



# **Employee Handbook**

**March 1, 2019**



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# Introduction

The TMSJ Employee Handbook (Handbook) provides policies and guidelines to all employees. Employees must be familiar with the contents of the Handbook and ensure their performance and conduct conforms to the contents during work time, as well as time outside of work, to the extent it bears on their job and work performance. If a situation arises with respect to the Handbook and its contents about which an employee may have a concern or question, the matter should be promptly reviewed with a manager or supervisor.

## Compliance with Laws

All employees shall fully comply with the laws and regulations that apply to the Company and its employees. When the application of such laws or regulations is uncertain, employees shall seek the guidance and advice of a supervisor or manager. No employee shall at any time take any action on behalf of the Company that is known to violate any applicable law or regulation. Where provisions in this Handbook are in conflict with State or local statutes, the State or local laws prevail.

## Notices & Limitations

- This Employee Handbook is not intended to be an employment contract or agreement, nor does it contain promises or commitments of any kind to employees. The contents should not be construed otherwise. Any references to, or discussion of, matters related to employment shall not be treated as a contractual agreement or guarantee of employment.
- The employment relationship established with the Company is terminable at will (except for employees covered by a Collective Bargaining Agreement), by either the employee or the Company, at any time, for any reason, with or without cause. Therefore, the contents of this Handbook shall not be construed as creating a right to employment for any specific period of time.
- To the extent that the Handbook is in conflict with a term or condition of the employee's applicable CBA, the provision in the CBA shall take precedence.
- The Company reserves the right to change any of the policies or procedures in this Handbook at any time at its sole discretion without notice.
- Our failure to adhere to any provision of this Handbook does not create rights nor constitute a waiver.
- No person is authorized to make oral exceptions to this Handbook and written exceptions are permitted only when signed by the General Manager.

## Section 1

# Safety and Environmental

### 1.01 Safety Policy And Principles Statement

**Our Number One Core Value is Safety.** The Company owes its employees a safe work environment. In return, employees shall work safely – for their own protection and for that of their fellow employees, customers, and the general public. All collisions and injuries can be prevented. That is our Safety Culture. You are expected to work safely, having regard for yourself and others around you. You must comply with all Company procedures and practices relating to health and safety matters. Any failure to do so will result in disciplinary action being taken against you, up to and including discharge.

NOTE: The term “Company vehicle” used throughout this document refers to any Company owned, leased, or operated vehicle of any type or size. The terms “Company location” and “Company property” used throughout this document refer to any Company owned, leased, or occupied facility, building, parking area, or site of any type or size.

#### Safety Policy

- The Company shall not perform a service or transport passengers unless it can be done in a safe manner.
- The Company requires that all employees shall perform their duties safely and with concern for the safety of their fellow employees.
- The Company is committed to providing a safe place to work, the proper protective equipment, and a work environment conducive to safe practices and policies.
- The Company believes that working safely promotes quality and productivity. Avoidance of collisions and injuries is of critical importance to employees and their families. The Company is committed to an ongoing safety program to help employees avoid injury.
- Safety protects our most important asset – our people.

#### Injury Prevention Principles

- Perform all safety checks and risk assess before you undertake any work. Speak to your supervisor or manager before you start work if you are unsure.
- Do not endanger yourself or others. Report any hazardous condition or practice that may cause injury to people, property, or the environment.
- Obey all rules, signs and instructions. If you do not understand, speak to your manager before you start.
- Keep your work area clean and tidy. Disorder causes injuries, wastes time, energy, and materials.
- Wear protective clothing and equipment as required. Keep it in good condition, wear it correctly and ask for a replacement if it becomes damaged or unfit for use.
- Use only the correct tools and equipment for the job. Check that they are in good condition before use and use them safely.

- Do not adjust, modify, or repair any piece of work equipment unless you are competent and authorized to do so.
- Before lifting, assess the load and your capability to move it. Make sure you get help with any heavy or awkward item, and follow approved techniques.
- All injuries, incidents, and near misses must be reported to your manager. Seek immediate help and first aid (if necessary).
- If you have any suggestions to improve safety in your workplace, tell your supervisor or manager.

## **1.02 Drug and Alcohol Policy**

The Company supports a policy of a drug-free workforce and does not tolerate any violation of the TMSJ Drug & Alcohol Policy. The Policy has been prepared, published, and distributed to all employees and contains the complete details of the drug and alcohol programs, including federally required testing and compliance. The Policy has been provided to each employee and is incorporated into the Employee Handbook by reference. A copy of the Policy is available on the employee website portal and from any manager. If you have additional questions about the Policy, contact a manager.

The purpose of this Policy is to assure employee fitness for duty and to protect employees, customers, and the public from the safety and health risks posed by the misuse of alcohol and the illegal use of drugs. Any violation of the Policy may result in further disciplinary action, up to and including discharge for a first offense.

Illegal use of drugs includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The “use” of drugs means presence in an employee’s body system while on duty. A positive test is sufficient to support a finding of “use.”

## **1.03 Preventing Workplace Violence**

A safe work environment is fundamental to the success of our employees and our Company. Each employee has the right to expect that their workplace is free from intimidating, threatening, or dangerous behaviors and practices. Every manager should fully respect and value employees’ concerns for the safety of themselves as well as others.

The Company’s Preventing Workplace Violence policy is designed to enhance the protection and safety of all employees, customers, vendors, and contractors, as well as the general public. The Company will not tolerate the following actions by anyone at any level:

- Violence
- Threats of violence
- Harassment
- Intimidation
- Conduct that creates an intimidating or otherwise offensive work environment.

## **Prohibited Conduct**

The following are examples of conduct that if committed in person, in writing, by electronic mail, or by any other means, are prohibited by this policy:

- Direct, indirect, or implied threats toward persons or property
- Vulgar, profane, or offensive language toward others
- Disparaging or derogatory comments or slurs
- Offensive sexual flirtations or propositions
- Verbal intimidation or bullying
- Exaggerated criticism, name calling, or belittling behavior
- Hitting, striking, pushing, kicking, or holding
- Impeding or blocking movement of another person or urging others to do the same
- Using, threatening, or implying the use of any weapon or object that could be used as a weapon
- Derogatory or offensive posters, cartoons, drawings, or publications.

## **Firearms, Weapons, Explosives**

No firearms, weapons, dangerous materials or chemicals, or explosives of any kind shall be brought onto Company property or carried by any person while on Company business. Company property includes owned, leased, or occupied office or maintenance locations, parking areas, transit stations, and Company vehicles. This policy also extends to Company employees on the property of our customers or suppliers.

This restriction excludes materials present on Company property or Company vehicles resulting from contractual obligations between TMSJ and a customer or supplier. For purposes of this policy, firearms and weapons include air pistols and air rifles, switchblades or other knives (except small pocket knives), toxic agents, chains, or other items that are threatening by their nature or that are displayed in a threatening or intimidating manner.

## **Disciplinary Action/Prosecution**

Any employee whose conduct is in violation of Company policy shall be subject to disciplinary action. The Company will seek prosecution of employees who commit criminal offenses against the Company or its employees.

## **Searches**

Consistent with legal rights or requirements, the Company reserves the right to conduct searches of persons and personal belongings present on Company property to ensure that dangerous materials or items are not present in the workplace. Searches may include but are not limited to desks and file cabinets, purses, backpacks and briefcases, lunch containers, tool boxes, lockers, and vehicles.

## **Electronic Surveillance**

Consistent with legal rights or requirements, the Company reserves the right to conduct electronic surveillance to help identify and deter threatening or intimidating behavior. Surveillance techniques may include, but are not limited to, video cameras and monitoring of telephone and electronic mail activity at Company locations.

## **Investigation**

Any articulated threat may result in an investigation of an employee's background, criminal history, and weapons ownership. This investigation may include interviews with coworkers, supervisors, previous supervisors and employers, and others who may be able to supply information regarding potential behavior of the employee under investigation.

## **Reporting Threats of Violence**

Employees with knowledge of actions or behaviors prohibited by this policy are encouraged to communicate this knowledge to their supervisor or a manager. All such reports shall be promptly and thoroughly investigated. No adverse action or retaliation will be taken or permitted against any employee who reports issues of workplace violence. Information to be reported should include, but is not limited to:

- The name of the person making the threat
- The person threatened
- When and where the threat was made
- The type of threat
- Any relevant details
- Witnesses.

## **False Reports**

Any employee who knowingly makes a false report against another employee shall be subject to disciplinary action, up to and including discharge. An employee who in good faith reports what appears to be a threat – even if the reported incident is determined not to be a threat – will not be subject to disciplinary action.

## **1.04 Personal Protective Equipment (PPE) and High Visibility Apparel**

Personal Protective Equipment (PPE) must always be used when and where appropriate. Reflective Safety Vests or Company issued High Visibility Uniform Shirts are to be worn by all employees and visitors while they are pedestrians in the bus yard. In addition, vests are to be worn by employees while outside a vehicle on public streets or at transit stations while performing their various responsibilities (e.g., putting out reflective triangles, assisting passenger loading, driver exchange, and foot traffic to break or rest areas). Failure to properly adhere to this policy will be considered a serious safety violation and will result in severe disciplinary action up to and including discharge. All maintenance employees are required to wear safety glasses and approved safety shoes at all times in Company facilities.

## **1.05 Reverse Parking**

Reverse parking allows a vehicle to depart from its secured parking spot in a forward motion allowing for better visibility into travel lanes and areas of pedestrian traffic. Reverse parking is the required for Company vehicles on Company property. It is strongly recommended for personal vehicles.

## **1.06 Fire Equipment**

It is important for your safety and for the safety of your coworkers that you are aware of the type, uses, and location of fire-fighting equipment in your area whether in the office, on the vehicle, or in the shop. If you do not know where to locate fire equipment or how to use it, see your manager for instructions.

## **1.07 Injury on the Job**

The Company provides medical attention to any employee who experiences an injury on the job or work-related illness. Employees are required to report any injury suffered during work hours, at the time of occurrence, to a manager or supervisor, including minor problems only requiring first aid administered at the work site. In addition, the appropriate paperwork must be completed and submitted to the manager or supervisor before the end of the workday.

The Company may provide transitional duty work assignments to employees who cannot perform their regular job because of temporary medical restrictions due to a work-related injury. Should an employee refuse this work, he or she may lose Workers' Compensation benefits.

Employees on Workers' Compensation should make every effort to schedule medical appointments and treatment, therapy or rehabilitation during the hours they are not scheduled to work. If the appointment cannot be scheduled during the employee's off time, the employee will be given time off for the appointment, but such time will only be paid if the medical appointment or treatment is not available outside of work hours. At the end of the period of maximum healing, the employee's transitional duty will cease and the employee may be returned to regular work duties if the employee provides a note from a certified medical professional that states the employee is able to return to work without restrictions.

## **1.08 Environmental**

Compliance with the law is not the only force behind our environmental policy. Concern for the health of our employees and their families and the future of the communities in which we live are equally important. The Company will conduct operations in compliance with all applicable health and environmental protection laws and in a manner that supports the protection and preservation of human health and the environment.

## **1.09 Employee Requirement to Meet Company Standards**

The Company has the right to establish qualifications and require tests and standards of performance as necessary to insure the safe and efficient performance of duty by employees. Employees must pass examinations and tests selected by the Company to determine mental and physical fitness for duty. Testing includes, but is not limited to, the provisions of US Department of Transportation (DOT) and TMSJ's Drug & Alcohol Policy. Qualifications will be periodically re-verified through background checks or Motor Vehicle Record (MVR) checks or at the Company's discretion.

During the course of your employment, you may be required to undergo a physical examination for such things as license renewals, insurance requirements, fitness for duty, and so forth. Submission to and successful completion of such physical examinations are a condition of continued employment. The costs will be paid by the Company when requested by the Company and performed by Company designated medical professional. Cost of DOT physicals performed by anyone other than Company designated medical professional will be paid by the employee. The employee is to provide a copy of physical and DOT card to employer prior to expiration date of previous physical.

## Section 2

# Equal Employment Opportunity (EEO)

### 2.01 Equal Opportunity Employer

TMSJ is committed to providing a work environment that fosters diversity and equal employment opportunity. TMSJ strongly believes in creating opportunity based solely on merit, qualifications, skills, potential and competence. Candidates are selected for hire, promotion, advancement, or other opportunities without regard to race, color, religion, gender, pregnancy or related condition, national origin, ancestry, age, marital status, physical or mental handicap or disability, medical condition (except where physical ability is a bona fide occupational qualification), military or veteran status, citizenship status, actual or perceived sexual orientation, gender identity, or any other consideration made unlawful by federal, state or local laws.

TMSJ's commitment to providing equal employment opportunity applies to every employee and prohibits unlawful discrimination by anyone, including managers and co-workers. All employees are expected to treat one another with the same courtesy and respect as one would like to receive from others such that all employees can enjoy work, free of harassment, intimidation, and discrimination. In addition to hiring, all other terms and conditions of employment must be administered without unlawful discrimination, including without limitations, promotions, salary increases, benefits and on-the-job training. Any employee who believes this policy is not being properly implemented should contact a manager.

### 2.02 Harassment Free Workplace

**General Policy Against Harassment.** TMSJ is committed to providing a work environment free of harassment. Harassment because of race, color, sex, pregnancy, religion, marital status, age, national origin, ancestry, sexual orientation, gender identity, medical condition, disability or any other basis made unlawful by state or federal law is strictly prohibited and will not be tolerated. The Company strongly disapproves of and will not tolerate harassment. The Company's anti-harassment policy applies to all persons involved in the operation of the Company and prohibits unlawful harassment by any employee of the Company, including supervisors and co-workers, as well as by any person doing business with or for TMSJ. Unlawful harassment does not require the loss of some tangible economic benefit, but includes unlawful behavior that creates a hostile, intimidating or offensive work environment.

**Sexual Harassment Defined.** For purposes of this policy, sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Some examples of what may constitute sexual harassment may include: threatening to take or taking employment actions, such as discharge, demotion or reassignment, if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome or repeated flirtations; propositions or advances; unwelcome physical contact; whistling; leering; improper gestures; use of stereotypes; offensive, insulting, derogatory or degrading remarks; unwelcome comments about appearance or gender; sexual jokes or use of sexually explicit or offensive language; gender- or sex-based pranks; and the display in the workplace of sexually suggestive objects or pictures.

The above list of examples is not intended to be all-inclusive. Care should also be taken in informal business situations, including Company parties and business trips.

The Company prohibits such conduct, even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment.

Any employee who is determined to have engaged in conduct prohibited by this policy or other inappropriate conduct, even if it does not rise to the level of prohibited harassment, will be subject to disciplinary action, up to and including termination. Employees should note that they may be held personally liable for any acts of harassment.

**Other Types of Harassment Defined.** For purposes of this policy, other harassment includes unlawful harassment on the basis of race, color, religion, sex, national origin, ancestry, citizenship, age, gender, physical or mental disability, marital status, sexual orientation, medical condition, pregnancy, covered-veteran status or any other basis protected by federal, state or local law. Unlawful harassment in employment may take many different forms. Examples include, but are not limited to:

- **Verbal conduct** such as epithets, derogatory comments, slurs or unwanted comments and jokes;
- **Visual conduct** such as derogatory posters, cartoons, drawings or gestures;
- **Physical conduct** such as assault, blocking normal movement, restraint, touching or other physical interference with work directed at an individual; or
- **Threats and demands** to submit to certain non-work-related conduct or perform certain non-work-related actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security or promotion. The Company prohibits such conduct, even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment.

Any employee who is determined to have engaged in conduct prohibited by this policy or other inappropriate conduct, even if it does not rise to the level of prohibited harassment, will be subject to disciplinary action, up to and including termination. Employees should note that they may be held personally liable for any acts of harassment.

**Preventing Harassment.** Preventing harassment and other offensive conduct requires awareness by everyone of the impact their conduct might have on others. Employees should be sensitive to cultural differences that may exist in the workplace. What one employee thinks is proper conduct might be viewed as inappropriate by another. It is no excuse that the alleged offender “meant no harm” or “was just kidding.”

### **2.03 Policy Against Retaliation**

It is a policy of TMSJ to fully support any employee who pursues any of the complaint procedures set forth below. Retaliation for complaining about discrimination or harassment, or for providing information relating to such complaints, is strictly prohibited and will not be tolerated, regardless of the outcome of the complaint. In other words, employees are protected for speaking up in good faith if they believe discrimination or harassment has taken place, and from providing information related to such complaints, even if the complaint is ultimately not substantiated. Any supervisor, manager, or co-worker who retaliates against a complaining employee or anyone involved in an investigation of a complaint will be subject to discipline and/or discharge. Some examples of what may constitute retaliation may include: denial of promotion, refusal to hire, denial of job benefits, demotion, suspension, discharge, negative evaluations, reprimands and harassment.

Any form of retaliation for speaking up about perceived bias, harassment or discrimination, or retaliation for providing information related to any investigation into such matters, is a separate violation of the Company’s Unlawful Harassment Policy and the Company strictly prohibits such conduct. If you believe that you have been subjected to retaliation by a co-worker, supervisor or manager, you are entitled to pursue a complaint under the Company’s Complaint Procedure.

### **2.04 Company Complaint Procedure**

Any employee who believes that they have been subjected to or witnessed any kind of harassment, coercion or intimidation by anyone, whether by a co-employee, a client or vendor, or a member of our management, is encouraged to file a written or verbal complaint with a manager. Any manager who receives either a verbal or written formal or informal complaint will notify the General Manager within 24 hours of receipt of the complaint. All complaints of harassment will be thoroughly and objectively investigated. The investigation may include interviews of individuals believed to have information regarding the alleged harassment. Such complaints or investigations will remain strictly confidential to the extent possible. However, the Company may need to disclose certain information in connection with the investigation and corrective measures taken.

The results of the investigation and any remedial action taken will be promptly communicated to the complaining employee in writing, and will also be communicated to the alleged harasser and, if appropriate, to others directly concerned. If the investigation reveals that a violation of the Company's anti-harassment or anti-retaliation policy or other inappropriate conduct has occurred, then the Company will take immediate corrective action, including discipline up to and including termination, as is appropriate under the circumstances, regardless of the job position of the parties involved. The Company may discipline an employee for any inappropriate conduct discovered in the investigation of reports of harassment, discrimination or retaliation regardless of whether the conduct amounts to a violation of law. If the person who engaged in the harassment or retaliation is not employed by the Company, then the Company will take whatever corrective action is reasonable and appropriate under the circumstances.

Measures will be undertaken to protect those who use the complaint procedure from any further acts of harassment, coercion or intimidation, and from retaliation due to their reporting an incident of this type or participating in an investigation or proceeding concerning the alleged harassment.

It is the obligation of all employees to cooperate fully in the investigation process. In addition, disciplinary action will be taken against any employee(s) who attempt to discourage or prevent any harassment victim from using the Company's complaint procedure to report harassing conduct.

## **2.05 Disability Nondiscrimination**

The Company complies with the Americans with Disabilities Act as it relates to testing, assignments, evaluations, disciplinary actions, training, promotions, medical examinations, layoffs, recalls, terminations, compensation, leave, benefits, and career development, as well as access to the physical structures and jobs. To be protected under the ADA an individual with a disability must be qualified to perform the essential functions of the job. The Company will make a reasonable accommodation unless doing so will impose an undue hardship.

## **2.06 Pregnancy Nondiscrimination**

Matters such as the beginning and length of leave, availability of extensions, accrual of seniority and other benefits and privileges, reinstatement, and payment under any health insurance or short-term disability insurance or sick leave plan, formal or informal, will be applied to pregnancy, childbirth, or related medical conditions on the same terms and conditions as they are applied to other short-term disability situations.

## **2.07 Immigrant Status Changes**

The Company will not employ any individual ineligible to work under applicable immigration laws. Employees must immediately inform the Company of any change in status of their employment eligibility.

## Section 3

# Attendance and Leaves

### 3.01 Attendance

Each day, hundreds of passengers rely on TMSJ employees to meet their transportation needs. To meet our important responsibilities to the public and the city, it is imperative that employees report to work regularly and on time. The Company has developed an Attendance Policy designed to promote regular and prompt attendance and control absenteeism for both full-time and part-time employees.

Employees are responsible for notifying the Company a minimum of 1 hour prior to their shift that they will miss work. Drivers are to call 816-271-5383. In the event the office is closed, drivers are to leave a detailed message which will be date and time stamped. Maintenance employees are to contact the Maintenance Manager.

Per contract, unscheduled vacation may be taken in lieu of a sick day and, if approved, will not be considered an attendance infraction. However, it must be requested at time the employee notifies the Company of such absence, whether by phone message or in person

Employees who have been off sick and have been released by their doctor to return to work must notify the Company either in person or by telephone. To assure proper work scheduling, it is the employee's responsibility to make this notification of returning to work no later than 1:00 p.m. on the workday prior to returning to work.

A new shift begins at each scheduled report time. For example, if you are working a run that has 2 reports times (B run on Saturday morning and A run in the afternoon), each portion will be considered a shift and be subject to all rules on reporting.

### 3.02 Points

#### Absence

Employees are responsible for notifying the Company a minimum of 1 hour prior to their shift that they will miss work. If employees call off work a minimum of 1 hour before assigned report time they will incur 2 points for the absence.

An employee who is absent for the same reason for more than 1 day and who meets the requirements for reporting time off will only be charged with 1 absence, contingent upon complying with the requirements of section 3.08 or 3.09.

When an employee notifies the Company that they are returning from sick leave, they will be assigned in the next work schedule. If prior to their next assigned shift they notify the Company that they are still sick, that will be considered a new absence and 2 more points will be charged.

Failure to report an absence at least 1 hour in advance of the assigned report time will result in 1 additional point being assessed. This includes call in days that are paid by sick or vacation pay.

Failure to provide required doctor's statement per requirements of section 3.08 or failure to obtain approved Personal LOA per requirements of section 3.09 (3 points per day).

### **Tardy/Missout/AWOL**

**Tardy:** Employees reporting to work less than 5 minutes (4 minutes and 59 seconds) after their assigned report time are considered tardy, so long as the employee performs a complete pre-trip vehicle inspection, performs all other required preparatory work and departs the yard at the regularly scheduled departure time. The first 2 tardies in any 6-month floating period will not incur any points. The third and any subsequent tardy in a 6-month period will incur 1 point per occurrence.

**Missout:** Any employee reporting to work from 5 minutes up to 59 minutes and 59 seconds after their assigned report time will be considered a missout and charged with 1 point. Once the employee is 5 minutes late, the Company will attempt to cover said run with a show up, or if none is available, will begin calling other employees to cover the work. If the run is covered prior to the missout employee's arrival, they will lose any portion of their run already assigned. If run is not previously covered and the employee elects not to come to work, this becomes an absence with less than one hour's notice.

**AWOL:** Failure to report to work 1 hour or more after the assigned report time (3 points and 1 day suspension).

### **Incomplete Shift**

Reporting to work on time and working 25% or more of assigned shift but not completing the entire assigned shift (1 point)

Reporting to work on time but working less than 25% of the assigned shift (2 points)

### **Mandatory Overtime**

Calling off for any mandatory (forced) overtime puts an additional burden on the Company and therefore will incur a 1 day suspension in addition to the applicable infraction points. A second occurrence within 12 months will result in termination of employment.

### **Points Free Exceptions**

The following types of absences will be excluded from this policy: schedule changes authorized by the General Manager; jury duty; military leave; court appearances under subpoena; FMLA leave; bereavement leave; removal from service by the Company designated doctor; occupational injury or illness; union business.

### **3.03 Safety Meeting**

Safety Meeting attendance is mandatory unless otherwise instructed. Employees are required to attend Safety Meeting as part of their job and they will be paid for attending. Since safety meetings are considered a part of the job, the rules regarding AWOL, missout, and absence apply.

### **3.04 Incentives**

Any employee working 6 consecutive months with no attendance violations, including no late reports of any kind, shall have all active attendance points removed from their record and have a zero point status.

### **3.05 Discipline**

In A Floating 12-Month Period:

8 Points	— Written Warning
10 Points	— 2 Day Suspension
12 Points	— 5 Day Suspension
14 Points	— Subject to Termination

Any leave or absence in excess of 5 days, per occurrence, will not count toward the 12-Month Period. (Points are not removed when an employee returns after an extended absence: points are prorated to reflect days worked.)

### **3.06 Voluntary Quit**

If an employee fails to report to work for 3 consecutive days without proper advance notice, it will be considered that the employee has voluntarily quit their job.

### **3.07 Notification**

Each time employees have an attendance incident, they will be notified in writing of the current point totals. The employee will need to sign these notices verifying their knowledge of the current point totals and the signed copy will be kept in the personnel file. It is the employee's responsibility to always be aware of attendance point status. The Company will not give the information at any other time.

### **3.08 Release From Certified Medical Professional**

Employees taking 3 or more consecutive unpaid sick days are required to provide a doctor's statement which certifies the cause of illness, states that the employee is unable to perform the job duties, and shows a return-to-work date. If the physician is unable to specify a return-to-work date, the statement must show the next scheduled re-check appointment date. If the return-to-work date changes, the employee must provide a new statement with an updated return-to-work date. In the case of an extended illness, the employee must provide an updated doctor statement at a minimum of every 30 days. It is the employee's responsibility to provide a doctor's statement to the Company in a timely manner. To be considered timely, the statement must be received within 2 workdays of the 3rd unpaid sick day, of the return-to-work date, or of the scheduled re-check appointment date. The Company will accept a faxed or emailed

statement from a doctor's office, but it is the employee's responsibility to make sure the Company has received it in time. Each day an employee fails to provide the required statement will be treated as an unexcused absence under section 3.02 and attendance points will accrue accordingly (3 points for each day). Employees are advised to take this responsibility very seriously. Failure to do so could result in termination under the Attendance Policy.

### **3.09 Personal Leave of Absence**

Employees taking 3 or more consecutive days off due to extenuating circumstances that are not covered by FMLA are required to apply to the Company for a Personal Leave of Absence (Personal LOA). Personal LOA is defined as up to a 30 calendar-day period, agreed upon and approved in writing by the Company. Personal LOA may potentially be renewed in 30-day increments up to a maximum of 6 months with Company approval. If the Personal LOA is approved, the employee will incur 1 absence (2 points). If this absence is not approved as Personal LOA, it will result in the absence being treated as an unexcused absence under section 3.02 and points will accrue accordingly (3 points for each day). Failure to return from the leave on the date approved and scheduled for return to work will be considered a voluntary resignation. As is the case for FMLA, the Company will substitute an employee's paid benefit days (sick days, vacation days) for Personal LOA.

### **3.10 Family and Medical Leave Act (FMLA)**

The Company will comply with the requirements of the Family and Medical Leave Act (FMLA) which provides job and benefit protection for eligible employees. Generally, FMLA leave is unpaid. However, as is allowed by the law, the Company will substitute an employee's paid benefit days (sick days, vacation days) for FMLA leave. The only exception to this is that an employee may, at his/her discretion, withhold one week of blocked vacation or one day of unblocked vacation.

### **3.11 Military Leave**

The Company recognizes that employees who are members of a military reserve unit may need to attend annual training or to report for active duty. Any employee called to active duty for 30 calendar days or less by the military reserves or the National Guard will be granted time off for the duration of the active duty. Employees who are members of a military reserve unit may attend annual training sessions, with a maximum of two weeks leave allowed during a 12-month period.

Any employee called to active duty longer than 30 calendar days by the military reserves or the National Guard will be granted time off for the duration of the active duty, for a maximum of five years. Health Insurance for military service for 30 calendar days or less is provided as if the employee had remained employed. For military service more than 30 calendar days, employees may elect COBRA coverage for up to 24 months. Employees who do not elect to continue coverage during military service can be reinstated into the health plan when reemployed by contacting the benefits administrator within 30 days of return.

### **3.12 Employee Assistance Program**

An Employee Assistance Program is available to provide confidential counseling, assessment, and referral services for employees with various personal or family problems. The EAP is available to all employees and members of their families living in the employee household, to help address such problems as substance abuse, marital and family issues, compulsive gambling, financial and legal worries, emotional distress and anxiety, depression, or any other problem that affects job performance, relationships with others, or personal health and safety.

### **3.13 HIPAA**

The privacy rule of the federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes standards to protect the confidentiality of a person's Protected Health Information (PHI) TMSJ's privacy policy applies to everyone, not just HR and Benefits Administration Employees. Our privacy policy and practices will protect certain confidential health information known as "Protected Health Information" (PHI). An employee's or customer's PHI will not be used or disclosed without a written authorization from the employee or customer, except as permitted by federal and state health information privacy laws.

An employee may not:

- discuss whether an employee's medical condition is covered under the health plan with an employee.
- Discuss the cost of claim or any other claim details with any other manager, supervisor or employee
- Use PHI other than as permitted under our policies and procedures.
- Use employee's PHI for "employment related" actions (for example evaluations, promotions or hiring/firings)
- Discuss or receive information regarding a passenger's medical condition with any health provider or other employees. This would exclude information on securing a wheelchair, special equipment information, pickup or drop off information, or any information that would affect the safe transportation of our passengers.

Civil and criminal penalties for noncompliance are enforced by the Department of Health and Human Services.

## Section 4

# Duty to Report

### 4.01 Duty to Report Violation of Company Policies

An employee having knowledge of any actions prohibited by Company policies or guidelines should report such activity immediately to his or her supervisor or manager. Suspected violations may be reported on a confidential basis, and the Company will maintain confidentiality to the fullest extent possible. The Company will not retaliate against or impose any other form of retribution on any employee as a result of his or her good faith reporting of another person's suspected violation of Company policies or guidelines.

Any suspected violation of Company policies or guidelines will be reviewed by the Company and, if appropriate, law enforcement authorities will be notified of the facts. The Company will encourage and support criminal prosecution of those involved in any violation of Company policies or guidelines that constitutes criminal conduct, regardless of restitution. This support will specifically include, but not be limited to, complete cooperation with respect to the availability of witnesses, documents, and any necessary financial expenditures. In addition, when appropriate, the Company will institute civil proceedings against violators of Company policies or guidelines. No exception to prosecution will be made without the approval of the General Manager.

### 4.02 Duty to Report Law Enforcement Actions

Any employee arrested, indicted, incarcerated, convicted or otherwise charged with a felony or misdemeanor, any sexually-related offense, or any law enforcement action is required to inform the Company immediately if possible, but no later than prior to the next scheduled work shift.

Employees are required to notify their manager of any of the following events within the time frame stated. Failure to do so will subject the employee to disciplinary action up to and including discharge.

#### **Alcohol-Related Traffic Citation or Arrest**

If an employee is arrested and formally charged with Driving While Intoxicated (DWI) or Driving Under the Influence (DUI), or is found to have excessive blood alcohol content (0.02 BAC or higher), the employee must provide notification of the event to the Company prior to the employee's next work shift. If the situation stems from an on-the-job occurrence the employee must report the situation to his or her manager immediately.

An employee formally charged with any driving violation relating to drugs or alcohol will be placed on administrative suspension without pay until the case is resolved. A conviction (for purposes of this procedure, includes a finding of guilty by a judge or jury,

a plea of *nolo contendere*, no contest, or plea of guilty) will result in discharge for a first occurrence. If the matter is reduced with no finding of guilt, the Company will evaluate the matter at the time.

## **Moving Violations**

Employees have a duty to report to management all traffic citations and convictions (except parking violations) received before the start of the next work shift. Citations received while driving a Company vehicle must be reported immediately.

The Federal Motor Carrier Safety Regulations (FMCSR), Sections 49 CFR 383.31 (a), (b), (c), and 383.33, specify notifications.

- You must notify your employer if your license is suspended, revoked, or canceled or if you are disqualified from operating a CMV. Do this before your next work shift.
- You must notify your employer of all traffic convictions prior to next work shift. This includes those in your private automobile as well as a commercial vehicle. Notification of all citations and convictions are required prior to the next shift.
- Under CDL requirements you must notify your State's Department of License or Department of Motor Vehicles of all out-of-State traffic convictions. Notification must be in writing within 30 days of the conviction.

The FMCSR in Section 49 CFR 383.51 defines the types of Moving Violations that may jeopardize an employee's CDL. The first classification is "Major Offenses" while operating a CMV or non-CMV that result in a one-year or lifetime disqualification from CDL driving. For TMSJ, an employee with one of these offenses will be discharged.

These include conviction of:

- Being under the influence of alcohol as prescribed by State law.
- Being under the influence of a controlled substance.
- Having a blood alcohol concentration of 0.04 BAC or greater while operating a CMV.
- Refusing to take a drug or alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in the FMCSR. (Section 1.02 defines refusals)
- Leaving the scene of an accident.
- Using the vehicle to commit a felony, other than a felony described in the last bullet below.
- Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.
- Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.
- Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance (lifetime disqualification).

The FMCSR further defines "Serious Traffic Violations" (while operating a CMV or while operating a non-CMV if the conviction results in the revocation, cancellation, or suspension of the holder's license or non-CMV driving privileges) that, for the second

violation of any combination of offenses listed below within a three-year period, will result in disqualification from CDL driving for 60 days. These include:

- Speeding excessively, involving any speed of 15 miles per hour or more above the posted speed limit.
- Driving recklessly, as defined by State or local law or regulation including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property.
- Making improper or erratic traffic lane changes.
- Following the vehicle ahead too closely.
- Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident.
- Driving a CMV without obtaining a CDL.
- Driving a CMV without a CDL in the driver's possession.
- Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

The FMCSR does not specifically address other lesser levels of moving violations. However, in order to maintain the highest standards of safety for our passengers, our employees, and the general public TMSJ holds its employees accountable for all moving violations, including those defined by the FMCSR as "Major" and "Serious."

### **Convictions and Imprisonment**

Conviction of:

- DUI or DWI (in accordance with State and/or local law restrictions).
- Other criminal convictions (felony or misdemeanor) involving child abuse, neglect or endangerment; related in any way to possession, manufacture, cultivation, use or distribution of illegal substances; allowing Company locations to be used for the purpose of the commission of these offenses or having unlawful possession of associated paraphernalia; unlawful use or possession of any offensive weapon or other article capable of being converted to or used as such a weapon; act of violence against the person or serious criminal damage to property; any offense of a sexual or indecent nature including the unlawful possession of publications and images, the downloading of such images or the managing and accessing of any website containing unlawful sexual content; and any offense involving the unlicensed possession of, alteration to, sale or disposal of any firearm.

When an employee is charged with a moving violation, criminal charge or other crime that conflicts with the Company hiring standards, the employee will be placed on an unpaid personal leave of absence until resolved. If the employee charge is not resolved by the end of the unpaid leave of absence, the employee can be subject to further disciplinary actions up to and including discharge from the Company. The employee's conviction record, the seriousness of the crime and its job relatedness all weight in towards the final disciplinary decision.

## Section 5

# Policies and Procedures

### 5.01 Placement of Relatives

TMSJ has certain restrictions on the employment, promotion and transfer of relatives within the Company. These limitations are designed to promote harmonious working conditions and to avoid the possibility of apparent or actual favoritism or other practices that could prove detrimental TMSJ or its employees. The term “relative” applies to an employee’s spouse, children, parents, sisters, brothers, parents-in-law, daughters and sons-in-law, nieces, nephews, aunts, uncles, grandchildren and significant others. It may also apply to any person who is a legal step or half-blood relative, or a family member who permanently resides with the employee.

It is our policy that applicants shall not be hired nor internal employees promoted or transferred into a position in the supervisory chain of command of a relative under which the applicant or employee would work.

Employees having relatives in the Company shall not be assigned to positions where they have access to employee records pertaining to their relatives. A relationship, as listed above, with a current or prospective employee, must be disclosed by the current employee as soon as the situation is apparent. The fact that a relationship currently exists in a department does not mean that this relationship or another will be approved or permitted.

Exceptions to this policy may be recommended by a manager due to local conditions or unusual circumstances whereby the intent of the policy can be maintained.

### 5.02 Smoking

“Smoking” is defined to include use of cigarettes, cigars, pipes, oral or chewing tobacco and e-cigarettes. Smoking is prohibited inside or within 5’ of any Company vehicle.

Smoking is prohibited inside any Company facility. Smoking is permitted only in designated smoking areas during authorized breaks and before or after an employee’s scheduled work hours. Approved designated smoking areas are as follows:

- Inside the marked zone around the smoking shelter behind the garage
- In front of the office building, but further than 5’ from any door
- At the gazebos on either end of the station at 6<sup>th</sup> & Angelique.

### 5.03 Visitors

Visitors are to report to the dispatch upon arrival. They may be issued a “Visitor Pass”. They are to be escorted while on the Company property and surrender their temporary pass upon exiting. Visitors must observe and comply with all safety rules while on Company property. Under no circumstances may visitors interfere with an employee’s work or the business of the Company.

## 5.04 Solicitation and Distribution

Employees are not permitted to place or distribute unauthorized material on or in any bus. Unauthorized petitions and soliciting on buses or Company property are prohibited.

Minor fundraising activities (for example, Girl Scout cookies) are permitted between employees and on the bulletin board provided near the break room.

Non-employees may not solicit or distribute literature in or on Company property at any time for any purpose. Company affiliated benefits providers may supply information in a break room or other common area.

## 5.05 Dress Code / Appearance

Employees are expected to present a professional image in the performance of their jobs. The term professional image directly relates to the type of job a particular employee holds regardless of employment status — hourly or salaried, clerical, professional, or managerial. All clothing should be clean, pressed, and in good repair and proper personal hygiene is to be practiced.

The Company provides shirts, pants, jackets, hats, shoes and Personal Protective Equipment.

- Shirts must be neat, clean, and worn tucked in at all times.
- Pants must be either Company provided or, if purchased by the employee, equal in color and material to those provided by the Company.
- From April 1 – November 30, employees may choose to wear shorts that are acceptable length and equal in color and material to the pants provided by the Company.
- Sweatpants, wind pants, yoga pants, short shorts, and skirts are not allowed.
- Employees may choose to wear a sweatshirt or sweater of their own purchase in addition to their uniform. These sweatshirts or sweaters must be solid blue, black or gray, with no writing or graphics.
- The Company will provide a baseball style hat. Cold weather headwear may be worn provided it does not impair the employee's hearing or vision.
- In accordance with the CBA, shoes must be black, brown or dark blue in color and of dress quality to receive the shoe allowance. You may choose to wear other shoes that are solid black, brown, or dark blue in color. Shoes that are open toed, open heeled, flip flops, high heels, or platform soles are not permitted.
- Personal Protective Equipment will be replaced when necessary due to damage or normal wear and tear. However, if you forget your vest, there will be a \$5 replacement charge.

A belt is not required. However, if worn must be black, brown or dark blue.

Hair, including facial hair, must be clean, combed, and neatly trimmed.

## **5.06 Photo Identification Cards**

The Company issues Photo Identification (ID) cards to all employees. Employees must have their ID on their person at all times while performing official duties. The ID card is used for entry to restricted facilities and for clocking in/out. Employees must not, under any circumstances, use their ID card for any purposes other than in the performance of official duties. Inappropriate use (deceptive purposes, personal gain, misrepresentation, etc.) will be investigated and appropriate action taken.

New ID cards shall be issued when:

- The card is damaged to the point that it requires replacement. The employee may request a replacement through his or her manager.
- An employee loses or forgets their card (\$5 replacement charge).

## **5.07 Company Property**

When leaving the Company for any reason, all Company property including uniforms, ID Cards, keys, and any other Company property must be returned immediately. Documents, forms, workbooks, training resources, files and all other materials developed by employees during their employment are proprietary information and property of the Company.

## **5.08 No Expectation of Privacy**

Computers, software, voicemail, cell phones, lockers, desks, etc., provided to employees for use in performance of their jobs, are the sole property of the City. As such, employees expressly waive any right of privacy in anything they create, store, send or receive using the City's computers, phones or other equipment or resources. There is also no expectation of privacy related to lockers, desks, mailboxes, etc. The Company has the right to monitor, search, investigate, and log into any and all of its resources provided to employees.

## **5.09 Email and Internet Use**

The City makes email and Internet access systems available to certain employees for conducting official business. Using these systems is a privilege, not a right. The Company honors copyright, trademark, patent, trade-secret, and anti-harassment laws in all information handling. Improper use carries civil and criminal penalties and is a violation that may result in disciplinary action.

Employees shall have no expectation of privacy and the Company reserves the right to monitor and audit the operation of the email and Internet systems, to access and periodically review any or all of the records within them, and to retain or dispose of those records, as it deems necessary, without notice to the user. Anyone using any system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of illegal activity, the Company may provide the evidence to law enforcement officials.

Unacceptable use of Company email and internet resources includes:

- Sexual harassment as well as other harassment due to race, sex, religion, color, age, national origin, marital status, sexual orientation, gender identification, veteran status, disability or other legally protected status
- Libeling, slandering, using discriminatory language, or profanity
- Uploading, downloading, displaying, or distributing offensive material
- Divulging confidential information or corporate data
- Use for any activities including: chain letters, personal commercial ventures, religious causes, political causes, advertising personal items for sale, jokes, and betting or gambling pools
- Visiting internet sites that are pornographic, promote gambling, or transmit hate messages
- Encrypting files using software not provided by the Company
- Using another person's login and password for any reason.

## **5.10 Personal Cell Phones**

The term "cell phone" includes, but is not limited to: cell and mobile phones, mobile or other electronic devices for personal communications or entertainment, handheld or hands-free electronics devices, ear buds, blue tooth, voice recognition, etc. The term "use" shall include voice, image, text messaging, email, and any other manipulation of a cell phone device. "Traffic movement area" shall include any Company operated or controlled area where vehicles move such as parking lots, fuel/service lane, and bus station drives. "Workshop" shall include any areas where vehicles are maintained and stored.

It is not acceptable for operators, mechanics, or hostlers to have a cell phone turned on while driving or maintaining Company equipment, even in vibrate or silent mode; cell phones are to be powered "OFF".

Cell phone use while operators, mechanics, and hostlers are on Company time is allowed under the following circumstances only:

- Lunch periods
- Recovery time (Operators)
- Designated break time (Maintenance personnel)
- Emergency communication with authorities or dispatch/supervisor
- Before powering on the cell phone, the vehicle and/or equipment must be turned off and fully secured in a safe location and the employee must be out of the driver seat.

The Company will ensure that calls received by dispatch of an "emergency" nature for an employee on duty will be relayed to the employee without delay.

Pedestrians using a cell phone can also be distracted to the point of placing themselves at risk. Therefore, employees and visitors at the Company garage are not permitted to use cell phones while walking around in traffic movement areas or workshops.

Supervisors and managers are expected to make visitors aware of this rule.

## **5.11 Personnel Records**

Personnel records must be kept up to date. Any change in an employee's home address, telephone number, etc. must be reported to a manager. All personnel files are confidential.

Employees may review their personnel file by submitting a written request three days in advance of when they want to review their records, or in compliance with a CBA or State or local law. The manager or designee will be present and assist during the review of the file. Although employees may review their files, all original personnel and training records remain Company property.

The only information that is revealed without employee permission, or as required by law, is dates of employment and job title. Employees are prohibited from supplying any information in response to requests for references. The Company's policy is to only furnish or verify an employee's name, employment dates and job title. No other information regarding a current or former employee will be provided unless the individual first provides written authorization.

## **5.12 Telephone**

Employees are required to have a working telephone and to ensure that the Company has the current telephone number at all times.

## **5.13 Gifts**

Employees are prohibited from soliciting or giving gifts, gratuities, or any other personal benefit or favor from or to suppliers, potential suppliers or customers. Employees may, however, give or accept gifts of nominal value, limited to \$20.00, or advertising and promotional materials clearly marked with Company or brand names. Employees should avoid any material financial interest in suppliers, competitors, or customers of the Company that could influence their decisions or actions. Employees with a concern should contact a manager.

## **5.14 Political Activity**

We encourage all employees to vote and be personally active in the political process. However, such activities should not occur while on duty. Missouri provides absentee ballots. Employees are encouraged to vote before or after work or avail themselves of absentee ballots. Soliciting coworkers, while in the workplace, to support a specific candidate is not appropriate.

## **5.15 Use & Care of Company Vehicles & Property**

Fleet cars may be used on an as-needed basis for Company business only. The employee is responsible for any traffic ticket or citation received while operating or in possession of a Company vehicle. Any related fines not promptly paid may be deducted from the employee's paycheck. Company cars are only to be driven by the assigned employee. An employee's spouse, children, or unauthorized coworkers are not permitted to drive the Company's vehicles.

Employees shall keep the inside of buses and staff vehicles clean and neat. Mirrors shall be clean and properly adjusted. The windows are to be kept clear to allow unobstructed view at all times and present a tidy appearance to the public. The dash area, the driver's side window, and the floor around the driver's seat shall be clear of newspapers, cups, paper towel, books, etc. These items must be stowed in the driver's compartment, on the driver's coat hook, or in the luggage rack area. Any drinks brought on board are to be in a spill proof cup that will not leak if dropped or tipped over. Personal trash is to be placed in trash receptacles or removed from the vehicle and properly disposed of.

The following are examples of unauthorized use of Company property:

- Unauthorized operation of machines, tools, equipment or vehicles
- Working on non-Company vehicles on Company time or property
- Willful damage or abuse to Company property
- Removal of Company tools from property for other than Company use
- Bringing non-Company vehicles into Company facilities.

We recognize that occasionally an employee may need assistance with a personal vehicle for emergencies such as a flat tire or a dead battery. Only maintenance employees may provide this assistance using Company property and only with the authorization of a manager.

## **5.16 Recording Time Worked**

The law requires that hours of work for employees be recorded. Employees use their ID cards to "clock in/clock out". Your manager must approve any corrections to your time record.

You should not clock in more than 5 minutes prior to your scheduled starting time, nor more than 5 minutes after the completion of your shift. Employees will not be paid for time prior to their scheduled start or after their scheduled end times unless authorized by a supervisor or manager.

You are not allowed to leave Company property for personal business after you clock in or before you clock out. You are not allowed to drive a personal vehicle while on the clock.

If you fail to clock in or out, only a manager may authorize adjusting your time.

To change shifts, schedules or work assignments, you must first obtain approval of your manager.

## **5.17 Calls to Report for Duty**

When possible, the Company will give an employee at least one hour's notice to report. If the Company fails to give notice at least one hour's notice, the employee will be paid from time of notification. Unanswered phone calls, voice mails and messages left with others are considered attempts to give notice.

## **5.18 Paychecks**

You will be paid weekly, on Friday. The stub of your paycheck will show you exactly what deductions have been taken from your pay. Certain deductions are required by law. These include federal income tax, federal Medicare and social security (FICA), and State and local income tax (where applicable). Also, we are required by law to make certain deductions if ordered by a government agency such as for child support and deduction of court determined payments for matters related to court proceedings. The government agency involved is required to notify you of the action

Other deductions are optional and will be taken only if you have signed a written authorization for the deduction, for example, supplemental life insurance, uniforms, union dues and fees, etc.

The employee named on the paycheck is the only person authorized to receive the paycheck. You may give your supervisor written authorization for another person to pick up your check each time you are unable. This person is required to show a driver's license or other photo ID in order to receive your check.

## **5.19 Direct Deposit**

TMSJ strongly recommends that employees utilize direct deposit so their pay can be automatically deposited into their bank account. This is the most secure and efficient way to receive your pay. If you are interested in this service, please see your manager to set it up.

## **5.20 Outside Employment**

TMSJ full-time employees shall treat their employment with the Company as their primary employment. While the Company does not seek to intrude on an employee's personal life, if circumstances require an employee to work a second job, or pursue his or her own business, prior written approval shall be sought from the employee's manager to ensure that Company operations will not be adversely impacted. Working for any competitor of the Company must be reported to management immediately. Under many circumstances it is unacceptable and will lead to immediate discharge, e.g., for salaried employees. Other employment, including self-employment, even if not directly competitive with Company operations, may also adversely impact an employee's ability and dedication to their primary work duties with the Company. This is especially true in the case of Operators whose work and driving hours are restricted by DOT regulations.

## Section 6

# Operating Standards

TMSJ provides essential services to our passengers. Many of our passengers rely solely on us for their transportation needs, giving them the ability to commute to work, receive vital health care services, attend medical appointments, and provide for many other basic human needs. TMSJ takes this responsibility very seriously and our employees are expected to act with integrity, professionalism and above all safety.

The following information is not intended to be all-inclusive of the operating standards you are expected to meet. Many standards and expectations are stated here in summary form extracted from the training and licensing employees have received. As a trained professional, regardless of your specific position, you are expected to perform to those standards set by the Company and communicated during Company-provided training. Further, you are held to performance standards established by and relevant to your particular license, certification, or profession. Employees must have all required credentials, license, medical card, etc. in their possession at all times while on duty. If you have questions, it is your responsibility to seek further information from your manager.

### 6.01 Operating Procedures

Maintenance will assign a bus to each Operator prior to the time of pullout. Operators must use the vehicle assigned them unless there is a valid safety defect and the change is authorized by Maintenance personnel. The Operator must ensure that all passenger stops are made safely without incurring damage to the bus, or causing injury or discomfort to passengers or the general public. When stopping, Operators must ensure that entrance and exit doors are positioned to assure the safety of passengers. Passenger doors are not to be activated until the bus has come to a complete stop. Passenger doors are not to be deactivated (and interlock released) until the Operator checks both outside mirrors and rear door mirror.

#### Operator Responsibility to Maintain Schedules

Operators are responsible for maintaining their schedules strictly within posted traffic controls and road and traffic conditions. It is necessary to notify Dispatch immediately whenever the bus is behind schedule by 10 minutes or more. Intentional delay of schedule will result in disciplinary action. Every effort should be made to maintain speeds consistent with posted limits and road conditions between stops in order to operate smoothly and safely. Running ahead of schedule (i.e., running hot) is not acceptable. Unless approved by a supervisor, operators are required to be on their bus 5 minutes prior to departure time and leave no more than 5 minutes after.

Operators must be aware of and adhere to protocols for transfer connections, breakdowns, marked bus zones, posted bus stops, and stopping in obstructed areas.

They are also to be aware of rules concerning leaving a bus unattended at the end of the line, proper use of four-way flashers, railroad crossings, stopping for school buses, funeral processions, driving over fire hoses, and handling lost and found articles.

## **6.02 Vehicle Accidents and Incidents**

All accidents and collisions must be reported to Operations immediately upon occurrence. When reporting, the employee must state that he or she is reporting an accident and then answer any questions asked. Further, accidents, possible claims of accidents, damage to equipment, injury and possible injury must be reported in writing on an Accident Report Form. A complete, accurate Accident Report Form must be submitted on the day of occurrence not later than end of shift. Employees who fail to report an accident may be subject to disciplinary action up to and including discharge. Employees must complete passenger list to secure the correct names and addresses of all persons injured, involved or who witnessed an accident. Employees must provide supervisory personnel with any additional accident information immediately upon request. Employees must not make any statements about an accident to any third party except for: local authorities, Company officials and union representatives, if applicable. Employees must use a Driver Vehicle Inspection Report (DVIR) to note any equipment defect that may have contributed to an accident. This information must also be reported on the Accident Report Form.

### **Reporting Incidents**

Incidents with passengers involving slips and falls on or near the vehicle, fights, police action, or removal of a passenger, must be reported immediately and require a written report to be completed before going off duty for the workday. All other incidents and occurrences out of the norm, no matter how slight, are to be reported upon return to the yard. If in doubt, err on the side of reporting it.

### **Operators Witnessing an Accident**

Employees must complete an Incident Report when they witness an accident, even though their vehicle is not involved. The report must be submitted upon return to the yard before going off duty for the workday.

## **6.03 Vehicle Operation**

The key to safe operation of passenger vehicles is the proper maintenance and treatment of equipment including completion of DVIRs. Effective vehicle operation procedures will help employees in the daily performance of their duties. Proper operation of the bus will provide the public with safe and reliable service.

A vehicle that is being operated “under control” is one that can be stopped safely, with normal application of the brakes, within one-half the distance to any point of danger. To drive a vehicle safely, the employee must be able to control its speed and direction at all times. Further, the employee of a vehicle “under control” will be using proper following distances, obeying posted and appropriate speed limits, exercising proper turn techniques, adjusting to weather conditions, obeying traffic signals, and being aware of

intersections. The operation of a vehicle that is not “under control” will be considered “reckless operation” and may result in discharge for a first offense.

Unattended buses are to be shut off and secured.

Operators may not back a bus unless guided by a supervisor or instructed to do so and guided by police or fire personnel.

### **Vehicle Fire**

If the employee becomes aware of smoke or fire in the vehicle, it must be immediately driven safely to the side of the road, engine shut off, and passengers evacuated. Dispatch must then be contacted for instructions.

### **Emergency Buzzer or Warning Lights**

If an emergency buzzer sounds or a warning light is activated, the bus is to be driven immediately and safely to the side of the road. The employee is then to immediately advise Maintenance of the trouble and wait for instructions.

### **Vehicle Inspection before Departing End of Line Locations**

At the end of each run, employees are required to perform an internal walk-through inspection to check for passengers, lost articles, and trash. Trash should be disposed of upon discovery. At the end of each shift, employees are required to perform internal and external walk-through inspections and examine their buses for passengers who are asleep, lost articles, trash, damage to equipment, low tires, proper lights, correct head and side signs, and other functions necessary to complete the post-trip inspection before departing end of line locations. At this time, employees must also check the bus for additional damage, including graffiti. If any serious problem or damage is found, it must be reported to a supervisor and noted on the DVIR.

## **6.04 Farebox Responsibilities and Procedures**

Employees will be held responsible for the proper use of the farebox including deposit by passengers of the proper fare per the training provided by the Company.

The only fare media accepted are US coins, dollar bills, transfers, tickets, and electronic fare media. Reduced fares are available for patrons 60 years and older, persons younger than 18 years, and persons with disabilities. These fares require an ID card. Employees are responsible for confirming the proper ID and contacting dispatch if an issue is unresolved.

Transfers are issued free upon request. It is the responsibility of the operator who is presented with a transfer to verify that it is valid.

Employees are responsible for classifying and recording all fare payments using the “fare clicker” on the mobile data tablet. If the tablet is not functioning correctly, the employee is responsible for recording all fare payments on paper tracking forms.

Fare information is used in a variety of reports. It must be collected with as much consistency and accuracy as possible. The employee must record all pertinent fare and ridership information before pull out to ensure that all passengers are counted properly.

### **Farebox Problems**

Dispatch is to be notified immediately of any farebox problem that cannot be cleared by the employee that might inhibit the proper collection of fares. Also, farebox defects must be reported on a DVIR.

### **Tampering With the Farebox**

Any form of tampering with the farebox is strictly prohibited.

### **Paying Exact Fare**

Passengers are required to personally deposit the exact fare in the locked farebox. An employee is permitted to make a hand deposit for a disabled passenger unable to deposit his or her own fare. The inspection plate should be cleared after each fare is deposited.

## **6.05 Communications**

### **Radio Communications**

A radio communication system has been installed in vehicles to provide ongoing communication to maintain reliable service and to respond quickly in emergency situations. There is a channel for use by operators/dispatchers/supervisors and another for communication to Maintenance to promptly report any vehicle defects or issues.

Radio use must be kept to a minimum and used only for specific business related or emergency communications. Employees who need to communicate with dispatch or Maintenance for non-business purposes should use an alternate form of communication.

All radio communication systems are under the jurisdiction of, and regulated by, the Federal Communications Commission (FCC). Certain standards of operation are required by federal law. The use of profanity is strictly forbidden. Singing, whistling, and playing a radio broadcast into the radio is illegal.

Use "10 Codes" whenever possible. Drivers should familiarize themselves with the codes and have the list of codes with them. Below is a list of codes that are commonly used:

10-4	Affirmative, message received
10-7	Out of service, going off air
10-8	In service, ready to receive calls
10-9	Repeat the message
10-20	What's your location? OR My location is ____
10-34	Trouble on the bus, help needed
10-100	Time out for call of nature at _____

## **Mobile Data Computers/Tablets**

Revenue vehicles are equipped with mobile data computers and/or tablet devices. These are used to transmit a variety of information including deviation scheduling, next stop, voice announcements, canned messages, fare classification, etc. It is strictly forbidden to use the devices for any non-business purpose, including but not limited to downloading music, photos, “apps” or any other unauthorized use.

## **6.06 Passenger Relations**

Each of our passengers is a valued customer. Providing safe transportation services to them is the reason we are in business. The policy of TMSJ is to treat our passengers and the general public with dignity and respect. The relationship between employees and passengers must be strictly professional at all times. All interaction with passengers must be free from personal relationships, conversations, or conduct that could be construed as harassment, abuse, or otherwise inappropriate. Prohibited conduct that may result in discipline, up to and including discharge, includes but is not limited to:

- Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature
- Threats, abuse, coercion, or intimidation of any nature
- Use of profane, abusive, or insulting language
- Accepting any gift over \$20.00 value
- Accepting or offering any invitations or favors of any kind
- Discussing your personal life or a passenger’s personal life.

## **Customer Complaints**

Customer complaints are reviewed to determine validity. When the investigation reveals that a complaint is valid, appropriate action will be taken.

## **Passenger Rules**

State and federal regulations prohibit the operation of transit buses when passengers are forward of the white or yellow line. For the safety of our passengers, all employees must enforce this regulation.

Additional rules to provide for the comfort of our passengers include: prohibition of smoking on buses, no eating or drinking on buses, no playing loud radios or other audio or video devices, and no loud or disruptive behavior by passengers. Employees are expected to enforce these rules or to seek assistance from a supervisor if passengers do not comply.

Passengers may be asked to leave the bus for only 2 reasons:

- Refusal to pay fare
- Dangerous, disorderly, or offensive conduct.

The operator must notify the supervisor prior to putting a passenger off the bus. If a passenger refuses to alight, the operator should notify a supervisor for assistance, including police assistance if necessary. At no time should an operator use force to put an offender off the bus.

## **Personal Hygiene Policy**

Passengers may be excluded from buses and facilities if their physical hygiene, including offensive body odor or animal related odors, body fluids, excessive perfume, or vermin (including bed bugs), is noticeable, unsafe, and/or offensive to the operator or other passengers.

If a passenger is not complying with this policy, the operator is to request a supervisor's assistance. The request is to be made as discreetly as possible. The supervisor will meet the bus to observe the passenger and make a determination about further action.

## **6.07 Interacting with Disabled Passengers**

We are committed to providing the highest level of transportation service to the public and our clients. To ensure that individuals with disabilities are afforded the same quality service, TMSJ supports the ADA. Under the ADA public transit companies and their employees are required to follow specific guidelines. The guidelines below must be followed:

### **Equal Service**

- Operators provide the same service to customers with disabilities as they provide to their able-bodied customers. There can be no difference in the service provided.
- Operators cannot require a person with a disability to travel with an attendant. A customer with a disability is allowed to have only one Personal Care Attendant (PCA). In all cases, the person specified by the disabled person as his or her PCA must get on the vehicle at the same location as the disabled person and they must have the identical destination as the disabled person. No fare is charged for the PCA.
- Operators shall not require individuals with disabilities to use designated priority seating if the person does not choose to do so.
- Operators must allow customers with disabilities to use all stops that are open to all customers (even if it conflicts with the operator's own best judgment). However, if there is construction or other temporary obstacles at the stop, the operator may choose an alternative stop.

### **Equipment**

- Operators are required to use all accessibility-related features provided by the manufacturer of the vehicle; for example, lifts, securement straps, PA systems, annunciators, etc.
- Wheelchair lifts and ramps must be cycled every day and records maintained. During the pre-trip inspection of the vehicle, if all of the required straps and devices are not on board or if there are defects or lift failures, the operator must contact the shop for assistance before pulling from the yard.
- Whenever a customer with a disability must be delayed in their travel due to failure of the lift (or for any other reason), the operator must report the situation at once to supervision. In all cases, when a disabled person must be "left behind" at a stop for any reason, supervision must be notified immediately. Alternate transportation must be provided to the disabled customer if the delay will exceed more than 30 minutes.
- Operators are required to use all securement devices provided by the manufacturer (including straps, harnesses, clamps, etc.) as they were intended to be used.

Customers in wheelchairs must allow the operator to secure the wheelchair or service may be denied. Operators must make every attempt to secure the wheelchair (or other mobility device) to the best of their ability. An operator cannot deny service to the customer due to a wheelchair malfunction in which it cannot be secured. Be sure to contact a dispatcher should this specific situation arise.

- Operators may recommend that customers transfer from their three or four wheel mobility devices (such as tricycle type wheelchairs) to regular fixed seating in the vehicle. However, the operator cannot require a disabled customer to move. If the customer chooses to move to fixed seating, the operator must assist with making the move and the mobility device must be completely secured with tie-downs.
- Operators are required to provide assistance to the disabled customer by using the securement devices, repositioning the person's wheelchair, storing a person's walker or crutches, moving to a fixed seat, etc.
- Operators must permit customers, if requested, to use the lift or ramp to board and alight from the vehicle whether or not they use a wheelchair. For example, a customer using a walker or a customer with arthritis may find it impossible to negotiate the steps of the vehicle when boarding and alighting. Any customers must be given the opportunity to use the lift, if they request it.
- Customers in wheelchairs may ride up and down on the lift or ramp while facing toward or away from the side of the vehicle
- The seatbelts and shoulder harness straps must be provided for all customers in wheelchairs. Operators must advise customers in wheelchairs to use these restraints, but customers cannot be required to use them. The proper use and condition of belts and straps rests with the operator of the vehicle. Transportation cannot be denied if restraints are missing or inoperative.
- Kneel the bus at every boarding.
- Customers with disabilities who have respiratory conditions that require the use of an oxygen bottle or tank must be allowed to bring the tank or bottle on board, provided that the tank or bottle can be secured.
- Operators must allow a disabled customer the necessary time it takes to board or alight from the vehicle, without comment.

### **Stop Announcements**

- The buses are equipped with an automated system for making bus stop announcements. However, anytime the system fails to announce time stops, operators are required by law to announce the stops. Also, operators are required to announce stops upon the request of a customer with a disability. Operators must announce – outside of the bus – their route number at transfer points to assist sight-impaired customers who find it hard to read a bus destination sign. Operators must either cue the pre-programmed announcements for the exterior speakers from the mobile data tablet or stand outside the bus to make the announcement.

### **Service Animals**

- Operators must permit service animals to board the vehicle with a customer with a disability. The term "service animal" means any guide dog, signal dog, or other animal

individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, alerting individuals to an oncoming seizure, or fetching dropped items. This does not include “emotional support” animals; these animals are required to follow the guidelines for pets.

- Whenever there is room on board, a person using a wheelchair must be allowed to board. This often means that an operator will have to ask customers seated in the securement area to move so that the wheelchair can be secured.

- Priority seating areas and wheelchair securement areas must be labeled

Therefore, it is the responsibility of the Operator to report missing or damaged signs or labels on the vehicle or equipment defect sheet so that they can be replaced or repaired promptly.

- Customers in wheelchairs must be able to reach the signal for the “next stop” buzzer or bell. Also, customers in wheelchairs must be able to see the visual sign which tells them that the “next stop” has been requested. Operators may still ask customers using wheelchairs where they want to alight (as a safety measure and for convenience of the disabled customer).

## Section 7

# Performance Code – Unacceptable Behaviors

Certain acts or conduct by an employee may be cause for disciplinary action, including discharge. The very nature of our business – serving the public – requires that we perform with the utmost integrity. As a general statement, when an employee is subject to discipline, the employee's total work record, including all violations, will be reviewed before determining any penalty. However some conduct or violation of Company policy may be so serious that it will result in discharge for a first occurrence regardless of the employee's work record. Penalties for violations of multiple rules occurring during a rolling 12-month, or 36-month period for safety, will be addressed at the discretion of management. The seriousness of the violations is also a factor.

Employees are expected to conform to common and accepted standards of behavior and performance, as well as written rules. However, this Handbook is not intended to provide rigid discipline guidelines on management or the employee when discipline is warranted. This list is not all-inclusive and may change at any time. If employees have any questions regarding Company policies or procedures they should speak to their manager.

### 7.01 Class 1 Infractions – Dischargeable Offenses

Listed below are some of the most serious offenses and unacceptable behaviors that may result in disciplinary actions, up to and including discharge on the first offense.

**Safety** – Some safety violations are of such a serious nature that discharge is appropriate for the first offense. Some examples that will result in discharge include:

- Failure to properly secure wheelchairs or other mobility devices
- Cell phone use while operating a Company vehicle
- Rollaway vehicles due to failure to properly secure a vehicle
- Rear-end collision
- Striking a pedestrian
- Backing a bus without guidance from a supervisor
- Running a red light or stop sign, or entering a railroad crossing when the lights are flashing or the crossing arm is down or descending
- Failure to perform proper lock out/tag out procedures, or ignoring or removing a lock, tag, or signage without specific authorization
- Violation of any safety rule or practice, or violation of operating rule or procedures that could put an employee or others in imminent danger or could result in bodily injury or damage to Company property.
- Operating any Company vehicle without seat belt properly fastened

### **Distracted Driving**

- Eating, drinking, or reading while driving
- Obstructing operator area with personal belongings

### **Drugs and Alcohol**

- Any violation of the TMSJ Drug & Alcohol Policy
- Possession, consumption, distribution, purchase, or sale of alcohol or controlled substances, or drug paraphernalia while at a Company location or in a Company vehicle, while on duty, or while representing the Company
- Use of alcohol or controlled substances, absent a valid prescription, while at a Company location, in a Company vehicle, while on duty, or while representing the Company
- Entering Company property or working on behalf of the Company while under the influence of either drugs or alcohol
- Refusal to take a drug or alcohol test.

### **Dishonesty**

- Falsification of any records, such as employment applications, medical forms, workers' compensation claims, work orders, parts requests, or giving false testimony or witness
- Falsification of time record; using another employee ID card to clock in; permitting another employee to use one's own ID, or in any way tampering with your own or another person's time record
- Moonlighting or working at another job, without permission, while on leave of absence from the Company or that adversely impacts Hours of Service regulations.

### **Stealing / Theft**

- Stealing from the Company, other employees, passengers or customers, regardless of the amount
- Unauthorized removal of any vehicle or equipment of the Company, client, another employee or customer without permission
- Failure to account for Company or system funds that may come into an employee's possession
- Obtaining fuel, parts, maintenance, or repairs for employee vehicles from any Company operating location or its employees while those employees are on duty
- Conducting activities not related to work during work time, or using Company property vehicle or equipment for any illegal activity not related to work

### **Unauthorized Use or Removal of Company / Client Property or Vehicle**

- Misuse of Company or client property or unauthorized removal of Company or client records, documents, equipment, communication systems, tools, supplies, or confidential information of any nature
- Failure to comply with email, Internet use, virus protection, data security and software or license compliance
- Unauthorized use of any Company vehicle
- Repair or maintenance of any-type of non-work vehicle on Company property, without approval (A manager can approve minor emergency assistance such as jump starting a battery or inflating a flat tire.)

### **Violence / Fighting / Threats**

- Possession of weapons, firearms, or explosives at a Company location or in a Company vehicle
- Terrorist threats or acts of terrorism against the Company, client, passengers, other employees or the general public
- Fighting, violence, threats, harassment, intimidation, horseplay, and other disruptive behavior in the workplace including oral or written statements, gestures, or expressions that convey a direct or indirect threat of physical or emotional harm.

### **Harassment**

- Sexual Harassment, as well as oral or written expressions, or physical or psychological harassment due to race, color, religion, sex, national origin, disability, age, sexual orientation, gender identification, or any other protected characteristic under State or Federal law or Company policy.
- Sexual or other unlawful or unwelcome advances.

### **Insubordination**

- Insubordination including improper conduct toward a supervisor or manager or refusal or failure to perform any job or work assignment given by a supervisor or manager
- Refusing to work split shifts, split weeks, or overtime without reasons acceptable to the manager
- Instigating, counseling others or taking part in an unlawful work stoppage or slowdown
- Failure to return from leave.

### **Security**

- Violation of Company security procedures
- Permitting or granting unauthorized access to non-employees without concern or regard of the Visitor Policy and/or guidelines.

### **Duty to Report**

- Failure to immediately report any accident, incident, or unsafe act, no matter how slight, that may, or may not have, resulted in property damage or bodily injury, incurred while driving a Company vehicle.
- Failure to immediately report any charge, arrest, indictment, or conviction for any type of crime: misdemeanor, felony, or any sexually-related offense.
- Failure to immediately report any citation or conviction of driving under the influence (DUI or DWI), reckless driving, or hit-and-run driving whether on or off the job, in any and all vehicles.
- Failure to report, before the next work shift, any moving traffic violations, or citations received for accidents, in any and all vehicles.
- Failure to immediately report any citation or conviction of a moving traffic violation incurred while driving a Company vehicle.
- Failure to immediately report any incident in which the employee is involved, either on-duty or off-duty, that may affect the employee's license or fitness to perform Company duties and responsibilities. (If off duty, before the next work shift.)

### **Illegal, Immoral, or Indecent Behavior**

- Illegal, immoral, or indecent conduct on the job
- Relieving the “call of nature” on or near Company property or equipment, or in any public place other than a restroom.

### **Sleeping on the Job**

- Sleeping, dozing, or giving the appearance of sleeping, during on-duty work time.

### **Destruction of Property**

- Damage or destruction of Company assets, Company property (especially computers), client, or another employee’s personal property.

### **Disloyalty**

- Making vicious, or maliciously false statements concerning the Company or its services, a client, or another employee.
- Participation in outside activities that are detrimental to the Company’s image or reputation, or where a conflict of interest exists.
- Conducting oneself in such a manner that the conduct would be detrimental to the interest or reputation of the Company.

### **Violation of Confidentiality or Privacy**

- Unauthorized disclosure of business secrets or confidential information.

### **Failure to Follow Sleeping Passenger Rules**

- Leaving a bus with a sleeping passenger on board.

### **Licensing**

- Failure of any Operator, Safety Sensitive Employee or employee required to be licensed for driving, to renew and maintain a valid, appropriate driver’s license with required endorsements and a medical certificate for driving a Company vehicle.

## **7.02 Class 2 Infractions**

These infractions are considered serious violations of the TMSJ performance code. Almost without exception, they are willful occurrences or incidents under complete control of the employee. Engaging in any of the conduct or activity below will subject an employee to suspension and final warning for the first offense in a rolling 12-month period. Two violations in 12 months or three in 36 months will result in discharge.

### **Reporting for Duty / Absenteeism**

- Reporting sick under false or questionable circumstances.
- Exchanging work assignments without proper authority,
- Failure to remain at assigned duty until properly relieved or excused.
- Reporting for work in an unfit condition.
- Leaving the job or regular workplace during work hours for any reason without authorization or notification. Operators in service must contact Dispatch to arrange for nonscheduled breaks.

- Leaving Company property on personal business
- Driving personal vehicle while on the clock.

### **Leaving Bus or Passengers**

- Leaving a bus unattended and unsecured.
- Leaving a bus unattended with a passenger.

### **Personal Conduct**

- Discourteous or inappropriate attitude or behavior to passengers, other employees, or members of the public.
- Disorderly conduct during working hours.
- 2 or more valid customer complaints
- Profane or abusive language where the language used is uncivil, insulting, contemptuous, vicious, or malicious.
- Gambling in the workplace.
- Violation of smoking policy.

### **Personal Protective Equipment (PPE) and High Visibility Apparel**

- Failure to comply with the PPE directives.
- Failure to wear a High Visibility Safety Vest, Reflective Safety Vest, or Company issued High Visibility Uniform Shirt according to Company rules.
- Failure to wear Safety Glasses in compliance with PPE directives.

### **Work Rules**

- Violation of vehicle operating regulations.
- Failure to observe safety, sanitation, or disciplinary policies of the client or Company, or laws and regulations of local, State, or federal governments.
- Failure to comply with the Company's Risk Assessment policy.
- Working in excess of an employee's regularly scheduled hours without advance approval of the Company.
- Failure to operate a Company vehicle according to assigned route or timetable
- Using personal equipment to photograph or tape record.
- Improper use of Company or client telephones, computers or other equipment.
- Failure to wait for connections or passing up passengers.
- Transport of unauthorized persons.

### **Security**

- Attempting to enter, entering or assisting any person to enter, or attempt to enter a Company location or restricted areas without proper authority.

### **7.03 Class 3 Infractions**

These infractions are considered secondary violations of the TMSJ performance code. An intelligent and conscientious observance of all rules and regulations is necessary to deserve and maintain the support of the public and build a good record. Although these occurrences or incidents are under control of the employee, the first offense in a rolling 12-month period may result in a written warning, the second a final warning and a third offense may lead to discharge. For safety violations, a rolling 36-month period is used.

#### **Noncompliance with Information Reporting Policies**

- Failure to report defective equipment.
- Failure to report a safety hazard.
- Failure to procure necessary information for the report or submitting an inaccurate or incomplete accident report.

#### **Solicitation and Distribution**

- Placing or distributing unauthorized material on or in any bus.
- Unauthorized petitioning or soliciting on buses or Company property.

#### **Work Rules**

- Failure to adhere to the Company Reverse Parking policy for Company vehicles
- Use of a Company-owned radio or cell phone for non-Company business.
- Failure of any Operator to have in his or her possession a valid, appropriate driver's license with required endorsements and a medical certificate while driving a Company vehicle.
- Failure to give satisfactory information to passengers.

### **7.04 Class 4 Infractions**

These infractions are considered lesser violations of the TMSJ performance code that may result in disciplinary action depending on the circumstances or repeated violations. The first and second offense in a rolling 12-month period may result in a written warning, the third a final warning and a fourth offense may lead to discharge. For safety violations, a rolling 36-month period is used.

#### **Uniforms and Personal Appearance**

- Failure to comply with the dress code, uniform policy, cleanliness, personal hygiene, personal grooming habits, or other requirements established by the client or Company.
- Reporting for duty in an improper uniform, presenting an untidy, unkempt or dirty appearance of person or uniform, or improperly displaying uniform articles, Company emblem, or authorized pins and badges.

#### **Work Rules and Employee Performance**

- Parking a personal vehicle in a restricted area at a Company location.
- Neglect of job duties and responsibilities, or lack of application or effort on the job.
- Incompetence or failure to meet reasonable standards of efficiency or effectiveness.

## Administrative

- Failure to provide a current address or telephone number.
- Failure to inform the Company of changes in status of dependents for insurance coverage.
- Littering the employee lounge area, restrooms, or any other Company property.
- Failure to read notices and bulletins and not making an effort to stay informed.

## 7.05 Disciplinary Actions and Personal Conduct

Whenever an employee is subject to discipline, the employee's work record, including violations occurring in the relevant time period, is reviewed before determining penalty. Penalties for violations of multiple rules of the same class, occurring during the same time period, will be addressed at the discretion of management.

### Equivalencies for Same Class of Infraction\*

Class of Infraction	Discharge	Suspension	Written Warning
1	1 <sup>st</sup> Offense		
2	2 <sup>nd</sup> Offense	1 <sup>st</sup> Offense	
3	3 <sup>rd</sup> Offense	2 <sup>nd</sup> Offense*	1 <sup>st</sup> Offense
4	4 <sup>th</sup> Offense*	3 <sup>rd</sup> Offense	1 <sup>st</sup> & 2 <sup>nd</sup> Offense

\*Within 12 months of first offense, 36 months for safety

### Multiple Written Warnings or Suspensions

The previous section relates to repeated occurrences of the same class of infractions. This section outlines appropriate discipline when an employee receives a multiple number of written warnings or suspensions for different classes of infractions.

- Written Warning
  - Third written warning within 12 months – An infraction that would result in a third written warning within 12 months will result in a suspension from work and a final written warning.
  - Fourth written warning within 12 months – An infraction that would result in a fourth written warning within 12 months will be cause to discharge the employee.
- Suspensions
  - Second suspension – An employee receiving a second suspension within 12 months for different infractions will receive a final written warning stating that future suspensions, for any reason, will be cause to discharge the employee.
  - Third suspension – A third suspension within 12 months for different infractions issued to an employee will be cause to discharge the employee.

## 7.06 Discipline for Preventable Accidents

An accident is defined as any instance when a bus makes contact with another person, vehicle or object. A preventable vehicle accident is one that the driver failed to take every action possible to avoid the contact. Fault does not define preventability.

Minor accident – contact with a fixed object or vehicle that causes minimal damage with no reported injuries.

Serious accident – contact with a fixed object or vehicle that causes insurance claim to be filed or has reported injuries.

Major accident – contact with a person or contact with a fixed object or vehicle that causes a fatality.

Actions:

One preventable minor accident – Warning letter

Two preventable minor accidents within one year – 2 day Suspension

Three preventable minor accidents within one year – 5 day Suspension

Four preventable minor accidents within one year – Discharge

One preventable serious accident – 2 day Suspension

Combination of one preventable minor accident and one preventable serious accident – 5 day Suspension

Two preventable serious accidents within one year – Discharge

Preventable major accident - Discharge

Driver Call In Number: **816-271-5383**

Maintenance Call In Number: \_\_\_\_\_

Website: <http://www.stjoemo.info>

Employee Portal: Click on **Government**  
Click on **Departments**  
Click on **Public Works and Transportation**  
Click on **Transit**  
Click on **Employee Login**  
Your user name: \_\_\_\_\_  
Password: 123456 (You may change your password.)

### **Employee Assistance Program**

An EAP program is available to provide confidential counseling, assessment, and referral services for employees with various personal or family problems. The EAP is available to all employees and dependents to help address such problems as substance abuse, marital and family issues, compulsive gambling, financial and legal worries, emotional distress and anxiety, depression, or any other problem that affects job performance, relationships with others, or personal health and safety.

**Call for an appointment  
816-271-6573**

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT

This is to acknowledge that I have received a copy of the TMSJ Employee Handbook (March 2019) and understand that it contains important information on the Company's general policies and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand and adhere to the Company policies and familiarize myself with the material in the Handbook.

I understand that other policies and procedures may be communicated through means such as training, safety meetings, and periodic updates. I understand that the Company may change, rescind, or add to any policies, programs or procedures described in the Employee Handbook from time to time at its sole and absolute discretion.

I understand that this handbook is not, and should not, be construed as a contract for employment.

If the terms and conditions of my employment are covered by a Collective Bargaining Agreement, any term or condition contained in the Collective Bargaining Agreement supersedes the terms and conditions contained in the Employee Handbook, in the event that they conflict.

Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*(This copy is to remain in your Employee Handbook.)*



## EMPLOYEE HANDBOOK ACKNOWLEDGMENT

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Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*(This copy is to be signed, removed, and included in your personnel file.)*