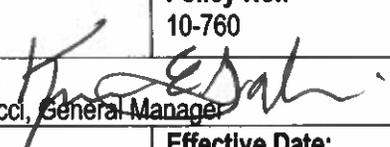


830 West Lauridsen Boulevard
Port Angeles, Washington 98363



www.clallamtransit.com
360-452-4511

Policy Title: DISCIPLINE – REPRESENTED EMPLOYEES		Policy No.: 10-760
Review Responsibility: Andy Rowson, Human Resources Manager	Approved By: Kevin E. Gallacci, General Manager	
Authorized By: Clallam Transit System Resolution No. R30:2022, original resolution		Effective Date: 01/01/2023

1. PURPOSE

- A. The Clallam Transit System (hereinafter "CTS") Discipline – Represented Employees policy is designed to provide a structured, progressive process to improve and prevent a recurrence of undesirable employee behavior and performance issues. It has been designed to be consistent with CTS's organizational values, human resource (HR) best practices, and employment laws.
- B. This policy applies to the disciplinary process for **represented employees only**.

2. POLICY

- A. For represented employees, CTS handles employee investigations and dispenses employee discipline pursuant to the CTS Discipline Guide for Represented Employees. That guide is a component of CTS' Employment Guide for represented employees.

3. REGULATORY AND ADMINISTRATIVE CHANGES

- A. To facilitate the regular business routine of CTS, the CTS board authorizes and designates the CTS General Manager to approve and implement subsequent changes to the policy that may be required to be in compliance with federal and state regulatory changes or clarifications. The board will be notified of all policy changes.
- B. In addition, the board authorizes and designates the general manager to approve and implement subsequent administrative changes to the policy which are deemed appropriate in order to facilitate the regular business routine of CTS, unless these changes are of major significance. The board will be notified of all policy changes.

4. REFERENCES

None.

Clallam Transit System

DISCIPLINE GUIDE – REPRESENTED EMPLOYEES

Updated January 1, 2023



INTRODUCTION

A. Purpose

This discipline guide was developed and updated by a committee made up of represented employees and management staff. Its purpose is to guide consistent, even-handed, and progressive discipline in matters where such action is warranted for labor union represented employees. This guide is for the benefit of all parties involved in possible disciplinary situations.

A separate CTS policy guides the discipline process for non-represented employees.

For supervisors, the guide functions as a guideline to be followed in the handling of individual disciplinary actions.

This discipline guide standardizes types of penalties for various violations of rules. It also informs CTS's represented employees of what may be imposed for continued violations of rules and regulations. This guide is not a hard and fast limitation upon supervisory personnel in dealing with disciplinary matters. In the event of extraordinary or mitigating circumstances, it is recognized that the use of discretion may be necessary.

Though major parts of this guide deal specifically with situations encountered by operators/drivers, there are also parts of the guide that could apply to any represented employee. The guide will remain in effect until otherwise officially modified in writing by CTS in accordance with the labor agreement. Furthermore, this guide will function in addition to rules and disciplinary procedures already in force under applicable provisions of the existing labor agreement and CTS policy.

B. DISCIPLINE

1. A violation of policy, rules, and instruction is sufficient cause for corrective action or discipline.
2. The level of all disciplinary actions shall be determined by the employee's immediate supervisor, manager, or general manager in accordance with this discipline guide.
3. Cautions and reprimands should serve as a distinct danger signal to the employee. Repeated minor offenses are sufficient cause for progressive discipline.
4. Suspensions, with or without pay, are used for the purpose of severe warnings or pending the investigation of some violations or accidents.

C. Disciplinary Actions

Whenever disciplinary action is contemplated, the supervisor will consider the employee's total record or other violations of CTS rules before determining the appropriate action. It is not the intent to harshly discipline any employee when a particular violation is minor and is an isolated incident in an otherwise good work record.

Potential discipline matters will be appropriately investigated by the employee's supervisor and by any other management and personnel, as may be deemed necessary. Relevant verbal-written statements from employees or other individuals will be included in this process. In certain cases, a hearing may be conducted. At the employee's discretion, an appropriate representative may be present.

Based upon the outcome of the investigation, disciplinary action may be taken by the supervisor in accordance with applicable provisions of the discipline guide and/or the existing labor agreement.

The severity of any individual disciplinary action is dependent upon several factors:

1. The particular guide provision that has been violated,
2. The number and type of prior infractions, using the timelines specified within the ATU union contract regarding applicability of prior infractions, and
3. The factors and conditions surrounding the present violation.

Though penalties for individual violations vary, any disciplinary action is a serious matter and is not to be taken lightly by the employee or supervisor.

In addition to the individual penalties for guide violations/labor agreement violations, the record of such action is placed in the employee's personnel file as follows:

1. Cautions will only appear as a notation as such and be separate from the personnel file.
2. Verbal reprimands will appear as a written notation as such and become a part of the personnel file.
3. Written reprimands, suspensions, and employment separations become a part of the personnel file.

As stated earlier, disciplinary actions are serious matters for all concerned; however, they can be avoided through diligence and attention to the job and to the public we serve. Should there be questions about this disciplinary guide, please bring your questions to the attention of your department manager.

DISCIPLINE STANDARDS AND SANCTIONS

Discipline is administered progressively through the stages described earlier unless individual circumstances merit otherwise. Such circumstances include cases where the infraction is of such a serious nature that a written reprimand, suspension or discharge is justifiable, even if on the first offense.

CATEGORY 1

Disciplinary process using the timelines regarding prior similar offense(s) as specified within the existing Amalgamated Transit Union ("ATU") labor agreement:

- 1st offense: Notated caution.
- 2nd offense: Documented verbal warning.
- 3rd offense: Documented written warning.
- 4th offense: Three-day suspension.
- 5th offense: Termination of employment.

A. **General reasons** for discipline include, but are not limited to, the following:

- Violations of attendance policy (see section for description).
- No Show (failure to report to work on time – see description below).
- Failure to follow ADA guidelines.
- Off-route operation of an agency vehicle without dispatcher/supervisor knowledge.
- Off-schedule operation.
- Failure to stop to board or deboard passengers.
- Failure to follow CTS procedures, rules, policies, and/or regulations. Careless or negligent use of agency equipment.
- Poor customer or public relations.
- Out of uniform violations or failure to meet agency's appearance standards.
- Abusing lunch or break periods.
- Creating conflict with co-workers, supervisors, or customers.
- Failure to remain on duty until properly relieved or shift completed.
- Failing to comply with the provisions of the approved collective bargaining agreement.
- Aiding in assessment or collection from any employee in the agency for the purpose of securing the nomination or election of any person to office or for the purpose of making a gift to any elective officer.

B. **Customer Relations**

In normal circumstances three or more separate complaints constitutes the first offense. However, a single complaint may warrant disciplinary action due to the severity.

C. Attendance

An employee is subject to discipline when they are unable to work due to a medical condition for themselves or an eligible family member and:

- The employee does not have enough time in their sick, general leave, or holiday leave bank to cover the absence, or
- The employee is using Emergency Use of General Leave as described in the contract and the employee does not turn in a medical note verifying and excusing the absence within 10 calendar days of their first day absent. The occurrence is the absence from work not the days away from work so the employee would receive one occurrence even if they were sick for several consecutive working days. An employee shall incur discipline per the table below for non-verified Emergency Use of General Leave absences within a 12-month rolling period. A verified occurrence does not count as an occurrence.
 - 2 non-verified occurrences: Caution
 - 3 non-verified occurrences: Verbal reprimand
 - 4 non-occurrences: Written reprimand
 - 5 non-occurrences: Suspension
 - 6 non-occurrences: Discharge
- This section is not applicable to time off due to an industrial injury, FMLA or bereavement.

D. Emergency Personal Leave

Employees are expected to be at work as scheduled unless they call in sick using appropriate procedures or are scheduled off for general leave. On rare occasion and for unexpected emergencies other than illnesses an employee may request Emergency Personal Leave for possible approval by their department manager. The employee's manager will consider the specifics of the request and the frequency of emergency absence requests from the individual. Approval will not be reasonably withheld.

E. No Show (Failure to report to work on time)

A no-show will be recorded when the employee has not reported to work one full minute after his or her assigned report time. Loss of the run or scheduled work will be self-imposed and so noted in the personnel file. At the discretion of CTS, work that is available may be assigned to the employee.

When a represented operator is late for their work assignment and a temporary operator has been assigned to stand for that day, the stand operator will be assigned the 10-minute pre-trip inspection duties. Should the represented operator report for their assignment during the 10-minute inspection period, they will be permitted to assume their work assignment. If the represented operator did not report during that 10-minute inspection period, the work will be assigned to the temporary operator. Regardless of who is eventually assigned the work, the appropriate disciplinary actions will occur.

Within two working days of being late, if an employee can establish that their no show was due to circumstances beyond their control, they may request in writing for their department manager, or delegate, to consider converting the no show to an excused no-show.

CATEGORY 2

Category 2 infractions can justify written reprimand, suspension, or discharge. It is not automatic that the infractions listed in this category will require a written reprimand, suspension, or discharge of an employee; however, these actions may be taken in the event that a review of the situation and circumstances suggests that such action is warranted.

A. Offenses in this category include, but are not limited to, the following:

- Operation of a CTS vehicle in a reckless or dangerous manner.
- Offensive conduct or language towards a fellow employee, customers, or the public while off duty or on CTS property, or while conducting agency business and/or anytime you are in a CTS uniform.
- Deliberate falsification of any official CTS document.
- Violation of safety rules or procedures.
- Failure to report an employee injury or accident involving a CTS vehicle.
- Use of personal electronic communication device (e.g. cell phone, tablet, or computer) while operating a CTS vehicle.
- Off-route operation of a CTS coach/van when an accident results.
- Vandalism or attempted vandalism committed against, or while on, CTS property.
- Failure to remain awake while on duty.
- Use of tobacco or vaping in any form while operating a CTS vehicle in service (smoking and vaping is prohibited in any vehicle at all times).
- Allowing non-employees to operate a CTS vehicle.
- Attempting to induce an employee of the agency to commit an illegal act or an act in violation of any agency regulations.
- Conduct unbecoming an employee of the agency while on-duty, or conduct unbecoming an employee of the agency while off-duty were the employee is in uniform or representing themselves as an employee which adversely affects the conduct of agency business.
- Traffic code/moving violations committed while operating agency vehicles, or failure to report traffic citations to CTS. The reporting requirement is a result of federal regulations, and it includes citations (convictions) while operating any vehicle at anytime.
- Employment in a gainful occupation in addition to regular agency duties where such outside occupation impairs the employee's job performance.
- Unexcused absence (see description below).
- Absent without leave (see description below).
- Making a false statement or failing to submit documentation when required, in connection with the use of emergency general leave/sick leave.
- Padding of pay.
- Failing to inform CTS of any suspension, revocation, or status change of one's driver's license.
- Harassment (abusing the dignity of anyone through ethnic, sexist or racial slurs, or other derogatory or offensive conduct. Included are remarks, physical advances, or intimidation, sexual or otherwise.)

B. Unexcused Absence

Failure to report for duty within two hours after the assigned report time constitutes an unexcused absence. Within two working days of the unexcused absence, if an employee can establish that their failure to report for duty was due to circumstances beyond their control, they may request in writing from their department manager, or delegate, to consider converting the unexcused absence to an excused absence.

Loss of pay will be self-imposed and so noted in the personnel file.

C. Absent Without Leave

Failure to report without notification of any kind within 24 hours of the employee's report times.

In all cases, loss of the day(s) pay will be self-imposed and so noted in the personnel file. An AWOL of two or more days may be considered as a voluntary resignation.

CATEGORY 3

The following infractions are grounds for immediate dismissal. Review of these incidents, concentrates only on verification of the facts of the case to establish that the infraction did occur. Suspensions (paid or unpaid) may occur in order to permit sufficient time to conduct an investigation and to establish the facts:

- Gross misconduct (it is recognized that behavior that is clearly inappropriate, unlawful, unsafe, or unreasonable shall be subject to disciplinary sanction).
- Insubordination (example - willful refusal to accept and execute oral or written instructions, orders, or requests from supervisory personnel with knowledge of the consequences).
- Gross negligence.
- Theft of CTS funds or property or job-related theft. *Any known or suspected violation of this rule requires the immediate appropriate notification of the Washington State Auditor's Office. All other actions taken by CTS management will be in accordance with its internal policy and procedures in this regard.*
- Misappropriation – the personal use of CTS funds or property. *Any known or suspected violation of this rule requires the immediate appropriate notification of the Washington State Auditor's Office. All other actions taken by CTS management will be in accordance with its internal policy and procedures in this regard.*
- The use of intoxicants or the odor of intoxicants.
- The use or odor of narcotics or abuse of a controlled substances.
- Refusing to undergo any tests to determine the presence of alcohol or drugs in the body when directed to do so by the employer.
- Preventable accident(s) in accordance with the accident point system.
- Falsification of emergency general leave/sick leave reports.
- Falsification of applications or any other official CTS documents.
- Willful destruction or damage to CTS property/possessions.
- Striking or fighting with a customer or fellow employee (other than cases of lawful self-defense).
- Committing a felony while on duty or conviction of a job-related felony.
- Violation of CTS's harassment or discrimination policy.

CORRECTIVE ACTIONS FOR PREVENTABLE ACCIDENTS

The purpose of this section is to define standards and guidelines for taking corrective action for preventable accidents. The objective is to reduce preventable accidents and to ensure the safety of Clallam Transit System employees, passengers, and the public.

Preventable accidents will be classified as minor, major, and severe. Once an accident occurs, it will remain on the operators record for review for four years.

Action taken is determined by adding points of all preventable accidents one year prior, including the most recent accident. This process will be continued for the past two, three, and four year period.

Based on the following point system, each classification of preventable accidents will receive the appropriate number of points:

- Severe 24
- Major 7
- Minor 3

Severe Accident Definition

Death, bodily injury requiring medical treatment, hospitalization, or property damage over 10,000 dollars.

Major Accident Definition

Defined as requiring the filing of a Washington State Accident Report, property damage between \$3,001 and \$9,999.

Minor Accident Definition

Defined as one where the filing of a Washington State Accident Report is not required, damage \$3,000 or less.

For each period of time the tables below will be used to determine disciplinary action:

Training/Coaching	Year one	Year two	Year three	Year four
Counseling/ride check	All preventable	All preventable	All preventable	All preventable
Refresher training, verbal reprimand	6 - 10	7 - 13	12 - 17	14 - 20
Accident Retraining, reevaluation of driving, written reprimand	11 - 17	14 - 20	18 - 24	21 - 27

Discipline Action	Year one	Year two	Year three	Year four
Suspension three to five days	18 - 23	21 - 26	25 - 31	28 - 34
Discharge	24 or more	27 or more	32 or more	35 or more

Non-driving absences, more than 10 days, will extend the one-to-four-year period.

This policy does not preclude CTS from taking appropriate disciplinary actions for acts for gross/or serious misconduct or negligence that may have occurred during or adjacent to an accident.

For each 12-month period of accident-free driving, the point total will be reduced by three until all points are removed. Operators must drive 11 or more days in a month to receive credit for the month.

Employees who do not successfully complete accident retraining will subject to discharge.

A suspension will generally be three to four days; however, subsequent suspensions, which occur within the four-year period, will generally be a minimum of six days.

An employee receiving three suspensions for accidents in a 10-year period will be subject to discharge.