placed in other open positions within the District that they are qualified for. The process for layoffs as a result of a reorganization or a reduction in force is as follows:

1. Notification

Employees will be informed as soon as possible after a decision is made to lay them off. They will be told the reason for their layoff, the details of the process, and will receive a tentative schedule for the steps below.

2. Human Resources (HR) RIF Assistance Committee

The Director of Human Resources will set up a committee to help employees affected by the layoff process. The committee will answer questions about the layoff process and benefits, help with resumes, assist with job search opportunities, and track rehire opportunities.

3. Internal Job Placement

Employees will have 7 calendar days from notification of the potential layoff to submit a current resume if they want to be considered for other positions within the District. The HR RIF Assistance Committee will review the resume, work with the employee on any suggested improvements, and look for open positions at the same level or lower that match the employee's qualifications. If there is a match, the hiring department may review the resume and possibly conduct an interview. The District may choose to consider the employee for the position without following the usual hiring process. The District has the right to select the most qualified candidate for the role.

If the employee is selected for the position, they will have 3 calendar days from receipt of the offer to decide whether to accept the offer. The salary will be based on the new position, and the employee will need to meet any background check or pre-employment requirements. If the employee declines the offer, they will continue with the layoff process and lose any rights to rehire consideration.

If no position matches or the employee is not selected, the employee will continue with the layoff process.

4. Termination Compensation

If an employee is laid off (for reasons not related to misconduct, inadequate performance, or inadequate attendance), they will receive payment for unused vacation, floating holidays, and

accrued compensatory time. They will also receive severance pay of 2 weeks for each full year worked at the District. This final compensation will be paid as a lump sum. The employee's service with the District will end when this payment is made.

5. Reinstatement

Employees laid off as part of a reduction in force or reorganization may apply to be rehired for open positions they are qualified for within 12 months of their layoff. If the laid off employee is rehired, they will be credited for their prior service with the District, but they will need to serve a probationary period with the same terms as a new hire. The District will follow its official hiring process but retains the discretion to consider the employee for the position outside of that process. **The District reserves the right to select the most qualified candidate for the role.** If the employee is selected, they will be rehired. The employee would also need to pass any background or pre-employment requirements associated with the position.

The employee will continue to receive job announcements for positions they're interested in and can sign up for them through the District's application system. The HR RIF Assistance Committee can help with this process. If the employee rejects a reinstatement offer, the District's obligations to the employee under this policy will end immediately.

6.4 POST-EMPLOYMENT BENEFITS

6.4.1 COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) lets employees continue their group health coverage at group rates after BART coverage ends. The duration of COBRA is typically 18 or 36 months, depending on the reason for loss of coverage and specific regulations. Coverage starts the first day of the month after BART coverage ends. Employees, their spouses/domestic partners, and eligible dependents can each choose which benefits to continue under COBRA.

All costs associated with COBRA coverage are the responsibility of the covered individuals. For additional information, contact Human Resources' Benefits Division (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

6.4.2 Unemployment Insurance

All Non-Represented employees are covered under the California Unemployment Insurance Code. After leaving BART, employees can apply for Unemployment Insurance benefits at their nearest Employment Development Department (EDD) office. If an employee moves out of state, the employee can file an interstate claim at the closest unemployment office. Delaying the filing may result in a loss of benefits.

Eligibility for unemployment benefits is determined by California State based on legal criteria. If an employee qualifies, BART covers the cost of the program.

For more information about unemployment, visit the California State Employment Development Department website.

7. Administrative Procedures

7.1 EMPLOYMENT RECORDS AND INFORMATION

7.1.1 Personnel File and Personal Information

Each employee has an official personnel file maintained by the Human Resources Department. Access to these files is limited to the employee and their representative, as well as those with a legitimate business or legal reason, such as during hiring, disciplinary actions, audits, or compliance reviews.

After three years from the effective date of discipline, employees may request that formal disciplinary actions be removed from their personnel file, subject to review and approval by Human Resources.

If employees want to review their file, they should schedule an appointment with Human Resources (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

Employees are required to keep their personal information up to date, including home and mailing addresses, phone numbers, email addresses, and emergency contacts. This information can be updated through Employee Connect > Self Service.

7.1.2 Change of Personal Information

Employees must promptly notify Human Resources of any personal status changes—such as name, marital status, address, phone number, additional dependents—or make updates through EmployeeConnect > Self Service.

Timely updates are crucial for maintaining accurate insurance records, managing benefit changes, and in case of emergencies where BART may need to contact employees during off-duty hours. BART keeps this information confidential and will only release it to other employees when there is a valid business-related need and it is permitted by law.

Please note, failure to update personal information on time may impact benefits, dependent coverage, or other time-sensitive notifications. Notifying an employee's department is not sufficient – employees must update their records through EmployeeConnect or directly with Human Resources. BART is not liable for any outcomes due to an employee's delay in updating their personal information.

7.1.3 Employment Verification

For employment verifications, BART only provides limited information:

- Date of hire
- Date of separation
- Positions held

Direct all verification requests to Human Resources Information Services (HRIS).

7.1.4 Employment References

BART handles employment reference requests through Human Resources Information Systems (HRIS). HRIS will only provide basic information, including:

- The employee's hire date
- The date of separation
- Positions held

All requests for references must be submitted in writing, and HRIS will respond in writing (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources). Only HRIS is authorized to provide employment references.

7.1.5 Record Retention

Employees are required to retain records in accordance with the BART's Records Retention Manual. A copy of the Records Retention Manual can be found on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees) or by contacting the Office of the Chief Information Officer.

7.2 TIMEKEEPING PROCEDURES

Employees are responsible for accurately recording their time worked for payroll and benefits purposes. This may include additional coding for project tracking and remote work. Non-exempt employees must clock in and out using BART's time tracking system and may not begin work before their scheduled start time. Exempt employees are required to log their daily attendance and report any absences using the proper time reporting code.

Supervisors must review and approve time records, including absences and leave, unless a collective bargaining agreement or another provision in this Handbook dictates otherwise.

Tampering with, falsifying, or altering time records, or approving inaccurate time records, is strictly prohibited and can lead to disciplinary action, up to and including termination. Employees should immediately report any time record errors to their supervisor, who will then address and correct the issue.

For any questions about time reporting, employees should first consult their supervisor. If further assistance is needed, please contact the Time Accounting and Administration Department (TAAD) (see Human Resources Department Directory & Contact List on MyBART under Department > Administration > Human Resources).

7.3 USE OF COMPANY RESOURCES

7.3.1 Bulletin Boards

Any materials posted at BART properties or electronically must be suitable for a business setting and receive written management approval.

For additional information, refer to Management Procedures on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

7.3.2 Use of Facilities, Equipment, and Property, Including Intellectual Property

Employees must handle BART property with care and follow all safety, maintenance, and operating guidelines. If equipment, machines, or tools are damaged, defective, or need repair, report them to a supervisor immediately to avoid further problems or injury. Supervisors can help with any questions about equipment care.

Unauthorized use of BART's intellectual property, such as recordings, logos, images, print materials, and software, is not allowed. For additional information, refer to Brand Resources on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees). Using District equipment in a way that is unsafe, careless, or not the intended use of the equipment may result in disciplinary action, including termination. BART is not responsible for personal items brought to the workplace.

If you need to take BART property home, get approval from your manager first to prevent damage or breaches of confidential information.

7.3.3 Confidential District Information

During your work at BART, you may have access to confidential information, such as District finances, software data, or personal information. You may also encounter confidential information from BART's partners. Protecting this information is essential.

You must not use or share confidential information outside of your job duties unless required by law. This rule applies even after you leave BART.

Improperly copying, removing, using, or sharing confidential information with anyone outside of the District — whether physically or electronically — can result in disciplinary action, including termination.

7.3.4 Operation of District and Personal Vehicles

Employees authorized to drive District-owned or leased vehicles, or personal vehicles for District business, must have a valid driver's license for the classification of the vehicle they are operating at all times. If an employee is required to have a driver's license for their job and is unable to maintain a valid license or drive, it will affect their ability to perform job duties and impact their employment status. Any changes to an employee's license status, such as suspensions or revocations, must be reported to management immediately. **Driving a District-owned or leased vehicle, or a personal vehicle for District business, without proper authorization is strictly prohibited (not allowed).**

Employees must carry their driver's license when operating a vehicle for District business, whether on or off District property. It is the employee's responsibility to drive safely, follow all traffic laws, and comply with vehicle safety and parking regulations. Employees should always practice safe and responsible driving. **Any incidents or accidents, no matter how minor, must be reported to management immediately.**

District vehicles are for official District business only and may only be used with management approval. The District reserves the right to revoke driving privileges as necessary.

Employees must follow the Vehicle Use Policy. For more details, refer to Management Procedures (see resource guide under Explore BART > Union Contracts > Non-Rep).

7.3.5 Business Expense Reimbursement

Expenses incurred during official BART business that have been approved by management may qualify for reimbursement according to BART guidelines. Pre-approval is required for travel and related expenses. To request reimbursement, employees should submit a business expense report along with the required documentation. For information on reimbursement related to courses, see the *Educational Assistance Program* section in the Benefits chapter of this handbook.

For additional information, refer to Management Procedures on MyBART (see resource guide under Explore BART > Documents, Policies & Procedures > Human Resources > Non-Represented Employees).

Non-Represented Employee Handbook

Acknowledgment of Receipt

*I acknowledge that, I received a copy of BART's **"Non-Represented Employee Handbook," dated July 1, 2025** and all corresponding documents referenced in the Handbook which are located on the MyBART SharePoint site or under Employee Connect, within the Non-Represented Employee Handbook Acknowledgement section and that I read them, understood them, and agree to comply with them. I understand that BART has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the Handbook at any time.*

I also understand that this handbook provides important information about BART policies, procedures, and employee expectations. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this Handbook. Changes can only be made if approved in writing by the General Manager of BART. I also understand that any delay or failure by BART to enforce any rule, regulation, or procedure contained in the Handbook will not constitute a waiver of BART's right to do so in the future.

I understand that neither this Handbook nor any other communication by a management representative or any other employee, whether oral or written, is intended in any way to create a contract of employment. If I have a written employment agreement signed by an authorized BART representative and this Handbook conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will control.

Each employee should read and become familiar with the information contained in this Handbook. Failure to comply with BART's policies or procedures may result in discipline, up to and including termination.

Acknowledgement:

☐ **I confirm that I have received a copy of the handbook and any corresponding document referenced in the handbook located in the MyBART SharePoint site or under Employee Connect and understand my responsibility to read and follow the information it contains.**

☐ **I also understand that I need to complete an on-line training, "Non-Represented Employee Handbook Orientation: Roles, Rights, and Responsibilities".**

Employee Name: _____

Date: _____

To be electronically acknowledged through the employee self-service portal.

