

September 24, 2013

Ms. Ann L. Schneider
Mr. George Ranney, Jr.
Co-Chairs of the
Northeastern Illinois Public Transit
Task Force
2300 South Dirksen Parkway
Springfield, IL 62764

Dear Co-Chair Schneider and Co-Chair Ranney:

As you have requested in your letter dated September 19, 2013, enclosed are our written responses to questions 2, 3, 9, 10, 11, 12 and 13, along with supporting documentation if needed. I will have responses to the remainder questions to you prior to October 1, 2013.

If you need anything further from me prior to the hearing, please let me know.

Sincerely,



Donald A. Orseno
Interim Executive Director

DAO/kmh
Enclosures

2. Identify any review or investigation process conducted on candidates or appointees to the Board of Directors, or current Directors, as well as officers and employees, staff-members, or managers, including, but not limited to, an individual's potential criminal record.

Answer: The RTA Act does not provide authority for Metra staff to review or investigate candidates or appointees to the Board.

Regarding employees, Metra utilizes a vendor to conduct background checks of all selected candidates. This background check, consistent with the law, extends beyond criminal records, and covers employment history, motor vehicle records, verification of education, and other areas of concern.

Please see attached Exhibit 2.

As for investigation of current Directors or employees, depending on the circumstance, typically the matter is investigated by the department head, the Audit department, the Law Department, or outside independent counsel or investigators. Any investigative matter that may be a violation of the State Officials and Employees Ethics Act, 5 ILCS 430 *et seq.* ("Ethics Act"), is forwarded to Metra's Ethics Officer for possible referral to the Illinois Office of the Executive Inspector General ("OEIG").

3. Identify any review or requirements regarding the disclosure by candidates, appointees, or Directors of conflicts of interests in service to the Agency.

Answer: The RTA Act does not provide authority for review of candidates or appointees, and as such Metra is unaware of any initial disclosure requirements. After appointment, however, annually each Director is required to file a Statement of Economic Interest with Cook County Clerk's office (which is filed where the business is located).

Metra's Bidding Regulations, MET 12-03, attached as Exhibit 3(a); FTA Master Agreement; and Federal Regulations, 49 CFR 18.36(b)(3), attached as Exhibit 3(b), place certain restrictions on contracts as they relate to entities associated with Metra Board of Directors or their immediate family, if a real or apparent conflict of interest would be involved. In the event that any *potential* conflicts of interest arise during their tenure, Metra Board of Directors should disclose the *potential* conflicts to Metra's Ethics Officer so that the issue can be reviewed for any restrictions that may apply.

Metra Directors do not serve on evaluation committees.

9. Indicate whether the principles of Rutan v. Republican Party of Illinois, 497 U.S.62 (1990), apply to the Agency's employment, staffing, management, or similar decisions or policies. If so, (a) identify the policies, procedures, and controls implemented by the Agency related to those principles and (b) indicate the percentage of Agency officers and employees, staff-members, or managers covered by those principles.

Answer: Metra is unaware of any court decision making *Rutan* applicable to Metra and the RTA Act. The *Rutan* principle permits employment decisions based upon political factors for certain employees. The RTA Act has a higher standard and states that there shall be no discrimination based upon political reasons or factors in employment decisions. This anti-discrimination provision in the RTA Act does not distinguish between any class or level of employees.

Please see Exhibit 9.

10. Identify the policies, procedures, and controls implemented by your Agency related to 70 ILCS 3615/2.14, to ensure that no unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, is made in any term or aspect of employment, nor that there is discrimination based upon political reasons or factors.

Answer: Metra's commitment to non-discrimination policies can be shown through the following internal EEO policies and procedures: an Affirmative Action Policy, an Equal Employment Opportunity Policy, a Policy Against Harassment, an Anti-Retaliation Policy, a Disability Policy Statement, a Complaint Procedure, and a Statement of Policy. These policies and procedures are disseminated through a wide-variety of materials included in the attached Exhibit 10(a).

Metra also provides EEO training for managers and supervisors for a variety of topics; please see the course guide attached as Exhibit 10(b). Additionally, Metra has a Reasonable Accommodation Committee (made up of representatives from HR, Law, EEO, and Medical as well as the department involved and the Chief Medical Officer) to address disability issues specifically, please see the attached Exhibit 10(c).

Metra has also implemented controls to ensure no unlawful discrimination, such as tracking complaints looking for patterns, and monitoring the hiring and promotion process. All employees must go through the same hiring and promotion process, including applying online. Please see the attached Exhibit 10(d).

11. Identify the policies, procedures, and controls in place regarding the outside influence on hiring, promotion, recall, transfer, or termination of any officer, employee, staff-member, or manager, filling of any vacancy, or creation of any new position, or taking of any similar action, including, but not limited to, the tracking of recommendations, referrals, or sponsorships of individuals for employment, promotion, termination, transfer, or related action by persons outside the Agency.

Answer: As discussed in question 10, the filling of any vacancy or promotion must follow the hiring/promotion processes outlined in the previous answer. Metra's hiring/promotion processes include involvement by the employing department, Human Resources, and a selection committee, ensuring a system of checks and balances throughout the process.

Recruitment is divided into two main categories: non-contract and contract (employees covered by a collective bargaining agreement), and is generally governed by two separate policies, both of which are attached herein. Exhibit 11(a) primarily applies to non-contract positions, except when overridden by collective bargaining agreements, in matters such as seniority. Exhibit 11(b) consists of our contract recruitment procedures.

In addition to the above, Metra Ordinance MET 10-07 requires the Executive Director to provide a monthly report on all hires, promotions, separations, and increases in compensation, and Metra Ordinance MET 10-14 requires Board consent from waiver or deviation of the job posting policies. Please see the ordinances attached as Exhibit 11(c).

12. Identify the policies, procedures and controls in place regarding the receipt of gifts by members of the Board, officers or employees, staff-members, or managers of the Agency.

Answer: Metra employees and Board Directors must follow the gift ban provisions contained in Metra Ordinance MET 04-05, attached as Exhibit 12(a); the Ethics Act, 5 ILCS 430/10-10 to 10-40; attached as Exhibit 12(b); the Code of Federal Regulations, 49 CFR 18.36(b)(3), attached as Exhibit 12(c); and FTA Circular 4220.1F. The gift ban provisions are also reiterated in the Employee Handbook and the required annual ethics training. In addition, Metra employees follow a stricter gift ban rule than is prescribed by the Ethics Act. As an exception to the gift ban, the Ethics Act allows employees to accept \$75 a day for food and less than \$100 a year for any item or items from any one prohibited source. However, Metra employees do not follow these exceptions but are

instead limited to accepting \$25 a year in food and/or items from all prohibited sources combined.

13. Identify the Office or individual responsible for the oversight and investigation of the Agency, including, but not limited to, issues of ethics and hiring.

Answer: Metra is under the oversight of federal, state, and local authorities, including, but not limited to: the Regional Transportation Authority, the Illinois Office of the Executive Inspector General, the U.S. Department of Transportation, U.S. Equal Employment Opportunity Commission, and the Illinois Department of Human Rights. Internally, there are others such as the Metra Ethics Officer, and the Audit Department.

Exhibit 2
Metra Background Procedures

Metra Background Procedures

Purpose

This procedure provides guidelines for the proper way to conduct a background check. The background check is conducted so that Metra hires only qualified employees who have neither been convicted of any felony during the past five years nor of ever being convicted of a felony involving a weapon.

Policy

All selected candidates who receive a job offer must first pass a pre-employment background investigation, which consists of a criminal check, an employment history, a social security trace, an OFAC (Office of Foreign Asset Control) database search, a nationwide sex offender search, and a motor vehicle records search. A candidate who possesses a degree or specialized license will also receive an education verification and/or license verification. The background investigation will be performed by Management Coordinator of Employment Services through an outside vendor and results will be approved by the Department Head of Employment Services or above.

County Criminal Checks – all candidates will have criminal investigations conducted in the following six Illinois counties where Metra provides service Cook, Du Page, Kane, Lake, Mchenry, and Will. Also any state or other county the candidate may have resided.

Employment History – verification of dates of employment and any pertinent information provided by all of the candidates former employers.

Social Security Trace- to verify candidate's social security number and locations where it was used so as to determine if a there is a need to run additional criminal checks.

OFAC Database Search – to verify candidate is not on the terrorist watch list.

Nationwide Criminal Search – to verify candidate doesn't have felonies in places where the Social Security trace didn't show a need to look.

Nationwide Sexual Offender Search – to verify candidate is not on the sexual offender list.

Motor Vehicle Records Search – to verify candidates ability to operate Metra's vehicles.

Education Verification – to verify the highest college degree for all candidates with college degrees.

License Verification – to verify a license when a particular position requires a specialized license.

Instructions

After a job offer has been made, selected candidate is scheduled for a physical. On the day of the physical candidate must first come to Employment Services Office front desk to receive and fill out background investigation paperwork, which includes Metra's Disclosure and Authorization For Release of Information with the Fair Credit Reporting Act (FCRA) Pre-Notification, Vendor' Disclosure and Authorization Form, and Metra Request for Background Information forms. On these forms candidate will provide necessary information which includes full name, date of birth, maiden name or other names used, marital status, parents names, Social Security number, Drivers License number, home addresses for the past 10 years, entire employment history, education experience, and certificates/licenses. All background check paperwork forms need to be filled out completely, signed and dated.

Entire Employment History – to properly research previous employment history, it is important that all pertinent information is provided which includes – Employer name, full address (especially city and state), job title, telephone number, supervisors name, salary, dates of employment, duties, and reason for leaving.

Completed background check paperwork is then passed on to the Management Coordinator for processing. Management Coordinator transmits, using the methodology agreed upon, all of the information to background investigation vendor for research and verification. Management Coordinator will then monitor the process and make follow-up calls as necessary. The turn around time for completed background reports should be five business days or less.

At this time, Metra uses the services of American Data Bank as the background investigation provider. Management Coordinator uses the web site americandatabank.com to transmit candidate information for verification, if need be forms can also be faxed to provider. Management Coordinator logs into web site by entering metra as the user name and the current password which is changed every three months. Once on the site, the Management Coordinator enters 'the create a draft' section, enters all data necessary for contractor to verify, and orders the desired services. After the Social Security Trace is completed and any additional services are ordered, Management Coordinator must close out the 'service alert' so as to let the contractor know all services are ordered and to be completed. Contractor will email completed background investigation to both Department Head and Management Coordinator of Employment Services.

Completed background reports are forwarded by vendor to both the Department Head of Employment Services and the Management Coordinator for inspection. When candidate's background report information is deemed valid, Department Head approves

by signing off on paperwork and Management Coordinator then forwards the successful pass notice to the recruiter/employment specialist. Management Coordinator will contact candidate when situations of previous employment discrepancies occur (i.e., dates of employment or employer has no record of etc.) for explanation or further information. Depending upon the situation, candidate may be asked to provide documentation such as W2s, 1099s, letters from former supervisors etc. Management Coordinator will document findings and receive pass or fail decision from Department Head of Employment Services and forward results to recruiter/employment specialist.

In cases of background reports showing felony convictions Department Head of Employment Services will inform Sr. Corporate Director of Human Resources who then may choose to get Metra's Legal Department's opinion depending on the severity of the felony or length of time that has elapsed. Usually, the next step would be the Department Head of Employment Services would give the candidate an opportunity to disprove the findings with the proper legal documentation, in accordance with the (F.C.R.A.) Federal Fair Credit Reporting Act procedures.

Department Head or above will then make the final decision as to whether to rescind Metra's offer of employment and notify candidate. When offers of employment are rescinded because of criminal history, candidate will be sent a letter rescinding the offer of employment from the Department Head of Employment Services along with a copy of the background check.

In cases where candidate misrepresents their credentials (work history, education, etc.), Department Head of Employment Services will send a letter rescinding the offer of employment.

Exhibit 3A
Metra's Bidding Regulations

**COMMUTER RAIL BOARD
ORDINANCE NO. MET 12-03
REVISED BIDDING REGULATIONS**

WHEREAS, the Board of Directors (“Board”) of the Commuter Rail Division of the Regional Transportation Authority (“Metra”) is committed to honest and efficient operation of commuter rail services;

WHEREAS, efficient and open competitive bidding in procurement and contracts substantially furthers Metra’s purposes and operations;

WHEREAS, the current bidding regulations are not found in any one ordinance, but are comprised of a series of Ordinances, including: MET 94-18, MET 96-13, MET 95-27, and MET 02-33 (collectively, “Prior Ordinances”);

WHEREAS, the Board desires to promote transparency, efficiency, and clarity in the execution and administration of the bidding regulations by restating, updating, and consolidating Metra’s internal bidding regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD AS FOLLOWS:

1. The bidding regulations attached hereto are hereby adopted, and shall become effective May 1, 2012.
2. The attached bidding regulations shall supersede the Prior Ordinances and take precedence and control over any previously enacted conflicting ordinances, regulations, rules, or policies.
3. The Executive Director/Chief Executive Officer is hereby authorized to take such actions as he deems necessary to implement and administer this Ordinance and the attached regulations.

January 20, 2012

AMENDED AND RESTATED
COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION
AUTHORITY REGULATIONS GOVERNING PUBLIC BIDDING

I. PURPOSE

1.01 These regulations have been adopted for the purpose of assuring full and fair competitive bidding in procurements and contracts.

II. COMPETITIVE BIDDING

2.01 Purchases. Except as otherwise provided in these Regulations, all contracts or purchase orders for the construction or acquisition of services or public transportation facilities (other than real estate) involving a cost of more than \$10,000 shall be let by free and open bidding, after public notice, to the lowest responsive and responsible bidder.

2.02 Sales. Except as otherwise provided in these Regulations, all contracts for disposition (sale) of fee simple title to any property of the Division and leases for more than 99 years shall be let by free and open bidding to the highest bidder. However, leases of Division property for 99 years or less but for more than 20 years shall be offered for lease through the competitive negotiation process (requests for proposals). Leases for 20 years or less and property leased by the Division, easements, licenses and concessions, and all documentation for them, may be entered into without public bidding.

2.03 Exceptions. The competitive bidding requirements of these Regulations do not apply to:

- (a) Acquisitions of repair parts, accessories, equipment or services previously furnished or contracted for.
- (b) The immediate delivery of supplies, material or equipment or performance of service when it is determined by the Executive Director/Chief Executive Officer (“CEO”) that an emergency requires immediate delivery or supply thereof and there is a concurrence of two thirds of the then Directors.
- (c) Goods or services that are economically procurable from only one source.
- (d) Contracts for the maintenance or servicing of equipment which are made with the manufacturers or authorized service agent of that equipment where the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or such a contract would be otherwise advantageous to the Division. The exception provided in this sub-paragraph (d) shall not apply to contracts for plumbing, heating, piping, refrigeration and automatic temperature control systems, ventilating and distribution systems for conditioned air and electrical wiring.

- (e) Goods or services procured from another governmental agency, including, without limitation, procurements pursuant to joint government purchasing.
- (f) Purchases and contracts for the use or purchase of data processing equipment and data processing systems software.
- (g) The acquisition of professional or utility services. "Professional services" are services the quality and reliability of which depend in substantial part upon the individual skills, training, experience or ability of the person rendering such service.
- (h) Purchase of service agreements or other contracts, purchases or sales entered into by the Division with any transportation agency or unit of local government.
- (i) The acquisition of public transportation equipment including, but not limited to, rolling stock and locomotives, provided that: (1) it is determined by a vote of 2/3 of the then members of the Board that negotiated acquisition offers opportunities with respect to the cost or financing of the equipment, its delivery, or the performance of a portion of the work within the State or the use of goods produced or services provided within the State; (2) a notice of intention to negotiate for the acquisition of such public transportation equipment is published in a newspaper of general circulation within the City of Chicago inviting proposals from qualified vendors; (3) any contract with respect to such acquisition is authorized by a vote of 2/3 of the then members of the Board; and (4) the procedures set forth in Section 2.04 apply to such acquisitions.

2.04 Procedures for Competitive Negotiation.

- (a) The following procedures apply to acquisitions by negotiation authorized in accordance with subsection 2.03 (i):
 - (1) Requests for proposals will be publicized and will identify all evaluation factors and their relative importance, and any response to publicized requests for proposals shall be honored to the maximum extent practical;
 - (2) Proposals will be solicited from an adequate number of qualified sources;
 - (3) Written procedures are adopted in advance for conducting technical evaluation of the proposals received and for selecting awardees;
 - (4) Awards will be made to the highest ranking responsive, responsible firm whose proposal is most advantageous to the Division's program, with price and other factors considered.
- (b) If so stated in the Request for Proposals, selection may be made on the basis of original proposals, without negotiation with any offerer. If negotiations are conducted at all, however, they must be conducted with all offerers in the competitive range, i.e., all offerers that are determined to have a reasonable chance of being selected for award based on cost or price and other factors that were stated in the solicitation.

2.05 [INTENTIONALLY DELETED]

III. PROCEDURES

3.01 Public Notice for Bids: Time. All proposals to award purchase orders or contracts subject to these Regulations shall be published at least once in a newspaper of general circulation in the Metropolitan Region at least ten (10) business days in advance of the date announced for the receiving and opening of bids and shall simultaneously be posted at the principal office of the Division.

3.02 Content of Public Notice for Bids. Advertisements for bids shall describe the character of the proposed contract of agreement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement.

Such advertisement shall also state the date, time and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. An extension of time may be granted for the opening of such bids upon publication in a newspaper of general circulation in the Metropolitan Region of the date to which the bid opening has been extended. The time of the bid opening extension shall not be less than five (5) days after the publication thereof, Saturdays, Sundays and legal holidays excluded.

3.03 Additional Notice. Nothing in these Regulations shall be construed to prevent the Division from providing additional notice for bids.

3.04 Earnest Money Deposits. Cash, cashier's check, a certified check, money order or bond of a surety satisfactory to the Division as a deposit of good faith, in a reasonable amount but not in excess of ten percent (10%) of the contract amount, may be required of each bidder by the Division. The advertisement for bids shall specify the deposit required.

3.05 Collusion. This Section shall sunset upon the passage of a subsequent consolidated ordinance incorporating this clause in substantially the same form or as amended by applicable law, regulation, or ordinance. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement, or otherwise swear or affirm, that he has not been a party to any such agreement. Any disclosure of the terms of the bids submitted in response to an advertisement made or permitted by the Division in advance of the opening of bids, shall render the proceedings void and shall require re-advertisement. If two or more identical bids are received under these Regulations, the Division shall inform the Attorney General of the State of Illinois of such fact in writing within thirty (30) days following the disposition of all bids received in response to the advertisement for bids, whether by awarding of a contract or other action.

3.06 Opening of Bids. All bids under these Regulations shall be publicly opened. All such bids shall be open to public inspection.

3.07 Records Required. Each bid received under these Regulations shall be entered on a record showing the name of each bidder and indicating the successful bidder. After award of the contract, such record shall be open to public inspection at the offices of the Division. An official copy of each awarded purchase order or contract, together with all attachments, assignments and written consents thereto, shall be retained by the Division for such period of time after termination of the contract during which an action against the Division might ensue under applicable laws of limitation. Such file shall be open to the public.

3.08 Determining Responsible Bidders. In determining the responsibility of any bidder, the Division may take into account other factors in addition to financial responsibility and specification compliance, such as past records of transactions with the bidder, experience, adequacy of equipment, special or unique skills of performance, ability to complete performance within a specified time limit, and other pertinent considerations.

3.09 Bonds of Bidders. Bond may be required of each bidder upon contracts involving amounts in excess of \$25,000 when, in the opinion of the Division, the public interest will be served thereby. Such bond shall be with sufficient sureties. It shall be in such amount as shall be deemed adequate (a) to insure performance of the contract in the time and manner prescribed in the contract, and (b) to save, indemnify, and keep harmless the Division against all loss, damages, claims, liabilities, judgments, costs and expenses which may in anyway accrue against the Division in consequence of the granting of the contract, or which may in anyway result therefrom.

3.10 Rejection of Bids. Any bid, any part of any bid, or all bids may be rejected by the Division for any reason.

IV. CONTRACTS

4.01 Assignment of Contracts. To the extent practicable, contracts or purchase orders shall not be assignable or sublet by the successful bidder without the prior, written authorization of the Division.

4.02 Authorization, Execution, and Delegation.

(a) Unless otherwise limited below, the CEO is authorized to sign and execute contracts and purchase orders that are valued up to a maximum of \$100,000 without Board approval.

(b) The CEO may sign and execute grants of easements, licenses, leases, and concessions without Board approval if the total value of the agreement is less than \$10,000 and the term is not greater than five years. In addition, the CEO may also sign and execute grants of easements for up to \$100,000 with government agencies and public utilities without Board approval.

(c) The CEO may sign and execute rights of entry and filming agreements and amendments thereto, permitting the temporary use of the Division's property by others

without Board approval where such term, including any extension, is for less than one year.

(d) The CEO may sign and execute agreements entered into through joint purchasing agreements valued up to \$100,000 without Board approval.

(e) The CEO may sign and execute written consents involving subletting, assignments, tenant mortgages, and revised proposed uses with respect to leases and licenses without Board approval.

(f) The CEO may sign and execute, without Board approval, grant agreements, applications, and amendments involving the receipt of grant funds.

(g) If an emergency exists, the CEO may enter into contracts pursuant to Section 2.03(b), provided it is determined by the concurrence of 2/3rd of the then Directors at the next public Board meeting that an emergency required immediate delivery of supplies, material, equipment, or performance of a service.

(h) Contract Amendments/Change Orders.

(1) For contracts that did not require prior Board approval, the CEO may sign and execute all contract and purchase order amendments so long as the total value of the underlying contract and all amendments do not exceed the applicable authority limit.

(2) For contracts that were executed with prior Board approval, the CEO may sign and execute amendments to such contracts, but only up to the lesser of: \$100,000 or 10% of such underlying contract's original not-to-exceed amount. Once the threshold limitations as provided for in this subsection are reached for a contract, all subsequent amendments require prior Board approval.

(3) The CEO may sign and execute, without Board approval, fixed facility agreement amendments with other railroads valued over \$100,000 that are necessary to accommodate the repair, renovation or construction of commuter facilities or related improvements, provided that the Board has approved expenditure of the relevant funds through the annual operating or capital budget. This subsection does not apply to purchase of service agreements.

(i) All contracts, purchase orders, and amendments that the CEO is authorized to sign and execute without Board approval shall be reported to the Board in a manner acceptable to the Chairman.

(j) The CEO may delegate his or her authority enumerated herein to execute any contract, purchase order, or amendment to an appropriate officer of the Division. All delegations shall be in writing. The original shall be forwarded to the Assistant Secretary to the Board, with copies to the General Counsel and Chief Financial Officer. At the CEO's discretion, delegations may be limited to the period that the original

delegate is unable to perform, such as during vacancies, vacations, and illnesses. Unless limited by the CEO, a person assuming an “acting” position shall also assume that position’s delegated authority. The CEO shall supply the Board with a list of delegated authority annually.

(k) Subject to the restrictions set forth in MET 11-05 and MET 11-06, the CEO shall continue to have the separate authority to sign, execute, and delegate for signature agreements procuring insurance coverage and settling claims and lawsuits.

(l) The CEO must obtain Board approval to sign and execute any contract, purchase order, or amendment for which execution authority has not been granted by these regulations or a subsequent ordinance.

(m) Contracts for purchase of goods and services over a year are subject to the Board’s appropriation of funds.

(n) The Assistant Secretary to the Board is hereby authorized to attest to any such contracts on behalf of the Division, and the CEO is hereby authorized to take such action as the CEO deems necessary or appropriate to implement, administer and enforce the terms of such contracts.

4.03 Conflicts of Interest. This Section shall sunset upon the passage of a subsequent consolidated ordinance incorporating these clauses in substantially the same form or as amended by applicable law, regulation, or ordinance.

Members of the Board, officers and employees of the Division, their spouses, their children, their parents, their brothers and sisters and their children, are prohibited from having or acquiring any contract or any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of property of the Division. Any firm, partnership, association or corporation from which any member of the Board, officer or employee of the Division is entitled to receive more than seven and one-half percent (7-1/2) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by payment of funds or the transfer of property of the Division.

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

As provided in the common grant rules and in the Federal Transit Administration (FTA) Master Agreement, no employee, officer, agent, or board member, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing

individuals may participate in the selection, award, or administration of a contract supported with FTA assistance if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of those individuals previously listed has a financial or other interest in the firm selected for award.

4.04 Contracts Violating Regulations. Any purchase order or contract executed in violation of these Regulations shall be voidable as to the Division.

4.05 Rules of Construction & Applicability. This ordinance is intended for general applicability. If there is a conflict between this ordinance and an ordinance involving more specificity, the more specific ordinance is intended to control if that ordinance was passed after the passage of this ordinance. If grant funds or state law require more strict requirements than those enumerated herein, the Division shall follow the more strict requirements. The CEO is deemed to have been designated with authority to sign and execute agreements as set forth above upon the passage of this ordinance.

V. DEFINITIONS

5.01 Definitions. As used in these Regulations:

- (a) “Act” means the Regional Transportation Authority Act.
- (b) “Board” means the Board of Directors of the Division.
- (c) The terms “contract” and “agreement” shall mean both “contract” and “agreement” unless clearly intended otherwise.
- (d) “Division” means the Commuter Rail Division of the Regional Transportation Authority.
- (e) “Executive Director/Chief Executive Officer” shall have the meaning set forth in the Act. From time-to-time, the term “Chief Executive Officer” may be used on contracts and purchase orders and shall have the same meaning as “Executive Director/Chief Executive Officer” because the positions are one and the same as each other.
- (f) “Metropolitan Region” means all territory included within the territory of the Regional Transportation Authority as provided in the Act, and such territory as may be annexed to the Authority.

Exhibit 3B
49 CFR 18.36

C

Effective:[See Text Amendments]

Code of Federal Regulations [Currentness](#)

Title 49. Transportation

Subtitle A. Office of the Secretary of Transportation

Part 18. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ([Refs & Annos](#))

[Subpart C](#). Post–Award Requirements

[Changes, Property, and Subawards](#)

→ **§ 18.36 Procurement.**

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) Procurement standards.

(1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or

purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a

procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or

local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) Competition.

(1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of § 18.36. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

(iii) Noncompetitive pricing practices between firms or between affiliated companies,

(iv) Noncompetitive awards to consultants that are on retainer contracts,

(v) Organizational conflicts of interest,

(vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct pro-

urements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) Methods of procurement to be followed--

(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at [41 U.S.C. 403\(11\)](#) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in § 18.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or

cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals

may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes non-competitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) Contract cost and price.

(1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, in-

cluding contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see [§ 18.22](#)). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review.

(1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase.

This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards

of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with [Executive Order 11246](#) of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by [Executive Order 11375](#) of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland “An-

ti-Kickback” Act ([18 U.S.C. 874](#)) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act ([40 U.S.C. 276a](#) to [276a-7](#)) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act ([40 U.S.C. 327-330](#)) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

- (11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- (12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act ([42 U.S.C. 1857\(h\)](#)), section 508 of the Clean Water Act ([33 U.S.C. 1368](#)), [Executive Order 11738](#), and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)
- (13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act ([Pub.L. 94-163, 89 Stat. 871](#)).
- (j) [23 U.S.C. 112\(a\)](#) directs the Secretary to require recipients of highway construction grants to use bidding methods that are “effective in securing competition.” Detailed construction contracting procedures are contained in 23 CFR part 635, subpart A.
- (k) Section 3(a)(2)(C) of the UMT Act of 1964, as amended, prohibits the use of grant or loan funds to support procurements utilizing exclusionary or discriminatory specifications.
- (l) 46 U.S.C. 1241(b)(1) and 46 CFR part 381 impose cargo preference requirements on the shipment of foreign made goods.
- (m) Section 165 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1601, section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR parts 660 and 661 impose Buy America provisions on the procurement of foreign products and materials.
- (n) Section 105(f) of the Surface Transportation Assistance Act of 1982, section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR part 23 impose requirements for the participation of disadvantaged business enterprises.
- (o) Section 308 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1068(b)(2), authorizes the use of competitive negotiation for the purchase of rolling stock as appropriate.
- (p) [23 U.S.C. 112\(b\)](#) provides for an exemption to competitive bidding requirements for highway construction contracts in emergency situations.
- (q) [23 U.S.C. 112](#) requires concurrence by the Secretary before highway construction contracts can be awarded, except for projects authorized under the provisions of 23 U.S.C. 171.
- (r) [23 U.S.C. 112\(e\)](#) requires standardized contract clauses concerning site conditions, suspension or work, and material changes in the scope of the work for highway construction contracts.
- (s) [23 U.S.C. 140\(b\)](#) authorizes the preferential employment of Indians on Indian Reservation road projects and contracts.
- (t) FHWA, UMTA, and Federal Aviation Administration (FAA) grantees and subgrantees shall extend the use of qualifications-based (e.g., architectural and engineering services) contract selection procedures to certain other related areas and shall award such contracts in the same manner as Federal contracts for architectural and engineering services are negotiated under Title IX of the Federal Property and Administrative Services Act of 1949, or equivalent State (or airport sponsor for FAA) qualifications-based requirements. For FHWA and UMTA programs, this provision applies except to the extent that a State

adopts or has adopted by statute a formal procedure for the procurement of such services.

[[60 FR 19647](#), April 19, 1995]

SOURCE: [53 FR 8086, 8087](#), March 11, 1988, unless otherwise noted.

AUTHORITY: [49 U.S.C. 322\(a\)](#).

49 C. F. R. § 18.36, 49 CFR § 18.36

Current through September 19, 2013; 78 FR 57775

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END OF DOCUMENT

Exhibit 9
70 ILCS 3615/3B.05

Formerly cited as IL ST CH 111 2/3 ¶ 703B.05



Effective: January 18, 2008

West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter 70. Special Districts

Transit

[Act 3615](#). Regional Transportation Authority Act ([Refs & Annos](#))

[Article III-B](#). Commuter RAIL Division ([Refs & Annos](#))

→ → 3615/3B.05. Appointment of officers and employees

§ 3B.05. Appointment of officers and employees. The Commuter Rail Board shall appoint an Executive Director who shall be the chief executive officer of the Division, appointed, retained or dismissed with the concurrence of 8 of the directors of the Commuter Rail Board. The Executive Director shall appoint, retain and employ officers, attorneys, agents, engineers, employees and shall organize the staff, shall allocate their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Commuter Rail Board take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Commuter Rail Board shall determine. The Executive Director shall be an individual of proven transportation and management skills and may not be a member of the Commuter Rail Board. The Division may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of transportation agencies in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, [\[FN1\]](#) shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Commuter Rail Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

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

CREDIT(S)

P.A. 78-5, 3rd Sp.Sess., Part I, art. III-B, § 3B.05, added by P.A. 83-885, § 1, eff. Nov. 9, 1983; P.A. 83-886, § 1, eff.

Formerly cited as IL ST CH 111 2/3 ¶ 703B.05

Nov. 9, 1983. Amended by [P.A. 95-708, § 20, eff. Jan. 18, 2008](#).

Formerly Ill.Rev.Stat.1991, ch. 111 2/3, ¶ 703B.05.

[\[FN1\] 775 ILCS 5/1-101 et seq.](#)

HISTORICAL AND STATUTORY NOTES

House Bill 656 (P.A. 95-708), which was passed in the General Assembly on January 10, 2008, was subject to an amendatory veto by the Governor on January 11, 2008. Specific recommendations for change were accepted in the General Assembly on January 17, 2008. The bill was certified by the Governor and became effective on January 18, 2008.

LIBRARY REFERENCES

[Municipal Corporations](#)  [214](#).

Westlaw Topic No. [268](#).

[C.J.S. Municipal Corporations §§ 598, 600 to 604](#).

70 I.L.C.S. 3615/3B.05, IL ST CH 70 § 3615/3B.05

Current through P.A. 98-284 of the 2013 Reg. Sess.

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END OF DOCUMENT

Exhibit 10 (a)
Internal EEO Policies and Procedures

July 2013

To: All Employees/Applicants

Subj: Statement of Policy

We hold topmost responsibility for the leadership of Metra's Equal Employment Opportunity (EEO) Program. Metra is committed to Equal Employment for all applicants and employees, regardless of race, color, creed, national origin, sex, age, disability, etc. EEO policies are applicable to all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment. These policies are in place to make sure that employment-related decisions are equitable and just.

Metra is also committed to undertaking an affirmative action program that includes goals and timetables, in order to overcome the effects of past discrimination on minorities and women.

As an applicant/employee, you have the right to a workplace that is free from unlawful discrimination and harassment (including sexual harassment). You also have the right to file a complaint alleging discrimination with the EEO Officer. Retaliation, in any form, will not be tolerated. We are committed to ensuring that your rights are protected.

We have entrusted the responsibility for implementation and daily administration of the EEO Program to Countess, P. Cary, Sr. Director, EEO/Diversity Initiatives. All Metra management personnel however, share responsibility for carrying out this program, and have specific tasks to assure compliance is achieved. The EEO/Diversity Initiatives department monitors and reports progress towards the Program objectives. Each Chief Officer/Senior Director/Director, etc., must adhere to Metra's EEO policies in all relationships with employees and their performance in that regard shall be monitored to ensure the programs success.

Successful achievement of EEO goals will provide benefits to Metra through fuller utilization and development of previously underutilized human resources.

Metra's EEO policies are available on Metra's intranet or on the internet at <http://www.metrarail.com>. Questions regarding Metra's EEO program should be directed to the EEO/Diversity Initiatives department at 312-322-7099.

Alex Z. Wiggins
Deputy Executive Director of Administration



Donald A. Orseno
Deputy Executive Director of Operations



Affirmative Action Policy

Affirmative Action is comprised of the measures taken to prevent unlawful employment discrimination and to remedy the effects of past discrimination. At Metra, these measures include, but are not limited to, efforts to recruit, hire, employ, train, and promote minorities, women, and individuals with handicaps/ disabilities.¹

Executive Order 11246 and Federal Transit Administration Circular 4704.1 require Metra to establish an Equal Employment Opportunity (EEO) Plan with an Affirmative Action component. Metra's EEO Plan, on file in the EEO/Diversity Initiatives Department, requires that employment-related decisions be consistent and non-discriminatory.

The Plan expresses Metra's commitment to recruit, hire, promote, train, and retain qualified minorities, women, and individuals with handicaps/disabilities, and to affirmatively address any imbalances between these categories in our current workforce. Each Senior Director's, Chief Officer's, Director's affirmative action accomplishments and his/her commitment to equal employment opportunity practices are reviewed annually with the Senior Director of EEO/Diversity Initiatives. During these meetings, areas of improvement are also discussed. Problem areas are identified and communicated to the Executive Director/CEO.

¹ The Illinois Human Rights Act affords non-discriminatory protection to handicapped applicants and employees. Under the ADA Amendments Act of 2008 (ADAAA) an employer can not discriminate against qualified applicants and employees on the basis of disability.

Equal Employment Opportunity Policy

Metra is an equal opportunity employer. As an equal opportunity employer, all qualified employees and job applicants will be granted equal access to job opportunities and equal terms and conditions of employment regardless of race, color, religion, national origin, ancestry, citizenship status, age, sex, sexual orientation, gender identity, marital status, veteran's status, armed forces reserve or national guard status, unfavorable military discharge, physical or mental disability², arrest record, order of protection status, or any other protected category. Any employee or applicant that believes he/she has been discriminated against should immediately follow the steps outlined in the Complaint Procedure described in this section.

² The Illinois Human Rights Act affords non-discriminatory protection to handicapped applicants and employees. Under the ADA Amendments Act of 2008 (ADAAA) an employer can not discriminate against qualified applicants and employees on the basis of disability.

Policy Against Harassment

All employees of Metra are entitled to a workplace free from all forms of harassment and intimidation. Therefore, it is our policy to prohibit all types of harassment, including, but not limited to, harassment based on sex, sexual orientation, race, color, religion, national origin, age, disability, handicap, citizenship, marital status, veteran status or any other basis prohibited by law. This policy extends to each and every level of our operations. Accordingly, harassment, whether by a fellow employee, a customer, guest or member of management, will not be tolerated. Activities of this nature are unlawful and serve no legitimate purpose; they have a disruptive effect on an employee's ability to perform his/her job and they undermine the integrity of the employment relationship.

Harassment is verbal or physical conduct relating to an individual's sex, sexual orientation, race, color, religion, national origin, age, disability, handicap, citizenship, marital status, veteran status or any other protected status when this conduct: (a) has the purpose or effect of creating an intimidating, hostile or offensive working environment; (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or (c) otherwise adversely affects an individual's employment opportunities. Some examples of conduct that may constitute prohibited harassment includes slurs, jokes, cartoons, stereotypes, statements, etc. based upon sex, sexual orientation, race, color, religion, national origin, age, disability, citizenship, marital status, veteran status or any other basis prohibited by law.

One form of harassment is sexual harassment, which is the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors. It covers a broad spectrum of unwelcome, sexually focused behavior. Some examples of this behavior are sexual jokes, leering, cartoons, pictures, magazines, repeatedly asking someone for a date, using sexually degrading language or gestures, profanity, discussing one's sex life, and groping or any other inappropriate touching of body parts. These examples are illustrative of the types of comments, literature and behaviors that are commonly viewed as falling within the realm of conduct that might rise to the level of sexual harassment. It is not intended to be all inclusive.

In addition, the scope of sexual harassment has been expanded to include, regardless of the intent, what the Equal Employment Opportunity Commission calls "an intimidating, offensive, or hostile work environment." Sexual harassment is any unwelcome verbal or physical conduct of a sexual nature that is offensive or intimidating to a reasonable person, which the employee has to tolerate in order to keep his or her job, or the normal advantages of employment.

Employees are strictly prohibited from sending sexual jokes or other sexual communications via any Metra communication system, including, but not limited to, e-mail, text messages, facsimile machines, and telephone voice-mail systems.

Employees are also strictly prohibited from reading and/or having pornographic sexually suggestive written or graphic materials in their possession on company property. Every employee at Metra has a duty to report questionable sexual conduct promptly to a supervisor, and a personal responsibility not to engage in sexual harassment.

Any employee that believes he/she has been harassed should immediately follow the steps outlined in the Complaint Procedure in this section.

Anti-Retaliation Policy

All employees and applicants for employment shall be protected from coercion, intimidation, retaliation, interference, harassment or discrimination for filing a complaint or for participating in an investigation of a complaint. Reprisal against, or interference with, an employee's or applicant's right to file a complaint concerning harassment, discrimination, or retaliation constitutes a violation of this policy and will not be tolerated. Retaliatory conduct will not be tolerated and may lead to discipline up to and including discharge.

Any employee or applicant that believes he/she has been retaliated against for filing a claim of harassment, discrimination, or for participating in any other protected activity should immediately follow the steps outlined in the Complaint Procedure in this section.

Disability Policy Statement

It is the policy of Metra to provide equal employment opportunity to persons with handicaps/disabilities in all aspects of employer/employee relations. This includes all employment-related decisions including, but not limited to, hiring, compensation, benefits, terms and conditions of employment, opportunities for promotions, training, and other privileges of employment.

Metra will take affirmative action to employ disabled individuals by making notices of job vacancies available to agencies and organizations that are directly involved in the placement of disabled persons through mailing, telephone contacts, site visits, etc. Job requirements and descriptions shall be reviewed to ensure that unnecessary or discriminatory job standards are eliminated.

Further, Metra will provide reasonable accommodations to qualified employees with physical and mental disabilities so that they may be able to perform the essential functions of their jobs, unless it will cause undue hardship to the corporation to do so. The Reasonable Accommodation Committee (RAC) has been established to review all accommodation requests.

In addition, it is the policy of Metra to include all employees, without regard to physical or mental disability, in the participation and receipt of benefits from the services, programs and activities of Metra as a public entity, and in particular, as a provider of public transportation. It is also the policy of Metra to comply with the letter and spirit of all local, state and federal statutes and regulations concerning discrimination against disabled persons.

Any employee or applicant that believes he/she has been discriminated against based upon his/her disability should immediately follow the steps outlined in the Complaint Procedure described in this section.

Complaint Procedure

Any employee or applicant who believes he/she has been harassed (including sexual harassment), discriminated against or, retaliated against in violation of any of Metra's policies as stated above should immediately: (1) report the problem to his/her supervisor or manager; and/or (2) contact the EEO/Diversity Initiatives Department.

The EEO Internal Complaint Resolution Procedure (incorporated by reference) will be followed when an employee or applicant for employment believes that his/her issue(s) cannot be resolved through mediation or counseling.³

The Senior Director, EEO/Diversity Initiatives, or a designee, is authorized to conduct a thorough and prompt investigation of the complaint. This investigation will include, but is not limited to: 1) meeting with the parties involved, 2) interviewing witnesses, 3) reviewing records and documentation, and 4) making whatever inquiries are necessary in order to arrive at a satisfactory resolution of the complaint.

All complaints will be kept as confidential as possible, and information regarding the complaint will be disclosed only to the extent necessary to conduct an adequate investigation and to comply with Metra's legal responsibilities. Involved parties and/or witnesses are also instructed to keep their participation in any investigation confidential.

Any employee found to have violated Metra's policy against discrimination or harassment (including sexual harassment) will be subject to discipline, up to and including discharge.

At any time during the internal complaint process, or if EEO's investigation does not substantiate the employee's allegations, or the remedy proposed by EEO is not acceptable to the employee, the employee always has the right to file a formal complaint with an external enforcement agency. The procedures set forth in this policy are not intended to interfere with those rights.

³ Terminated employees are also covered by this procedure.

Dissemination of Policy

Equal Employment Opportunity Policies

As an equal opportunity employer, Metra provides for the rights of all applicants/employees to be offered job opportunities without discrimination due to race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, order of protection status, veteran's status, armed forces reserve, national guard status, or physical or mental disability. Retaliation against employees that make bona fide discrimination/harassment complaints is prohibited. Metra complies with all applicable local, state, and federal statutes and ordinances concerning Equal Employment Opportunity.

Sexual Harassment

All employees of Metra are entitled to a workplace free from sexual harassment and intimidation. Metra strictly prohibits any form of sexual harassment. In addition, inappropriate sexual conduct will not be tolerated.

Sexual harassment is the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors. It covers a broad spectrum of unwelcome, sexually focused behavior. Some examples of this behavior are sexual jokes, leering, cartoons, pictures, magazines, repeatedly asking someone for a date, using sexually degrading language or gestures, profanity, discussing one's sex life, and groping or any other inappropriate touching of body parts. These examples are illustrative of the types of comments, literature and behaviors that are commonly viewed as falling within the realm of conduct that might rise to the level of sexual harassment. It is not intended to be all inclusive.

In addition, the scope of sexual harassment has been expanded to include, regardless of the intent, what the Equal Employment Opportunity Commission calls "an intimidating, offensive, or hostile work environment." Sexual harassment is any unwelcome verbal or physical conduct of a sexual nature that is offensive or intimidating to a reasonable person, which the employee has to tolerate in order to keep his or her job, or the normal advantages of employment.

Employees are strictly prohibited from sending jokes or other sexual communications via any Metra communication system, including, but not limited to, e-mail, text messages, facsimile machines, telephones and voice-mail systems. Employees are also strictly prohibited from reading and/or having pornographic, sexually suggestive, written or graphic materials in their possession on company property. Every employee at Metra has a duty to report questionable sexual conduct promptly to a supervisor, and a personal responsibility not to engage in sexual harassment. Any employee that believes he/she has been harassed, discriminated against, or retaliated against should immediately follow the steps outlined in Metra's Internal Complaint Procedure.

Affirmative Action Policy



Affirmative Action is comprised of the measures taken to prevent unlawful employment discrimination and to remedy the effects of past discrimination. At Metra, these measures include, but are not limited to, efforts to recruit, hire, employ, train, and promote minorities, women, and individuals with handicaps/disabilities.

Executive Order 11246 and Federal Transit Administration Circular 4704.1 require Metra to establish an Equal Employment Opportunity (EEO) Plan with an Affirmative Action component. Metra's EEO Plan, on file in the EEO/Diversity Initiatives department, requires that employment-related decisions be consistent and non-discriminatory. The Plan expresses Metra's commitment to recruit, hire, promote, train, and retain qualified minorities, women, and individuals with handicaps/disabilities, and to affirmatively address any imbalances between these categories in our current workforce.

Metra also has an Equal Employment Opportunity Policy, an Anti-Retaliation Policy and a Disability Policy, which have been distributed to all Metra employees. For additional information or to review the full text of all EEO policies, contact Metra's EEO/Diversity Initiatives Department at (312) 322-7099.

Revised March 2010





ADAAA: It's The Law

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against “qualified individuals with disabilities” relative to employment, public services, transportation, public accommodations, and telecommunications services. On September 25, 2008, the President signed the ADA Amendments Act of 2008 (hereafter the ADAAA), which expands the scope of ADA coverage for cases arising as of January 1, 2009.

ADAAA Prohibits

The ADAAA *prohibits* employers from making employment decisions that discriminate against a “qualified individual with a disability” in the job application process, as well as in all other terms and conditions of employment.

ADAAA Clarifies Who Is Disabled

The ADA defines an individual with a *disability* as one that: (1) has a physical or mental impairment that substantially limits one or more of that individual’s major life activities; (2) has a record or history of such impairment; or (3) is regarded as having such an impairment. A qualified individual with a disability is one that, with or without reasonable accommodation, can perform the essential functions of the job. The ADAAA provides that the definition of disability “shall be construed broadly.”

ADAAA Enforcement

Metra’s EEO/Diversity Initiatives Department is responsible for monitoring Title I (Employment) enforcement. In order to comply with the ADAAA, Metra has established a Reasonable Accommodations Committee (RAC). Using the interactive process, RAC ensures that Metra provides reasonable accommodations to qualified applicants and employees with disabilities unless such accommodation/s would impose an undue hardship. To begin the process, an employee must make a Declaration of Disability by (1) notifying his/her supervisor or RAC, that he/she needs an accommodation at work for a disability, (2) obtaining and completing a Declaration of Disability form, including written authorization to RAC to receive/review medical information specifically related to the medical condition for which he/she is requesting consideration and (3) returning the completed form to Metra’s Reasonable Accommodations Committee.

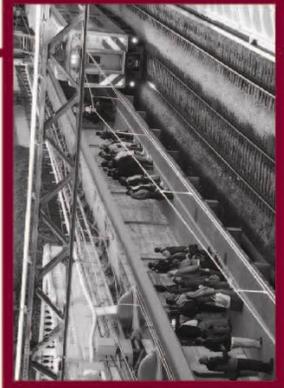
For additional information, contact:

EEO/Diversity Initiatives Department
547 West Jackson Boulevard,
Chicago, IL 60661
Phone: (312) 322-7099

Revised March 2010



**EQUAL EMPLOYMENT
OPPORTUNITY
POLICY
STATEMENTS**



**DONALD A. ORSENO
INTERIM EXECUTIVE DIRECTOR**

**COUNTESS P. CARY
SENIOR DIRECTOR
EEO/DIVERSITY
INITIATIVES**

Discrimination is Prohibited by Title VII of the Civil Rights Act of 1964, The Civil Rights Act of 1991, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967 (ADEA), the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 (ADAAA), the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Uniform Services Employment and Reemployment Act (USERRA), the Pregnancy Discrimination Act of 1978, the Illinois Human Rights Act, and the Genetic Information Nondiscrimination Act of 2008 (GINA).

EEO/Diversity Initiatives Department
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Chicago, Illinois 60661
Phone: 312-322-7099
Fax: 312-322-4273
Revised September 2013



Complaint Procedure

Any employee that believes he/she has been harassed (including sexual harassment), discriminated against or, retaliated against in violation of any of Metra's policies as stated above should immediately: (1) report the problem to his/her supervisor or manager, and/or (2) contact the EEO/Diversity Initiatives Department.

The EEO Internal Complaint Resolution Procedure (incorporated by reference) will be followed when an employee or applicant for employment believes his/her issue(s) cannot be resolved through mediation or counseling.³

The Senior Director, EEO/Diversity Initiatives, or a designee, is authorized to conduct a thorough and prompt investigation of the complaint. This investigation will include, but is not limited to: 1) meeting with the parties involved, 2) interviewing witnesses, 3) reviewing records and documentation, and 4) making whatever inquiries are necessary in order to arrive at a satisfactory resolution of the complaint.

All complaints will be kept as confidential as possible, and information regarding the complaint will be disclosed only to the extent necessary to conduct an adequate investigation and to comply with Metra's legal responsibilities. Involved parties and/or witnesses are also instructed to keep their participation in any investigation confidential.

Any employee found to have violated Metra's policy against harassment (including sexual harassment), or discrimination will be subject to discipline, up to and including discharge. Retaliation against an employee who reports harassment, sexual harassment, or discrimination, or against an employee(s) that participates in the investigation of such a complaint, will be viewed as a violation of this policy. Retaliatory conduct will not be tolerated and may lead to discipline up to and including discharge.

³ Terminated employees are also covered by this procedure.

Disability Policy

It is the policy of Metra to provide equal employment opportunity to persons with disabilities² in all aspects of employer/employee relations. This includes all employment related decisions including, but not limited to, hiring, compensation, benefits, terms and conditions of employment, opportunities for promotions, training, and other privileges of employment.

Metra will take affirmative action to employ disabled individuals by making notices of job vacancies available to agencies and organizations that are directly involved in the placement of disabled persons through mailing, telephone contacts, site visits, etc. Job requirements and descriptions shall be reviewed to ensure that unnecessary or discriminatory job standards are eliminated.

Further, Metra will provide reasonable accommodations to qualified employees with physical and mental disabilities so that they may be able to perform the essential functions of their jobs, unless it will cause undue hardship to the corporation to do so. The Reasonable Accommodation Committee (RAC) has been established to review all accommodation requests.

In addition, it is the policy of Metra to include all employees, without regard to physical or mental disability, in the participation and receipt of benefits from the services, programs and activities of Metra as a public entity, and in particular, as a provider of public transportation. It is also the policy of Metra to comply with the letter and spirit of all local, state and federal statutes and regulations concerning discrimination against disabled persons.

Any employee that believes he/she has been harassed, discriminated against, or retaliated against should immediately follow the steps outlined in the Complaint Procedure described near the end of this brochure.

² Persons with "handicaps" as defined by the Illinois Human Rights Act are also included in this policy.

METRA EEO POLICY STATEMENTS

Dear Employees,

As the Executive Director/CEO of Metra, I hold the utmost responsibility for the leadership of Metra's Equal Employment Opportunity (EEO) Program. Metra is committed to Equal Employment for all applicants and employees, regardless of race, color, creed, national origin, sex, age, disability, etc. EEO policies are applicable to all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment. These policies are in place to make sure that employment-related decisions are equitable and just.

Metra is also committed to undertaking an affirmative action program that includes goals and timetables in order to overcome the effects of past discrimination on minorities and women. Successful achievement of EEO goals provides benefits to Metra through fuller utilization and development of previously underutilized human resources.

As an applicant/employee, you have the right to a workplace that is free from unlawful discrimination and harassment (including sexual harassment). You also have the right to file a complaint alleging discrimination with the EEO Officer, Countess P. Cary, Sr. Director, EEO/Diversity Initiatives. Retaliation, in any form, will not be tolerated. I am committed to ensuring that your rights are protected.

I have entrusted the responsibility for implementation and daily administration of the EEO Program to the Sr. Director, EEO/Diversity Initiatives. All Metra management personnel however, share responsibility for carrying out this program, and have specific tasks to assure compliance is achieved. The EEO/Diversity Initiatives department monitors and reports progress towards the Program objectives. Each Sr. Director/Chief Officer/Director must adhere to Metra's EEO policies in all relationships with employees and their performance in that regard shall be monitored to ensure the programs success.

Questions regarding Metra's EEO Program should be directed to the EEO/Diversity Initiatives department.

Donald A. Orseno
INTERIM EXECUTIVE DIRECTOR

Anti-Discrimination/Anti-Harassment Policy

As an equal opportunity employer, Metra provides for the rights of all applicants/employees to be offered job opportunities without discrimination due to race, color, religion, national origin, ancestry, citizenship status, age, sex, sexual orientation, gender identity, marital status, veteran's status, armed forces reserve or national guard status, unfavorable military discharge, physical or mental disability, arrest record, order of protection status, or any other protected category. Retaliation against employees that make bona fide discrimination/harassment complaints is prohibited, as is, aiding, abetting or coercing someone to discriminate.

Any employee that believes he/she has been harassed, discriminated against, or retaliated against should immediately follow the steps outlined in the Complaint Procedure described near the end of this brochure.

Anti-Retaliation Policy

All employees and applicants for employment shall be protected from coercion, intimidation, retaliation, interference, harassment, or discrimination for filing a complaint or for participating in an investigation of a complaint. Reprisal against, or interference with, an employee's or applicant's right to file a complaint concerning harassment, discrimination, or retaliation constitutes a violation of this policy and will not be tolerated. Violators will be subject to discipline up to and including discharge.

Any employee that believes he/she has been harassed, discriminated against, or retaliated against should immediately follow the steps outlined in the Complaint Procedure described near the end of this brochure.

Sexual Harassment Policy

All employees of Metra are entitled to a workplace free from sexual harassment and intimidation. Metra strictly prohibits any form of sexual harassment. In addition, inappropriate sexual conduct will not be tolerated.

Sexual harassment is the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors. It covers a broad spectrum of unwelcome, sexually focused behavior. Some examples of this behavior are sexual jokes, leering, cartoons, pictures, magazines, repeatedly asking someone for a date, using sexually degrading language or gestures, profanity, discussing one's sex life, and groping or any other inappropriate touching of body parts. These examples are illustrative of the

types of comments, literature and behaviors that are commonly viewed as falling within the realm of conduct that might rise to the level of sexual harassment. It is not intended to be all inclusive.

In addition, the scope of sexual harassment has been expanded to include, regardless of intent, what the Equal Employment Opportunity Commission calls "an intimidating, offensive, or hostile work environment." Sexual harassment is any unwelcome verbal or physical conduct of a sexual nature that is offensive or intimidating to a reasonable person, which the employee has to tolerate in order to keep his or her job, or the normal advantages of employment.

Employees are strictly prohibited from sending jokes or other sexual communications via any Metra communication system, including, but not limited to, e-mail, text messages, facsimile machines, telephones and voice-mail systems. Employees are also strictly prohibited from reading and/or having pornographic, sexually suggestive, written or graphic materials in their possession on company property. Every employee at Metra has a duty to report questionable sexual conduct promptly to a supervisor, and a personal responsibility not to engage in sexual harassment.

Any employee that believes he/she has been harassed, discriminated against, or retaliated against should immediately follow the steps outlined in the Complaint Procedure described near the end of this brochure.

EEO/Diversity Initiatives Department
547 W. Jackson Boulevard
Chicago, Illinois 60661

Phone: 312.322.7099
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Revised September 2013

Jurisdiction

EEO does not investigate complaints that are:

- a) Clearly frivolous;
- b) Untimely according to guidelines established by city, state, or federal agencies;
- c) Already under investigation by an external city, state, or federal agency. EEO responds directly to the applicable agency in such cases;
- d) Issues covered by a union contract, i.e. seniority.

In case of dispute, the Sr. Director EEO/Diversity Initiatives, makes the final determination regarding whether your complaint has merit. If your complaint is not about discrimination as defined in this brochure, you should ask the EEO staff about the process for filing an Employee Relations complaint.



Donald A. Orseno
Interim Executive Director

Countess P. Cary, Sr. Director
EEO/Diversity Initiatives Department

EEO/Diversity Initiatives Department
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Fax: (312) 322-4273

Internal Complaint Procedure



Donald A. Orseno
Interim Executive Director

Countess P. Cary, Sr. Director
EEO/Diversity Initiatives Department



EEO Internal Complaint Procedure

If you believe any Metra employee (supervisor or co-worker) has subjected you to illegal discrimination or retaliation, and the issue cannot be resolved by mediation, you should use the following internal complaint procedure.

On an internal complaint form, submit a written and signed complaint to the EEO/Diversity Initiatives department (EEO), if possible, within 30 calendar days of the act of discrimination. Waiting longer than 30 calendar days to report possible discrimination makes a timely and effective investigation more difficult. Initial contact may be made by telephone; however, a written complaint must be submitted to EEO as soon as possible after the initial telephone contact.

Your written complaint should include a detailed description of the incident or act of discrimination, the names of any witnesses, and the remedy you seek. Your complaint must state why you believe the incident or act about which you are complaining constitutes discrimination. EEO staff is ready to assist you with the composition of the complaint, if you so request.

EEO cannot promise you complete anonymity during an investigation of your complaint; however, it strives to maintain confidentiality of all internal employee complaints of discrimination and discloses information in your complaint only if it is necessary for a thorough and fair investigation. EEO asks that you also respect the sensitive nature of the investigation of your complaint and that you do not disclose any facts or findings to other employees.

Upon receipt of your completed complaint form, the Sr. Director EEO/Diversity Initiatives/EEO Staff will conduct a thorough investigation. The investigation will include, but is not limited to:

1. Meeting with and interviewing you as the Complainant.
2. Interviewing witnesses and appropriate management officials;
3. Retrieving and reviewing records and other documentation;
4. Sending written notification to you of the results of the investigation;
5. Where appropriate, making recommendations to your manager or supervisor of corrective action they should take.

Determination

In most cases, EEO will send you written notification of the results of its investigation of your complaint within ninety (90) days. If you request, EEO staff will meet with you to explain the findings. In those cases where EEO's investigation did not substantiate your complaint, or you reject the remedy EEO proposes, you have the right to pursue your complaint with the appropriate city, state, or federal enforcement agency.

Counseling and Mediation

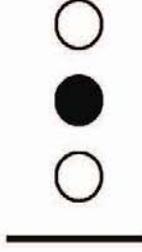
Often times, complaints can be promptly resolved through direct, mediated communication, avoiding a time consuming internal investigation. EEO offers its services as a neutral mediator for resolving conflicts or facilitating better communication between Metra employees and/or their supervisors.

There are times when you may not be sure if an employee or supervisor's actions constitute discrimination. In these situations, EEO is available for individual employee counseling about the most effective strategy for addressing concerns of possible discrimination or retaliation.

For a copy of the full text of the EEO Internal Complaint Procedure, contact the EEO department.

Discrimination is any act, or failure to act, that has the purpose or effect of limiting, excluding, denying a person employment, or the benefits of employment, because of the person's race, color, religion, national origin, ancestry, citizenship status, age, sex, (sexual harassment is a form of sex discrimination), sexual orientation, gender identity, marital status, veteran's status, armed forces reserve or national guard status, unfavorable military discharge, physical or mental disability, arrest record, order of protection status, or any other protected category. Retaliation against employees that make bona fide discrimination/harassment complaints is prohibited; as is, aiding, abetting or coercing someone to discriminate.

Retaliation (reprisal) is any act of differential treatment in any aspect of employment taken against an employee who has protested or complained about illegal discrimination or violation of Metra's EEO and/or Sexual Harassment policies.



Donald A. Orseno
Interim Executive Director

Countess P. Cary, Sr. Director
EEO/Diversity Initiatives Department

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Revised September 2013

Exhibit 10 (b)
All EEO/Diversity Training

EEO Training Course Guide

Course #	Title	Description	Facilitator
EEO 102	Sensitivity Training	Specialized individual or group training, which addresses specific biases.	Trisha Svehla – Managing the Mosaic
EEO 103	It's About Respect: Recognizing Harassment in a Diverse Workplace	Discusses everyday situations that may be interpreted as harassment. Agenda includes video, group exercises and open discussion. Two (2) hour workshop for all Metra employees.	Lori Piecuch – Sr. EEO Training Specialist/Metra
EEO 104	Sexual Harassment: Is It or Isn't It?	Defines Sexual Harassment and discusses whether or not various scenarios presented on video are or are not sexual harassment. Approximately 3 hours – for all non-supervisory/non-management employees.	Lori Piecuch – Sr. EEO Training Specialist/Metra
EEO 105	Cultural Awareness/Conflict Resolution	Workshop focus is on developing and learning to apply skills that assist in identifying the impact of culture on interpersonal relationships. Helps participants understand the business necessity for cultural awareness and the interconnection of Metra policies that assist in reinforcing cultural awareness. Approx. 4 hours – for ALL employees – staff level and management.	Currently out for RFP bid.
EEO 106	An Interviewer's Guide to Employment Law	Discusses laws related to the interviewing and hiring process. ½ day course for all levels involved in interviewing process.	Lori Piecuch – Sr. EEO Training Specialist/Metra
EEO 107	Introduction to Diversity	An introduction to the many faces of workforce diversity within Metra. Participants will explore workforce changes that have contributed to diversity at work and identify strategies for working collaboratively in a changing work place. One-half (½) day workshop for all non-supervisory/non-management employees.	Lori Piecuch – Sr. EEO Training Specialist/Metra
EEO 201	"On Common Ground" Managing a Diverse Workforce	Workshop focuses on the critical management competencies required to manage today's dramatically changing workforce. Skill development in effective communications, coaching, teambuilding and conflict resolution will be explored and practiced. Three (3) day workshop for supervisory and management employees.	Trisha Svehla – Managing the Mosaic
EEO 202	EEO Compliance Workshop for Supervisor's and Managers	Discusses policies/laws related to Affirmative Action and Equal Employment Opportunity. Also covers conflict resolution. Agenda includes video ("It's the Law), games, case studies and open discussion. Offers tools to avoid charges of discrimination and/or harassment. One (1) day workshop for supervisory and management employees.	Lori Piecuch – Sr. EEO Training Specialist/Metra
EEO 203	Supervisor's/Manager's Sexual Harassment Awareness and Compliance	Discusses policies/laws related to Sexual Harassment. Also discusses responsibilities and accountability of the Supervisor/Manager as they relate to Sexual Harassment issues. Kick off date for this program – February 2006.	Lori Piecuch – Sr. EEO Training Specialist
EEO 204	A Supervisory Guide to Effective Leadership	Course covers techniques for gaining respect as a supervisor/manager, dealing with difficult people, communication and conflict handling styles, and tips on stress management. The agenda includes lecture, group discussion and group exercises. The class is conducted by in-house staff and is a one-day workshop for supervisory level staff.	Lori Piecuch – Sr. EEO Training Specialist

Exhibit 10 (c)
Reasonable Accommodations Committee (RAC)
Procedures

COPY OF (RAC's) PROCEDURES

REASONABLE ACCCOMODATION COMMITTEE (RAC)

When a qualified individual with a disability (as defined in Title I (Employment) of the Americans with Disabilities Amendment Act of 2008 (ADAAA)), requests an accommodation in order to perform the essential functions of a job, Metra enters into an interactive process with that individual. The elements of the interactive process are:

- Determine if the employee's condition may be covered by the ADAAA.
- Analyze the particular job involved and determine its purpose and essential functions.
- Consult with the disabled individual to ascertain the precise job related limitation imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
- In consultation with the individual seeking accommodation, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. Balance what, if any undue hardship, the accommodation may impose and/or whether there is a reasonable and workable alternative, and identify the alternative.
- Consider the preference of the individual to be accommodated, then select and implement the accommodation that is most appropriate for both the employee and the employer.

Title I further states that the employer, as part of the interactive process, may find that technical assistance is helpful in determining how to accommodate the particular individual in the specific situation. The ADAAA recommends the establishment of an in-house committee for this purpose. To that end, Metra has established a Reasonable Accommodations Committee (RAC). RAC is composed of the Chief Human Resources Officer; the Senior Director of EEO/Diversity Initiatives (RAC Chairperson); the Human Resources Manager, Medical Services, and Metra's Chief Medical Officer (CMO). RAC is advised by Metra's Associate General Counsel.

RAC has standing members to review each request for reasonable accommodation and all grievances filed under the ADAAA. When necessary, technical experts are brought in (i.e., Architects, Engineers, Medical Officer, etc.). This process does not circumvent Metra's current internal EEO complaints process; it will only incorporate another level of review prior to communicating the decision to the employee.

Addendum to RAC Process:

In September 2012, a Seventh Circuit case mandated reassignment of disabled employees (who cannot currently perform the functions of their current jobs) to vacant positions for which they are minimally qualified, as long as the reassignment does not cause any undue hardship. Disabled persons, who can perform the essential functions of the vacant position, must be reassigned even if there are more qualified candidates. For these purposes, vacant jobs refer to lateral (or lower graded) positions that Metra plans to fill. Going forward, Metra's Employment Services Division of Human Resources (HR) will be provided with a list of employees (that may be disabled under

the ADAAA), that can no longer perform the essential functions of their current jobs, and whom RAC is attempting to accommodate.

To comply with Metra's Board ordinance, the RTA Act, and current ADAAA employment law, Human Resources will follow the steps outlined below:

1. HR Department will continue to post the job openings;
2. HR Department will collect resumes from all applicants;
3. If there is an applicant who may be disabled under ADAAA (and all other attempts to accommodate him/her in his/her current position have failed), and it appears that the person may be (minimally) qualified to fill the vacant position (i.e., he or she can perform the essential functions of the vacant position with or without a reasonable accommodation), and provided that there is no undue hardship on Metra, HR will instruct the supervisor to interview the disabled candidate first to see if the person is in fact minimally qualified for the position. If the person is minimally qualified as described above, then the person will be extended an offer for the position as a reasonable accommodation and no other interviews need to take place.
4. If the ADAAA candidate is not minimally qualified for the position or placement would cause an undue hardship, HR will continue to review resumes of other candidates and interview them accordingly.
5. The candidate selected for the job will be listed on the monthly personnel report, but the ADAAA accommodation will only appear in the individual's ADAAA file to protect the individual's privacy. It will not appear on the personnel report.

Note that this process applies to positions of an equal or lower level. Metra is NOT required to promote an employee. While the ADAAA candidate is always free to apply for such higher level positions, he or she would have to compete for any vacancy that constitutes a promotion.

Metra has established a formal procedure to make the interactive process accessible and understandable to employees and applicants for employment who believe they have a disability, which requires reasonable accommodation. The Reasonable Accommodation Committee (RAC) Procedures, as they are formally called, are presented in full below.



**EQUAL EMPLOYMENT OPPORTUNITY
Americans with Disabilities Amendments Act of 2008
Reasonable Accommodations Committee
(RAC)**



Procedures

(Revised February 2013)

The Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008, hereafter (ADAAA), requires employers to provide reasonable accommodation to qualified employees and applicants with disabilities; unless such accommodation would pose an undue hardship (e.g. it is too costly, too extensive, too substantial, or too disruptive). In general, the applicant or employee with a disability is responsible for letting Metra know that an accommodation is needed in order for him/her to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

Any Metra employee may request an accommodation to perform the essential functions of his/her job because of a physical or mental disability. The employee begins the interactive process by requesting an accommodation from his/her supervisor or the Reasonable Accommodations Committee ("RAC"). All requests, whatever their origin, will be processed and handled by RAC. RAC is composed of the Chief Human Resources Officer; the Senior Director of EEO/Diversity Initiatives (RAC Chairperson); the Human Resources Manager, Medical Services, and Metra's Chief Medical Officer (CMO). RAC is advised by Metra's Associate General Counsel.

I. Declaration

To initiate the process, the employee can make a declaration of disability on a Disability Declaration Form (**Page 3**) provided by the EEO/Diversity Initiatives Department for that purpose, or the employee can notify his/her supervisor that he/she needs an accommodation at work for a medical condition. Once the employee has declared himself/herself disabled and completed the Disability Form, the request is referred to RAC. The employee must also agree in writing to authorize RAC to receive/review medical information specifically related to the medical condition for which s/he is requesting consideration.

II. Confirmation

The employee completes the Disability Declaration Form and returns it, along with supporting documentation from his/her personal physician, to the EEO/Diversity Initiatives Department. The CMO then takes the necessary steps to determine if the employee's declared condition constitutes an impairment that may substantially limit a major life activity as defined by the ADAAA and/or state law. Based upon the facts developed in the CMO's investigation, RAC determines whether the applicant or employee is otherwise "qualified" for the job in question, and whether the his/her physical or mental impairment may constitute a disability for purposes of the ADAAA and/or state law. Pursuant to the ADAAA, RAC may take into account ordinary eyeglasses and contact lenses when assessing disability status relative to vision. If these criteria are met, RAC discusses the appropriateness of the accommodation that the employee requested.

III. Accommodations Review Process

The interactive process continues when:

1. RAC convenes to determine whether an accommodation might be necessary and/or feasible (reasonable) in accordance with the guidelines of the ADAAA and/or state law. RAC may request input from the employee and/or his/her manager(s).
2. RAC may also consult with other appropriate departments (e.g., Engineering, Administrative Services, or Safety) when physical accommodations are requested. External experts may also be consulted when necessary.
3. If RAC determines that an accommodation may be needed, RAC continues the interactive process by working with the employee to identify a reasonable accommodation. RAC then makes a preliminary recommendation regarding an accommodation.
4. The Chairperson advises the ED/CEO of the recommended accommodation and secures his/her approval when needed.
5. The Chairperson meets with the prospective applicant or employee's manager to discuss the recommended accommodation.
6. The Chairperson advises the employee or applicant of the recommended accommodation prior to implementation.
7. The Chairperson follows up after implementation to ensure that the accommodation effectively addresses the employee's or applicant's. The EEO/Diversity Initiatives Department maintains documentation of all accommodations. These documents are confidential and not made part of an employee's personal file, where appropriate, however, certain documents may be made part of an employee's medical file.
8. Where applicable, the Office of Employment Services will meet with the employee to explore other job opportunities when a job change is recommended. The Office of Employment Services may also become involved with an employee in those situations when RAC determines that an individual is not a qualified person with a disability.
 - a. As part of the interactive process, there may be circumstances in which employees who are disabled under the requirements of the ADAAA will be afforded additional consideration in the vacancy filling process. RAC, in conjunction with HR, will make a determination when employees qualify for this process.

Metra
Disability Declaration Form
For Current Employees

Employee Name	Employee No.		
Home Address	Job Title		
City/State/Zip Code	Department		
Telephone: (home)	Telephone: (work)	Telephone: (cell)	email address
Work Location	Supervisor		

Brief description of job duties:
(Attach job description if available) _____

Can you perform the essential functions of your job with or without an accommodation?
(If you answer no to this question, you do not qualify for an accommodation pursuant to the law).
____ Yes ____ No

Type of Disability:

What major life activity is affected? (*Examples include: performing manual tasks, seeing, hearing, lifting, and bending*).

If an accommodation is necessary, what adjustments do you suggest?

Refer to attached medical documentation (if appropriate) *

Employee Signature **Date**

*You should attach medical information to your letter to help establish that you are a person with a disability and to document the need for accommodation.

**NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION
(d/b/a METRA)**

I authorize any doctor, hospital, employer, and/or any other person, to whom this signed authorization is delivered, to furnish any information (reports, medical reports, x-rays, copies of medical records, etc.*) which may be requested by the Reasonable Accommodations Committee (RAC) of the Northeast Illinois Regional Commuter Railroad Corporation relative to my medical condition of _____.

A photocopy of this authorization will act as the original.

DATE

PRINT NAME

SIGNATURE

***“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”**

Return to:

Countess P. Cary, Chairperson
Metra/Reasonable Accommodations Committee (RAC)
547 West Jackson, 12th Floor
Chicago, Illinois 60661
312-322-8934 or ccary@metrarr.com

Revised 2/1/13

Exhibit 10 (d)
Controls Implemented to Ensure no
Unlawful Discrimination

INTERNAL EEO PROCESS FOR EEO OFFICER CONCURRENCE

1. HR presents entire recruitment file (including proposed salary recommendation/s) to EEO Officer for review prior to requesting CEO/ED approval.

2. Is there underutilization of minorities and/or females in this particular EEO Category? If yes, was there a diverse recruitment candidate pool?

If no, are there mitigating circumstances (i.e., specialized area). Have those exceptions been noted in the recruitment file? Is this hiring opportunity one where HR should extend the search so that qualified minority and female candidates have the opportunity to compete?

3. Compare posting requirements to selected candidates qualifications. Does selected candidate meet minimum job requirements; does paperwork support this conclusion? Were preferred requirements considered?

4. Review qualification of other candidates with special emphasis on minority, female, over 40 and disabled candidates. If necessary, consult with EEO Department selection committee representative. Were legitimate non-discriminatory reasons documented by Hiring Manager during selection meeting for the non-selection of these candidates?

5. Review resume control forms. Make sure that written language/reasons given by hiring manager for candidate selection are legitimate business reasons; non-biased and non-discriminatory.

6. The items identified in numbers 1 -5 above are the most common areas identified for process review, but are not intended to be all inclusive. Other problems, as identified by the EEO Officer, with the recruitment selection process, should also be raised/resolved.

KEEP IN MIND DEPARTMENTAL HIRING PATTERNS

If necessary, review departmental hiring/selections (past 12-24 months) for inclusion/diversity or lack thereof.

EEO OFFICER NOTATES CONCURRENCE BY INITIALING PAN ON FIRST LINE, EEO CONCURRENCE.

SELECTIONS REQUIRING FURTHER REVIEW/DISCUSSION

In the rare situation where the EEO Officer has concerns about process fairness/bias, those issues should first be discussed with recruiter and/or HR Manager, If still unresolved, dialog should occur between EEO and Hiring Manager. If issues with process persist, the matter shall be referred to CEO for final approval.

EEO OFFICER NOTATES CONCURRENCE BY INITIALING PAN ON SECOND LINE, EEO CONCURRENCE WITH CEO/ED FINAL APPROVAL.

In the absence of EEO Officer, concurrence authorization is delegated to the Sr. EEO Training Specialist. In absence of both EEO Officer and Sr. EEO Training Specialist, the Legal department may be asked by HR to offer concurrence. In this extremely rare circumstance, EEO Officer should be advised of any issues upon her return.

Monitoring and Reporting System:

(1) **Assessing EEO Accomplishments:** Metra's EEO/Diversity Initiatives Department measures the progress and effectiveness of the EEO program through an internal monitoring and reporting system. The department gathers and analyzes statistical employment data to identify areas of improvement. The data also measures whether or not Affirmative Action goals and objectives have been achieved. The monitoring and internal system encompasses the following Excel logs:

1. External charges of discrimination.
2. Internal complaints of discrimination.
2. Employee Relations complaints.
4. Employee inquiries and contacts that can potentially become complaints of discrimination.
5. Voluntary self-identification of applicants' race and sex.
6. EEO maintains and analyzes employee data on new hires, promotions, resignations, terminations, transfers, apprenticeships, discipline, and training by race and sex.
7. Mediations conducted by EEO staff.
8. Participation of EEO staff at Fact Finding Reviews, or Formal investigations for non-contract and contract employees.
9. List of names of contacts, phone numbers, and email addresses of recruitment Outreach Partners.
10. Disabled Employees and their reasonable accommodation requests.

Mandatory EEO Supervisory and Staff Training: EEO Compliance training is provided to newly promoted supervisors. Sexual harassment training is provided to new employees.

Reasonable Accommodation Committee (RAC): When a qualified individual with a disability (as defined in Title I (Employment) of the Americans with Disabilities Amendment Act of 2008 (ADAAA)), requests an accommodation in order to perform the essential functions of a job, Metra enters into an interactive process with that individual. RAC is composed of the Chief Human Resources Officer; the Senior Director of EEO/Diversity Initiatives (RAC Chairperson); the Human Resources Manager, Medical Services, and Metra's Chief Medical Officer (CMO). RAC is advised by Metra's Associate General Counsel.

Site Visits and Inspection of Government Posters Compliance: In addition, the Senior Director, EEO/Diversity Initiatives Director or her designee conducts site visits and inspections throughout Metra system to assure that all compliance federal, state and company policies are posted on prominent places for all employees to review.

Affirmative Action: The Senior Director, EEO/Diversity Initiatives and his/her designee conducts **annual** meetings with Senior Leadership to discuss the goals achievement and progress of the EEO/Affirmative Action program. At the beginning of the year, each Senior Manager submits to the

EEO Department his/her proposed good faith efforts towards achievement of Affirmative Action goals. Similarly, at the end of the year, each Senior Manager reports on their accomplishments of the good faith efforts they established at the beginning of the year.

In addition, at the beginning of each recruitment effort, EEO reminds the hiring managers of Metra's corporate affirmative action goals for the year. Areas of underutilization are identified and managers are asked to be cognizant of this during the recruitment and hiring process. If a candidate pool is not diverse, during the recruitment phase, recruiters are asked by EEO staff to extend their search for additional qualified minority and/or female candidates. EEO's staff monitors the progress of goals and objectives on a monthly basis.

Quarterly Report: EEO/Diversity Initiatives Department staff reviews and analyzes data, prepare periodic reports, and makes recommendations for corrective action, where appropriate, to Metra's Chief Executive Officer and Deputy Executive Director/Administration.

Annual Report: The EEO/Diversity Initiatives Department prepares an annual report to the CEO and makes recommendations where appropriate, to Metra's Chief Executive Officer and Deputy Executive Director/Administration.

Complaint Experience 2010-2012:

Discrimination Complaints (Formal):

The EEO/Diversity Initiatives Department investigated and responded to thirty-three (33) external complaints of discrimination and/or retaliation from local, state, and Federal enforcement agencies during the period 2010 - 2012.

Discrimination Complaints (Internal):

The EEO/Diversity Initiatives Department took immediate action to investigate, mediate, and if possible, resolve all internal complaints of discrimination. During the period 2010 - 2012, there were eighteen (18) internal employee relations and twenty-nine (29) internal discrimination complaints. The Internal Complaint Procedure, a process that employees can use to resolve complaints of discrimination or employee relations problems, was revised and updated in January 2010. EEO mediated nineteen (19) employee conflicts and disagreements during the period 2010 - 2012.

Employee Relations Complaints:

The EEO/Diversity Initiatives Department investigated and responded to eighteen (18) employee relations complaints during the period 2010 – 2012.

Employee Inquiries and Contacts:

The EEO/Diversity Initiatives Department responded to one hundred and seventy-one (171) inquiries and contacts during the period 2010 – 2012.

Mediations:

The EEO/Diversity Initiatives Department mediated nineteen (19) employee conflicts and disagreement during the period 2010 – 2012.

Participation in Formal Investigations:

The EEO/Diversity Initiatives Department participated in seven (7) formal investigations during the period 2010 – 2012.

Year	External Complaints	Internal Complaints (Employee Relations)	Internal Complaints (EEO)	Inquiries and Contacts	Mediation and One-on-One Meetings	Formal Investigations	Total
2010	8	6	11	49	8	1	83
2011	13	3	7	50	7	3	83
2012	12	9	11	72	4	3	111

Internal Complaint Procedure

Metra's EEO Complaint Procedure is an internal means of resolving complaints of illegal discrimination, sexual harassment, and/or retaliation.

Any employee, applicant for employment, or former employee who believes that he/she has been discriminated or retaliated against, or harassed in some prohibited way should fill out and sign an internal complaint form. If possible, such complaint should be submitted to the EEO/Diversity Initiatives Department (EEO) within 30 calendar days of

the incident or the effective date of the employment action which prompted the complaint. Contact may be made by telephone; however, a written complaint should be submitted to EEO as soon as possible after the initial telephone contact.

The written complaint should include a detailed description of the incident or act of discrimination, the names of any witnesses, and the remedy sought. The complaint must state why the incident or act constitutes discrimination. EEO does not promise employees complete anonymity during an investigation. However, to the greatest degree possible, it strives to maintain confidentiality. EEO will only disclose such information to those with a "need to know," and only if it is necessary for a thorough and fair investigation.

Upon receipt of the internal complaint, the Senior Director, EEO/Diversity Initiatives or designated staff will conduct a thorough investigation. At a minimum, the investigation will include:

- Meeting with the employee;
- Interviewing witnesses;
- Retrieving records and other documents;
- Notifying the complaining employee in writing of the results of the investigation;
- Where appropriate, making recommendations for corrective action to the manager or supervisor of the employee.
- Asking the complaining employee and any witnesses to refrain from disclosing any facts or findings to other employees.

Determination

In most cases, EEO will complete the investigation process and notify the aggrieved employee within 90 calendar days of receipt of the informal complaint. For more complex investigations, that timeframe may be extended another 30-60 days. At the employee's request, an EEO representative will meet personally with the employee and explain the findings of the investigation.

At any time during the internal complaint process, or if EEO's investigation does not substantiate the employee's allegations, or the remedy proposed by EEO is not acceptable to the employee, the employee always has the right to file a formal complaint with an external enforcement agency.

Internal Counseling Process

EEO Complaints

Metra has established an EEO Complaint Resolution Process that is designed to assure prompt attention and resolution of EEO related problems. Oftentimes concerns of discrimination or perceptions of unfair treatment can be resolved without a formal investigation.

A complaint arises when an employee is dissatisfied with a situation(s) or event(s). The EEO Complaint Resolution Process is a less formal means of resolving allegations of discrimination or harassment (including sexual harassment). Employees are encouraged to make every effort to resolve concerns informally as they arise and to first seek redress through this internal process.

When making an inquiry, the initial contact may be made with the Senior Director, EEO/Diversity Initiatives or designated staff by telephone.

A designated EEO Representative shall review the details of the complaint to determine if the issue(s) raised should be processed under this procedure. The EEO Representative shall make whatever inquiry he/she believes is necessary to seek a solution and act as an impartial mediator in attempting to resolve the matter. Every attempt will be made to conceal the identity of the employee except when disclosure is authorized by the employee or when identification is necessary and unavoidable in order to resolve the matter.

The EEO Representative shall counsel the employee concerning the issue(s) and maintain a record of the inquiry and counseling activities. Where appropriate, the Executive Director shall be notified of pertinent issues. At Metra, retaliatory action of any kind is prohibited against another employee who seeks redress under this procedure.

Employee Relations Complaints

There are many situations involving employee conflicts and/or complaints that do not involve allegations of illegal discrimination or retaliation. These types of conflicts (i.e., with a co-worker or supervisor), however, can interfere with performance of job duties just like those which involve allegations of discrimination, harassment, or retaliation. Recognizing that an employee's perception of unfair or arbitrary treatment can undermine safe performance and reduce productive output, the EEO/Diversity Initiatives Department offers its investigation and mediation services to resolve such employee concerns.

In the same way that the EEO Complaint Resolution Process is less formal, so too is the process for resolving employee relations complaints. Employees are encouraged to resolve employee relations concerns informally as they arise and to first seek redress through this internal process.

If the less formal process does not yield the desired result or is deemed inappropriate as a way to resolve a conflict or complaint, EEO staff may conduct a full investigation to gather additional facts and evidence. Following completion of the investigation, EEO staff may recommend appropriate remedies to management including, but not limited to, disciplinary investigation, sensitivity training, counseling of the employees involved in the conflict, or other appropriate employment action, as necessary.

The EEO Representative shall counsel the employee concerning the employee relations issue(s) and maintain a record of the employee relations complaint and any counseling activities. As with allegations of discrimination, the EEO staff attempts to keep employee relations matters as confidential as possible. Where appropriate, the Executive Director shall be notified of pertinent issues. Consistent with Metra's Anti-Harassment Policy, retaliatory action of any kind against another employee is prohibited if that person makes a complaint or protest of prohibited/illegal discrimination to the EEO representative.

Education Programs

Metra's EEO office will:

- Continue its efforts to train *staff employees* about avoiding inappropriate and/or offensive behavior of a religious, sexual, or racial nature.
- Continue to train its *managers* to avoid problems that may arise due to the changing nature of Metra's workforce. The Program will emphasize the advantages and strengths Metra gains from a workforce diverse in age, religion, ethnicity, sex, and race.
- Continuously trains its managers/supervisors regarding the laws governing sexual harassment and behaviors and environments that employees may perceive as sexually harassing. The training emphasizes the individual manager's responsibility for taking immediate action to prevent or stop inappropriate behavior in the workplace. Managers also learn the importance of setting a good example for the employees they supervise when it comes to avoiding behaviors that might be perceived as sexual harassment.
- Review and update on a regular basis, its manager's knowledge of EEO law, i.e., the ADA of 2008, the ADEA, the Civil Rights Act of 1964, the Lily Ledbetter Equal Pay Act, etc.
- Develop and present training on sexual orientation and gender identity harassment avoidance. This will be a 30 minute training module defining sexual orientation and gender identity. This course will discuss the laws and enforcement agencies as they relate to these protected groups. The course will also discuss Metra's policy as it relates to the laws and the consequences for anyone in violation of the policy.
- Continue its efforts to educate managers and supervisors about their responsibilities under the American with Disabilities Act Amendments Act of 2008 (ADAAA) and Metra's need to make Reasonable Accommodations when necessary and/or applicable.

Exhibit 11A
Employment, Recruitment and Selection Procedures

EMPLOYMENT, RECRUITMENT AND SELECTION PROCEDURES

INTRODUCTION

Recruitment for both union and non-union job vacancies is administered without regard to an individual's race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran's status, armed forces reserve, National Guard status, or physical or mental disability.

The recruitment process must not exclude or substantially limit any one group's knowledge of a job vacancy. Should a position open in which minorities or females are underutilized, affirmative action guidelines impose an obligation to recruit vigorously to build an applicant pool that includes qualified applicants from these underutilized groups. Each job vacancy provides Metra with an opportunity to both meet its affirmative action goals and to seek the most qualified candidate for employment. The signature of the Employment Services representative on the HR Requisition Form attests to the fact that he/she intends to participate in an open, unbiased search for an appropriate candidate to fill the vacant position.

It is the duty of the Employment Services Department to work with the EEO/Diversity Initiatives Department to identify recruitment sources that specialize in the placement of protected class candidates and to regularly consult with these organizations to keep them informed of Metra's job vacancies. Furthermore, EEO/Diversity Initiatives reviews the protected class utilization of the requisitioning department when a job vacancy occurs and advises that department and Employment Services when protected class employee underutilization exists. EEO/Diversity Initiatives maintains a record of corporate Affirmative Action (AA) goals, and recruiting department managers are notified of the corporate goals' status when vacancies occur.

In addition to identifying recruitment sources that specialize in identifying protected class citizens, it is the duty of the Employment Services Department to utilize its Applicant Tracking System to maintain accurate and up-to-date records on applicant flow data, thereby ensuring the inclusion of protected class individuals in the pool of employment candidates. Furthermore, a representative of the Employment Services Department will participate in presentations at targeted and underutilized group's seminars, job fairs, career days, etc., to enhance Metra's recruitment source listing of protected class individuals.

The procedures outlined below are intended to provide a guide to steps that may be taken to cover an array of recruitment and selection issues if and when they arise during the employment process. However, this document is not meant to cover every eventuality that can occur during the employment process. While this recruitment procedure is used in most selection decisions, each employment decision is unique. In some cases, it may be necessary to use all or parts of the steps provided, while in others it may be more practical to complete the employment process in an expedited fashion.

The Employment Services Department has the authority to combine, amend, or omit, on a case by case basis, the selection procedure steps outlined below. So long as Metra does not violate its internal policies or applicable federal, state, and local laws that prohibit discrimination on the basis of race, sex, sexual orientation, age, religion, national origin, disability, or in retaliation for a complaint of discrimination.

DATE CREATED 4/10/95
REVISED 1/24/12
REVISED 6/25/12
REVISED 1/17/13
REVISED 1/24/13

EMPLOYMENT SERVICES INTERNAL PROCESS FOR NON-CONTRACT RECRUITMENT

I. PURPOSE

This document provides guidelines for the recruitment and selection of vacant non-contract positions.

II. POLICY

All employees are eligible for consideration for vacant non-contract positions within Metra.

As an equal opportunity employer, Metra takes affirmative action to ensure that all candidate(s)/employee(s) recruited for non-contract job vacancies shall not be subject to discrimination due to race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, order of protection status, veteran's status, armed forces reserve status, national guard status, or physical or mental disability.

All vacant non-contract positions are posted to/for Metra employees for a minimum of five (5) business days. Internal candidate(s) may apply in confidence by completing an Employee Application Request Form (Appendix Form A) in the Employment Services Department. Employee Application Request Forms received after the expiration date on the posting will be considered with the externals, except in extreme circumstances determined by the Employment Services Department.

Interviews may be granted to new hire/transfer/promotion employee candidate(s) whose qualifications match, or exceed the requirements of the posted position(s). Each position will be awarded to the candidate, whether internal bidder or external candidate(s), whose combination of related education and skills appear to most closely match the needs of Metra. Metra management reserves the right to consider other candidates who may not have applied for a posted vacancy, but who appear to possess the minimum job qualifications. In these cases, the Employment Services Department will contact the candidate to see if they are interested in being considered for the open position(s).

The recruitment process for non-contract job vacancies must not exclude or substantially limit any one group's knowledge of a job vacancy. Should a position open in which minorities, and/or females are underutilized, Metra's affirmative action plan imposes an obligation to vigorously recruit a candidate pool that includes qualified individuals from these underutilized groups. Each non-contract job vacancy provides Metra with an opportunity to both meet its affirmative action goals and to seek the most qualified candidate for employment.

Metra advertises vacant positions to external candidate(s) on Metra's website, various on-line job sites, phone hotline, professional journals, and other outreach partners as needed.

III. **RESPONSIBILITIES**

A. **Employee Candidate**

Provide a completed Employee Application Request Form and information pertaining to his/her qualifications in relation to the vacant position, within the posting period. Only Employee Application Request Forms received within the posting period will be accepted and reviewed unless there are special circumstances determined by the Employment Services Department. Though candidates may meet the minimum requirements for a position, the Employment Services Department or requisitioning manager may choose not to interview them based on the size of the candidate pool, hiring deadlines, etc. In these cases, the candidate(s) with backgrounds (work experience/education) that most closely match the job requirements will be interviewed.

Note: It is the responsibility of each employee to make sure that his/her personnel file is up to date and accurate. Resumes altered to fit a specific position opening without proper documentation will not be considered. If an internal candidate does not apply within the posting period, they can be considered along with external candidates.

B. **External Candidate**

External candidates who meet the qualifications are invited in for an interview will complete an Application for Employment. There may be cases where a preliminary phone interview is held per the department's request.

C. **Employment Services**

In conjunction with the search for qualified candidates, the Employment Services Department maintains an applicant tracking system with applications/resumes for vacant positions within Metra for both internal and external qualified candidates. If

candidates are selected to interview from the database, the Employment Services Department will then confer with the requisitioning department. The selection procedures will then be reviewed to ensure that all Metra policies and procedures have been followed to ensure diversity within the applicant pool.

Since it is likely that Metra will accept more applications/resumes than there are openings, all qualified candidates may not be interviewed for an opening. In cases where there are several qualified candidates, the Employment Services Department may conduct preliminary interviews and/or the hiring manager may refer the top qualified candidates for an interview.

VI. **INSTRUCTIONS**

1. The Employment Requisition Form (Appendix Form H) received by the HR Operations Department from the hiring department should have appropriate approval and management signatures. A Position Justification Form (Appendix Form B) and a job description are required. However, a job description is not necessary if there is one already on file). If a position is filled and then vacated within a six-month period, only a Supplemental Employee Requisition Form (Appendix Form C) is required.
2. Requisition sent to the HR Operations Department should be logged in and processed with EEO/Diversity Initiatives and the Budget Department.
3. Senior HR Generalist will procure the Executive Director/CEO's approval.
4. Approved requisition will be scanned to the Workforce Planning Department for preparation of posting. Approved requisitions are also scanned to Employment Services, Budget, and HR Admin/IT. A job description is procured to assist in the posting process, and a compensation analysis is performed by HR Operations Department. The HR Operations Department utilizes Metra's Compensation Program to complete the compensation analysis.
5. The Workforce Planning Department will email job postings to the requisitioning manager, EEO/Diversity Initiatives, HR Operations and Employment Services to ensure consistency with prior postings, conformity with the job description. The requisitioning department is notified of any underutilization within the department by the EEO/Diversity Initiatives Department. The formal Job Posting process may be waived by the Workforce Planning Department if the position was posted within the last 6

months and/or there have been no changes to the posting during that period of time.

6. The HR Operations Department meets with the Senior Director, Human Resources to discuss the salary range. The Senior Director, HR Generalist then procures the approval of the salary range from the Executive Director/CEO. Once approved, the posting is prepared by the Workforce Planning Department and forwarded to the Employment Services Department for posting.
7. Jobs are posted for a minimum of five (5) business days on Metra's website, job posting boards, intranet, as well as being shared with outreach partners and specifically identified resources.
8. Employee Application Request Forms are distributed and accepted by the Employment Services Department. All applications are received, recorded, and held until close of posting.
9. Upon the completion of the internal posting period or deadline, the Employment Services Department has a Qualifications Review Meeting (consisting of members of the Employment Services Department staff and requisitioning manager(s)), to evaluate all applicant(s) qualifications in relation to the minimum acceptable qualifications listed on the posting. Candidates who possess the minimum qualifications may be given further consideration. In cases where qualifications are not easily determined, (i.e., technical or senior level positions), the Employment Services Department will meet with the requisitioning manager to evaluate the qualifications of the respective applicants. A copy of the Qualifications Review Report (Appendix Form D) is placed in the work file.

Note: A supplemental Employee Requisition Form will be completed by the requisitioning department if the same vacancy occurs within a six month period. An attachment will be placed in the Recruitment Work File indicating status of each bidder (i.e., qualified, non-qualified, discipline, etc.).
10. The Employment Services Department notifies in writing all non-qualified candidates of the reasons for not meeting the minimum acceptable qualifications. Candidates who are not qualified may request an appeal of the decision with the Senior Director, HR Operations.

11. The Employment Services Department schedules typing tests and/or other exercises as required on the job posting. If the posting has a typing requirement and the candidate's typing test is over 12 months old, an updated typing test is required.
12. The Employment Services Department prepares a complete Work/Recruitment File which should include the Job Posting, Interview Form, Review Committee Candidate Overview Form, Bid Qualification Form, Employee Application Request Form, Supervisory Nepotism Disclosure Form and any additional documents pertaining to this recruitment.
13. The requisitioning department is sent a packet of the qualified candidates for their review. This packet includes an explanation of the process and gives instruction to contact the Employment Services Department when ready to schedule interviews. The requisitioning department is asked to provide a copy of the interview questions for review. Inquiries from candidates should be directed to the Employment Services Department until the recruitment effort is complete. The requisitioning department may opt not to interview if there is only one internal candidate in the pool who is identified as qualified; as a result that candidate will be the selected candidate. Also, if, candidate has interviewed for the same position within a six-month period, the interviewer or interviewee may waive the interview. If there are several qualified candidates, the Employment Services Department may conduct preliminary interviews (as described above).
14. In the event that there are several position openings and posted simultaneously, and the same candidate(s) applies for these positions, the department may opt to hold one interview and ask such candidate(s) questions that relate to each position. Also panel interviews can be conducted and candidates can be considered for multiple positions as designated by the interviewing panel, if the candidate is agreeable to being considered for multiple positions.

WHEN A SEARCH FIRM IS USED, THE FIRM IS RESPONSIBLE FOR THE ENTIRE RECRUITMENT PROCESS

15. An Employment Services Department representative or designee accompanies the hiring department during the entire interviewing process. Notes are taken only if the HR representative is involved in the selection process (i.e. Train Service, Apprenticeship Program).

16. The Metra Website, jobs@metrarr.com is used to identify qualified external candidates. Jobs are posted internally on the Metra intranet. Internal and external searches are conducted simultaneously.
17. The Employment Services Department will receive applications/resumes for the positions from our website and enter them into the HR Oracle database. Copies are placed in the work file and reviewed by the requisitioning department. Interviews will then be scheduled for candidates moving forward in the interview process. There may be times when different managers/recruiters are interviewing for the same recruitment/position search. Consistency with attendee(s) is encouraged unless extreme circumstances apply (i.e., emergencies, illness, etc).
18. Once the interviewing process is completed, a selection meeting will take place to ensure that all company policies and procedures have been adhered to. This meeting usually consists of representatives from the Employment Services Department, EEO/Diversity Initiatives Department, Compensation, and the requisitioning department.

Note: An attendance sheet is signed by all who are present, indicating their concurrence or pending the selection. Selection of candidates from underutilized groups (minorities and /or females) is of critical importance for achieving corporate affirmative action goals where the candidates in contention have relatively equal qualifications and abilities.
19. If the requisitioning department manager is working in the field or a participant is not available, a phone conference can be conducted and the Conference Sheet (Appendix Form E) will show "by phone" where the signature is required.
20. Once the selection is made and approved, a Selection Concurrence Letter (Appendix Form F) is required from the Director or next higher official. The signed Selection Concurrence Letter is added to the job file. The Resume Control Form (Appendix Form – I) is required to be completed in detail for all candidate(s) by the requisitioning department and returned to the Employment Services Department.
21. The posting notice, application/resume of the selected candidate(s) is given to the HR Operations Department to prepare a compensation analysis. HR Operations will meet with Senior Leadership to discuss the proposed salary recommendations. HR

Operations will advise the requisitioning department of the salary recommendation.

22. Prior to seeking approval from the Executive Director/CEO, the HR Operations Department will schedule a compensation meeting with the DED Administration or the Chief Operations Officer for any positions that report to the DED and processes the proper signatures. A phone call will be made to other Senior Leaders.
23. The HR Operations Department will prepare the Employee Status Change Form (Appendix Form G) and present the entire work folder to the EEO/Diversity Initiatives Department for their review.
24. The EEO Officer must concur on all hires and promotions. The EEO Officer indicates concurrence by initialing the PAN prior to CEO's approval.
25. The HR Operations Department will prepare the Employee Status Change Form with the required information to make a job offer, and secure the Executive Director's/CEO's approval. The Compensation Department will notify the requisitioning department of the salary that was approved by the Executive Director/CEO.
26. Upon Executive Director's/CEO's approval of the Employee Status Change Form, the Employment Services Department will notify the internal selected candidate(s) and make a job offer. Upon acceptance by the selected candidate(s), the Employment Services department will notify the requisitioning department manager and prepare an offer letter. (Once an effective date has been established, a copy of the Employee Status Change Form will be distributed to HR Operations then to HR/Administration/IT for processing. Information will be entered into the HR Oracle database indicating that the candidate(s) has accepted the position.)
27. For selected external candidates, a Pre-employment Physical and Background Check will be scheduled. After successful completion of the Pre-Employment Physical, Vehicle (if applicable) and Background Check, the Employment Services department will assign a start date and forward the employee folder to the HR Operations Department. The new hire/transfer/promotion employee is then scheduled for orientation. Candidates not selected are notified in writing.

28. Information concerning the new hire/transfer/promotion employee is entered on the original Employment Requisition Form by the HR Operations Department. The Employment Services Department then updates the HR Oracle database of the selected candidate.
29. The original requisition is completed by the HR Operations Department and forwarded to Employment Services Department to be included in the work file where it will be closed out.
30. After the Recruitment Work File is completed it is filed in the Employment Services Department.
31. Employment Services publishes a monthly list of selections on all bulletin boards.

This recruitment process will assist in the future with audits and/or inquiries. It is important to remember that the interviewing manager be informative and precise in completing the Resume Control Forms. The Employment Services Department or any other HR staff member should question the remarks, or lack of, on these forms. Any problems or concerns in the selection and recruiting process should be brought to the attention of the Employment Services Department.

V. **ADDENDUM**

1. Applications/Resumes are kept active for a one-year period and inactive for two years.
2. Work files are kept in the Employment Services Department for one year and sent to archives thereafter. These files can be retrieved through the Administrative Services Department.
3. The Recruitment Tracking Log is a performance measurement tool to ensure policies and procedures are followed and transparent. This advises management of the status of their recruitment efforts. The log is maintained by the Employment Services Department, Senior Managers receive updates on a semi-monthly basis.

VI. **CONCLUSION**

- A) Metra does not discriminate against minorities or women with respect to recruitment, hiring, training, promotion and other terms and conditions of employment, provided the individual is qualified to perform the duties of the respective position.
- B) It is our policy to comply voluntarily with the concepts and practices of affirmative action.

C) The use of goals and timetables in this written statement are not intended, nor is the effect of such goals and timetables intended, to discriminate against an individual or group of individuals with respect to any employment opportunity for which he, or she or they are qualified.

VII. **DISCLAIMER STATEMENT**

These policies and procedures are the normal standards for the Metra recruitment process. However, special circumstances may apply whereby the process may vary.

VIII. **HUMAN RESOURCES FORMS APPENDIX**

- A - Employee Application Request Form
- B - Position Justification Form
- C - Supplemental Employment Requisition Form
- D - Qualification Review Report
- E - Conference Sheet
- F - Selection Concurrence Letter
- G - Employee Status Change Form
- H - Employment Requisition Form
- I - Resume Control Form



Employee Application Request Form

METRA HUMAN RESOURCES

DATE:

EMPLOYEE APPLICATION

BID CLOSING DATE: December 20, 2012

NAME	ID#:	DIVISION DEPARTMENT	PHONE:
CURRENT JOB TITLE:	GRADE:	DATE OF HIRE:	

POSITION FOR WHICH YOU ARE APPLYING:

JOB TITLE: **ASSISTANT CONDUCTOR**

DIVISION/DEPARTMENT: **TRANSPORTATION**

THE REQUIREMENTS FOR THE POSITION REPRESENT THE MINIMUM ACCEPTABLE QUALIFICATIONS. YOU MUST MEET EACH OF THE REQUIREMENTS IN ORDER TO BE CONSIDERED FOR THE POSITION. IT IS DESIRED, BUT NOT REQUIRED, THAT YOU MEET THE PREFERENCES, AS WELL. IT IS YOUR RESPONSIBILITY TO BE CERTAIN THAT ALL INFORMATION TO BE USED IN ESTABLISHING YOUR QUALIFICATIONS IS IN OUR HANDS AND DOCUMENTED. EMPLOYEES APPLYING FOR CERTAIN JOB OPPORTUNITIES WITHIN THE METRA SYSTEM WILL BE SUBJECT TO A VERIFICATION OF A VALID DRIVER'S LICENSE AND CRIMINAL BACKGROUND INVESTIGATION.

POSITION REQUIREMENTS AND PREFERENCES	YOUR RELEVANT QUALIFICATIONS
<p>1. Must possess at least one of the following requirements:</p> <ul style="list-style-type: none"> A. High School Diploma or GED and a minimum of two years of train service experience with a railroad; OR B. Sixty (60) college level credit hours from an accredited college or university and must pass a preliminary operating rules assessment; OR C. A minimum of two years of active Metra employment, with operating rules qualification OR minimum of two years of active Metra employment and must pass a preliminary operating rules assessment; OR D. A minimum of two years of active duty Military service and must pass a preliminary operating rules assessment. 	
<p>2. PROOF OF ELIGIBILITY:</p> <ul style="list-style-type: none"> A. Applicants using the college requirement must submit a copy of their official college transcripts with the application. B. Applicants using the military requirement must submit a copy of their DD Form 214. C. Applicants must provide three (3) letters of recommendations. 	

<p>3. Applicants must be a self-starter; able to work independently; and have an excellent work record.</p>	
<p>4. Applicants must be available for 24-hour call (which includes working any District or shift within the Metra region which could require traveling long distances with two (2) hours notice).</p>	
<p>5. Deliver excellent customer service with detail to handling cash transactions.</p>	

The information contained in this application is correct and true to the best of my knowledge. I understand that misrepresentation or omission of facts is cause for serious discipline, up to and including dismissal from Metra.

Signature

Date



Date of Request: _____

Date of Vacancy: _____

Position Justification Form

Job Title: _____ Grade Level: _____

Division/Department: _____ Work Location: _____

1. Is this a budgeted position for the current budget year? Yes No Operations Capital
Explain: _____

2. Please state the purpose and primary responsibility of this position.

3. Is filling this position essential to the operation of the department and/or the organization?
 Yes No Explain: _____

4. Have the responsibilities of this position remained the same, increased or decreased during the tenure of the previous incumbent? _____

5. What percentage of the workday is spent performing the job duties? _____

6. How has technology influenced the way this job is performed and the amount of time it takes to perform the job duties? _____

7. Can the primary duties of this position be reassigned to other individuals within the department?
 Yes No Explain: _____

8. In filling this position, are you able to offset the cost of this position by eliminating another position through attrition? Yes No Explain: _____

Prepared By: _____ Date: _____

Senior Management's Approval: _____ Date: _____

Deputy Executive Director's Approval: _____ Date: _____

Human Resources' Approval: _____ Date: _____

Executive Director/CEO's Approval: _____ Date: _____

Comments: _____

(use additional sheets if necessary)



Org Req. # _____
Sup Req. # _____

Supplemental Employment Requisition Form

This form is for backfilling vacant position(s) that occur within 90 days of hire.

Date of Request: _____

Division/Department: _____ Job Title: _____

Grade Level: _____ Work Location: _____

Position Type: Non-Contract Contract

Request Due to: Termination Bid Transfer Promotion
 Reclassification Resignation Other

If other, please specify: _____

Former Incumbent Name: _____ Date of Hire: _____

Date of Vacancy: _____

For Interview Contact: _____ Extension #: _____

*Requestor's Approval: _____ Date: _____

*Supervisor's Approval: _____ Date: _____

Human Resources' Approval: _____ Date: _____

*These signatures must be secured before submitting to HR.

To be completed by Human Resources

- Job posting attached
- Original employment requisition attached
- No changes to posting associated with original requisition
- Salary remains unchanged
- Posting meeting waived

**Comments: _____

Filled By: _____

Salary: _____ Start Date: _____

Processed By: _____ Date: _____



547 W. Jackson Boulevard Chicago, IL 60661 312.322.6900 TTY: 1 312.322.6774

Memorandum

TO: Manager, Employment Services
Employment Services

DATE: December 12, 2012

FROM: Joe Tosti, Management Coordinator
Employment Services

RE: Review Committee Candidate Overview

POSTING

Marketing Management Administrator
Chief Communications and Marketing Officer
November 30 - December 6, 2012

The qualifications of candidates for the above-listed position have been evaluated. The following are the results of this review.

<u>NO.</u>	<u>CANDIDATE'S NAME</u>	<u>MEETS MIN. QUALS.</u>	<u>REASON NOT QUALIFIED</u>
1		No	Qualification #2
2		Yes	
3		Yes	
4		Yes	
5		Yes	

Metra is the registered service mark for the Northeast Illinois Regional Commuter Railroad Corporation.

Appendix Form D

Conference Sheet

Recruiter: _____

Position: _____

Date of Meeting: _____

Purpose: Posting
 Qualification
 Selection
 Compensation
 Other _____

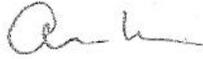
Name	Department	Concur Initials	Pending* Initials
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* Pending further review and discussion

Memorandum

To: Thomas Farmer
Chief Financial Officer

Date: April 20, 2012

From: Arun Saxena 
Acting Controller

Subject: Recommendation to Offer

I recommend the position of Manager Financial Reporting be offered to She
interviewed strongly and had the best combination of skills and experience for this
particular position. I believe she would succeed in the position of Manager Financial
Reporting.

Concurrence:



Thomas Farmer
Chief Financial Officer

Date: 4-20-12



EMPLOYEE STATUS CHANGE

Contract Non-Contract

Name:	Employee #:	Effective Date:
--------------	--------------------	------------------------

Prepared By:	Prepared Date:
From (Old Dept.)	To (New Dept.)

Bulletin#
 Position#
 Job Title:
 Dept./Distr./Loc.
 Org. Code:

A. TRANSACTION TYPE:	TRANSACTION TYPES	For Name Change give former name:
<small>Select type from list. In parenthesis are the sections to be completed:</small>		

B. Date of Hire:	EEO Code:
	EEO Concurrence w/CEO Final Approval:

C. Address:	Primary Phone #:
City/State/Zip Code:	

D. Job Change: REASON	Job Type: TYPE	Last Day Worked Old Job:
Position: REASON	Position Type: TYPE	First Day Worked New Job:
Name Old Incumbent:		

E. Old Grade:	New Grade:
Old Salary/Rate:	New Salary/Rate:

F. Leave Code: LEAVE CODES	<input type="checkbox"/> With Pay <input type="checkbox"/> Without Pay
Start Date:	Return Date: DATE TYPES

G. Discipline Rule(s):	Date Assessed:
------------------------	----------------

H. Termination/Furlough Code: TERM/FURLOUGH CODES	Last Day Worked:
--	------------------

I. Benefits/Information: <input type="checkbox"/> Payment Due <input type="checkbox"/> No Payment Due	
Adjusted Service Date:	Vacation Eligibility Date:

COMMENTS:

APPROVALS:

Approval Signature

Approval Signature

Employment Requisition

Req. # _____

Date of Request: _____ Date of Vacancy: _____

Division/Department: _____

New Existing Job Title: _____

Grade Level: _____ Work Location: _____

Work Status: Non-Contract Contract
Request Due to: New Position Promotion Transfer Reorganization Reclassification
 Resignation Retirement Termination

Former Incumbent: _____

Position Duties: *See Job Description, Posting and/or Attachment*

For Interview Contact: _____ Extension #: _____

E	Department Goals:	Notes:
E		
O		
	Category:	

*Requestor's Approval: _____ Date: _____

*Supervisor's Approval: _____ Date: _____

Human Resources' Approval: _____ Date: _____

Executive Director/CEO=s Approval: _____ Date: _____

*These signatures must be secured before submitting to HR.

To be completed by Budget Department

Budgeted Position (sign your approval *only* if budgeted) Non-Budgeted Position (please explain)

Comments: _____

Budget's Approval: _____ Date: _____

To be completed by Human Resources

HR has reviewed this requisition and recommends the following: Approved Not Approved Due To:
 Redistribution of work Decrease in responsibilities/duties Other (explain)

**Comments: _____

Filled By: _____

Salary: _____ Start Date: _____

Human Resources Status: New Hire Promotion Transfer Union to Management

Comments: _____

RESUME CONTROL FORM

Human Resources use only:	
Applicant=s Name: _____	
Position Applied for: _____	Department: _____
Reviewed by: _____	Date: _____
Hiring Manager: _____	Division: _____
<u>COMMENTS:</u>	
<input type="checkbox"/> Qualified	<input type="checkbox"/> Lacks Minimum Qualifications
<input type="checkbox"/> Schedule Interview	<input type="checkbox"/> Hold - Schedule for interview if candidate is not selected from first group
<input type="checkbox"/> Not Interested. Reason: _____ _____ _____	
<input type="checkbox"/> Applicant did not keep appointment for interview.	

Hiring Department use only:	
<u>RECOMMENDATION:</u>	
<input type="checkbox"/> Best Candidate - Make Job Offer	<input type="checkbox"/> Good Candidate/ More suitable applicant selected
<input type="checkbox"/> Skills look good on paper. Personal interview does not support application/resume.	
<u>EVALUATION REASONS SUPPORTING YOUR CHECKED RECOMMENDATION</u>	
Signature: _____	Date: _____

Exhibit 11B
Employment Services Internal
Process for Contract Recruitment

DATE CREATED 9/19/95
REVISED 01/25/12
REVISED 1/15/13

**EMPLOYMENT SERVICES
INTERNAL PROCESS FOR
CONTRACT RECRUITMENT**

OE-02

I. PURPOSE

This document provides guidelines for the recruitment and selection of vacant contract TCIU positions.

II. POLICY

All vacant TCIU Excepted and Partially Excepted positions are posted for a period of five (5) days to Metra employees based on the applicable union agreement. The Employment Services department will post only Excepted and Partially Excepted TCIU positions. All other union positions are posted by the department. Applicants may apply in confidence by completing an Employee Application Form in the Employment Services department, or as specified on the notice.

NOTE: Employment Services should be consulted prior to the posting, to ensure compliance with the applicable union agreement.

External candidates are directed to apply through our website. The Employment Services Department will invite them in for a typing test. If they successfully pass with the 25 wpm typing requirement and appear to meet the requirements of the position, their paperwork is placed in a file for lottery selection as openings become available. When there is an insufficient pool, the job may be posted on our Website and with our Outreach Partners. Applicants are welcome to apply even if there is no active recruitment. However, they should indicate the position they are applying for.

Interviews will be granted to employees whose qualifications best appear to match the requirements of the position(s). The Hiring Manager will review resumes and choose who they want to interview. Each position will be awarded to the candidate whose combination of related education, skills and/or experience appear to most closely match the needs of Metra. If there are no qualified bidders from within the corporation, the external recruitment will take place.

NOTE: PREFERENCE CAN BE GIVEN TO CANDIDATES WHO HAS PRIOR RAILROAD OR THOSE RECOMMENDED FROM ASSISTANT CONDUCTOR INTERVIEWS.

NOTE: TCUI Clerks who are awarded a job and voluntarily decide to return to their former position must be disqualified for position by the department in order to do so. A TCIU Clerk cannot arbitrarily resign without being disqualified from the position by the department.

III. RESPONSIBILITIES

A. Employee

Provide application/information pertaining to their qualifications in relation to the position within the posting period for review. It is the responsibility of each employee to make ensure that their personnel file is up to date and accurate. Resumes altered to fit a specific position opening without proper

documentation will not be considered.

OE-02

B. Employment Services

Maintain records of applications and resumes for vacant positions within Metra and in conjunction with Workforce Planning conduct a search of qualified candidates. Refer qualified candidates to the department and review the selection procedures to ensure that all Metra policies and procedures are followed. It applicants could not possibly be interviewed.

NOTE: In instances where there is a large pool, a lottery may be held. The most qualified candidates in the pool are randomly selected. This process is coordinated by Employment Services and a copy of the results are sent to the Law Department. Depending on the number of openings will determine the number of names pulled. The number of "picks" is usually three for every vacancy, however, this could vary if special circumstances warrant.

IV. INSTRUCTIONS

1. Requisition received by Workforce Planning department from department with Requisitioning Manager, Department Head, Chief Operations Officer, Deputy Executive Officer, Senior Corporate Director, Senior Director or Director signature. A justification to fill the position is also attached.
2. Requisition to Department Head, Workforce Planning to be logged in by the HR Operations and processed with EEO/Diversity Initiatives department.
3. Requisition to HR Operations to procure Executive Director's approval.
4. Requisition to Workforce Planning for preparation of posting. A copy of the requisition is presented to Employment Services. A Job Description may be procured to assist in the posting.
5. Workforce Planning emails posting to Requisitioning Manager, Senior Director EEO/Diversity Initiatives, Employment Services, to ensure consistency with prior postings, and conformity with the job description. The requisitioning/department Manager is also notified at this time of any underutilization within the department by the EEO/Diversity Initiatives department. The posting meeting may be waived if the position was posted within the last 6 months and/or there have been no changes to the posting during that period of time or approval of Senior Corporate Director, Human Resources. An attendance sheet is signed by all who were present.
6. Workforce Planning coordinates the posting with the Employment Services and prepares the unique application for distribution to applicants.

7. HR Operations meets with the Sr. Corporate Director, Human Resources who procures salary approval, if applicable, of the posting from the Executive Director.
8. As described above, postings are for a minimum of five (5) days.
9. Applications/resumes are distributed and accepted by the Employment Services at the Human Resources front desk who records all applicants.
10. Upon the completion of the internal posting period, Employment Services will evaluate all applicant qualifications in relation to the minimum acceptable qualifications listed on the posting. Only applicants who possess the minimum qualifications will be given further consideration. In cases where qualifications are not easily judged, such as for Technical or Senior level positions, a full qualifications meeting will be held to evaluate the qualifications of each applicant. This will consist of the Employment Services and requisitioning/department Manager. An attachment will be placed in Recruitment Work File indicating status of each bidder (i.e., qualified, non-qualified, discipline, etc.) An attendance sheet will be signed by all who were present.
11. Employment Services notifies in writing all unqualified candidates of the reason/s for not meeting the minimum acceptable qualifications. A copy of the Qualifications review report is kept in the work file.
12. If typing skills are required, tests are scheduled by Employment Services department as soon as possible.
13. The Employment Services department prepares a Work/Recruitment File which should include a Job Posting and Interview Form, Review Committee Candidate Overview Form, and Bid Qualifications Form, completed Employee Applications Forms (if applicable), etc.
14. The requisitioning/department Manager is sent a letter and a packet of the qualified candidates and interviews are scheduled. If no qualified candidates exist, Employment Services is notified and further action is planned at this time. The Requisitioning Manager may opt not to interview candidate (i.e., only one candidate in pool who is identified as qualified and will be the selected candidate). Also, if candidate has interviewed within a six-month period, the interviewer or interviewee may waive interview. If there are more than six candidates, the Employment Services Department can conduct preliminary, if recommended by hiring department.
15. A Courtesy Posting is normally prepared at this time, which allows all qualified Metra employees to apply for this vacancy. This posting normally is for five days.
16. An Employment Services representative accompanies the Department Manager in the entire interviewing process. In the event of there are more than six qualified bidders, the Employment Department will conduct preliminary interviews if the requisitioning department requests.
17. The Applicant Tracking System within Oracle is usually used as the first source of qualified applicants once all internal candidates have been exhausted. If no qualified candidates exist within the system, an external

search will be conducted. Normally this will consist of an advertisement being placed on the Internet, in Metra's Website, Outreach Partners and listed in our phone hotline 312-322-4070. Also a letter will be sent to community agencies identified by the Employment Services and EEO/Diversity Initiatives department.

18. Designated members of the Employment Services will receive all applications/resumes for the position. It is important that originals of applications/resumes be submitted for entering into the system. Copies can be made for the job file and for review by the department.

19. Once the interviewing process is completed, a pre-selection review process will take place to ensure that all company policies and procedures have been adhered to. This meeting consists of the Employment Services, EEO/Diversity Initiatives department, and the Requisitioning/Department Manager. An attendance sheet is signed by all who were present.

20. Once the decision is made, a selection recommendation and concurrence letter is processed by the department, to the Department Head or next higher official. This letter is given to the Employment Services for further processing. At this time the resume control forms are completed in detail by the department and returned to the Employment Services representative handling the recruitment.

21. The Employment Services department will prepare the Employee Status Change form and present the entire employment folder to the EEO/Diversity Initiatives Department for their review.

22. Employment Services will present the Employee Status Change form and appropriate paperwork to the HR Operations for the Executive Director's approval.

23. Upon approval, the Employment Services department will notify the selected applicant/s and make a job offer. Upon acceptance by the selected candidate, the Employment Services staff member will notify all concerned, (i.e., and the requisition/department manager) and prepare the new hire offer letter.

24. After successful completion of the Pre-Employment Physical, Vehicle (if required) and Background Check and effective date, the Employment designee will turn over to HR Operations department an employee folder, and they will schedule the new hire/promoted/transferred employee for orientation accordingly. The employee folder at this time consists of the completed Employee Status Change form, the application and resume, the resume control form, a copy of the offer letter, a copy of the physical and background memos, and the I-9 documentation. The Employee Status Change form, with a confirmed start date, is presented to the HR Operations for processing at this time. The non-selected candidates are notified in writing of the selection at this time.

25. Information concerning the new hire is entered on the original requisition, and into Oracle, by Employment Services and the Department Head, Employment Services is notified.

26. The original requisition is completed by the HR Operations and filed

in the work file.

0E-02

*Remember to keep good documentation. (i.e., why candidates were/were not qualified, interviewed, etc. The Resume Control Form should address the reasons the candidates were or were not selected).

27. After the Job File is completed it is given to the Employment Services for filing.

29. Employment Services publishes a monthly list of transactions on all bulletin boards.

This recruitment process will assist in the future with audits and/or inquiries. It is important to remember that the interviewing manager be informative and precise in completing the Resume Control Forms. The Employment Services Department or any other HR staff member should question the remarks, or lack of, on these sheets. Any problems or concerns in the selection and recruiting process should be brought to the attention of Employment Services.

Addendum:

NOTE: Typing tests are active for a one year period. If a posting has a typing requirement, all candidates (internal and external) must have an updated typing test within a 12 month period.

Disclaimer Statement:

These policies and procedures are the normal standards for this recruitment process. However, special and/or contractual processes may apply whereby the process may vary.

RESUME CONTROL FORM

Human Resources use only:	
Applicant=s Name: _____	
Position Applied for: _____	Department: _____
Reviewed by: _____	Date: _____
Hiring Manager: _____	Division: _____
<u>COMMENTS:</u>	
<input type="checkbox"/> Qualified	<input type="checkbox"/> Lacks Minimum Qualifications
<input type="checkbox"/> Schedule Interview	<input type="checkbox"/> Hold - Schedule for interview if candidate is not selected from first group
<input type="checkbox"/> Not Interested. Reason: _____ _____	
<input type="checkbox"/> Applicant did not keep appointment for interview.	

Hiring Department use only:	
<u>RECOMMENDATION:</u>	
<input type="checkbox"/> Best Candidate - Make Job Offer	<input type="checkbox"/> Good Candidate/ More suitable applicant selected
<input type="checkbox"/> Skills look good on paper. Personal interview does not support application/resume.	
<u>EVALUATION REASONS SUPPORTING YOUR CHECKED RECOMMENDATION</u>	
Signature: _____	Date: _____

Exhibit 11C
Metra Ordinances

COMMUTER RAIL BOARD
ORDINANCE NO. MET 10-07

WHEREAS the Commuter Rail Board (“Board”) of the Commuter Rail Division of the Regional Transportation Authority is committed to open and transparent operations at the Commuter Rail Division and the Northeast Illinois Regional Commuter Rail Corporation (collectively, “Metra”); and

WHEREAS the Board has established an Executive Committee to evaluate and consider compensation and benefits afforded to Metra employees; and

WHEREAS the Board shall review actions taken by the Executive Director with respect to staff compensation and benefits;

NOW, THEREFORE, BE IT ORDAINED THAT:

1. The Executive Director shall provide a monthly report to the Board that details personnel actions with respect to non-contract employees.
2. The monthly report shall include all material actions with respect to non-contract employees, including new hires, promotions, separations, any increases in compensation or salary, and any material increases in benefits, including contributions to 401k and 457 deferred compensation programs.
3. The Chairman of the Board and, at the Chairman’s designation, the Executive Director of Metra, are hereby authorized and directed to take such action as they deem necessary or appropriate to implement, administer, and enforce this Ordinance.

June 11, 2010

**COMMUTER RAIL BOARD
ORDINANCE NO. MET 10-14**

WHEREAS, pursuant to the Regional Transportation Authority Act, 70 ILCS 3615/3B.05 (“3B.05”), the Commuter Rail Board (“Board”) of the Commuter Rail Division of the Regional Transportation Authority (“Division”) shall establish policies and give direction to achieve its purposes; and

WHEREAS, Section 3B.05 states the Board shall appoint an Executive Director who shall be the chief executive officer; and

WHEREAS, Section 3B.05 further states that the Executive Director shall appoint, retain, and employ officers, attorneys, agents, engineers, and employees, and shall organize the staff, allocate their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Board, take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Board shall determine; and

WHEREAS, the Division has in place a Non-Contract Employee Handbook (“Handbook”) that contains various employment conditions and policies for Division non-contract employees (including the Executive Director). Within these conditions and policies are provisions that allow the Executive Director to waive or deviate from established policies and procedures in certain situations, including, vacation carry-overs/buy-outs, sick leave reserve cash-outs, job postings, and the Revolving Door Policy.

NOW, THEREFORE, BE IT ORDAINED THAT:

1. The Board hereby establishes a policy that requires the Executive Director to receive consent from the Board before the Executive Director exercises a waiver of or deviates from the vacation carry-over/buy-out, sick leave reserve cash-out, job postings, or the Revolving Door policies or procedures set forth in the Handbook.
2. This Policy shall become effective immediately.

September 17, 2010

Exhibit 12A
Metra Ordinance

**COMMUTER RAIL BOARD
ORDINANCE NO: MET 04-05**

**ETHICS ORDINANCE
PREAMBLE**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., ("Act") which is a comprehensive revision of the State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, pursuant to Section 70-5 of the Act (5 ILCS 430/70-5), all units of local government and school districts are required to adopt an ordinance or resolution regulating the political activities of, and the solicitation and acceptance of gifts by, their respective officers and employees, "in a manner no less restrictive" than the provisions of the Act.

WHEREAS, the Division desires to come into compliance with the provisions of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMUTER RAIL BOARD OF THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY ("BOARD"), AS FOLLOWS:

SECTION A: The Gift Ban Act Policy enacted by Met 99-09 is hereby revoked and the following Articles 1 through 6 are enacted:

**ARTICLE 1
DEFINITIONS**

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions whether or not capitalized:

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

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in

nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

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

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

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

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

"Employer" means the *Commuter Rail Division of the Regional Transportation Authority ("Metra")*.

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

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

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

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

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

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

ARTICLE 2 PROHIBITED POLITICAL ACTIVITIES

Section 2-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of Metra in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or

employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

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

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person shall be denied or deprived of employment solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 3 GIFT BAN

Section 3-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

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

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.

- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or Immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.

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

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

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

ARTICLE 4 ETHICS ADVISOR

The General Counsel is designated as the Ethics Advisor for Metra. The Ethics Advisor shall: (1) if required by law, review statements of economic interest and disclosure forms of senior employees and employees who monitor contracts; (2) provide guidance to employees in the interpretation and implementation of this Ordinance or the Act; and (3) perform all other duties required of an Ethics Advisor under this Ordinance or the Act.

ARTICLE 5 ENFORCEMENT

Section 5-1. Upon receipt of a written, signed, and notarized complaint alleging that an Employee other than the executive director violated this ordinance, the executive director shall direct the general counsel to appoint counsel to investigate and report on the alleged violation to the executive director. The investigating counsel shall determine if, based upon the evidence, there is probable cause that a violation has occurred. If prosecution is warranted and/or the internal disciplinary process should be initiated after reviewing the report, the executive director shall direct the general counsel to: (a) contact the attorney general or the state's attorney for prosecution; (b) if necessary, appoint special counsel to prosecute the manner judicially; and/or (c) recommend the matter for handling by the appropriate internal disciplinary process.

Section 5-2. Upon receipt of a written, signed, and notarized complaint alleging that the executive director or a Board member violated this ordinance, any other Board member(s) may direct the general counsel to appoint counsel to investigate and report on the alleged violation to the Board in executive session for consideration. The investigating counsel shall determine if, based upon the evidence, there is probable cause that a violation has occurred. If prosecution is warranted and/or an internal disciplinary process should be initiated after reviewing the report, the Board shall direct the general counsel to: (a) contact the attorney general or the state's attorney for prosecution; (b) if necessary, appoint special counsel to prosecute the manner judicially; and/or (c) appoint

special counsel to recommend to the Board the appropriate procedure to handle the matter internally.

Section 5-3. An investigation may not be initiated more than one year after the most recent act of the alleged violation, except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitation period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred.

ARTICLE 6 PENALTIES

Section 6-1. A person who intentionally violates any provision of Article 2 (Prohibited Political Activities) of this Ordinance may be punished by a Class A misdemeanor, being a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

Section 6-2. A person who intentionally violates any provision of Article 3 (Gift Ban) of this Ordinance is subject to a business offense and subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

Section 6-3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the executive director, board, the attorney general, state's attorney or any other law enforcement official may be punished by a Class A misdemeanor, being a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

Section 6-4. If a violation of Article 2 of this Ordinance is prosecuted by Metra, it shall be prosecuted as a criminal offense by an attorney for Metra by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

Section 6-5. If Metra prosecutes an Article 3 violation, an attorney for Metra shall prosecute it as a quasi-criminal offense.

Section 6-6. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Ordinance is subject to discipline or discharge as authorized.

SECTION B: CONFLICTS. This Ordinance does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of Division officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this

Ordinance, however, the provisions of this Ordinance shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

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

SECTION D: CONSTITUTIONALITY

1. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearing. This Ordinance shall be deemed repealed without further action by the Board if the Act is found unconstitutional by the Illinois Supreme Court.

2. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the by the Board.

SECTION E: IMPLEMENTATION

1. This Ordinance shall be in effect upon its passage and approval by the Board as provided by law.

2. The Executive Director is hereby authorized and directed to take all necessary action to implement this Ordinance and any amendments to the Act.

Adopted: May 11, 2004.

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Exhibit 12B
The Ethics Act Excerpt



Effective: December 9, 2003

West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter 5. General Provisions

Governmental Ethics

[Act 430](#). State Officials and Employees Ethics Act

[Article 10](#). Gift Ban

→→ 430/10-10. Gift ban

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

CREDIT(S)

[P.A. 93-615](#), Art. 10, § 10-10, added by [P.A. 93-617, § 5, eff. Dec. 9, 2003](#).

HISTORICAL AND STATUTORY NOTES

The enacting clause of § 5 of P.A. 93-617 provided:

“Section 5. If and only if House Bill 3412 as passed by the 93rd General Assembly becomes law by override of the Governor's amendatory veto, the State Officials and Employees Ethics Act is amended by changing Sections 1-5, 5-5, 5-10, 5-20, 5-45, 15-10, 15-20, 15-25, 50-5, 70-5, and 70-15 and by adding Sections 5-50, 5-55, and 15-40 and Articles 10, 20, 25, 30, and 35[.]”

House Bill 3412 was enacted as P.A. 93-615.

Section 995 of P.A. 93-617 provides:

“Closed sessions; vote requirement. This Act authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of [subsection \(c\) of Section 5 of Article IV of the Illinois Constitution](#), the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the leg-

islative branch, are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.”

LAW REVIEW AND JOURNAL COMMENTARIES

A contractor’s legal [guide to the American Recovery and Reinvestment Act](#). Louis J. Gale, 98 Ill.B.J. 472 (2010).

Ethics overkill? Helen W. Gunnarsson, 92-JUNE Ill.B.J. 288 (2004).

LIBRARY REFERENCES

[States](#)  72.

Westlaw Topic No. [360](#).

[C.J.S. States § 123](#).

NOTES OF DECISIONS

Construction and application [1](#)

[1](#). Construction and application

The Illinois Clean Energy Community Foundation is an entity separate and apart from the State, and not a corporate outgrowth of the State government. Therefore, the Foundation is not a “State agency,” as that term is defined in the State Officials and Employees Ethics Act. Consequently, the Foundation is not subject to the provisions of the Ethics Act. 2009 Op.Atty.Gen. No. 09-006., [2009 WL 5214100](#)

5 I.L.C.S. 430/10-10, IL ST CH 5 § 430/10-10

Current through P.A. 98-284 of the 2013 Reg. Sess.

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END OF DOCUMENT

Effective: December 9, 2003

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Chapter 5. General Provisions

Governmental Ethics

 [Act 430](#). State Officials and Employees Ethics Act

[Article 10](#). Gift Ban**→→ 430/10-15. Gift ban; exceptions**

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

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer, member, or State employee pays the market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or under this Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
- (5) Travel expenses for a meeting to discuss State business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

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

- (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
- (ii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
- (iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

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

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

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

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

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

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

CREDIT(S)

[P.A. 93-615](#), Art. 10, § 10-15, added by [P.A. 93-617, § 5, eff. Dec. 9, 2003](#).

HISTORICAL AND STATUTORY NOTES

The enacting clause of § 5 of P.A. 93-617 provided:

“Section 5. If and only if House Bill 3412 as passed by the 93rd General Assembly becomes law by override of the Governor's amendatory veto, the State Officials and Employees Ethics Act is amended by changing Sections 1-5, 5-5, 5-10, 5-20, 5-45, 15-10, 15-20, 15-25, 50-5, 70-5, and 70-15 and by adding Sections 5-50, 5-55, and 15-40 and Articles 10, 20, 25, 30, and 35[.]”

House Bill 3412 was enacted as P.A. 93-615.

Section 995 of P.A. 93-617 provides:

“Closed sessions; vote requirement. This Act authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of [subsection \(c\) of Section 5 of Article IV of the Illinois Constitution](#), the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the legislative branch, are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.”

LIBRARY REFERENCES

[States](#)  [72](#).

Westlaw Topic No. [360](#).

[C.J.S. States § 123](#).

5 I.L.C.S. 430/10-15, IL ST CH 5 § 430/10-15

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Chapter 5. General Provisions

Governmental Ethics

 [Act 430](#). State Officials and Employees Ethics Act

 [Article 10](#). Gift Ban

→→ 430/10-40. Gift ban; further restrictions

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

CREDIT(S)

[P.A. 93-615](#), Art. 10, § 10-40, added by [P.A. 93-617, § 5, eff. Dec. 9, 2003](#).

HISTORICAL AND STATUTORY NOTES

The enacting clause of § 5 of P.A. 93-617 provided:

“Section 5. If and only if House Bill 3412 as passed by the 93rd General Assembly becomes law by override of the Governor's amendatory veto, the State Officials and Employees Ethics Act is amended by changing Sections 1-5, 5-5, 5-10, 5-20, 5-45, 15-10, 15-20, 15-25, 50-5, 70-5, and 70-15 and by adding Sections 5-50, 5-55, and 15-40 and Articles 10, 20, 25, 30, and 35[.]”

House Bill 3412 was enacted as P.A. 93-615.

Section 995 of P.A. 93-617 provides:

“Closed sessions; vote requirement. This Act authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of [subsection \(c\) of Section 5 of Article IV of the Illinois Constitution](#), the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the legislative branch, are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.”

LIBRARY REFERENCES

[States](#)  [72](#).

Westlaw Topic No. [360](#).

[C.J.S. States § 123](#).

5 I.L.C.S. 430/10-40, IL ST CH 5 § 430/10-40

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Chapter 5. General Provisions

Governmental Ethics

[Act 430](#). State Officials and Employees Ethics Act

[Article 10](#). Gift Ban

→→ **430/10-30. Gift ban; disposition of gifts**

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

CREDIT(S)

[P.A. 93-615](#), Art. 10, § 10-30, added by [P.A. 93-617, § 5, eff. Dec. 9, 2003](#).

HISTORICAL AND STATUTORY NOTES

The enacting clause of § 5 of P.A. 93-617 provided:

“Section 5. If and only if House Bill 3412 as passed by the 93rd General Assembly becomes law by override of the Governor's amendatory veto, the State Officials and Employees Ethics Act is amended by changing Sections 1-5, 5-5, 5-10, 5-20, 5-45, 15-10, 15-20, 15-25, 50-5, 70-5, and 70-15 and by adding Sections 5-50, 5-55, and 15-40 and Articles 10, 20, 25, 30, and 35[.]”

House Bill 3412 was enacted as P.A. 93-615.

Section 995 of P.A. 93-617 provides:

“Closed sessions; vote requirement. This Act authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of [subsection \(c\) of Section 5 of Article IV of the Illinois Constitution](#), the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the legislative branch, are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.”

LIBRARY REFERENCES

[States](#)  [72](#).

Westlaw Topic No. [360](#).

[C.J.S. States § 123](#).

5 I.L.C.S. 430/10-30, IL ST CH 5 § 430/10-30

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Exhibit 12C
49 CFR 18.36(b)

C

Effective:[See Text Amendments]Code of Federal Regulations [Currentness](#)

Title 49. Transportation

Subtitle A. Office of the Secretary of Transportation

Part 18. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ([Refs & Annos](#))[Subpart C](#). Post-Award Requirements[Changes, Property, and Subawards](#)**→ § 18.36 Procurement.**

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) Procurement standards.

(1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or

purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a

procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or

local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) Competition.

(1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of § 18.36. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

(iii) Noncompetitive pricing practices between firms or between affiliated companies,

(iv) Noncompetitive awards to consultants that are on retainer contracts,

(v) Organizational conflicts of interest,

(vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct pro-

urements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) Methods of procurement to be followed--

(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at [41 U.S.C. 403\(11\)](#) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in § 18.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or

cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals

may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes non-competitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) Contract cost and price.

(1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, in-

cluding contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see [§ 18.22](#)). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review.

(1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase.

This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards

of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with [Executive Order 11246](#) of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by [Executive Order 11375](#) of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland “An-

ti-Kickback” Act ([18 U.S.C. 874](#)) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act ([40 U.S.C. 276a](#) to [276a-7](#)) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act ([40 U.S.C. 327-330](#)) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

- (11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- (12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act ([42 U.S.C. 1857\(h\)](#)), section 508 of the Clean Water Act ([33 U.S.C. 1368](#)), [Executive Order 11738](#), and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)
- (13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act ([Pub.L. 94-163, 89 Stat. 871](#)).
- (j) [23 U.S.C. 112\(a\)](#) directs the Secretary to require recipients of highway construction grants to use bidding methods that are “effective in securing competition.” Detailed construction contracting procedures are contained in 23 CFR part 635, subpart A.
- (k) Section 3(a)(2)(C) of the UMT Act of 1964, as amended, prohibits the use of grant or loan funds to support procurements utilizing exclusionary or discriminatory specifications.
- (l) 46 U.S.C. 1241(b)(1) and 46 CFR part 381 impose cargo preference requirements on the shipment of foreign made goods.
- (m) Section 165 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1601, section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR parts 660 and 661 impose Buy America provisions on the procurement of foreign products and materials.
- (n) Section 105(f) of the Surface Transportation Assistance Act of 1982, section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR part 23 impose requirements for the participation of disadvantaged business enterprises.
- (o) Section 308 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1068(b)(2), authorizes the use of competitive negotiation for the purchase of rolling stock as appropriate.
- (p) [23 U.S.C. 112\(b\)](#) provides for an exemption to competitive bidding requirements for highway construction contracts in emergency situations.
- (q) [23 U.S.C. 112](#) requires concurrence by the Secretary before highway construction contracts can be awarded, except for projects authorized under the provisions of 23 U.S.C. 171.
- (r) [23 U.S.C. 112\(e\)](#) requires standardized contract clauses concerning site conditions, suspension or work, and material changes in the scope of the work for highway construction contracts.
- (s) [23 U.S.C. 140\(b\)](#) authorizes the preferential employment of Indians on Indian Reservation road projects and contracts.
- (t) FHWA, UMTA, and Federal Aviation Administration (FAA) grantees and subgrantees shall extend the use of qualifications-based (e.g., architectural and engineering services) contract selection procedures to certain other related areas and shall award such contracts in the same manner as Federal contracts for architectural and engineering services are negotiated under Title IX of the Federal Property and Administrative Services Act of 1949, or equivalent State (or airport sponsor for FAA) qualifications-based requirements. For FHWA and UMTA programs, this provision applies except to the extent that a State

adopts or has adopted by statute a formal procedure for the procurement of such services.

[[60 FR 19647](#), April 19, 1995]

SOURCE: [53 FR 8086, 8087](#), March 11, 1988, unless otherwise noted.

AUTHORITY: [49 U.S.C. 322\(a\)](#).

49 C. F. R. § 18.36, 49 CFR § 18.36

Current through September 19, 2013; 78 FR 57775

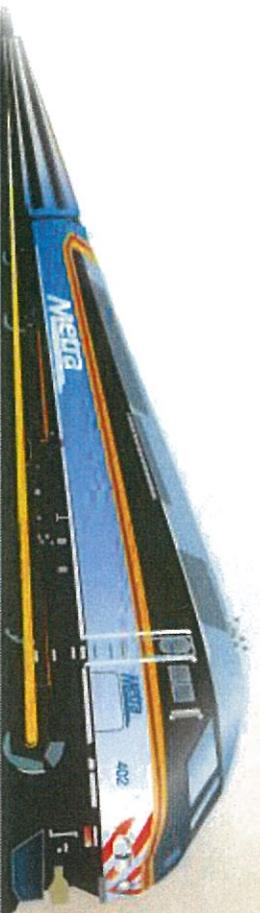
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Northeastern Illinois Transit Task Force

Don Orseno

Metra Interim Executive Director / CEO



About Metra

- We operate more than 750 trains a day in the most unique and most complex operating environment in the country, interfacing at multiple locations with freight railroads that operate about 600 trains a day.

- We run trains on our own tracks, we run trains on freight railroad tracks and we pay freight railroads to run our trains on their tracks. We even run freight trains on our tracks.

This stands among the longest running, largest and most successful public-private partnerships.

- It requires our freight partners to virtually halt operations during rush hours to clear the way for Metra.
- We continue to provide our riders with the safe, reliable, and efficient service with an on-time performance record above 95%.

The Metra logo is located in the bottom right corner of the slide. It consists of the word "Metra" in a stylized, italicized font, with a horizontal line underneath the letters.

Metra Plays a Critical Role in the Region

- Every weekday, we serve about **300,000 riders** on 11 lines that radiate from downtown Chicago into a six-county area that is nearly twice the size of Rhode Island.
- Add up all the miles those passengers travel each year and you get **1.7 billion miles**.
- We directly serve **116 communities, with 241 stations** (76 of those in Chicago) across the region.
- The region would need **29 more highway lanes** for all the cars that would be on the road if not for our trains.
- We deliver human resources that power the economies of Chicago and the entire region.

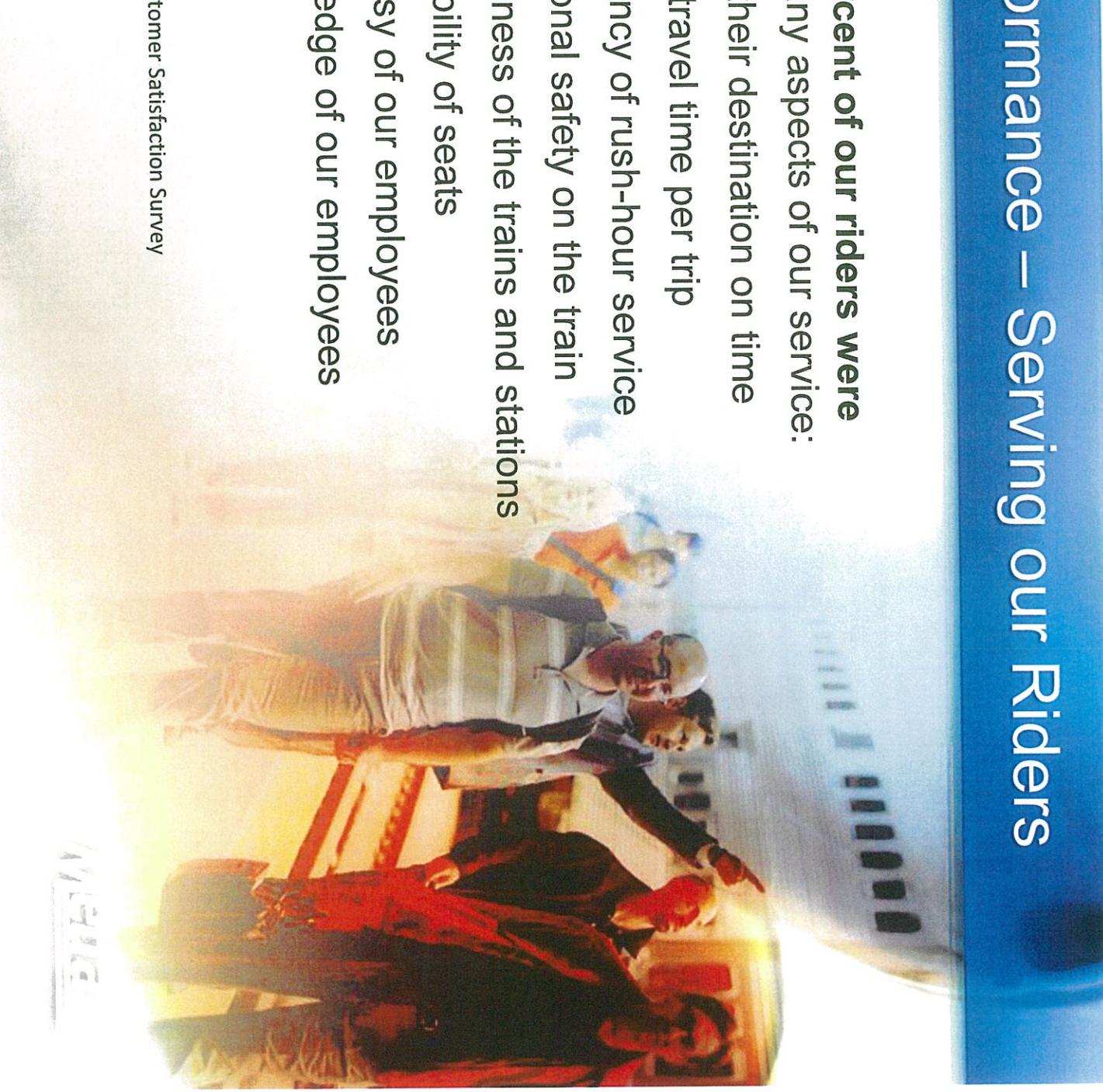


Metra Performance – Serving our Riders

More than **80 percent of our riders were satisfied** with many aspects of our service:

- Getting to their destination on time
- Their total travel time per trip
- The frequency of rush-hour service
- Their personal safety on the train
- The cleanliness of the trains and stations
- The availability of seats
- The courtesy of our employees
- The knowledge of our employees

Source: 2011 RTA/Metra Customer Satisfaction Survey



Metra Performance – Operating Efficiently

We perform better than our peer agencies
in a variety of measures:

- Operating cost per vehicle mile
- Fringe costs as a percent of salaries
- Operators wages per vehicle hour
- Vehicle maintenance expenses per vehicle mile
- General and administrative hours per train hour
- Passengers per vehicle hour
- Cost per passenger
- Operating cost per passenger mile

Source: 2007 Auditor General Report

Peers include: SEPTA, MBTA, Long Island Railroad, Metro North Railroad, NJT



Metra Performance – Operating Efficiently

Continued

The 2011 RTA Sub-Regional Peer Report was released this past February, and **Metra again rated better than our peer average** in a variety of ways:

- Passenger trips per vehicle revenue hour
- Passenger trips per vehicle revenue mile
- Operating cost per vehicle revenue hour
- Operating cost per passenger mile
- Operating cost per passenger trip
- Miles between major mechanical failures
- Capital funds expended per passenger trip



Peers include: SEPTA, MBTA, Long Island Railroad, Metro North Railroad, NJT

What would a world-class system look like?

In 2012, we asked our employees, riders, public, Board members and other stakeholders to help us define a vision for the future of Metra.

To be a world-class commuter rail agency linking communities throughout the region by:

- *Providing the safest, most efficient, and most reliable service to our customers*
- *Sustaining our infrastructure for future generations*
- *Leading the industry in achieving continuous improvement, innovation, and transparency*
- *Facilitating economic vitality throughout Northeast Illinois*

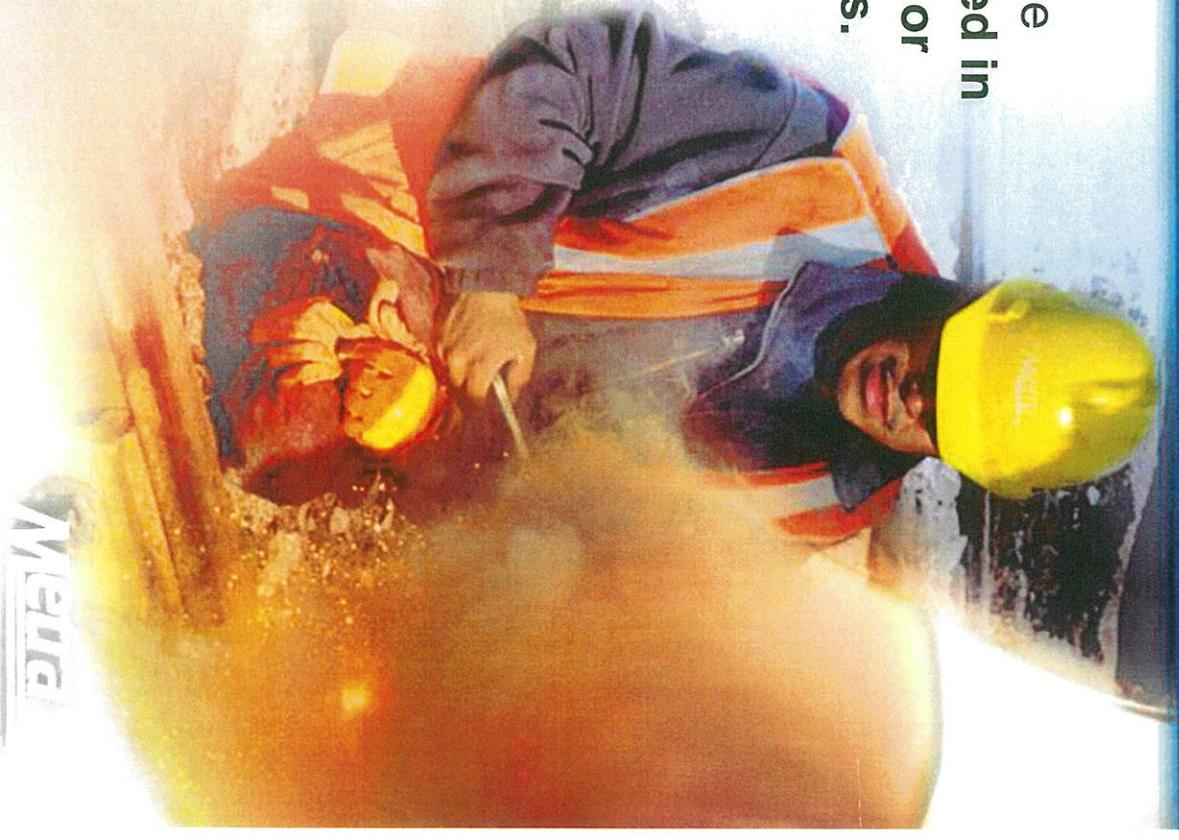
Achieving a world-class transit system

Ten recommendations for achieving a world-class transit system:

- Achieve State of Good Repair
- Ensure Financial Stability
- Provide a High-Quality Travel Experience for Our Customers
- Strengthen Ties with the Regional Transportation Network and the Communities Metra Serves
- Attract and Maintain a Quality Workforce
- Improve Agency-wide Efficiency
- Implement System Expansion to Meet Transportation Needs as Resources Allow
- Support Agency and Regional Sustainability
- Communicate Effectively With Customers and Stakeholders
- Maintain Customer Security and Emergency Preparedness

Achieve State of Good Repair

- While we provide superior service with the resources we have, we have been limited in what we can do to offer new services, or serve new areas, or reach new markets.
- We are doing all we can, in fact, just to tread water to meet our regular maintenance needs.
- The RTA estimates that Metra needs \$9.7 billion over the next decade to achieve and maintain a state of good repair, and we are only likely to get about a fourth of that from traditional federal and state sources.

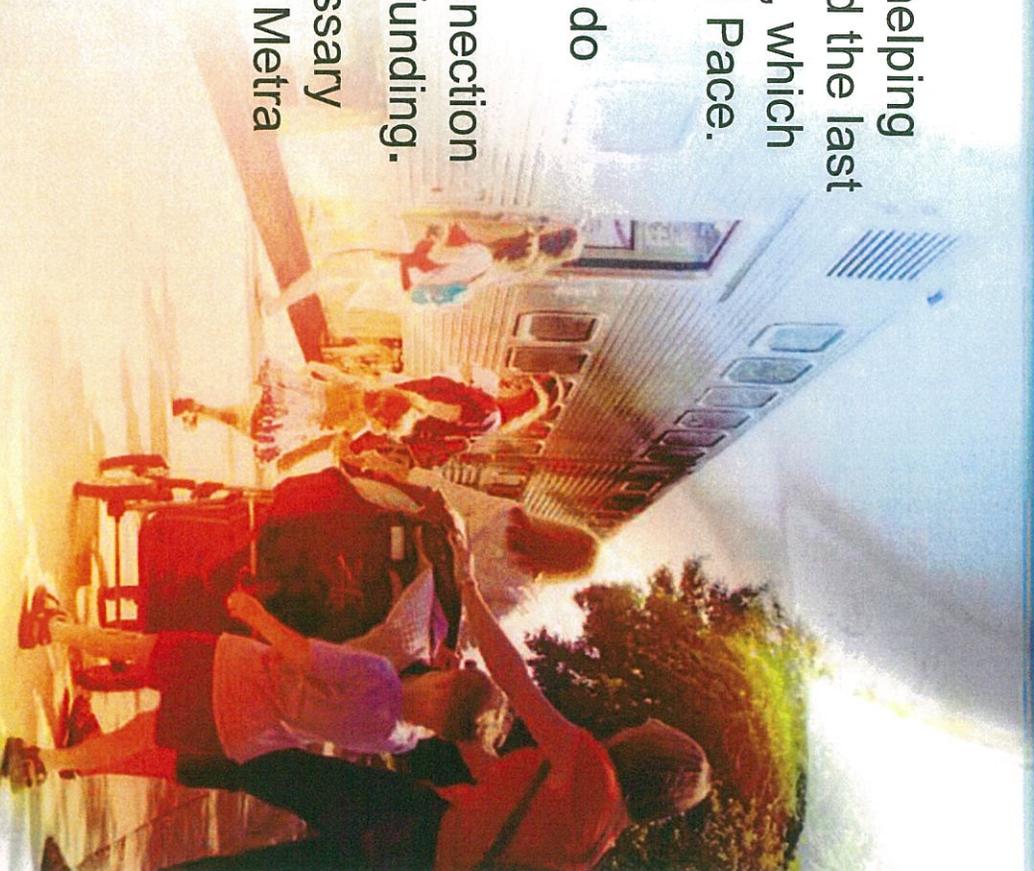


Ensure Financial Stability

- Most riders don't understand our funding – they think their fares cover capital costs as well as operating expenses and wonder why we aren't investing in new service, new equipment or renovated stations when we raise their rates.
- **The answer is that fares cover only operating costs – and only about half of those – and we must rely on Washington and Springfield to pay our capital expenses.**
- **To truly create a world-class transportation system in the NE Illinois region, we'll need your help to solve this chronic funding problem.**

High-Quality Travel Experience

- Getting people to use transit involves helping them with the first mile to our trains and the last mile to their destination from our trains, which involves coordination with the CTA and Pace.
- We need to focus on more ways to link together. Again, Metra, CTA and Pace do an excellent job with limited resources, but to expand and provide broader connection services will take additional long-term funding.
- Safety, reliability and comfort are necessary components of the high quality service Metra strives to provide.



Conclusion

- Striving to improve regional ties
- Continuous improvement in service, safety, efficiency and reliability
- Ensure our long term financial viability and state of good repair to provide a railroad for future generations
- We continuously look for new opportunities to be more efficient in our operations and administrative functions

Thank You



M&D



Northeastern Illinois Transit Task Force

Norman Carlson

Metra Board Member



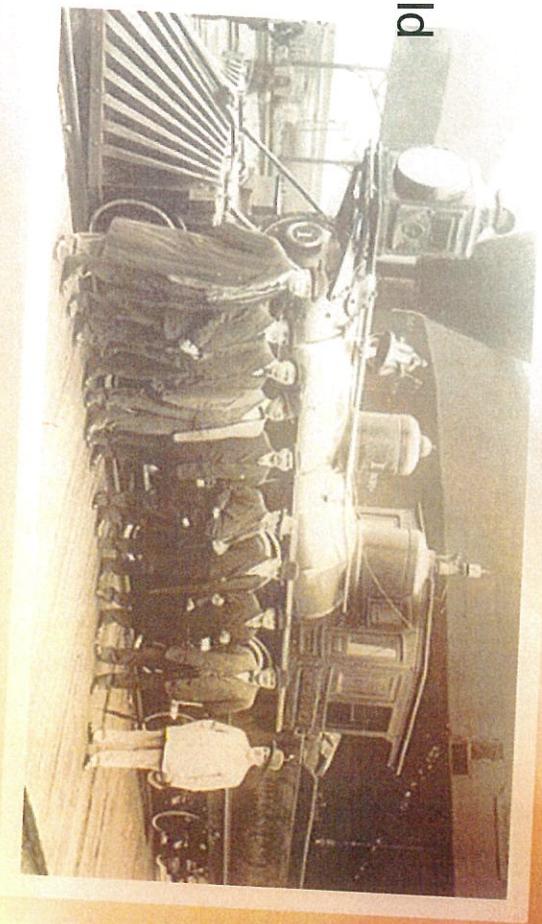
About Norm Carlson

- Literally born into railroads
- Spent 34 years with Arthur Andersen Co. – North American Rail Industry Head in 1985, Worldwide Managing Partner of the Transportation Practice in 1990.
- In 2000, formed Carlson Consulting International, serving as a short-term executive in challenging situations including being the non-executive chairman of the board of RailWorks during its successful bankruptcy reorganization.
- Member of the Business Advisory Committee to the Transportation Center at Northwestern University, moderator of the monthly railroad discussion group at Northwestern,
- Pro bono advisor to the City of Lake Forest on transportation matters.
- Managing editor of a publication on the history and current operations of rail passenger service in Chicago.



Summary

- Metra's economic model is not sustainable over the long term.
- Transit has not found a sustainable economic model in it's 120 year history, and commuter over the last 60 years.
- When public sector funding models are not adequate, government should encourage other funding solutions.
- Metra plays a critical role in job creation, and connecting people & jobs throughout the region.



Metra

Public Interest: Determining What is Best

- An interconnected public transit system and fare structure that is seamless to the rider.
- Significant job creation opportunities for achieving the State of Good Repair as well as providing for service expansions and extensions.
- Determine the proper legislative and corporate structure for the governance, planning, execution and oversight to provide for an safe, efficient and cost effective interconnected regional transit and commuter rail system.

What is Metra?

- Metra is two public entities, the Commuter Rail Service Board and the Northeast Illinois Regional Commuter Railroad Corporation.
- Metra is a billion-dollar entity.
- In addition to being a passenger railroad, up to 50 freight trains a day operate on Metra-owned tracks, paying an access fee to Metra.
- There are approximately 4,600 people involved in Metra operations; 2,900 employed by Metra; 1,200 employed by Union Pacific, 500 by BNSF.
- Metra's railroad operating employees are subject to labor agreements and covered by the Railroad Retirement System.
- Metra has contracts with 11 railway labor unions.



Metra Passenger Operations

- Metra owns the railroad and operates with its own employees
 - Milwaukee North and West Districts
 - Rock Island District
 - Metra Electric District
- Metra does not own the railroad but operates trains with its employees
 - North Central Line (Canadian National)
 - Heritage Corridor (Canadian National)
 - Southwest Service (Norfolk Southern)
- Metra contracts with a railroad who operates trains with that railroad employees under a Purchase of Service Agreement (PSA)
 - Union Pacific (North-Northwest-West Lines)
 - BNSF Railway (Chicago-Aurora)

The Metra logo is located in the bottom right corner of the slide. It consists of the word "Metra" in a stylized, bold, sans-serif font. The letters are white with a blue outline, and the logo is set against a dark blue background that is part of the slide's design.

Interaction with Freight

- **No other commuter railroad in the U.S. or Canada has such a complex interface with freight railroads.**
- Metra operates 753 trains each weekday while the freight railroads operate, on average, 600 freight trains each weekday.
- Metra participates in the Chicago Transportation Coordinating Office to make this interface as smooth as possible.
- For a three-hour period twice each weekday, the general freight system in Chicago comes to a virtual halt so that the commuter trains can operate on time.
- Some Metra lines are critical freight routes:
 - The UP West line is UP's principal line from the Plains and Pacific Coast
 - The BNSF line is one of BNSF's two principal line the western states.
 - The Milwaukee North Line is CP's principal line from British Columbia
 - The North Central Line is CN's principal line from British Columbia

The Metra logo is located in the bottom right corner of the slide. It features the word "Metra" in a stylized, italicized font with a horizontal line through the middle of the letters.

Transit Comparisons

- Transit systems operate on public roadways or, in general, publicly owned rights-of-way.

A commuter railroad operates on rails owned by public railroads, publicly owned or privately held railroads.

- Bus operations do not maintain the roadways on which they operate.
- *Rail operations are required to maintain their rights-of-way.*
- Metra is subject to the rules and regulations of the Federal Railroad Administration.

Rail transit operations are subject to the rules and regulations of the Federal Transit Administration.

- Railroad (and airline) employees are governed by the federal Railway Labor Act.

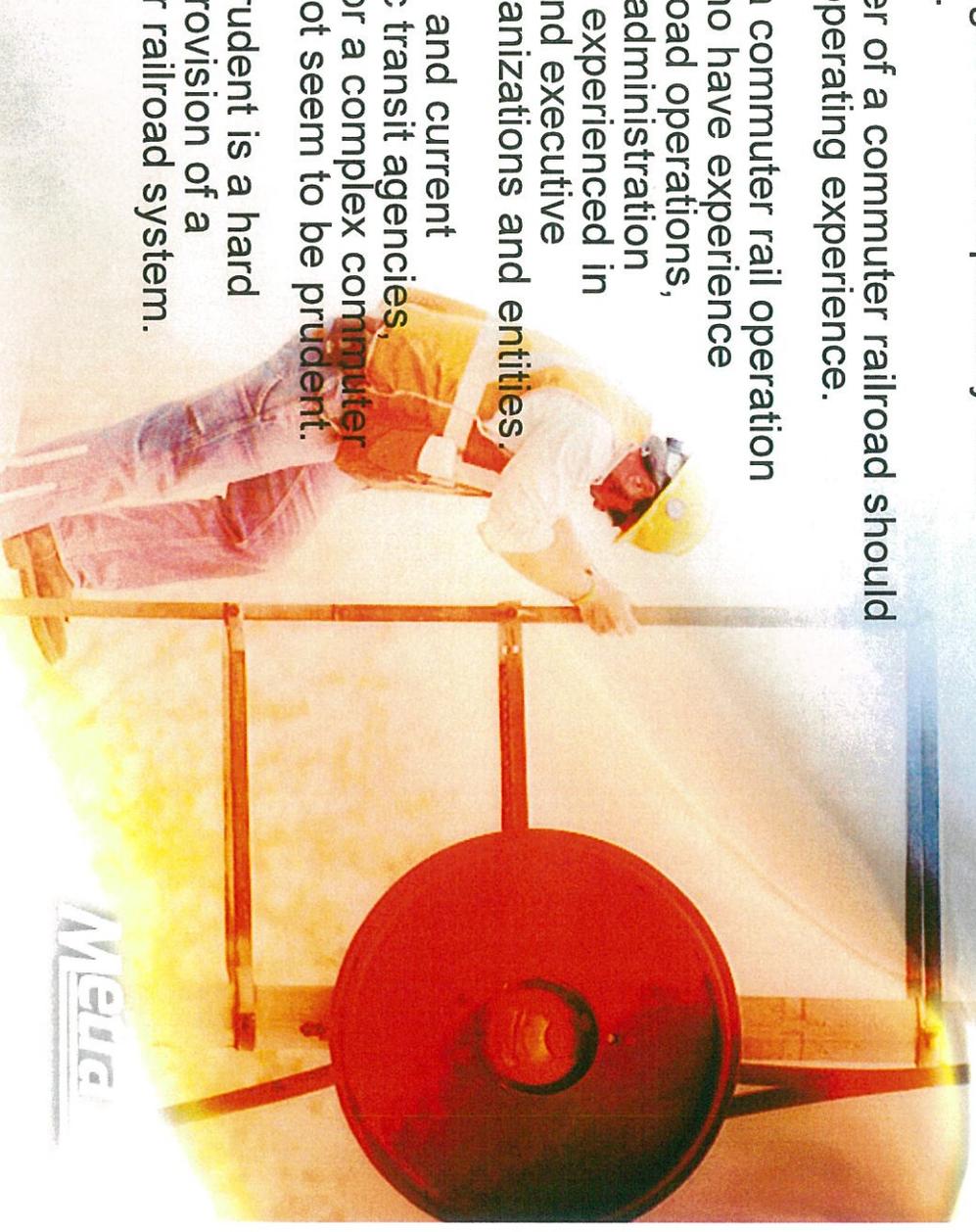
There are unique provisions in comparison to general labor laws under which transit operations are governed.

- *The Railroad Retirement Board, a retirement system that is independent of Social Security, covers railroad workers.*
- Unique “working compensation” system.



Corporate Governance & Leadership

- There are significant legal and regulatory reasons why transit operations (bus, rapid transit and light-rail) should be legally structured and governed separately from commuter rail operations.
- The chief executive officer of a commuter railroad should have extensive railroad operating experience.
- The governing board of a commuter rail operation should include people who have experience and/or knowledge of railroad operations, finance, planning and/or administration as well as those who are experienced in transportation planning and executive leadership of political organizations and entities.
- Based on the experience and current operations of other public transit agencies, a multi-modal structure for a complex commuter railroad operation does not seem to be prudent.
- What does seem to be prudent is a hard look at the governance provision of a publicly owned commuter railroad system.



Meira

Metra Funding

- Fares cover about 55 percent of operating costs (the remainder coming from the regional transportation sales tax and other non-fare revenue).
- The majority of capital funding comes from federal and state grants.
- There will be no increase in the sales tax collected due to increased Metra operations as the source of sales taxes is dependent on the economy, not Metra operations.
- There is constant demand for route expansions and new lines, which requires capital and operating funds.
- The most recent assessment, by the RTA, shows the present capital grant resources will cover only 27 percent of the nearly \$10 billion needed to achieve a State of Good Repair at Metra between now and 2020.
- Considering on these factors **Metra does not have a sustainable economic model.**

Funding Solution is Critical

- Over the past 120 years the history of Chicago transit and commuter rail history is replete with bankruptcies and financial failures. In more recent decades it has been inadequate funding.
- Metra not trying to get more funding at the expense of CTA and Pace. *All three need more funding.*
- Government needs to address *what role it can play* going forward if it does not have the resources for full funding of the needs.
- If the political leadership cannot come up with a full funding solution due to limited financial resources, *then transit agencies will have to look to other sources.*
- This *should not be seen as a criticism of government*; rather it is recognition of the present economic realities facing governments at federal and state levels.
- **This is a real problem that needs considerable attention in any reform of mass transit in Northeastern Illinois.**

Funding Solution is Critical

Continued

- This economic tension will need to be resolved in the mid-term if Metra is to continue the current level of service, much less provide for expanded service.
- The alternatives of *less frequent service and/or slower train speeds are unpalatable and self-destructive* to virtually all constituencies.
- We believe the Task Force needs to address the fundamental problems in the economic model for transit and commuter rail.
- The goals and objectives of the public sector versus the private sector are not always congruent, especially in terms of economic rewards versus social rewards. However there are *opportunities for private–public partnerships*.
- **Failure to address the economic model will render all of the hard work and effort on governance relatively moot if service deteriorates due to lack of infrastructure.**

5P's: *Priority Public-Private Partnership Projects*

- Development of South-East Service Line – this could be a large-scale public/private partnership.
- Complete the CREATE work around 75th St – this is a tangled knot of rail lines, including Metra South-West Service, that needs to be cleared.
- Rebuild Metra's A2 interlocker – Metra's busiest rail crossing in the Chicago area needs modernization and streamlining.
- Complete third track on UP West – would allow for express service and help freight line capacity.
- Add a track and upgrade signals on Fox Lake subdivision of Milwaukee North Line.

The Metra logo is located in the bottom right corner of the slide. It features the word "Metra" in a stylized, bold, sans-serif font. The letters are white with a black outline, and the logo is set against a dark blue background that is part of the slide's design.

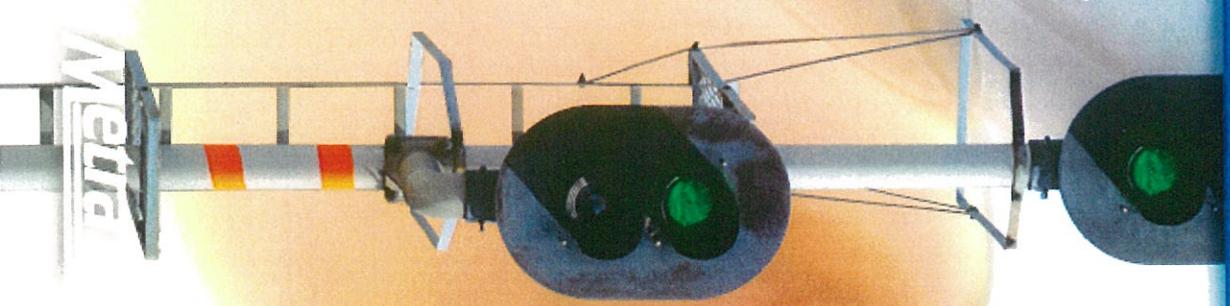
Recommendations

- Have common statutory authorization of CTA, Metra and Pace by eliminating the differences between the Metropolitan Transit Act of 1945 and the RTA of 1973 as amended in 1983 and any subsequent legal or statutory actions.
- Guidelines should be developed for both verbal and written communication when a public official or employee wishes to recommend someone to a public agency or attempt to influence any position or compensation adjustment or recommend termination. These guidelines should also apply to any board member of any public agency.
- Have a fair and equitable allocation of what financial resources government is willing to provide and create structures to encourage obtaining sources of capital from non-governmental sources.
- Strengthen the ability of the oversight agency to enforce statutory requirements and provide guidelines for taking remedial action.
- Clearly define the role of RTA and CMAP and build a more compelling case of why a planning agency and an oversight agency should be combined.



Recommendations *Continued*

- Mandatory training should be required of all public agency board members in the duties and obligations under the various Acts, rules and regulations.
- The role of board members, the executive director and appointing authorities and the interaction between these various groups should be clearly defined.
- The relative experience and qualifications for board members should be defined considering the unique requirements of each respective agency.
- Guideline for conflicts of interests, revolving-door situations, statutory requirements, etc. should be clearly defined for selecting candidates for public agency boards along with the requirement to file a conflict of interest statement at the time of appointment.
- Board members should be independent contractors, not employees, as is the general practice for private sector corporate boards.
- The chairman of public agency boards should be elected by members of their board based on the qualification needed for that position, not encumbered by any rule, by-law, etc. based on place of residence or other limitations.



Thank You

