NJT Bus Operations Policy
On
Use of Electronic and Wireless Devices While Operating a
Bus or Vehicle

NEW JERSEY STATE LAW

New Jersey State law prohibits the use of wireless telephone and electronic devices by any bus or light rail operator involved in providing public transportation services to the public. This law was enacted in January 2011 and provides as follows:

“BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. The use of a wireless telephone or electronic communication device by an operator of a moving vehicle involved in the provision of public transportation service, as defined under section 3 of P.L.1979, c.150 (C.27:25-3), and including light rail service or any other operations for the purpose of carrying passengers in this State or between points in this State and points in other states, provided by the New Jersey Transit Corporation, any public or private entity under contract to the corporation, or any private entity operating under the authority of a certificate of public convenience and necessity issued under Title 48 of the Revised Statutes, is unlawful.

   “Use” of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

   b. The operator of a moving vehicle involved in the provision of public transportation service may use a wireless telephone or electronic communication device under the following circumstances:
      (1) In the event of an emergency; or
      (2) When radio communication failure occurs.

   c. A violation of this section is a disorderly persons offense.

2. This act shall take effect immediately.”

NJT BUS OPERATIONS POLICY
ON USE OF ELECTRONIC AND WIRELESS DEVICES
WHILE OPERATING A BUS OR VEHICLE

I. PURPOSE

The safety of NJT Bus employees and customers is of paramount concern at all times. All NJT Bus employees must drive safely and engage in safe and responsible driving habits at all times while on duty. All NJT Bus employees
must give their undivided attention to the performance of their work at all times while on duty. Use of electronic devices while driving or while serving the public interferes with an operator’s duty to provide safe travel and quality customer service.

In order to ensure that all NJT Bus Operators, Maintenance and Light Rail employees who operate NJT Bus equipment provide the highest level of safe travel to the public and the highest level of customer service, NJT Bus is hereby implementing a zero tolerance policy for employees found to be in violation of the Policy on the Use of Electronic and Wireless Devices While Operating a Bus or Vehicle as such activity may come to the attention of NJT Bus management. This policy outlines the rules and consequences associated with the use of electronic and wireless devices while operating any NJT Bus vehicle. Violations of this policy shall subject the employee to discipline up to and including discharge as provided in this Policy.

II. DEFINITIONS:

A. **Electronic Device:** The term "electronic device" means any type of device with electronic circuitry that can be carried on a person or nearby a person and which permits the person to interact with or through the device. This includes any electronic device that permits a person to play games or music, engage in any task, or make or receive phone calls, leave messages, send or receive text messages, access the internet, receive or send a global positioning signal (GPS), permit uploads or downloads of data, text or images, or take pictures or videos. These devices include, but are not limited to, cell phones, personal digital assistants (PDA), GPS, games, iPods, iPads, laptops, netbooks, portable computers, MP3 players, televisions, movie or DVD players, radios, video players or recorders, cameras, as well as any similar or future electronic device which may be known by any different name in the future.

B. **Emergency** – The term “emergency” means an urgent, unexpected or emergent situation which is out of the ordinary and expected state of affairs, which requires an immediate response to be undertaken, and is experienced by or witnessed by an operator of a vehicle while operating such a vehicle for NJT Bus.

C. **Hands-Free Device:** The term “hands free device” means an electronic device that is an attachment, add-on, supplement, or extra device to a mobile telephone or other electronic device that, when used, allows for the free use of hands while operating the electronic device. Examples include but are not limited to wired or wireless: bluetooth devices, earpieces, earphones, headsets,
mouthpieces, and speakerphones. These accessories can be attached to the device or can be completely portable.

D. **Operating a bus or vehicle:** For purposes of this Policy, a bus or vehicle is any vehicle owned or possessed by NJT Bus and the term “operating a vehicle” means:

1. Any time that an employee is sitting in the driver’s seat and is engaged in the act of driving the vehicle, including any stops, acceleration and deceleration which are part of the ordinary functions of a moving vehicle.

E. **Operator** – The term “Operator” means an NJT Bus employee who is in control of the driving and functioning of an NJT Bus vehicle. This includes Bus, Light Rail and Maintenance personnel.

F. **Turned Off** – The term “turned off” electronic device means that the device is considered to be powered down and without active power to be functioning where the power is cut off to the device, usually by using the “off” switch or any other command to power down the device. The term “turned off” does not include putting the device in a sleep mode where it can be awakened automatically, or in “silent” mode or in “vibrate” mode.

III. **POLICY PROHIBITING USE OF ALL ELECTRONIC DEVICES:**

A. While operating any NJ Transit vehicle, bus or light rail vehicle, all operators are strictly prohibited from handling, activating, interacting with, looking at, or using in any way any Electronic Device, with or without a Hands free device.

B. While operating any NJ Transit vehicle, bus or light rail vehicle, all operators are strictly prohibited from carrying any electronic device and any hands free device in a manner visible to supervision and the general public.

C. While operating any NJ Transit vehicle, bus or light rail vehicle, all operators shall power down and completely turn off (not leave in “silent”, “sleep” or “vibrate” mode) all Electronic Devices in their possession.

D. While operating any NJ Transit vehicle, bus or light rail vehicle, all operators shall not type, key-in, read, view, glance, look at, listen to or in any way pay any attention to any message, text message, voice mail, e-mail, or any other kind of electronic communication of any kind.
E. While operating any NJ Transit vehicle, bus or light rail vehicle, all operators are forbidden from using, wearing, displaying, or handling any hands free device.

IV. PERMITTED USE OF ELECTRONIC DEVICES WHILE ON DUTY

All bus and light rail operators may utilize electronic devices only when employees are on a layover, not subject to being on duty, or are on meal and/or bathroom breaks. In addition, electronic devices may be used at terminals or layover points, only when the vehicle has been turned off and properly secured, provided that this does not create an unsafe condition or contribute to or cause any disruption or delay in service or any inconvenience to customers.

Maintenance employees who are servicing a vehicle on the road, may utilize an electronic device from the vehicle to make a work-related call regarding the condition of the vehicle but only after the vehicle has been safely and properly stopped and secured and only when it is completely safe for the employee to use the electronic device.

V. ON DUTY EMERGENCY CALL PROCEDURES

In case of an emergency where on board communications equipment is inoperable, an operator may use an electronic device to call the Control Center or 911, if appropriate, only after the vehicle has been safely and properly stopped and secured and only when it is completely safe for the operator to make a 911 call or a call to the Control Center. Making a personal call as an "emergency" is not permitted.

VI. PERSONAL EMERGENCY NOTIFICATION PROCEDURES

Employees can inform their family members, friends and all persons who may need to contact the operators for personal emergency reasons to call the Control Center Operator's garage to leave a message for the operator as to the existence of a personal emergency. The garage will then notify the Control Center as to the nature of the emergency message and the name of the caller and his or her telephone number. The Control Center will then contact the employee via radio and pass on the message as to the name of the caller and his or her telephone number.

VII. ENFORCEMENT

Failure to adhere to the rules and policies detailed in this policy in a three-year period will subject the employee to discipline as follows:

1st Offense: A recorded 15-day suspension, to consist of 5-day actual suspension from working days to be served starting immediately as
per Hourly Agreement, Field Salary Agreement and GOB Clerical
Agreement at Sections 1.B.4(h)("gross disregard of safety rules"),
with remaining days to count as an administrative suspension.

2nd Offense: A recorded 30-day suspension, consisting of 15-day actual
suspension from working days to be served starting immediately as
per Hourly Agreement, Field Salary Agreement and GOB Clerical
Agreement at Sections 1.B.4(h)("gross disregard of safety rules"),
with remaining days to count as an administrative suspension.

3rd Offense: Discharge from employment.

VIII. OTHER VIOLATIONS NOT INVOLVING OPERATING A VEHICLE

Any incident involving a violation of the prohibition on the use of electronic
devices or cell phones which does not fall under this specific “Policy on the Use
of Electronic and Wireless Devices While Operating a Vehicle” shall be handled
under the previously existing cell phone and electronic device policy and past
practice in existence on April, 1, 2012 as per Section IX below.

IX. ADDITIONAL MATERIAL TERMS

NJT Bus Operations (“NJTBO”) and the ATU New Jersey State Council (“Union”)
have agreed herein above to modify the policy for imposing discipline for certain
electronic devices/cell phone violations. This new policy is to go into effect at
12:01 AM on April 1, 2012. Under this new policy, there will be two different types
of electronic devices/cell phone violations. One will involve violations while
operating a bus or vehicle and the other will continue the existing policy insofar
as non-operating violations. These Additional Material Provisions herein confirm
the intentions of NJT Bus Operations and the Union as to the process to be
followed in connection with the handling of past disciplines for electronic
device/cell phone violations assessed prior to April 1, 2012 and their use for
future violations.

It is thus hereby understood and agreed as follows:

Category A: Violations for "while operating a bus or vehicle":

• This is the new violation that is covered by the new policy in Sections I-VIII
above.
• As of the effective date of the new policy and thereafter, all violations for “while operating a bus or vehicle” will be handled only under the new policy as per Sections I-VIII above.

• Under the new policy, an employee's first violation while operating a bus or vehicle, after the effective date of the new policy, will be subject to the first level of discipline under the new policy without looking back at the employee's past electronic devices/cell phone violations record.

• If an employee had any previous electronic/cell phone violations before the policy goes into effect, such previous violations and disciplines (for operating and for not operating violations) will not be used under the new policy for future Category "A" violations. This means that under the new policy, past violations for “while operating” and for “while not operating” will not be considered for discipline under the new policy for “while operating a bus or vehicle”.

**Category B: Violations for "while NOT operating a bus or vehicle":**

• Category B is the violation that is not covered by the new policy, in Sections I-VIII above, and which will continue to exist as per existing practice, in place prior to April 1, 2012, as a separate violation, after the new policy for “while operating a bus or vehicle” goes into effect.

• For Category B violations, any and all past electronic device/cell phone violations and disciplines, from before the date the new policy goes into effect (April 1, 2012), will continue to survive and exist after the new policy goes into effect and will be used to assess future discipline for future Category B violations. To make it clear: all past disciplines that will survive will include those for: (1) "while operating a bus or vehicle" as well as those (2) "while not operating a bus or vehicle". In other words, the entire record will be used for future Category B violations.

• (A.) This last bulleted paragraph herein applies only to any employee, as of April 1, 2012, who already has on his/her record a discipline, that was already recorded at a First Step for violating the Electronic Devices/Cell Phone policy, which includes a "Final Warning" (meaning the next discipline being subject to a discharge). Any person who receives a "Final Warning" after April 1, 2012 for a NON-operating Electronics Equipment/Cell Phone violation will not be covered by this bulleted paragraph ("A" and "B"). And,

(B.) Such an employee, and only such an employee as stated in paragraph ("A") above with such a "Final Warning" (and not less than a "Final Warning") recorded as of April 1, 2012, shall, upon incurring his/her next NON-operating Electronic Devices/Cell Phone policy violation, not be discharged but will be given a last
chance by way of a 15-day suspension, of which a 10-day actual suspension will be served, plus a “Final Warning”. Any subsequent violation after the 15-day (10 actual) suspension is issued, by such an employee for NON-operating Electronic Devices/Cell Phone policy violation will result in a discharge.

The entire above NJT Bus Operations Policy on Use of Electronic and Wireless Devices While Operating a Bus or Vehicle has been agreed to by NJ Transit Bus Operations and the Amalgamated Transit Union and shall go into effect at 12:01 AM on April 1, 2012.

NJ TRANSIT BUS OPERATIONS INC.

BY: ______________________
Joyce Gallagher
Vice President and General Manager
NJT Bus Operations

DATED: ____________________

AMALGAMATED TRANSIT UNION

BY: ______________________
Ray Greaves
Chairman/State Business Agent
New Jersey State Council
Amalgamated Transit Union

DATED: ____________________

EPI March 28/2012