

SAFETY FIRST



NO CELL PHONE USE WHILE DRIVING

A new stipulation of agreement was signed between the MTA, Local 100 and the ATU on cell phone rules that pertain to our bus operators in revenue and non-revenue service. Though the rules are stricter, the MTA originally did not want to negotiate on any cell phone agreement. The MTA no tolerance rules apply but under the new stipulation. We can expect strict compliance on these rules and extra check rides on the road. So be aware and informed on the new rules.

These are some of the excerpts directly from the Stipulation; this is what we have to abide by:

Cell phone shall mean, a cell phone, an electronic device of any sort such as an I-Pod, I-Pad, blue tooth, headphones, ear pieces or any other electronic device. While the parties agree that the use of radios is prohibited, their use without headphones or ear pieces is not covered by this agreement.

Employees who operate a bus either in revenue or non revenue service, found to be violating the authority's cell phone policy, and who are found to have improperly used a cell phone will be subject to the following:

- a) A first offense for use of a cell phone will result in a penalty of a twenty day suspension of which the employee must serve five (5) days without pay.

Here Are The New Cell Phone Rules

The remainder will be for the record. (Fine in lieu of suspension does not apply).

- b) A second offense for use of a cell phone, where the offense occurs less than two (2) years from the previous offense, will result in the employee being dismissed from the service of the authority.
- c) A second offense for use of a cell phone, where the offense occurs more than two (2) but less than three (3) years from the date of the previous offense will result in a penalty of a thirty day suspension of which the employee must serve fifteen (15) days without pay. (Fine in lieu of suspension does not apply).

Where the charges are sustained at arbitration, the penalty shall be affirmed and sustained. However, in cases involving dismissal, the penalty shall be affirmed and sustained except if there is presented to the arbitrator credible evidence that the dismissal is excessive in light of the employee's record.

- 1) A first proven cell phone offense will sunset after a period of three years from the date of occurrence and there has been no other cell phone violation.
- 2) For all cell phone cases currently in the system, the following shall apply:
 - a) If the employee has only one cell phone infraction prior to January 12, 2011, the effective date of the authority's Zero Tolerance Policy, whether pending hearing or closed, that cell phone infraction will not be considered for the purpose of this stipulation. Such employee who has a cell phone violation subsequent to January 12,

2011 will be treated as a first time offender.

- b) Any Employees with two or more cell phone infractions, one or more which occurred between 1/1/2009 and 1/12/2011, whether pending hearing or closed, will be treated as a second time offender for the purpose of this stipulation. Sunset provisions will be applied to prior cell phone offenses occurring more than three years from the date of the subsequent violation.
- 3) Subsequent to the full execution of this stipulation and agreement, all cell phone offenses will be in their own disciplinary track.
- 4) This agreement does not apply to accidents or incidents wherein the employee is using a cell phone and there is resulting injury or harm to any person.
- 5) In the event that any State or federal law is passed and imposes restrictions or penalties that are greater than those which exist at the time of full execution of this agreement, this stipulation will no longer be valid.

Nobody is saying that you can't use a cell phone on your layover time as long as you are not delaying service and your bus is secure. But you must be fully aware that losing a job for a two-second view of your cell phone is not worth the trouble. If you have to use your cell phone during the day and have habitual temptations to use it during your run, leave the cell phone home. Don't be addicted to your cell phone. It is a potential hazard to yourself and the public.