

ATTACHMENT J – ELDERS & PERSONS WITH DISABILITIES
PROGRAM GUIDANCE & BACKGROUND CHECK POLICY

October 1, 2004
Public Policy

It is the goal of the State of Vermont to fulfill, insofar as is feasible, the public transportation needs of elders and persons with disabilities. State law—24 V.S.A. § 5083 (a) (1)—states the primary goal for public transit is providing “basic mobility for transit-dependent persons.” The Agency of Transportation (VTrans) uses funding from the Federal Transit Agency (FTA) 49 U.S.C. §5310 program to partially meet this goal. That separate program is a formula allocation program, based on census counts of elders and persons with disabilities in each state. Federal funds must be partially matched by non-Federal contributions. VTrans awards the population-based §5310 formula grants to organizations that purchase vehicles whose principal use is to meet unmet transportation needs of elders and persons with disabilities.

Because Vermont has a small population, the §5310 formula allocation is insufficient for meeting the special transportation needs of elders and persons with disabilities for whom mass transportation services are unavailable, insufficient, or inappropriate. To increase services, enhance efficiency, and be more effective, Vermont also administers this program, a supplementary transportation program for elders and persons with disabilities (E&D Transportation), as an integral component of its public transportation program.

The §5310 formula allocation program buys vehicles. The primary use of those vehicles is to meet the unmet transportation needs of elders and persons with disabilities. The E&D Transportation program, on the other hand, pays for some rides (purchase of transportation services, rather than purchase of vehicles) for elders and persons with disabilities. The E&D Transportation program coordinates funding from several Federal, State, and local sources—including non-governmental sources—to make public transportation accessible, safe, responsive, convenient, and affordable for as many persons as possible.

Eligible Grant Applicants

In each public transportation region of Vermont, VTrans designates a single public transit provider as the administrative entity to submit an annual grant application for funds for E&D Transportation. This allows maximum coordination and efficiency among all stakeholders within each planning region of Vermont. Although Federal regulations allow for all non-profits to apply for and receive funding, to advance the goal of a fully coordinated public transportation system VTrans will accept only a single integrated grant application to fund public transportation from each region. The one exception to those eligible is the Vermont Association for the Blind and Visually Impaired. Given their unique situation and the services they provide, VTrans will accept one statewide application from them.

VTrans accepts grant applications only if they show that other regional stakeholders worked with the designated public transit provider in preparing the application. The application must also indicate that efforts are ongoing to coordinate public transportation among regional stakeholders. Regional planning entities, human service agencies that operate within a region, municipalities, passengers, and the public at large should be invited to participate in public transportation planning and coordination that leads to applying for grants. The designated regional administrative entity may subcontract with other organizations to purchase some or all E&D Transportation services, rather than provide services directly. The decision of how to provide services is based on coordinated regional planning among stakeholders that was previously

described.

Regional Advisory Committees

Stakeholders are organized into Regional Public Transit Advisory Committees (RPTACs). Each public transit region must designate its own RPTAC. Regional Planning Commissions shall organize and facilitate RPTACs. RPTACs may be subcommittees of Transportation Advisory Committees that also deal with other transportation issues, or they may be separate committees. Annually, VTrans shall include expectations and guidelines for RPTACs with Transportation Planning Initiative grants issued to Regional Planning Commissions. Tailored guidelines will be distributed to each RPTAC by its parent Regional Planning Commission or Metropolitan Planning Organization.

RPTACs may incorporate preexisting groups that previously participated in public transit and human service transportation planning. RPTACs shall include representatives of involved public transit providers, area agencies on aging, adult day services, community mental health centers/designated agencies, community action councils, all Agency of Human Services (AHS) Field Services Directors in each planning region, consumer representatives, chambers of commerce, statewide advocacy groups, local human service agencies, and other concerned parties.

After an organizational meeting of the entire RPTAC, subcommittees or task forces may be created to deal with particular issues, such as funding, service quality, changes in transportation needs, etc. HSAs should participate in these meetings and monitor the financial status of their projects. More details are included in the Reports section toward the end of this guidance. Each RPTAC shall develop an annual regional service plan. Annual Plans will define roles for each participating partner. The transportation needs of each partner and the region as a whole will be specified in the regional service plan.

Grant applications will describe how each proposed project contributes to the goals of the regional service plan. A financial plan that allocates available funding shall be part of grant applications. The grant applications will also explain efforts to be made to obtain funding from other sources. All RPTAC members shall sign applications for grant funding submitted to VTrans with copy to go to AHS. Local agreements among regional partners shall be included with the grant application. VTrans and AHS will review these local agreements and may request clarification, but neither VTrans nor AHS is a partner to local agreements.

VTrans and AHS shall make staff available to provide technical assistance at RPTAC meetings. If issues or concerns cannot be addressed before submitting grant applications, VTrans and AHS will help craft suitable solutions that avoid interruption of services.

Submitting Grant Applications

Designated public transit grantees submit integrated public transportation grant applications in the required format. All components of the application—including Committee approvals, required certifications and assurances, service descriptions, and a budget—must be submitted to VTrans, with a copy to the AHS Department of Aging and Independent Living (DAIL), by the published filing date. Neither VTrans nor DAIL will approve incomplete or late applications. VTrans and AHS (DAIL) will provide technical assistance in preparing grant applications on request.

Review and Approval of Grant Applications

A committee with members from VTrans and AHS will review all applications and local agreements for funding for the Elders and Persons with Disabilities Program and shall develop recommendations for approval and funding. The recommendations shall be submitted to the Secretary of AHS and the Secretary of Transportation for approval. The Secretaries retain sole authority to approve applications and may revise the committee's recommendations at their discretion. After individual grant applications are approved by the Secretaries, they are consolidated and submitted to FTA by VTrans as a statewide grant application. VTrans, through the Secretary of Transportation, coordinates all Federal grant activity with FTA. FTA reviews all statewide applications and approves Federal funding.

Upon approval of the statewide grant application by FTA, VTrans and each grantee execute an individual grant agreement (contract). Individual grant agreements specify the terms and conditions under which public transit will operate in each region.

Frequency of Regional Public Transit Advisory Committee Meetings

Committees as a whole shall meet regularly, at least quarterly, to receive subcommittee reports and discuss the current status of the integrated program. Meetings shall include reviews of current service levels, service quality concerns, budget balances, funding issues, and matters that will improve services to consumers. Reviews of current service levels shall include verifying that services are the most cost effective and appropriate to meeting consumer needs, and use only authorized and appropriate modes. Additional items for RPTAC review are in the Reports section at the end of this guidance.

Authorized Modes of Transportation

E&D Transportation must be safe and must accommodate passenger assistive devices—such as wheelchairs—if those devices do not exceed the dimensions of a common wheelchair. A common wheelchair cannot exceed 30 inches in width, 48 inches in length (measured two inches above the ground), and cannot weigh more than 600 pounds when occupied. Drivers will provide door to door assistance to elders and persons with disabilities who require such aid. Drivers must successfully complete instruction in passenger assistance and be currently certified to provide such assistance by the public transit provider before transporting passengers who may require assistance.

It is desirable that vehicles operate at capacity when possible, but the primary responsibility of transit providers is to ensure that each passenger receives safe, comfortable, and timely transportation. Health, confidentiality, or behavioral issues for some passengers may preclude offering empty seats to members of the public at large. Similarly, the timing of appointments or the length of trips may require that vehicles operate at less than full capacity. The collective professional judgments of public transit providers and human service agencies will determine appropriate dispatching, scheduling, and seating arrangements on a case-by-case basis. These arrangements will consider the functional abilities of passengers, which may change over time.

Non-accessible vehicles may be used for passengers who do not require special accommodation, but accessible vehicles must be available when needed. Buses, mini-buses, private automobiles, taxis, and vans are acceptable. Because of a history of accidents when fully loaded, the use of 15-passenger high-top vans is discouraged. Such vans are no longer eligible for capital funding as new or replacement vehicles in any VTrans public transportation program. New vehicles acquired with Federal or State funding to transport passengers in public service must be fully accessible.

Service Quality

Drivers must be properly licensed in Vermont to operate vehicles used in any public transportation program funded via VTrans. Only drivers with a history of safe driving are acceptable. Drivers who use their own vehicles must present evidence of adequate insurance. All active paid drivers, dispatchers, and mechanics, must be included in a pool of safety-sensitive persons who are subject to periodic screening for drug and alcohol use in accordance with FTA rules. Public transit providers may adopt their own written rules for drug and alcohol abuse, as long as all FTA standards are met.

Applicants for employment and volunteers must also be screened through the DAIL Division of Licensing and Protection Adult Abuse Registry to determine if the applicant has a substantiated finding of abuse, neglect or exploitation of a vulnerable adult and through Vermont Crime Information Center for criminal records that suggest passenger abuse, neglect or exploitation may be a potential problem. No person with a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult shall be employed or used as a volunteer by a public transit provider. The safety, security, and well-being of passengers shall determine if an employee or volunteer may participate in any VTrans-supported public transportation program.

Drivers and dispatchers must be trained in the special needs of passengers who are elderly or who have disabilities, including those disabilities that may not be immediately apparent. Training shall include confidentiality rules that apply to passengers' medical and personal information. Periodic retraining must be provided by public transit providers to assure that all employees and volunteers treat passengers with courtesy and respect. Whenever possible, transit providers should enlist the assistance of local human service providers and advocacy organizations in delivering this training.

Public transit dispatchers shall cooperate closely with Human Service Agencies (HSAs) and shall become familiar with the individual needs of passengers who regularly use demand response services. To the extent possible, public transit providers shall comply with scheduling and transportation requests of HSAs. Local agreements (contracts) between HSAs and transit providers will spell out arrangements for resolving disputes over specific transportation arrangements. Except for special circumstances, such as trips for large groups, public transit providers shall require no more than 48 hours advance notice to schedule E&D transportation. Usually 24 hours prior notice is the minimum requirement. Public transit providers and human service agencies shall notify passengers of the requirements for advance notice, including cancellations and schedule changes. Passengers will also be informed of the public transit provider's policy on trips cancelled without notice and other expectations of passengers.

Public transit providers shall assure that all vehicles are properly equipped to meet or exceed health and safety requirements. Vehicles must be inspected and maintained at least to manufacturer's specifications. Vehicles must be properly equipped and maintained in accordance with laws governing the operation of motor vehicles in the State of Vermont. Any vehicle problems must be corrected promptly. No vehicle with uncorrected problems that may pose health or safety dangers may be used in public transportation.

Grievance Procedures

Each public transit provider must have a system in place to receive allegations of inappropriate behavior by its employees or volunteers, investigate incidents, and rectify problems. Similar reporting must be available for safety concerns and other issues, such as service that is not

timely.

Each public transit provider shall have clearly written grievance procedures available to both the public and HSAs. These procedures shall include notifying passengers of their right to file complaints and the progressive steps to take if a grievant believes an issue is unresolved. Procedures shall specify actions the grievant must take and what responses the grievant may expect. Time limits for filing grievances and responding to grievances shall be included. Grievance procedures must be approved by VTrans and AHS and must include contact information for passengers who want to submit disputes directly to VTrans.

Eligible Riders

E&D Transportation is an integral part of transportation for the general public. To preserve resources and benefit as many persons as possible, passengers are to be encouraged to use the least costly transportation mode that meets their needs. In most cases, the lowest-cost mode is fixed-route buses that follow a regular schedule of stops at designated locations. In cases where fixed-route public transit is unsuitable for the needs of the consumer, demand response door-to-door service may be possible, if funding and other resources are available. The budget designated for E&D Transportation will be specified, within the overall §5311 general rural public transportation program budget. Most often, demand response service is used by those who are 60 or older or who have an Americans with Disabilities Act (ADA) defined disability that interferes with one or more major life functions.

Demand response service requires reservations at least twenty-four hours in advance. With the exception of extraordinary requirements—such as trips for large groups—no more than forty-eight hours advance notice shall be required. For passengers who need help, the driver will assist the passenger from the outside door of the pick-up location to the outside door of the drop-off location. (Insurance and vehicle security concerns preclude drivers from entering buildings with passengers. Passengers who need assistance inside a building must arrange for an aide. Providing aides is not the responsibility of public transit providers; however they shall work with HSAs as needed.) A passenger may be accompanied by an aide or attendant if such assistance is needed. The aide's assistance may be needed on or off the vehicle. The aide or attendant is considered part of the E&D Transportation program whose sole purpose is to assist the eligible passenger. Therefore the aide or attendant is not charged a fare, but is considered necessary so the eligible passenger can use transportation services. Passengers who need the assistance of an aide or attendant must inform the dispatcher or their human service agency when they schedule a trip, so appropriate seating arrangements may be made.

Demand response service may be supplied by volunteer drivers who use their own vehicles, vehicles owned by the public transit system and driven by employees, or, if necessary, taxis. Whenever possible and appropriate to meeting the needs of passengers, more than one passenger should ride in each vehicle to reduce per-trip costs.

The appropriate mode of transportation is determined as part of an intake process when a passenger requests demand response service. Each passenger's need is periodically reevaluated. Local agreements between public transit providers and affected human service agencies may specify procedures for periodically reevaluating the type of transportation appropriate to passengers with special needs. Both human service agencies and public transit providers should provide information to assure that reevaluations are in the best interest of each passenger and resulting recommendations are appropriate for passenger needs.

In limited cases, if there are empty seats in a special needs vehicle that can be used safely by

other passengers, without compromising service quality, the unused capacity may be offered to those with schedules and destinations that are a good fit. In all cases, unused capacity is determined not only by the availability of empty seats, but also by the ability of the driver to assure that every passenger aboard will receive a safe, comfortable ride that meets or exceeds all quality expectations. Arrangements to include members of the general public on demand response vehicles that carry special needs passengers must be evaluated by trained HSA staff on a case-by-case basis. General public passengers will be accommodated on a space available basis.

General public passengers must pay the fully-allocated cost of their rides, as specified in public transit providers' published fares. No passenger will pay more than the fully-allocated cost of their ride. In most cases, special needs passengers who are referred by a human service agency that has a local service agreement with the public transit provider giving the ride do not pay cash fares. The cost of their transportation is paid under the terms of the local agreement. Aides approved by the referring human service agency also do not pay cash fares for their rides. However, travelers without an official role in assisting special needs passengers are considered general public passengers who must either pay the fully-allocated cash fare or make other acceptable arrangements to pay for their rides on special needs vehicles. This is true for any general public passenger who accompanies a special needs passenger as a social companion, rather than as an aide.

Health, safety, behavioral, or confidentiality concerns may preclude transporting special needs passengers with general public passengers on the same vehicle. Public transit providers and human service agencies shall cooperate to determine the transportation suitable for each special needs client. In no event shall passenger health, safety, well-being, or the confidential nature of passenger medical records be compromised for any passenger. Passenger welfare is the primary consideration in determining the appropriate mix of passengers on a vehicle.

Eligible Costs and Cost Matching

Both capital and non-capital costs are eligible for reimbursement. (Vehicle acquisitions are not included in this E&D Transportation program guidance. Separate applications, with different guidelines, are required to procure vehicles.) No cost that is unallowable for Federal reimbursement, as specified in FTA and OMB circulars, is an allowable expense. Only categories of expense that are in the budget of an approved grant application will be approved for reimbursement. If an approved budget must be either increased or decreased, the amended budget must be approved by VTrans before it takes effect. This includes transfers of funds between grantees by mutual agreement. This is an approval process not a grant amendment process unless funding is moved between grantees. To avoid delays in reimbursement caused by the need to amend a grant agreement, applicants are urged to develop budgets with care. The maximum limiting amount (MLA) of a grant agreement is a ceiling that may not be exceeded. If a grantee incurs costs that exceed the MLA, those costs are not reimbursable by VTrans.

Grantees must match Federal grant funds from non-Federal sources. Administrative and preventive maintenance expenses (including volunteer driver reimbursement) require a 20% match (80% Federal grant funds and 20% from other sources). Operating expenses—which VTrans defines as fuel, driver wages, dispatcher wages, and the fringe benefit expenses associated with those wages—are subject to a 50% match. Because of the higher match requirement for operating costs, Vermont annually appropriates State funds that may be used to meet some Federal match requirements. The annual amount appropriated from State funds is not guaranteed. Human service agencies will not be required to provide more than 20% match to support their requested E&D transportation services.

Public transit providers may use hours of service by volunteer drivers, including time spent driving and wait time, as non-cash match. Hours of service are defined by agreements between volunteers and the agency to which they donate their time. In some cases, agencies may allow waiting time, as well as driving time, to be considered an hour of service, if waiting time is a normal consequence of a trip. The volunteers must be part of a pool administered by grantees (designated regional public transit providers) or by local human service agencies under the terms of a local agreement. VTrans allows only the hours of volunteer drivers to be used as match. The hours of other volunteers are ineligible for use as match. Public transit providers reimburse drivers for documented mileage at no more than the published standard Federal reimbursement rate. Public transit providers and human service agencies must record volunteer drivers' hours with at least the same degree of care used to track hours of paid hourly employees. These time records must be available for audit and review in the same manner as other accounting records. The agency to which the hours are donated must have a system to assure that no volunteer hour of service is used as non-cash match more than once. Public transit providers may claim those hours as local match for this E&D Transportation project. (VTrans does not allow using non-cash match on other projects.) Each hour is valued at the Vermont minimum wage rate in effect at the time of service. No other non-cash match may be used without prior written permission of VTrans

HSAs may enter into local service agreements directly with public transit providers. These contracts may either call for a cash payment for each ride or a payment for specified services over a period of time. VTrans and AHS (DAIL) shall review these contracts to assure they comply with FTA and State rules for transportation grants. Neither VTrans nor AHS are parties to these local agreements. If these contracts call for HSAs to pay transit providers cash in return for transporting HSA clients, that cash is not considered revenue from fares. Therefore, it may be used as local match applied to their local agreement for services. This exception applies only to contracts between providers and HSAs.

Other payments for transportation are classified as fare revenue. FTA rules require fare revenue to be subtracted from expenses before claiming reimbursement. Fare revenue may not be used as cash match on the project that earned it. After the expenses are reduced by the amount of fare revenue, the cash may be used as the provider sees fit, including as match for a different Federal project.

Grant applicants must certify that they have or will have sufficient match for Federal grant funds. If a grantee does not provide sufficient match, unmatched Federal funds must be returned.

If unspent funds remain in a region, VTrans and AHS will attempt to reallocate funds to regions with funding shortfalls. To qualify, recipient public transit provider(s) must document that services that were provided to eligible riders were not reimbursed. There is no assurance that funds will be available for such transfers. All recipients of E&D funding are strongly urged to closely monitor expenditures and stay within budget.

An effective way to enhance E&D Transportation is to share resources. When resource sharing meets the needs of all passengers, passengers whose rides are paid for with other funds—such as Medicaid—can ride on vehicles purchased with §5310 funds and share other E&D Transportation resources, such as centralized scheduling and dispatching. When each funding source contributes its fair share of fully allocated costs, resources are used more efficiently, thereby reducing the cost of each ride. This is the goal of the Federal United We Ride initiative. Vermont supports this plan to better coordinate human service transportation that is funded by different government agencies.

Eligible trip types include:

- Critical Care Non-Medicaid – Transportation to kidney dialysis and cancer treatment appointments.
- Non-Medicaid Medical needs – All trips to non-emergency medical appointments, except Critical Care Non-Medicaid as defined above.
- Senior Meals Programs – Trips to local congregate meal programs or group settings for seniors at a mealsite approved by the local AAA as outlined by the Older Americans Standards
- Adult Day Services – Services include professional nursing services, respite, personal care, therapeutic activities, nutritious meals, and support and education to families and caregivers in a community-based, non-residential day center
- Shopping – Trips to local grocery store and/or pharmacy.
- Vocational – Trips to paid employment, interviews or training programs
- Social/Personal – For socialization and/or personal trips. Trips could include: exercise programs at local senior centers, church, personal trips (such as hair appointment or visiting a family member).

Effective July 1, 2007 and thereafter, Subrecipient, or any subcontractor, must do the following:

1. Use to collect, report, dispatch and generate electronic billing information from the VPTA In-Take Dispatching Software (reports shall match VTrans billing to be considered eligible reimbursement as outlined in Attachment B – Payment Provisions, D. 49 U.S.C. § 5311 Elders & Persons with Disabilities Program and included in this Grant Agreement); and
2. Create and maintain a volunteer program, with the assistance of Subrecipient's E&D Advisory Committee and VTrans, on a GSA reimbursement with the use of the volunteer's own vehicles by June 30, 2008.

Effective July 1, 2009 and thereafter, excursion trips are not eligible. Subrecipients should follow FTA Charter Regulations (www.fta.gov).

In addition, the Subrecipient will work collaboratively with VTrans, Agency of Human Services, its Regional Public Transit Advisory Committee, and the other public transit Agencies to promote coordination in order to reduce expenditures, improve or increase service, and use resources more efficiently.

Reports

Uniform statewide reporting is needed to properly evaluate this program and ensure that services for elders and persons with disabilities are preserved and will improve over time. Detailed reports will form the basis of discussions among stakeholders at mandatory Regional Public Transit Advisory Committee (RPTAC) meetings to determine budget allocations and service levels are proper. It is the intent of both AHS and VTrans that E&D Transportation service levels, in combination with §5310 vehicle procurements, are greater than or equal to similar transportation services provided to elders and persons with disabilities during State Fiscal Year 2004. To this end, an amount designated for the E&D Transportation program will be separately identified within the §5311 overall rural general public transportation budget. The designated E&D budget within the state and within each region shall not be reduced to provide additional transportation to the general public. RPTAC meetings will review budgets and expenditures to

assure that budgets are properly managed to continue throughout the grant year. In the event that an RPTAC foresees a budgetary shortfall, it will institute measures to determine the greatest need for remaining funds and will reallocate funds as necessary to have the smallest possible negative impact on E&D Transportation services.

Reports from public transit providers to VTrans and AHS (DAIL) are specified in grant agreements. The specifications include the statewide format of reports. Public transit providers send service indicator statistics to VTrans monthly with invoices. Reports by public transit providers to VTrans include unduplicated counts of elders and persons with disabilities served, unduplicated counts of elders and persons with disabilities who use the E&D program to go to and from kidney dialysis treatments, the number of one-way trips by service category and mode, and costs. Cost data should include the quantity and unit (ie., hours, miles, etc.)

VTrans will send electronic copies of these statistics to DAIL, using the former DAIL Section 5310 billing spreadsheets for each grantee, within three working days of their receipt from public transit providers. DAIL will compile and summarize the statistics into quarterly and annual reports. After concurrence with VTrans, DAIL will disseminate quarterly reports, quarterly summaries, and annual summaries to VTrans, to each member of the Public Transit Advisory Council (PTAC), to each grantee in the E&D program, to the Vermont Center for Independent Living, to the Vermont Coalition for Disability Rights, and to the Community of Vermont Elders within fifteen days after receipt of all complete sets of data . Reports by DAIL shall include unduplicated counts of elders and persons with disabilities served, unduplicated counts of elders and persons with disabilities who use the E&D program to go to and from kidney dialysis treatments, the number of one-way trips by category, and costs by transportation mode.

Any additional reports needed by HSAs are specified in local agreements between HSAs and public transit providers. Annually, AHS and VTrans will summarize ridership and other statistics in reports for the General Assembly and Governor. These statistics are among the data considered when periodic management reviews and other studies develop plans for public transit improvements, including the E&D Transportation program. AHS and VTrans shall collaborate on evaluating the effectiveness of the E&D Transportation program in meeting the transportation needs of elders and persons with disabilities and the impact of the E&D program on general public transportation in Vermont. The first such written evaluation shall be for state fiscal year 2005. It shall be sent to the Vermont General Assembly, PTAC, and the DAIL Advisory Board by December 15, 2005.

E&D REQUIRED BACKGROUND CHECKS

Adult Abuse Registry and Child Abuse Registry

All Subrecipient employees and volunteers providing transport services under this Section of this Agreement shall be subject to record checks for records of substantiated abuse of a child or a vulnerable adult on the respective abuse registries maintained by the State of Vermont, to the extent permitted by Vermont and federal law.

- a. Subrecipient will:
 - Check the Adult Abuse Registry in the Department of Disabilities, Aging and Independent Living (DAIL) and the Central Child Abuse Registry. (See 33 V.S.A. §4919 & 33 V.S.A. §6911).

- Conduct Registry checks of all persons who provide E&D transport services on initial hire or engagement to provide services and annually thereafter.
- Not allow direct transport services by any Subrecipient employee or volunteer who does not have a Clear Registry Check.
- Maintain records of Registry checks.

- b. Subrecipient agrees to undergo audit of Registry Checks at VTrans' discretion.
- c. Clear Registry Check: a check of the Adult Abuse Registry and the Child Abuse Registry that does not show a substantiated finding of abuse, neglect or exploitation of a child or vulnerable adult. VTrans will provide no reimbursement under this Agreement for arranging or providing transport services by any Subrecipient employee or volunteer who does not have a Clear Registry Check.

Department of Motor Vehicles (DMV) Check

- a. A Department of Motor Vehicles (DMV) check should be performed prior to employment and annually thereafter.

Vermont Criminal Record Check

All Subrecipient employees and volunteers providing transport services under this contract shall be subject to criminal conviction record checks to the extent permitted by Vermont and federal law.

- a. Subrecipient will:
 - Conduct background conviction checks of all persons who provide services under this Section of this Agreement on initial hire or engagement to provide service, by making the offer of employment conditional upon the applicant's clearing the Vermont Crime Information Center (VCIC) check, and annually thereafter.
 - Not arrange or provide direct transport services by any Subrecipient employee or volunteer whose VCIC Check reveals a criminal conviction for an offense involving bodily injury, abuse of a vulnerable person, a felony drug offense, or a property/money crime involving violation of a position of trust, including, but not limited to:
 - Abuse, neglect, or exploitation
 - Aggravated assault
 - Aggravated sexual assault
 - Aggravated stalking
 - Arson
 - Assault and robbery
 - Assault upon law enforcement
 - Cruelty to children
 - Domestic assault
 - Extortion
 - Embezzlement
 - Hate motivated crime
 - Kidnapping

Lewd and lascivious conduct
Manslaughter
Murder
Recklessly endangering another
Sexual assault
Simple assault
Stalking

Variances of this policy may be granted only under exceptional circumstances, and only with VTrans', in conjunction with OVHA, specific authorization for the variance.

— Maintain records of VCIC Checks.

- b. Subrecipient agrees to undergo audit of VCIC checks at VTrans' discretion.
- c. Clear Vermont Criminal Information Center (VCIC) Check: a check with the Vermont Criminal Information Center (VCIC) that does not show conviction of any of the crimes listed in letter "a" above. VTrans will provide no reimbursement under this section of the Agreement for arranging or providing transport services by any Contractor/Broker employee or volunteer who does not have a Clear VCIC Check.
- d. Variance Request Process: The decision to grant or deny any variance is at the sole discretion of VTrans. The Subrecipient should submit a written request for variance, including a copy of the information under question to: VTrans Public Transit Administrator, 1 National Life Drive, Montpelier, VT 05633-5001.

National Criminal Record Check

A National Criminal Record Check should be performed prior to employment.