



SUSPENSION POLICY

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SUSPENSION POLICY

POLICY STATEMENT:

GET My Ride is concerned about the security and safety of the traveling public, the transit operators, and the ADA vehicles. The Federal Transit Administration (FTA) Americans with Disabilities Act (ADA) provides guidance that permits transit agencies to suspend passengers who “establish a pattern or practice of missing scheduled trips” after providing the passenger due process. A “pattern or practice” involves “intentional, repeated or regular actions, not isolated, accidental, or singular incidents.” The regulations and guidance expressly authorize a public transit agency to refuse or suspend service to a passenger if he/she engages in conduct that is “violent, seriously disruptive, or illegal.”

This policy establishes the determination, procedure and length of disciplinary actions that will include everything from service refusals to permanent suspension. This policy is complimentary to other GET My Ride policies such as Passenger Code of Conduct, No-Show and Late Cancellation, and Appeals Policy.



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LIST OF LOCAL TRANSIT POLICIES

All public ridership information can be found at GETMyRideElko.com or elkocountynv.net.

- ADA Policy and Procedure
- Appeals Policy and Procedure
- General Complaint Policy and Procedure
- No-Show and Late Cancellation Policy and Procedures
- Passenger Code of Conduct
- Suspension Policy and Procedure
- Title VI Plan
- Transit Service Information and Instructions
- Ridership Brochure

DEFINITIONS

DELAYING SERVICE:

Isolated instances or demonstrated behaviors causing service disruption, i.e., that result in the bus operator having to interrupt service for a significant time or having to put the vehicle out of service, preventing pick-up or drop off of other customers, or actions that have a similarly disruptive effect on service. Such behavior includes but is not limited to:

- Continuous shouting, screaming, banging the windows, upsetting other passengers, causing other passengers to engage in seriously disruptive conduct.
- A demonstrated pattern of “not there to receive” in a hand-to-hand delivery.
- Opening emergency windows or ceiling hatch.
- Demonstrated pattern of uncontained incontinence biohazard.
- Excessive cancellations, excessive carry-on items, fare evasion and endangerment of public health.
- Not cooperating with the driver or following transit policies that lead to a delay in service.

INSUFFICIENT REASONS TO SUPPORT SUSPENSION:

There is not sufficient reason to suspend a passenger’s service when they display isolated incidents, rather than a pattern of behavior, of:

- Abusive or profane outbursts.
- Language or comments that are offensive, annoying, or embarrassing to GET My Ride operators or staff.
- Refusal to follow GET My Ride guidelines pertaining to carry on items.

ILLEGAL:

Isolated instances or a demonstrated pattern of unlawful behavior, such as possession of drugs or an open container of alcohol, smoking, exposing oneself, urination in the GET My Ride vehicles, sexual harassment of GET My Ride passenger or employees and any other illegal behavior.



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FAILURE TO CONTACT:

A failure to contact is when the passenger does not have their current contact information listed with the dispatch office or are refusing contact. The dispatcher will try to contact the passenger no less than 3 times over 2 consecutive days. If contact is not made, the dispatch office will temporarily suspend trips until contact is made. If the contact fails for 5 business days, all trips and subscriptions will be canceled.

NO-SHOWS AND LATE CANCELLATIONS:

Must be a documented pattern or practice of not canceling in advance, and/or not being present to take trips scheduled by the passenger. Please see the No-Show and Late Cancellations Policy.

SERIOUSLY DISRUPTIVE:

Demonstrated pattern of no-shows. Note that under the ADA, no-shows are expressly mentioned as a basis for refusing or suspending demand response service. Demonstrated pattern of refusal to travel safely, such as:

- Refusing to abide by the Passenger Code of Conduct.
- Not following basic instructions of the driver or arguing with the driver.
- Refusing to remain seated, seat belted, in an upright position with feet on the floor, refusal to have a mobility device secured.
- Throwing items, talking too loudly, interrupting others, and playing media without personal hearing devices.
- Speaking inappropriately to a fellow passenger or the driver, such as sexually explicit content.

VIOLENT:

Physical actions toward operators or other passengers, such as striking, biting, kicking, and spitting. Causing damage to vehicles such as tearing seats, breaking windows, breaking seatbelts, removing, or disabling equipment and similar conduct. Touching a fellow passenger or the driver inappropriately, including sexual behavior.

PROVISIONAL DENIAL OF SERVICE

Provisional denial of service is the act of denying rides to a passenger based on legitimate safety concerns or inability to perform the service. These are provisional because if modifications can be made to the reason for denial, the passenger would be able to begin or resume service. The following are examples, but not an exhaustive list, of legitimate safety concerns:

- A mobility device that, with the combined weight of the device and rider, exceeds the weight capacity of the lift or would block the aisle.
- A mobility device that cannot fit on the lift.
- Property that has an unsafe pathway, unrestrained animals, or other safety concerns.
- Property that does not have a safe egress, ingress, driveway, or ramps for passengers with mobility devices.
- A residence is outside the service area or accessed by unmaintained roads that would cause safety risks for the passengers, drivers, or vehicles.
- The passenger is not or becomes incapable of traveling without assistance.



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INVESTIGATION: The Elko County Transit Coordinator or designee will investigate the safety conditions in question, including taking pictures, conducting interviews with witnesses, visiting a property in question, taking pictures or videos, and other means to compile enough evidence to make a determination.

WRITTEN DOCUMENTATION: The documentation collected through the investigation will be compiled into a report. The passenger will be notified of the determination along with the report.

REINSTATEMENT: The passenger will be given the opportunity to take corrective action. If possible, the service will begin or be reinstated. For example, if the path of travel that was unsafe is cleaned up or an animal is restrained, the service may be reinstated.

SERVICE REFUSALS

Service refusal is the act of the agency, driver or dispatcher refusing a ride to a passenger. In most cases, this is a decision that is made at the scene of a pickup where the passenger is committing an infraction of the Passenger Code of Conduct. For example, a passenger is trying to board with an uncontained dog and did not declare it while scheduling the trip.

The driver must immediately notify dispatch of the service refusal and the reason(s) for his/her decision. The service refusal must be recorded in a written format, based on articulable and documentable reasons. Service refusals may not be used as a substitute for a service suspension. Behavior occurring repeatedly will be reviewed and addressed in accordance with the guidelines for service suspensions. Service suspensions cannot be used as an excuse to refuse rides for clients who tend to be difficult or offensive. For example, if the driver does not like a particular passenger, the driver may not refuse service based on that fact.

Service refusal may be assessed as a No-Show or Late Cancellation, which may lead to suspensions. Repeated problematic behavior may also lead to suspensions.

SUSPENSION PROCEDURES

The suspension procedures cover the steps in which GET My Ride will investigate, determine the levity and the appropriate disciplinary action needed to correct inappropriate behavior. In most cases, the passenger will be given verbal and written warnings and the passenger will be given the chance to correct the behavior before disciplinary actions are used. In some cases, such as severe violence, discussed in “Exceptional Behavior” below, no warning will be given before the passenger is removed and/or permanently suspended from service.

In making this determination, the cause of the conduct will be considered; for example, if information is brought forward indicating the customer’s conduct is asserted to be involuntary due to a disability. In such circumstances, the relationship of the disability condition to the conduct at issue must be considered.

If the available information shows the conduct is involuntary and caused by the customer’s disability, we must consider whether the conduct is such that some reasonable modification would enable the individual to use the service.



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If reasonable modification is not possible, or if the conduct is not involuntary or caused by the customer's disability, reasonable modification would not be required. If appropriate, continued use of transit service is conditional upon the customer's compliance with measures reasonably calculated to ensure the safety of the customer, other passengers, and employees.

INVESTIGATION:

The Elko County Transit Coordinator or designee will investigate the pattern of behavior or misconduct to the extent practicable to determine the facts of the events giving rise to the report. If the investigation confirms that the conduct is valid, then the investigator must determine if the conduct meets the criteria of violent, seriously disruptive, or illegal.

WARNING:

Generally, a service suspension will be implemented only after the passenger has been given at least 1 written warning regarding the conduct or behavior for which a service suspension is contemplated, unless it falls under "exceptional conduct".

The written warning describes the behavior or conduct that needs to be corrected, including the time, date, location, and any other relevant facts. It will include a description of the conduct expected or the modification offered or required as a condition of continuing to ride with GET My Ride.

If the warning is a verbal discussion with the passenger or their representative, it will be followed up with a written report and kept on file. The passenger will receive a copy. Written warnings may take the form of a physical mailed copy, electronic email and/or text messages.

NOTICE OF SUSPENSION:

A Notice of Suspension must be in writing, even when discussed verbally with the passenger. The notice must include a description of the behavior(s) and a record of the warnings that have taken place previously. The description will include the specifics of the behavior, including the date, time, location, and other relevant facts. The notice will include the beginning and ending date of the suspension.

DURATION OF SUSPENSION:

The duration of suspension will be set at 5-business-day intervals and a 30-day incremental suspension of utilizing subscription service, such as 5 business days for the first suspension, 10 business days for the second suspension and so on.

EXCEPTIONAL CONDUCT:

Conduct that inflicts serious harm on another passenger or on GET My Ride employee(s), that results in serious damage to GET My Ride property, and/or creates an immediate actual risk to safety, may warrant immediate suspension of service without a warning and permanent suspension from the service.

As soon as practicable following imposition of a suspension for exceptional conduct, the customer will be advised in writing of the basis for the suspension, including a description of the behavior or conduct involved, the time, date and location of the conduct and any other relevant facts.



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A suspension for exceptional conduct will be based on a behavior or conduct that is extreme or egregious. A suspension under this provision will be the exception, not the rule, and will be used sparingly to address only the most severe and immediately dangerous or threatening actions.

APPEALING A SUSPENSION

You have the right to appeal a suspension. Please see the Appeals Policy.