

B.G. Transit
Policy Manual
304 North Church Street, Bowling Green, Ohio 43402

SUBJECT: **DISCIPLINARY** SECTION: Safety
 ACTION/SUSPENSION/
 APPEAL PROCESS
 POLICY

EFFECTIVE DATE: 6/19/07 REPLACES: TAC-approved policy of
APPROVED BY: City Council August 16, 2005
APPROVAL DATE: 6/19/07

DIRECTIVE:

To provide direction for the disciplinary action and/or suspension of difficult passengers and to provide passengers with an appeal process for such actions.

DEFINITIONS:

The following actions, upon entering or riding on the B.G. Transit, will be considered to be displays of disorderly conduct. This list is not all inclusive, but should serve as a guide toward understanding the types of actions/behaviors which will result in one's being denied transport, causing the need for progressive disciplinary action, and may lead to subsequent suspension from the B.G. Transit:

- Eating, drinking or smoking;
- Refusal to wear seatbelts;
- Refusing to pay the fare upon entering the vehicle (To receive the senior/disabled/children 4-13 fare, a customer must present his/her B.G. Transit I.D. Card to the driver upon entering the vehicle.);
- Refusal to secure a child under the age of 4 and/or weighing less than 40 pounds in the provided child restraint seat;
- Refusal to allow a common wheelchair and/or other assistive mobility device to be secured;
- Presenting dangerous/hazardous/disruptive behavior to the driver or other passengers (this can include any loud, raucous, unruly, harmful, harassing or other related behaviors);
- Possessing/carrying, exhibiting, displaying or drawing any firearm or a deadly weapon (to include, but not limited to, dagger, sword, knife or other cutting/stabbing instrument, club or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests an intent to intimidate another or that warrants alarm for the safety of other persons);
- Violation of any federal, state, or municipal civil and criminal law;
- Extending any object or portion of one's body through the door or window of a B.G. Transit vehicle while it is in motion;
- Spitting at, in or on the property of B.G. Transit, a B.G. Transit driver or passenger;

- Destroying, defacing, or otherwise damaging the property of B.G. Transit;
- Entering the B.G. Transit vehicle with any animal/pet, with the exception of service animals;
- Displaying any sexually harassing behavior toward the B.G. Transit driver and or any other passengers (this includes the use of explicit language/dialogue, display of sexually graphic materials or any other sexually harassing behaviors);
- Carrying out any act which tends to create or incite, or actually creates/incites, an immediate breach of peace. This includes, but is not limited to fighting, pushing, hitting, dangerous horseplay, use of foul/obscene/racist/sexually explicit language or discussion, noisy or boisterous conduct, threats of any sort or any other dangerous actions or actions likely to provoke a violent reaction, fear, anger or apprehension; and
- Throwing *any* object at B.G. Transit property, B.G. Transit drivers or other passengers.

PROCEDURE:

The B.G. Transit Local Manager or his/her designee will fax or hand deliver to the Grants Administrator a completed B.G. Transit Incident Report within the next City of Bowling Green business day of a passenger's display of disorderly conduct. (The report must have been completed and signed by the driver witnessing the disorderly conduct incident). Thereafter, the progressive disciplinary process will be implemented by the City of Bowling Green Grants Administrator.

The progressive disciplinary process is set forth directly below:

- 1) The first violation will result in a written warning;
- 2) The second violation will result in a suspension from riding the B.G. Transit for a 30-day period of time (retro-active to the date of the incident);
- 3) The third violation will result in a suspension from riding the B.G. Transit for a 60-day period of time (retro-active to the date of the incident);
- 4) The fourth violation may result in a disciplinary hearing being held which could culminate in disciplinary action up to and including permanent disbarment from riding the B.G. Transit.
- 5) Based upon the severity of the conduct/behavior of the passenger, the City of Bowling Green reserves the right to shorten the progressive disciplinary process at any point in time, allowing for the ability to proceed directly to the fourth step in the process (permanently suspending a passenger from use of the B.G. Transit). Determination for such a decision will be based upon the recommendation of the Transit Advisory Committee. On an "as needed" basis, the Grants Administrator has the ability to call an ad hoc meeting of the Transit Advisory Committee in order to assess such a situation and render an appropriate decision.

The passenger will be notified by the City of Bowling Green Grants Administrator in writing within seven days of any disciplinary action. The letter will state the reasons for and duration of the suspension, and it will also include a copy of the appeal process. In the event of the Grants Administrator's absence, the letter can be prepared by the Grants Department Secretary for the Municipal Administrator's signature.

The appeal process may be utilized by any passenger who wishes to appeal a decision of suspension. The Transit Advisory Committee will serve as the body addressing all passenger appeals.

Passengers should address an appeal in the following manner:

- 1) The passenger must request a hearing in writing within thirty (30) days of the written notice of suspension from the City of Bowling Green. Hearing requests must be mailed, faxed or hand delivered to the attention of the Grants Administrator, City of Bowling Green, 304 North Church Street, Bowling Green, OH 43402, fax: 419-353-4763;
- 2) The Grants Department will inform the passenger of the hearing date, place and time in writing, providing at least 10 days' written notice of such;
- 3) The passenger may bring one or more witnesses to the hearing, if desired;
- 4) Decisions must be presented in writing to the passenger on behalf of the City of Bowling Green within seven (7) days of the hearing.

RESPONSIBILITIES:

All drivers are responsible for reporting abusive or disruptive behavior and completing an Incident Report as stated directly above. The Grants Administrator for the City of Bowling Green will be responsible for determining and carrying out the consequences and enforcement of such behavior in accordance with the policy. The Grants Administrator has the responsibility coordinating the facilitation of the appeal process for any passenger wishing to utilize it.