

## RESOLUTION

**WHEREAS**, the City of El Paso's Mass Transit Department (Sun Metro) has an essential goal to provide transit services in the City of El Paso while providing for the safety and security for the customers and employees of Sun Metro; and

**WHEREAS**, in providing for a safe environment in the vehicles and facilities, Sun Metro may need to enforce its rights to suspend providing services to any person who is engaged in unsafe acts and/or conduct that causes a disruption of service or places customers or employees in danger; and

**WHEREAS**, in order to evaluate the activities and conduct of a customer that is detrimental to the services provided by Sun Metro, a policy needs to be implemented for reviewing the unsafe, dangerous or disruptive act by a customer in a vehicle or facility under the control of Sun Metro; and

**WHEREAS**, the Suspension of Service policy ("Policy") outlines which activities warrant the suspension of services and the duration of any suspension warranted after a thorough review of the incident; and

**WHEREAS**, the Policy sets out the procedures, guidelines, and process for evaluating the the individual cases; and

**WHEREAS**, the Policy also outlines the incident review, suspension of service notification, and appeal processes; and

**WHEREAS**, this Policy assists Sun Metro in providing the best possible service to its customers and the residents of El Paso; and

**WHEREAS**, Sun Metro and the Mass Transit Board for the City of El Paso wish to adopt a Suspension of Service Policy; and

**BE IT RESOLVED BY THE MASS TRANSIT DEPARTMENT BOARD OF THE CITY OF EL PASO:**

That the Mass Transit Board of the City of El Paso adopt the City of El Paso's Mass Transit Department's (Sun Metro) Suspension of Service Policy, attached hereto as Exhibit A.

That the City Manager, Chief Transit and Field Operations Officer, or his/her designees, are authorized to sign the Policy and annual confirmations attesting to the unchanged or amended nature of the Policy.

THAT changes or amendments to the Policy will submitted for the consideration and approval by the Mass Transit Board before implementation.

*(Signatures Begin on Following Page)*

APPROVED this 6<sup>th</sup> day of July 2022.



CITY OF EL PASO:  
[Signature]  
Oscar Leoser, Chairman  
Mass Transit Board

**ATTEST:**  
[Signature]  
Laura D. Prine  
Secretary

**APPROVED AS TO FORM:**  
[Signature]  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**  
[Signature]  
Ellen A. Smyth, Chief Transit and Field  
Operations Officer

**Exhibit A**

**Suspension of Service Policy**

(including Suspension of Service Notice template)



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## **SUSPENSION OF SERVICE POLICY**

Safety and security of passengers, employees, and property is essential to Sun Metro being able to provide transit services in the City of El Paso. In providing for a safe environment in its vehicles and facilities, Sun Metro may enforce its right to suspend service to any person who engages in an unsafe act, conduct that causes a disruption of service, or places Sun Metro staff or passengers in danger.

### **1. POLICY APPLICATION**

This policy is established to determine whether suspension of service is warranted, and if so, the potential duration of suspension, based on a thorough review of an incident involving an unsafe, dangerous, or disruptive act by a passenger in a vehicle or facility under its control.

Each incident will be reviewed and evaluated based on the following factors:

- Type of incident (minor or major)
- Documented history of prior incidents
- Incident cause(s) and result(s)
- Disability of a passenger that may have contributed to the incident
- Other documented observations or relevant facts related to the incident

### **2. DEFINITIONS**

a. **Effective Date of Suspension:**

The date on which the Notice of Suspension is issued, included on the notice, and is not necessarily when the person being issued the notice receives it.

b. **Major Incident:**

An incident that is considered an unsafe or dangerous act, or which threatens such an act will be committed.



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May include:

- Physical contact or threatening physical contact with another passenger or Sun Metro employee
- Display of or brandishing a deadly weapon, such as a knife or firearm
- Taking or attempting taking of another passenger's property without permission
- Property damage to a Sun Metro vehicle or facility
- Interfering with the safe operation of a Sun Metro vehicle or facility
- Refusal to disembark a Sun Metro vehicle or vacate a Sun Metro facility after being informed of a same-day suspension

c. Minor Incident:

An incident that is considered disruptive to service or other passengers, but does not pose an immediate safety hazard.

May include:

- Intoxication
- Profanity or offensive statements
- Loud or disruptive behavior
- Disturbing other passengers, verbally, by playing music or making noise
- Failure to follow Sun Metro rules while on a vehicle or at a facility, after being warned by Sun Metro employee

d. Notice of Suspension (NOS):

Written notice provided to a person receiving a suspension of service that contains the following information:

- Name of person receiving notice
- Date and location of incident
- Term and effective date of suspension
- Right to appeal
- Deadline to notify of appeal
- Signature of Director or designee



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e. Same-day Suspension (SDS):

A form of suspension of service whereby designated Sun Metro employees may direct a passenger who has caused a minor incident to immediately disembark a vehicle or to vacate a facility for the duration of the day.

f. Suspension of Service (SOS):

The result of an incident review that prohibits a passenger from being allowed onto a Sun Metro vehicle or to be present at a Sun Metro facility for a specified period of time, in accordance with this policy.

### 3. TERM OF SUSPENSION OF SERVICE

a. Minor Incident

- First occurrence: SDS
- Repeat occurrence, within a 30-day period: seven-day suspension
- More than three occurrences within a calendar year: 30-day suspension

b. Major Incident

- First occurrence: 60-day suspension
- Second occurrence within a calendar year: 120-day suspension
- Third occurrence within a calendar year: one-year suspension

Additionally, in the case of a protective order issued by a court with jurisdiction over an incident on a Sun Metro vehicle or in a Sun Metro facility, the terms of the order regarding distance and time frame shall be enforceable under this policy.

### 4. MAJOR INCIDENTS

Proper training shall be given to existing and newly hired drivers, facility staff, supervisors, and security personnel on how to appropriately handle a major incident prior to contact on the job with customers or the general public. Additionally, an annual refresher shall be given to these employees. Training shall be conducted cooperatively by assigned Safety, Security and Operations staff, in coordination with the El Paso Police Department. Major incident training shall include the following topics:



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- Hazard and threat identification
  - De-escalation techniques
  - Call for police assistance
  - Call for supervisor assistance
  - Passenger or customer in need of assistance
  - First aid

## **5. INCIDENT REVIEW AND SUSPENSION OF SERVICE**

- a. Each incident will be reviewed and evaluated by designated Safety, Security and Operations staff, and the Director or designee will approve or deny any recommendations made by staff.
- b. Factors to be considered in determining whether suspension is warranted shall include those included in Section 1 of this policy, and if so, the term shall be as prescribed in Section 3 of this policy.
- c. During the incident review, the safety officer will attempt to obtain legal name and photograph of a passenger under incident review in order to better identify the person for proper notice per Section 5 of this policy.

Designated employees may issue a SDS; however, an incident report must be completed and submitted to the employee's supervisor prior to the end of shift. Failure of an employee to comply with incident reporting shall be considered a violation of this policy, and will be addressed per department disciplinary policy.

Only the Director or designee may issue a SOS other than a SDS, and the SOS shall be issued according to Section 5 of this policy.

## **6. NOTICE OF SUSPENSION AND ENFORCEMENT**

- a. Once the Director or designee has approved a SOS following an incident review recommendation by staff, a NOS must be issued by certified mail, *with an additional duplicate NOS issued by first class mail*, to the legal address of the person, or when unknown, by an alternative method in accordance with guidance provided by the City Attorney's Office.



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- b. A NOS for a child under the age of 17, as defined by the Texas Family Code, Article 51.02 (2), shall be issued to the parent or legal guardian on behalf of the child.
  - c. A copy of the NOS and photo of person receiving SOS shall be posted in a place visible to Sun Metro employees; and may also be posted on a Sun Metro intranet page if available.
  - d. If a person issued a NOS is observed attempting to board a Sun Metro vehicle or enter the premises of a Sun Metro facility, a designated employee shall issue a verbal warning to the person, and file an incident report in accordance with Section 4 of this policy. If the person complies, the term of suspension will not be increased; however, if the person does not comply the term will be extended by 90 days, and a new NOS shall be issued to the person in accordance with this Section.

## **7. APPEAL OF SUSPENSION**

For a passenger who has been issued a NOS for 30 days or more, an appeal may be submitted in writing to the City Manager or designee within ten calendar days of the date of notice.

Upon receipt of the appeal request, the City Manager or designee will schedule a meeting to be held within three business days, allowing the person issued notice to:

- Dispute results of incident review
- Provide evidence in the person's behalf
- Request a shorter term of suspension, upon acknowledgement of the person's actions in one or more incidents

The appeal for a child under the age of 17 must be made by a parent or legal guardian.

The City Manager or designee shall have the ability to review the incident review results and information provided by the person at the appeal meeting, and may affirm the term of suspension, reduce the term of suspension, or void the notice. The decision of the City Manager or designee shall be final, and written correspondence will be issued to the person who submitted the appeal request within three business days following the meeting.

Prior to the final decision of the City Manager or designee, a SOS shall be in effect for the person notified. Failure of a person who has submitted an appeal request to attend the appeal meeting





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shall be considered a withdrawal of the appeal and an acknowledgement that the suspension is affirmed.

Date

Name

Mailing Address

USPS Certified Mail Tracking No.:

**RE: Notice of Suspension of Service**

Dear **NAME**,

This notice is to inform you that due to a review by Sun Metro of an incident in which you participated at **PLACE** on **DATE**, you have been suspended from service by Sun Metro. This prohibits you from attempting to board a Sun Metro vehicle, or from entering the premises of a Sun Metro facility. Due to the classification of the referenced incident as "**major,**" or "**minor,**" the term of your suspension shall be **<NUMBER>** days from the date of this notice. Should you attempt to board a Sun Metro vehicle or enter the premises of a Sun Metro facility prior to the expiration of the term of suspension, it will constitute an incident to be reviewed by Sun Metro, and may cause the term of your suspension to be extended.

Per the Sun Metro Suspension of Service Policy, you have the right to appeal this suspension, in writing, within ten calendar days of the date on this notice. Appeals may be addressed to:

Ellen Smyth, P.E., Chief Transit and Field Operations Officer  
ATTN: SUSPENSION OF SERVICE APPEAL  
10151 Montana Ave.  
El Paso, TX 79925

Upon receipt of an appeal, the Director will schedule a hearing where you will be able to dispute the results of the incident review, provide evidence in your behalf, and request a shorter term of suspension in acknowledgement of your actions in the incident. Should a hearing be scheduled, failure of you to attend will constitute an automatic denial of the appeal.

If you have any questions, you may contact Mr. Anthony DeKeyzer, Assistant Director, at (915) 212-3333.

Sincerely,

Ellen Smyth, P.E., Chief Transit and Field Operations Officer



# Suspension of Service Policy

Sun Metro



## Background

- *Suspension of service* refers to disallowing an individual from entering the premises of a Sun Metro facility or from boarding a Sun Metro vehicle due to participating in an incident covered by the policy
- Existing policy required revision to define incident types, clarify key requirements, establish clear staff roles, and ensure due process for policy violators

# Incidents

- Incidents are classified as minor or major:
  - Minor – a disruption that does not pose an immediate safety hazard (intoxication, profanity, loud or disruptive behavior)
  - Major – an unsafe or dangerous act, or threatening an unsafe or dangerous act (physical contact, interference with operation of a vehicle, property damage, display or brandishing a weapon)

## Terms of Suspension

- Minor Incident
  - First occurrence – same day
  - Repeat w/in 30 days – seven days
  - More than three w/in a year – 30 days
- Major Incident
  - First occurrence – 60 days
  - Repeat w/in a year – 120 days
  - Three w/in a year – one year

## Incident Review and Issuance of Suspension

- Incident will be documented by employee and reviewed by safety and security operations staff
- Only Director or designee has authority to issue a suspension (except for same day), which is documented with a *notice of suspension*
- For a same day suspension, designated employees are authorized to issue the suspension (transit supervisor)

## Notice of Suspension (NOS)

- NOS will be issued to individual at mailing address, when known, via certified mail, with an additional copy issued via first-class mail
- When mailing address is unknown, designated employee will attempt to hand-deliver notice to individual
- In a case where an address is unknown or unable to be hand-delivered, individual will be notified when attempting to board a Sun Metro vehicle or enter a Sun Metro facility
- NOS will include date and location of incident, term of suspension, and right to *appeal the suspension*





## Appeal of Suspension

- For a suspension term of 30 days or more, an appeal may be submitted in writing to City Manager or designee
- A meeting to consider the appeal will be scheduled within three business days; the individual making appeal may:
  - Dispute results of incident review
  - Provide evidence in their behalf
  - Request a shorter term of suspension, upon acknowledgement of their actions during the incident

# Employee Training Program

- A key requirement of the policy is to establish a training program for newly hired drivers, facility staff, supervisors and security personnel on how to handle a major incident
- Training will include an annual refresher
- Sun Metro Safety and Security staff will administer training, in coordination with El Paso Police Dept.
- Training will cover:
  - Hazard and threat identification
  - De-escalation techniques
  - Call for supervisor or police assistance
  - Passenger in need of assistance and first aid

## Outreach and Education

- Informing passengers, customers and the general public on the key points of the policy is a priority
- Existing digital and print spaces on vehicles and in facilities will be utilized to inform on policy points
- Website, social media, and graphics will also be utilized to reach a wider audience

# Questions and Comments



## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

## Values

Integrity, Respect, Excellence, Accountability, People