

MLB DRIVER SAFETY HANDBOOK

MLB TRANSPORTATION RESOURCES



January 01, 2021

Accident Filing and Tracking

Purpose

MLB Transportation Resources (MLB) will fully comply with the current federal requirement for maintenance and retention of an accident register (Sec. 390.15(b)). Federal requirements specify retention of the accident register for a period of three years. In addition to the federal accident register requirement, MLB has other company-level accident tracking, recordkeeping, and corrective action requirements. They are detailed in the following set of procedures. A condition of employment with MLB is strict adherence to these requirements.

Responsibility

Company drivers are expected to drive in a safe manner, and any preventable accidents will be attributed to a driver for potential corrective actions. Because of this, drivers are expected to review and understand the Accident file/tracking procedures. If a driver has any questions about applicability, corrective actions, or any other area, he/she should speak with an immediate supervisor.

MLB's Safety Director is expected to know and carry out the recordkeeping requirements of all recordable accidents in accordance with §390.15(b).

MLB's Safety Director must provide clarification to drivers on the policies. This must not occur after a driver has reached a corrective measure. Drivers must have a clear understanding of expectations placed on him/her before operating a commercial motor vehicle on behalf of the organization.

Procedures

According to Sec. 390.5 of the Federal Motor Carrier Safety Regulations (FMCSRs), accident means: an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

- An occurrence involving only boarding and alighting from a stationary motor vehicle; or

- An occurrence involving only the loading or unloading of cargo.

In accordance with federal regulations, MLB will include the following items of information in its accident register (to be retained for a period of three years):

1. A list of accidents containing for each accident:
 - Date of accident,
 - City or town in which or most near where the accident occurred and the state in which the accident occurred,
 - Driver name,
 - Number of injuries,
 - Number of fatalities, and
 - Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released.
2. Copies of all accident reports required by state or other governmental entities or insurers.

It is the procedure of MLB to keep a physical file folder on each accident in which a company vehicle is involved, regardless of the cost of the accident. The materials collected in this file are critical to reconstructing the accident if that becomes necessary at some point. The documents are gathered from various sources, many from the investigation phase of accident tracking. The documents are filed chronologically by date of accident and are kept in the Safety Department for a period of 3 years from date of accident occurrence.

This company accident register is of great value to company management when it comes to trend analysis and being able to spot problem employees without having to review all accident data in the file folders.

It is the procedure of MLB to evaluate driver performance in regard to accident frequency and severity. The following corrective action schedule will apply if drivers experience accidents that are judged to be preventable.

However, MLB reserves the right to impose more stringent consequences based on the circumstances and severity of a preventable accident. Accidents will be judged on a case-by-case basis before the phased corrective action program is initiated.

Corrective measures

Phase 1

A verbal warning will be issued to a driver who is involved in 1 preventable accident, and the driver will be placed in Phase 1 status.

A driver who is in Phase 1 status will be placed on probation for 180 days. If the driver successfully completes that period of probation without any further accidents, the driver will be taken off probation.

However, if the driver is involved in another preventable accident while still on probation, he/she will be escalated to Phase 2 of the company's corrective action program.

Phase 2

A written warning will be issued to drivers who incur another accident while still on probation.

MLB requires remedial defensive driving training at this point. A copy of the written warning will be placed in the driver's personnel file. Should the driver be involved in another preventable accident while on Phase 2 probation, he/she will be escalated to Phase 3.

Phase 3

When a driver is escalated to Phase 3 because of an additional preventable accident, the following additional measures will be taken: mandatory defensive driver training.

If those measures are not successful in obtaining corrective action, the driver will be subject to suspension or termination.

Accident Investigation

Policy

MLB's policy is to fully investigate any accident involving company personnel and vehicles.

MLB believes strongly that accident investigation begins right at the scene. That means certain driver responsibilities must be carried out at the scene of an accident. Additional company procedures involved in accident investigation are described below.

MLB's policy is that drivers who leave the scene of an accident (without permission to do so from an authorized company official or without due cause) may be subject to disciplinary action, up to and including termination, depending on the circumstances involved.

Responsibility

Company drivers have a responsibility to the general public, customers, and the motor carrier to act responsibly and professionally after an accident occurs. Drivers are expected to know and apply the procedures set forth in this policy.

Driver Supervisors must be familiar with the protocol outlined in this policy in order to train drivers and walk them through the steps in the event of an accident, or to enforce the policy through corrective actions.

MLB's Chief Operating Officer is expected to know and apply all company accident investigation procedures as details of the incident are documented and evaluated.

Driver procedures

Two main concerns at the scene of an accident are to deal with immediate problems and to gather and report pertinent accident information to a supervisor promptly. These two items can be broken down into a 6-step accident procedure for drivers to follow. These steps will be described in detail in the following paragraphs.

Depending on the severity of the accident, drivers for MLB will be expected to follow some or all of the procedures listed below.

Dealing with immediate problems:

- Stop immediately,
- Prevent another accident,
- Help any people who are injured, and
- Notify law enforcement personnel.

Gather and report accident information:

- Document the incident, and
- Report to the company.

Step 1

A driver must make stop, make an attempt to stay calm, and pull the vehicle as far off the roadway as safely possible. If the accident involves an unoccupied vehicle, he/she must try to find the owner. If he/she can't find the person, a company driver should leave his/her name, address, and phone number, along with the company's name and phone number. A driver should put the information in a visible location, such as under the windshield wiper blade. A driver should also make note of the make, model, year, license number, and description of the other vehicle to provide to the company.

Step 2

A company driver must turn on his/her four-way flashers as an immediate warning signal and then do a quick evaluation of accident victims, if any. He/she should set out emergency warning devices next as required by 49 CFR Sec. 392.22 in the prescribed positions on the roadway. The Federal Motor Carrier Safety Regulations (FMCSRs) require that emergency warning devices be in position within 10 minutes of stopping.

Step 3

Even if a driver has not been formally trained to provide first aid, most states have "Good Samaritan" laws to protect untrained people who offer help in emergency situations. Many states also have laws requiring the first person that comes upon an accident scene to stop and render help. At the scene, a driver may need to provide first aid or make certain someone else is present who can do so. Company drivers must arrange for somebody to call for medical assistance.

At a minimum, he/she must do the following:

- Make certain any injured person is breathing. If not, lift the jaw up and tilt the head back to open the airway (artificial respiration may be necessary).
- Check for bleeding, and if necessary, apply direct pressure to any wound(s).
- Cover any injured persons with blankets or other available materials to maintain body temperature.
- Never move a severely injured person unless he/she is in immediate danger of further injury.

Step 4

Company drivers will be expected to either contact local law enforcement personnel themselves or arrange to have someone do it for them. Drivers must be courteous and cooperative when providing information to these authorities. Drivers must never admit guilt or liability at the scene of an accident. In addition, a driver must never leave the scene of an accident unless his/her CB radio or cellular phone is not working and there is no one else to make the necessary calls.

Step 5

MLB's drivers must write down names, license numbers, and other information regarding the accident and those people involved in it. They must draw a simple diagram of the accident scene. The more detail our drivers can provide for the company's safety department, the better it will be for insurance and/or legal purposes later.

Document the situation with photographs from various angles using a your cell phone.

Step 6

After the vehicle has been secured, warning devices put in place, assistance rendered to injured person(s) (if any), and law enforcement personnel contacted, the driver should communicate the accident to the company.

Before communicating an accident, drivers for MLB are expected to gather the following information and details:

- Exact time and location of the accident,
- Estimate of the injuries (if any) and/or damage to vehicle(s) and property involved,
- A location and/or phone number where you can be reached for further information and instructions,
- Names and addresses of all persons involved in the accident,
- Names and addresses of all insurance companies involved, and
- Make, model, and license numbers of all vehicles involved in the accident.

If the driver is unable to reach his/her company, he/she must contact the nearest office of the corporate insurance carrier and ask them to contact the company for him/her. Drivers will be required to fill out any forms the company provides for him/her to use at the scene of an accident.

Our employees must understand the significance of effective accident investigation, and be aware of specific issues on which MLB will focus its attention. Most importantly, they need to know what changes in behavior are necessary to prevent accident recurrence. Generally, five major areas are evaluated in accident investigation. These areas will be examined in full after an initial evaluation is made of the severity of the accident.

Causes for accidents can be grouped into the following five basic categories:

- **People:** Some statistics show that 90% or more of all accidents are caused by human error. Our investigations will include examination of the qualifications of the driver(s) involved in the accident.

That will include questions like:

- a. Was the driver properly qualified according to company policy and federal requirements?
- b. Did the driver have the proper training?
- c. Was the driver new to the job?
- d. Was the driver working within the guidelines of a job description?
- e. Was the driver under pressure or fatigued?
- f. Did the driver receive clear instructions and directions?
- g. Was the vehicle involved in the accident the driver's regularly-assigned vehicle?

- **Equipment:** A great deal of attention will be focused on the mechanical condition of the vehicle involved in the accident.

That assessment will include questions like:

- a. Was the equipment serviced regularly?
 - b. Are there maintenance records to verify that major components had been serviced and repaired (if required) during the past year?
 - c. Was the maintenance facility adequately staffed and budgeted to be able to properly support the company's maintenance standard?
 - d. Was the equipment properly spec'ed for the cargo it was carrying?
 - e. Was a defect not reported or not repaired?
- **Physical Conditions:** Even though environmental conditions are rarely shown to be the primary cause of an accident, such conditions may play a significant role in the responses of both vehicle and driver.

Investigation in this area will include questions like the following:

- a. Was traffic congested?
 - b. Was the highway slippery (wet or icy)?
 - c. Was it foggy at the time of the accident?
 - d. What time of day did the accident occur?
- **Procedures:** Were there written procedures in place to be followed by the driver, dispatcher, mechanic, etc. that would have alerted them to any hazards present?

Investigation will key on the presence of such policies and may include the following questions:

- a. Were all company policies being followed at the time of the accident?
 - b. Have all individuals involved been properly trained in existing procedures?
 - c. Was the "procedure" training effective?
- **Freight:** Gathering information about the freight being hauled when an accident occurred is also vital.

Those questions might include:

- a. What was the freight?
- b. Was it time-sensitive?
- c. Was the driver under pressure to meet a deadline?
- d. Was the freight secured properly?

Investigation procedures

After an initial contact with the driver of the vehicle involved in an accident, the company will determine the level of official involvement that needs to happen in the specific instance.

An MLB Safety Manager or an insurance adjuster representing MLB may be sent to the accident scene to assist in on-site investigation and handling of the accident details.

After a detailed investigation is completed, accident reconstruction may be attempted in some cases, if deemed necessary by.

At the scene, the MLB accident investigator will carefully survey the scene, noting the position of any debris from the accident. Using the equipment in the investigation kit, the investigator should take photos of the scene, with careful notes of what the photos depict.

A map of the site should be drawn to scale, with any landmarks near the scene noted as to position. Photos of all vehicles involved in the accident should be taken from all sides, with careful notes made. Skid marks should be captured in the line of travel from each driver's viewpoint.

The more accurate the information provided is, the easier it is when it comes to canvassing the accident scene. It is important that the accident investigator be as objective as possible in gathering and evaluating data from the accident scene. Judgment calls do not belong here with the "hard" data available at the accident scene.

Be aware that any information gathered may be used by the other side involved in the accident as well. Also be aware that accidents involving hazardous materials have some additional requirements.

Once the investigation at the accident scene has been completed, MLB will be in a position to evaluate whether or not accident reconstruction is required in the case of this accident. That decision is made on a case-by-case basis.

A final decision on the preventability/chargeability of the accident in question will be made by MLB's Chief Operating Officer. That decision will then be communicated to the driver of the MLB vehicle involved in the accident.

At MLB, drivers have the opportunity to appeal decisions on preventability/chargeability of an accident.

Accident Review

Policy

MLB is committed to the fair and equitable treatment of its employees. This commitment includes the fair judging of preventability in all vehicle accidents. The company believes that determining preventability fairly is essential to the credibility of our fleet safety effort and driver recognition and corrective action/disciplinary programs. Therefore, to ensure all vehicle accidents are judged fairly and drivers are trained consistently and disciplined (when necessary) appropriately, the following accident review procedures have been implemented by MLB

Responsibility

Each driver is expected to understand the process by which preventability is determined by the company. Drivers must follow the company's formal process in order to try to reverse a decision on preventability.

MLB's Safety Manager will objectively review the data to determine preventability. In the event the driver disagrees with the Safety Manager on preventability, the Safety Manager will ensure that the driver is given the opportunity to appeal the decision.

Members of the accident review committee will abide by the protocols set forth to review accidents objectively in order to come to a fair conclusion.

Procedures

MLB's accident review procedures are based on the premise that our drivers are expected to meet a higher standard of safety performance than the average motorist. However, in the case of an accident, determination of preventability will serve as the foundation of our driver safety program.

In addition, the following accident review procedures have been established to ensure uniformity in determining the preventability of vehicle accidents. These procedures are also necessary for:

- The promotion of the highest standards of safety among MLB drivers
- The fair and equitable treatment of the safety record of individual MLB drivers
- The effective and timely administration of MLB's driver safety incentive and recognition program; and
- Measuring the effectiveness of MLB's fleet safety program

Data used to determine preventability

In determining preventability, MLB will use all available information including, but not limited to:

- The driver's initial report of the accident (including any statements from witnesses);
- The police report of the accident;

- MLB's insurance provider's (on-scene adjuster's) report; and
- The findings of MLB's internal safety department's investigation of the accident.

Initial determination

Based on all available data, the responsible MLB safety manager will make an initial determination of preventability. A reasonable action standard will be used as the primary determinant. The preventability decision will be primarily (but not exclusively) based on the whether or not the driver could have taken reasonable action to avoid the accident.

After determining preventability, the responsible MLB safety manager will:

- Prepare a written notification of preventability or nonpreventability including all facts and circumstances that led to the determination;
- In the case of a nonpreventable ruling, forward the notification to the driver;
- In the case of a preventable ruling, schedule a personal one-to-one meeting with the driver to discuss the decision, possible remedial training, and/or possible disciplinary action. This meeting will be scheduled as soon as possible after the preventability determination has been made.

If, after the personal one-to-one meeting, the driver disagrees with the initial ruling, the case will be handed over to MLB's accident review committee for review and a final determination.

Accident review committee

To request that an accident be reviewed, the driver is required to submit a written appeal within 15 days of being informed of the initial preventability ruling. To warrant consideration, the driver's appeal must state precisely why the driver feels the ruling was unfair.

After receiving the written appeal, MLB's accident review committee will convene promptly (as necessary, or a minimum of once every business quarter) to review all accidents under appeal. The review committee will consist of a five person board including:

1. A chairperson well-versed in fleet safety and MLB's safety program, policies, and related procedures. The chairperson will be responsible for verbally reviewing the facts surrounding each accident up for review including all relevant data, the reasoning behind the initial determination, and the driver's written appeal. The chairman will vote on final preventability only in the event of a tie vote (split decision).
2. A representative from the company's dispatch operation who is familiar with MLB's scheduling, routing, and related subjects, and who can answer questions regarding operating procedures, customer demands, and delivery practices.

3. A vehicle maintenance representative who can respond to equipment-related questions or concerns and is familiar with the company's vehicle maintenance procedures and practices.
4. Two MLB drivers with superior safety performance records, capable of evaluating the written appeal statements with impartiality.

To minimize the risk of bias when making final preventability rulings, appealing drivers will not be permitted to present their case in person. Further, all written appeals will be submitted to the review board anonymously (appealing drivers will not be identified).

After thorough review and discussion, the review committee will reach a preventability decision via secret ballot. Each vote shall be anonymous and contain only the case number and notation as to whether the accident was "preventable" or "nonpreventable."

The chairperson will count the votes and is responsible for informing the driver in writing of (including the specific reasons for) the decision rendered by the committee. All preventable decisions will be personally presented to the driver by the chairperson and all decisions reached by MLB's accident review committee are final.

MLB believes that anyone who participates on a review committee will be rewarded with a sharpened sense of safety and defensive driving. Since participation is considered by the company to be an educational experience, the committee will rotate members on a periodic basis. This will serve to involve as many employees as possible in the process.

Drivers' role

In order to ensure fair decisions regarding accident preventability, drivers should take the following actions in the event of an accident:

- Immediately gather statements from witnesses. As soon as possible after an accident, drivers should seek to obtain signed and dated statements that include names, addresses, vehicle descriptions, and phone numbers of any person who admitted seeing the accident.
- Follow all at-the-scene procedures according to current company policy (see Accident Investigation policy).

Nonpreventable/preventable accident guidelines

The company will use the following guidelines (which are consistent with the National Safety Council rulings) for the purpose of determining accident preventability.

1. **General guidelines** – barring extenuating circumstances and maintaining the reasonable action standards, accidents are generally preventable if:
 - Driver was inattentive or failed to accurately observe and assess existing conditions that contributed to an accident.

- Driver's speed was not consistent with posted (prescribed) limits or existing road, weather, or traffic conditions.
- Driver's speed precluded stopping within available clearances or assured clear distance.
- Driver misjudged (or did not confirm) available clearances (above, below, or on the sides) resulting in the striking of a fixed object.
- Driver failed to control the vehicle.
- Driver failed to yield the right of way resulting in an accident (or to avoid an accident).
- Driver failed to communicate the vehicle's presence or intended actions through the use of directional lights (signal flashers), horn, or other means.
- Driver was in violation of company operating rules or special instructions, the regulations of any federal or state regulatory agency, or any applicable traffic law or ordinance.

2. Struck in rear by other vehicle – Nonpreventable if:

- Driver's vehicle was legally and properly parked, unless there were extenuating circumstances recognizable to the alert driver whose judgment should suggest "park elsewhere".
- Driver was proceeding in his or her own lane of traffic at a safe and lawful speed.
- Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal, or the directions of a police officer or other person legitimately controlling traffic.
- Driver was in proper lane, waiting to make turn, and was flashing a signal indicating his or her intention to turn.
- Driver's vehicle was disabled and was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting out or retrieving signals (see "Mechanical Defects Accidents") except, if opportunity was available for driver to remove vehicle off road.
- Preventable if:
 - Driver was passing slower traffic near an intersection and had to make a sudden stop.
 - Driver made a sudden stop to park, load, or unload.
 - Driver was improperly or illegally parked.

- Driver made any other type of unnecessary sudden stop.
- Driver's vehicle rolled back into vehicle immediately behind while starting on a grade.

3. **Struck while parked** – Nonpreventable if:

- Driver was properly parked in an area where permitted, unless there was extenuating circumstances recognizable to the alert driver, whose judgment should suggest "park elsewhere," or there was off-the-road parking available.
- Vehicle was protected by emergency warning devices as required by DOT and state regulations, or if driver was in the process of setting or retrieving signals. The use of 4-way flashers as emergency warning lights under DOT regulations meets this provision for only the first 10 minutes.

4. **Mechanical defect or breakdown accidents** – Preventable if:

- Defect was of a type which driver should have detected during a proper pre-trip inspection of vehicle.
- Defect was of a type that the driver should have detected during the normal operation of the vehicle.
- Defect was caused by the driver's abusive operation of the vehicle.
- Defect was known to the driver but was operated regardless of this knowledge.

5. **Side-swiped or head-on collisions** – Preventable if:

- Driver was not entirely in the proper lane of travel.
- Driver did not pull to the right or left, slow down, and/or stop for the encroaching vehicle lane when such action could have been taken without additional danger and to prevent a collision.
- Driver changed lanes without ascertaining that sufficient space was available or failed to signal intent, or give sufficient warning of intent, to change lane.
- Driver was weaving to the right or left, thus crowding the passing vehicle.

6. **Striking other vehicle in rear collisions** – Nonpreventable if:

- Other vehicle rolled backward while starting on grade.
- Driver's vehicle was stopped, but was hit from behind and pushed into other vehicle.
- Preventable if:

- Driver failed to maintain safe following distance and have the vehicle under control.
- Driver failed to stay alert and ascertain that traffic was slowing down or that vehicle ahead was moving slowly, stopped, or slowing down.
- Driver misjudged rate of overtaking vehicle.
- Driver came too close before pulling out to pass.
- Driver started up too soon or too fast for vehicle ahead.
- Driver failed to leave sufficient room for passing vehicle to get safely back in line.
- Driver was passing and misjudged approaching traffic, and returned to right lane too fast.

7. Accidents at intersection – Nonpreventable if:

- Driver was stopped in compliance with traffic sign or signal or at the direction of a police officer or other person legitimately controlling traffic.
- Preventable if:
- Driver failed to control speed so that the vehicle could stop within available sight distance.
- Driver failed to check cross-traffic and wait for it to clear before entering intersection.
- Driver pulled out in the face of oncoming traffic.
- Driver collided with person, vehicle, or object while making a right or left turn.
- Driver collided with vehicle making turn in front of him. Driver had collision with vehicle coming from either side, regardless of location of traffic signs or signals or whether light was green.

8. Backing accidents – Preventable if:

- Driver backed up when backing could have been avoided by better route planning.
- Driver backed into traffic stream when such backing could have been avoided.

- Driver failed to get out of cab and check the immediate situation and proposed path of backward travel.
- Driver depended solely on mirrors when it was practicable to look back.
- Driver failed to get out of cab periodically and recheck conditions when backing a long distance.
- Driver failed to sound horn while backing.
- Driver failed to check behind vehicle parked at curb before attempting to leave parking space.
- Driver backed from blind side when a sight-side approach could have been made.
- Driver failed to use a guide (spotter) to help back, or depended solely on a guide.
- Driver relinquished all responsibility to guide.

9. Accidents while passing or being passed – Preventable if:

- Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
- Driver attempted to pass in the face of closely approaching traffic.
- Driver failed to warn driver of vehicle being passed.
- Driver failed to signal change of lanes.
- Driver pulled out in front of other traffic overtaking from rear.
- Driver cut-in short returning to right lane.
- Driver failed to stay in own lane of traffic.
- Driver failed to hold speed or reduce speed to permit other vehicle to pass safely.

10. Accidents while entering traffic (merging) – Preventable if:

- Driver failed to signal when pulling out from curb.
- Driver failed to check traffic before pulling out from curb.

- Driver failed to look back to check traffic if he was in position where mirrors did not show traffic conditions.
- Driver attempted to pull out in a manner that forced other vehicle(s) to change speed or direction.
- Driver failed to make full stop before entering from side street, alley, or driveway.
- Driver failed to make full stop before crossing sidewalk.
- Driver failed to yield right-of-way to approaching traffic.

11. Accidents involving pedestrians and bicycles – Nonpreventable if:

- Pedestrian or bicycle driver collided with driver's vehicle while it was legally parked or stopped.
- Preventable if:
 - Driver did not reduce speed in area of heavy pedestrian traffic.
 - Driver was not prepared to stop.
 - Driver failed to yield right-of-way to pedestrian.
 - Driver failed to stop when passing a streetcar or bus on the right.

12. Accidents involving rail operated vehicles (railroad crossings) – Preventable if:

- Driver attempted to cross tracks directly ahead of train or streetcar.
- Driver ran into side of train or streetcar.
- Driver stopped or parked on or too close to tracks.
- Driver failed to yield right-of-way to trolley.
- Driver failed to stop at the railroad crossing.

13. Miscellaneous accidents – Preventable if:

- Driver was making a "U" turn.
- Driver was pulling away from the curb or other parking space.

- Driver was entering traffic from a driveway, or private alley.
- Driver was giving a push or was being pushed.
- Vehicle moved due to faulty brakes.
- Driver left vehicle unattended (with or without motor running) and failed to set parking brake and wheel chocks.
- Collision with fixed objects - poles gates, light stanchions, etc.
- Non-collision accidents, such as an overturn, or running off road.
- Skidding accidents in which the company's vehicle is damaged because it jackknifes.
- Vehicle was moved while connected to stationary equipment.

Dispatch Operations

Policy

MLB is committed to providing its drivers with a safe and reasonable expectation of work.

Our goal is to ensure that our over-the-road drivers have the opportunity to safely and legally run between 2,000 – 3,500 miles per week. MLB is also committed to providing quality time at home for its drivers.

Our goal is for our drivers to enjoy a minimum of 6 days at home per month.

Even though some layover is inevitable, the company is committed, through working with our customers, operations personnel, and drivers, to keeping these instances to an absolute minimum.

Load refusal

MLB will consider the refusal of a load or other work assignment as an act of resignation or insubordination, if the driver can legally and safely accomplish the work, and the work does not conflict with previously approved personal time off. Load refusal will be judged on a case-by-case basis, but could result in reprimand and/or termination of employment with MLB.

The company may allow the refusal of a load or other work assignment in the following situations:

- The assigned driver cannot safely and legally perform the work
- The work conflicts with pre-approved personal time off

Relays/Interlines

At times, the company will find it necessary to relay/interline a load for business reasons, to accommodate a customer's need, or to accommodate a driver's personal home-time need. Dispatch operations will make these decisions on a situational basis.

Check-calls

In order to ensure that MLB is providing the best service to our customers and our drivers, the company requires all drivers make daily check-calls to their Client specific operations contact. These check-calls ensure that the company is meeting our customer service standards. They also help the company meet our customers' and drivers' changing needs and priorities. Drivers are required to check in with their Client specific operations contact a minimum of once per working day.

The check-call should include the following information:

- Current location
- Hours of service logged for the previous day(s) This is optional if company is using an ELD.
- Estimated time of arrival to next customer pick-up, stop off, or destination
- Forecast of available hours when empty

MLB's dispatch operation is responsible for ensuring that no driver is knowingly violating Hours of Service rules. Therefore, MLB requires all drivers to report their hours of service used for the previous day(s). If using an ELD: Enter title of person responsible it to verify the driver's hours available at time of dispatch, at time of check-call, and if the driver notifies the company that he/she will not be able to complete the assigned trip due to an hours-of-service limit.

Time at home policy

MLB defines time at home as any 24 consecutive hour period when the driver is at his/her domicile location or home, whether under a load or empty. MLB's goal is to get its drivers quality time at home a minimum of 2 weekends a month.

Drivers need to understand that this goal is not a guarantee, however. The company is committed to providing frequent quality time at home, but it is also committed to providing timely customer service.

When a driver is forced to make a run on a weekend, the goal of MLB is to keep that driver productive and to avoid a layover situation whenever possible. For those drivers who do not wish to be home every weekend and choose to keep running, MLB will try and accommodate them, based on available work.

Layover policy

MLB defines a layover as any 10 hour period that:

- The driver is stopped at a specific location, agreed to by his/her supervisor, because the company cannot provide work
- The vehicle is broken down and can not be driven
- The driver is out of hours as defined by Sec. 395.3(b) of the Federal Motor Carrier Safety Regulations (FMCSRs)

In addition to regular layover pay, the company may also provide the following:

- Reimbursement for motel room up to per night.
- Paid out-of-route mileage to nearest rest/truck stop.
- A per day allowance for meals.

Drivers waiting at their domicile location/terminal or at home for dispatch, maintenance, or other reasons are not eligible for layover compensation. Only the MLB's Client can authorize a driver to begin logging layover, and approve layover pay.

Driver availability

Drivers are expected to report for duty at the time and on the day they have committed to being available. MLB defines "available" as being at or near domicile location, or at or near assigned tractor if at home, ready to perform assigned duties/work. This expectation applies to all drivers whether coming off vacation, personal time off, or when driver is in an on-call status.

MLB understands that due to unexpected personal issues such as illness and non-work related injury, drivers may find it necessary to call in as unavailable. When this occurs, MLB requires the driver to communicate his/her situation as soon as possible, especially if the driver is under dispatch or other work assignment so the company can make arrangements to cover the work.

MLB requires drivers to get a "return-to-work examination" if they are unavailable, due to illness or injury which has impaired their ability to perform normal duties per 391.45(c) of the FMCSR's.

Requests for personal time off

MLB requires that all requests for personal time off be submitted 10 days in advance. All personal time off requests are subject to approval by the driver's manager.

Night/Weekend operations

MLB requires that its drivers get all normal daily business completed prior to 6:00 PM Monday through Friday.

Unsafe Equipment or Working Conditions

Policy

MLB believes in providing a safe workplace for all its employees, whether at the terminal or on the road.

No employee will be required to perform unsafe work acts, to work in unsafe working conditions, or to use unsafe equipment.

Responsibility

It is each employee's responsibility to monitor the working conditions and equipment around them and to notify management immediately if an unsafe situation arises.

It is the responsibility of all management personnel to immediately act on any unsafe condition that is brought to their attention, and to provide guidance in relation to the situation or equipment at hand to assure the continued safety of all employees.

Procedure

If an unsafe situation arises or the expectation of using unsafe equipment by an employee is presented, the employee should contact their supervisor immediately for further instructions.

If a driver comes into an unsafe working condition or is expected to use unsafe equipment for loading, unloading, etc, they should immediately stop what they are doing and contact their dispatcher to receive further instructions.

The dispatcher will then contact the worksite and make arrangements to have the condition corrected or to use alternative means or equipment to complete the loading and/or unloading process.

No employee is expected to operate in an unsafe manner or operate unsafe equipment to satisfy a customer's needs or desires.

DOT Drug and Alcohol Policy

Policy

MLB is dedicated to the health and safety of our drivers. Drug and/or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of MLB to prevent the use of drugs and abuse of alcohol from having an adverse effect on our drivers.

The serious impact of drug use and alcohol abuse has been recognized by the federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the company to implement an alcohol and controlled substances testing program.

The purpose of the FMCSA-issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

The company will comply with these regulations and is committed to maintaining a drug-free workplace.

It is the policy of MLB that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the company premises, engaged in company business, operating company equipment, or while under the authority of MLB is strictly prohibited. Disciplinary action will be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The company retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective 1/1/2021 and will supersede all prior policies and statements relating to alcohol or drugs.

Responsibility

In accordance with 49 CFR §382.601(a), each employer shall provide educational materials that explain the requirements in Part 382 and the employer's policies and procedures with respect to meeting these requirements. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a safety-sensitive function position (i.e., operating a commercial motor vehicle as defined in §382.107 requiring a CDL).

Each driver hired or transferring into a safety-sensitive function is responsible for reviewing the content of the information presented to drivers. Each driver is responsible for asking questions about the procedures if the content is unclear to him/her. Drivers may pose follow-up questions about the content of this policy and procedures to MLB's Chief Operating Officer.

Drugs and Alcohol Procedures

Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.

Non-Regulatory Requirements

The Federal Motor Carrier Safety Regulations (FMCSRs) set the minimum requirements for testing. The company's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSRs and what company procedure is.

Who is Responsible

It is the company's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy.

The company will retain all records related to testing and the testing process in a secure and confidential matter.

MLB's alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is: MLB's Chief Operating Officer.

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation-established threshold levels while on duty. The driver will not use alcohol within 4 hours of performing a "safety-sensitive" function, while performing a "safety-sensitive" function, or immediately after performing a "safety-sensitive" function. The driver must submit to alcohol and controlled substances tests administered under Part 382.

All supervisors must make every effort to be aware of a driver's condition at all times the driver is in service of the company. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary.

Definitions

When implementing and interpreting the drug and alcohol policies and procedures required by the FMCSA, as well as the policies and procedures required by the company, the following definitions apply:

Actual knowledge means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or a controlled substance, or a driver's admission of alcohol or controlled substance use, except as provided under the provisions of Sec. 382.121. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of driver behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Sec. 382.307.

Adulterated specimen means a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol screening device (ASD) means a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's webpage for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol use means the consumption of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

Aliquot means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Breath Alcohol Technician (or BAT) means an individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).

Collection site means a place designated by the company, where individuals present themselves for the purpose of providing a urine specimen for a drug test.

Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) means the FMCSA database that requires employers and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F)

Confirmatory drug test means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

Confirmatory validity test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Consortium/Third-party administrator (C/TPA) is a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services for the company. C/TPAs typically perform administrative tasks concerning the operation of the company's drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not “employers.”

Controlled substances mean those substances identified in 49 CFR, Section 40.85. In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:

- Marijuana metabolites
- Cocaine metabolites
- Amphetamines
- Opioids
- Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.87.

Initial test analyte	Initial test cutoff ¹	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA) ²	50 ng/mL ³	THCA	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL 100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL
MDMA ⁴ /MDA ⁵	500 ng/mL	MDMA MDA	250 ng/mL 250 ng/mL

¹For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

²An immunoassay must be calibrated with the target analyte, Δ-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

³*Alternate technology (THCA and Benzoylecgonine):* When using an alternate technology initial test for the specific target analytes of THCA and Benzoylecgonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylecgonine).

⁴Methylenedioxymethamphetamine (MDMA).

⁵Methylenedioxyamphetamine (MDA).

Designated employer representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove drivers from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Dilute specimen means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Direct observation means the observer must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show, by turning around, that he/she does not have a prosthetic device. After observer has determined that the employee does not have such a device, he/she may permit the employee to return clothing to its proper position for observed urination.

Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1. *Inclusions.* Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

2. *Exclusions.*

- a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
- b. Tire disablement without other damage even if no spare tire is available.
- c. Headlight or taillight damage.
- d. Damage to turn signals, horn, or windshield wipers which make them inoperative.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

Drug means any substance (other than alcohol) that is a controlled substance as defined in this policy and 49 CFR Part 40.

Evidential breath testing device (EBT) means a device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, and appears on ODAPC's web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

FMCSA means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

Initial drug test (also known as a “Screening drug test”) means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test means the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid result means the result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory means any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under Part 40.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Officer (MRO) is a person who is a licensed physician (Doctor of Medicine or Osteopathy) and who is responsible for receiving and reviewing laboratory results generated by the company's drug testing program and evaluating medical explanations for certain drug test results.

Negative result means the result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative specimen means a urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Oxidizing adulterant means a substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive result means the result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Prescription medications means the use (by a driver) of legally prescribed medications issued by a licensed health care professional familiar with the driver's work related responsibilities.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

1. Fails to appear for any test (except pre-employment) within a reasonable time, as determined by the company, consistent with applicable DOT regulations, after being directed to do so by the company. This includes the failure of a driver (including an owner-operator) to appear for a test when called by a C/TPA;
2. Fails to remain at the testing site until the testing is complete (except pre-employment if the driver leaves before the testing process begins);
3. Fails to provide a urine specimen for any DOT required drug test (except pre-employment if the driver leaves before the testing process begins);
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the employer or collector has directed the driver to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment);
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
9. For an observed collection, fails to follow the observer's instructions to raise his/her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he/she has any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
11. Admits to the collector or MRO that he/she adulterated or substituted the specimen.
12. Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the company;
- All time inspecting equipment as required by Secs. 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of Sec. 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test technician (STT) is a person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device (ASD).

Split specimen collection means a collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Stand-down means the practice of temporarily removing a driver from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive drug test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Substance abuse professional (SAP) is a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP must be:

- A licensed physician (Doctor of Medicine or Osteopathy);
- A licensed or certified social worker;
- A licensed or certified psychologist;
- A licensed or certified employee assistance professional;
- A state-licensed or certified marriage and family therapist; or
- A drug and alcohol counselor certified by an organization listed at <https://www.transportation.gov/odapc/sap>.

Substituted specimen means a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Alcohol Prohibitions

Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

This alcohol prohibition includes:

- Use while performing safety-sensitive functions;
- Use during the 4 hours before performing safety-sensitive functions;
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- Use of alcohol for up to 8 hours following an accident or until the driver undergoes a post-accident test; or
- Refusal to take a required test.

NOTE: Per FMCSA regulation (Sec. 382.505), a driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Drug Prohibitions

Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions. This drug prohibition includes:

- Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under any state statute is not a legitimate medical explanation. Under federal law, the use of marijuana or any *Schedule I* drug does not have a legitimate medical use in the United States.);
- Testing positive for drugs; or
- Refusing to take a required test.

All drivers will inform their manager of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

Circumstances for Testing

Pre-employment §382.301

In accordance with §382.301, all driver applicants will be required to submit to and pass a urine drug test as a condition of employment.

Each driver applicant will be asked whether he/she has tested positive, or refused to test, on any DOT pre-employment drug test administered by an employer to which the driver applicant applied for, but did not obtain, safety-sensitive transportation work during the past 2 years.

If the driver applicant admits that he/she has tested positive, or refused to test, on any DOT pre-employment test, the driver applicant may not perform any safety-sensitive functions for the company until and unless the driver applicant documents successful completion of the return-to-duty process.

Job applicants, who are denied employment because of a positive test under another motor carrier or under MLB's DOT pre-employment testing, may reapply for employment after 10 years. The DOT return-to-duty process must be completed prior to operating MLBs Client's commercial motor vehicles.

Driver applicant drug testing shall follow the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

An employee of MLB transferring to a safety-sensitive driving position is also subject to and must pass a urine drug test as a condition of the transfer.

MLB will not require a pre-employment drug test if the following conditions are met:

- The driver has participated in a drug testing program meeting the requirements of Part 382 within the previous 30 days;
- While participating in this program the driver must have either been tested for controlled substances in the previous 6 months, or participated in a random drug testing program for the previous 12 months; and
- No prior employer of the driver has a record of violations of any DOT controlled-substance-use rule for the driver in the previous 6 months.

MLB must contact the previous employer's testing program prior to using the driver and obtain the following information:

- The name and address of the program (usually the driver's prior and/or current employer);
- Verification that the driver participates or participated in the program;
- Verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
- Verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
- The date the driver was last tested for alcohol or drugs; and
- The results of any drug or alcohol test administered in the previous 6 months, and any violations of the alcohol misuse or drug use rules.

A pre-employment alcohol test will be conducted after the company has made a contingent offer of employment or transfer, subject to the individual passing the pre-employment alcohol test. All pre-employment alcohol tests will follow the alcohol testing procedures outlined in 49 CFR Part 40.

The pre-employment alcohol test will be conducted before the first performance of safety-sensitive functions. An individual may not begin performing safety-sensitive functions until he/she has received a test result that indicates an alcohol concentration of less than 0.04.

Reasonable Suspicion Testing (Sec. 382.307)

If the driver's supervisor or another company official designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a drug and/or alcohol test.

The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or another company official will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test. Per FMCSA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or after the driver is performing a safety-sensitive function.

Per FMCSA regulation, if the driver tests 0.02 or greater, but less than 0.04, for alcohol the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within 2 hours.

If the test was not administered within 8 hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.

A written record of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or company official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is first.

Post-Accident Testing (Sec. 382.303)

Drivers are to notify their manager as soon as possible if they are involved in an accident.

According to FMCSA regulations (Sec. 382.303), if the accident involved the following, the driver will be tested for drugs and alcohol as soon as possible following the accident:

- A fatality,
- Bodily injury with immediate medical treatment away from the scene and the driver received a citation, or
- Disabling damage to any motor vehicle requiring tow away and the driver received a citation

The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed

If the alcohol test is not administered within 2 hours following the accident the Director of Safety will prepare a report and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within 8 hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease.

MLB's Director of Safety will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

Random Testing (Sec. 382.305)

MLB will conduct random testing for all drivers as follows.

MLB will use a company-wide selection process based on a scientifically valid method, prescribed by FMCSA regulations.

MLB will use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.

MLB's Chief Operating Officer will administer the random testing program, maintaining all pertinent records on random tests administered.

At least 10 percent of the consortium's average number of driver positions will be tested for alcohol each year. At least 50 percent of the consortium's average number of driver positions will be tested for drugs each year.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

Return-to-Duty Testing (Sec. 382.309)

After failing an alcohol test, a driver must undergo a return-to-duty test prior to performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02.

After testing positive for a controlled substance, a driver must undergo a return-to-duty test *under direct observation* prior to performing a safety-sensitive function. The test must indicate a verified negative result for drug use.

Follow-Up Testing (Sec. 382.311)

Following the driver's violation of Part 382, Subpart B, the driver will be subject to follow-up testing. Follow-up testing will be unannounced. The number and frequency of such follow-up testing will be directed by the SAP, and consist of at least six tests in the first 12 months. Follow-up testing may be done for up to 60 months. Follow-up drug tests must be conducted *under direct observation*.

Refusal to Submit

According to Sec. 382.211, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A driver who refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the driver tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample.

Dilute Specimens

If the MRO informs the company that a positive drug test was dilute, MLB will simply treat the test as a verified positive test. The company will not direct the employee to take another test based on the fact that the specimen was dilute. This is in accordance with §40.197.

If the MRO directs the company to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see §40.155(c)), MLB will do so *immediately*.

The following provisions apply to all tests that MLB sends the driver for under the directive of the MRO:

- The employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
- If the result of the retest taken under §40.197(b) is also negative and dilute, MLB will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs MLB to conduct a recollection under direct observation under §40.197(b)(1), the company must immediately do so.
- If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of Part 40 and DOT agency regulations.

If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, MLB has elected to include the optional retest provision in its company policy. MLB will direct the employee to take another test immediately under company policy in accordance with §40.197. Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c)).

The following provisions apply to all retests that MLB sends the driver for under company policy:

- The employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
- If the result of the retest taken under §40.197(b) is also negative and dilute, MLB will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs MLB to conduct a recollection under direct observation under §40.197(b)(1), the company must immediately do so.
- If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of Part 40 and DOT agency regulations.

Invalid Results

When the laboratory reports that the test result is an invalid result, the MRO must:

- Contact the employee and inform the employee that the specimen was invalid. In contacting the employee, he/she uses the procedures set forth in §40.131.
- After explaining the limits of disclosure (see §§40.135(d) and 40.327), the MRO must determine if the employee has a medical explanation for the invalid result. He/she must inquire about the medications the employee may have taken.

If the employee gives an explanation that is acceptable, the MRO must:

- Place a check mark in the “Test Cancelled” box (Step 6) on Copy 2 of the CCF and enter “Invalid Result” and “direct observation collection not required” on the “Remarks” line.
- Report to the DER that the test is cancelled, the reason for cancellation, and that no further action is required unless a negative test result is required (i.e., pre-employment, return-to-duty, or follow-up tests). If a negative test result is required and the medical explanation concerns a situation in which the employee has a permanent or long-term medical condition that precludes him or her from providing a valid specimen, the MRO must follow the procedures outlined at §40.160 for determining if there is clinical evidence that the individual is an illicit drug user.
- If the medical evaluation reveals no clinical evidence of drug use, the MRO must report this to the employer as a negative test result with written notations regarding the medical examination. The report must also state why the medical examination was required (i.e., either the basis for the determination that a permanent or long-term medical condition exists or because the recollection under direct observation resulted in another invalid result for the same reason, as appropriate) and for the determination that no signs and symptoms of drug use exist.
- If the medical evaluation reveals clinical evidence of drug use, the MRO must report the result to the employer as a cancelled test with written notations regarding the results of the medical examination. The report must also state why the medical examination was required (i.e., either the basis for the determination that a permanent or long-term medical condition exists or because the recollection under direct observation resulted in another invalid result for the same reason, as appropriate) and state the reason for the determination that signs and symptoms of drug use exist. Because this is a cancelled test, it does not serve the purpose of an actual negative test result (*i.e., the employer is not authorized to allow the employee to begin or resume performing safety-sensitive functions because a negative test result is needed for that purpose*).

If the employee does not give a reasonable explanation, the MRO:

- Places a check mark in the “Test Cancelled” and enters “Invalid Result” and “direct observation collection required” on the “Remarks” line.
- Reports to the DER that the test is cancelled, the reason for cancellation, and that a second collection must take place immediately under direct observation.
- Instructs the employer to ensure that the employee has the minimum possible advance notice that he or she must go to the collection site.

If the employee admits to the MRO that he or she tampered with the specimen, the result is reported as a refusal to be tested.

If the employee admits to the MRO that he or she used drugs, the test is cancelled with the reason noted (invalid) and the DER is notified of the admission. The DER has actual knowledge of a violation, and the occurrence is treated the same as a positive result.

When the test result is invalid because pH is greater than or equal to 9.0 but less than or equal to 9.5 and the employee has no other medical explanation for the pH, the MRO should consider whether there is evidence of elapsed time and increased temperature that could account for the pH value. The MRO:

- Is authorized to consider the temperature conditions that were likely to have existed between the time of collection and transportation of the specimen to the laboratory, and the length of time between the specimen collection, and arrival at the laboratory.
- May talk with the collection site and laboratory to discuss time and temperature issues, including any pertinent information regarding specimen storage.

If the MRO determines that time and temperature:

- Account for the pH value, he or she must cancel the test and take no further action.
- Fail to account for the pH value, he or she must cancel the test and direct another collection under direct observation, as provided at paragraph §40.159(a)(5).

Alcohol Testing Procedures

Alcohol testing will be conducted at the nearest participating facility by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) and Part 40 requirements will be utilized for testing under this policy.

The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the BAT or STT will ask for identification. The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device.

The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the driver. A device may not be used after its expiration date.

The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test.

When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.

If the procedures listed above can't be successfully completed, the device must be discarded and a new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test.

If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).

The result displayed on the device must be read within 15 minutes of the test. The STT must show the driver the device and its reading and enter the result on the ATF.

If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the company's designated employer representative (DER).

If the reading on the EBT or ASD is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.

The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same, the confirmation test will be used.

Refusal to complete and sign the alcohol testing form or refusal to provide breath or saliva will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

Drug Testing Procedures

Drug testing will be conducted at the nearest participating facility. Specimen collection will be conducted in accordance with 49 CFR Part 40 and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.

A drug testing custody and control form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.

A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test.

The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet.

The driver will then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The collection site person will select, or allow the driver to select, an individually wrapped or sealed container from the collection kit materials. Either the collection site person or the driver, with both individuals present, must unwrap or break the seal of the collection container. The seal on the specimen bottle may not be broken at this time. Only the collection container may be taken into the room used for urination.

The driver is then instructed to provide his/her specimen in a room that allows for privacy.

The specimen must consist of at least 45 mL of urine. Within 4 minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature range is 90 to 100 degrees Fahrenheit. If the specimen temperature is outside the acceptable range, the collector must note this on the CCF and must immediately conduct a new collection using direct observation procedures outlined in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The collection site person will also inspect the specimen for color and look for signs of contamination or tampering. If there are signs of contamination or tampering, the collector must immediately conduct a new collection using direct observation procedures outlined in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The 45mL sample provided must be split into a primary specimen of 30 mL and a second specimen (used as the split) of 15 mL. The collection site person must place and secure the lids on the bottles, place tamper-evident bottle seals over the lids and down the sides of the bottles, and write the date on the tamper-evident seals. The driver then initials the tamper-evident bottle seals to certify that the bottles contain specimens he/she provided. All of this must be done in front of the driver.

All identifying information must be entered on the CCF by the collection site person.

The CCF must be signed by the collection site person, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.

The collector is responsible for placing and securing the specimen bottles and a copy of the CCF into an appropriate pouch or plastic bag.

At this point, the driver may leave the collection site.

The collection site must forward the specimens to the lab as quickly as possible, within 24 hours or during the next business day.

Laboratory Analysis

As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by MLB. The laboratory will be required to maintain strict compliance with federally-approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

Results

According to FMCSA regulation, the laboratory must report all test results directly to MLB's medical review officer (MRO). All test results must be transmitted to the MRO in a timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.

The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the driver who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the DER instructing him/her to contact the driver. The DER will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive, adulterated, or substituted specimen without having communicated with the driver about the test results if:

- The driver expressly declines the opportunity to discuss the results of the test;
- Neither the MRO or DER has been able to make contact with the driver for 10 days; or
- Within 72 hours after a documented contact by the DER instructing the driver to contact the MRO, the driver has not done so.

The MRO may verify an invalid test result as cancelled (with instructions to recollect immediately under direct observation) without interviewing the employee, as provided at §40.159 if:

- The driver expressly declines the opportunity to discuss the test with the MRO;
- The DER has successfully made and documented a contact with the driver and instructed the driver to contact the MRO and more than 72 hours have passed since the time the DER contacted the driver; or

- Neither the MRO nor the DER, after making and documenting all reasonable efforts, has been able to contact the driver within ten days of the date on which the MRO received the confirmed invalid test result from the laboratory.

Prescription drug use. When a prohibited drug is detected in a urine specimen, the MRO will verify it is a legally prescribed, non-Schedule I drug and declare the test negative. The MRO will instruct the employee that he or she has 5 days from the reported negative result to speak with the prescribing physician about getting another prescription that does not make the employee medically unqualified or pose a safety risk.

If the MRO believes there is a medical qualification issue or safety risk — after the 5 days expire or the issue is not resolved after the driver speaks with the prescribing physician — the MRO will report the possible medical disqualification in accordance with Section 40.327.

Section 40.327(b) indicates the third parties to whom the MRO is authorized to provide information include the employer, a physician or other health care provider responsible for determining the medical qualifications of the employee under the Federal Motor Carrier Safety Regulations, a Substance Abuse Professional evaluating the employee as part of the return to duty process, a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.

Split Sample

As required by FMCSA regulations, the MRO must notify each driver who has a positive, adulterated, or substituted drug test result that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. There is no split specimen testing for an invalid result.

After receiving a verified positive, adulterated, or substituted drug test result, the company must immediately remove the employee involved from performing safety-sensitive functions. The company must take this action upon receiving the initial report of the verified test result and will not wait to receive the written report or the result of a split specimen test.

The employee will pay for the testing of the split specimen.

If the analysis of the split specimen fails to reconfirm the results of the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DER and the driver.

Specimen Retention

Long-term frozen storage will ensure that positive urine specimens will be available for any necessary retest. MLB's designated drug testing laboratory will retain all confirmed positive specimens for at least 1 year in the original labeled specimen bottle.

Confidentiality/Recordkeeping

All driver alcohol and controlled substance test records are considered confidential (Sec. 382.401). For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.

If the program administrator is unavailable, Safety Manager will have access to the alcohol and controlled substance records.

Driver alcohol and controlled substance test records will only be released in the following situations:

- To the driver, upon his/her written request;
- Upon request of a DOT agency with regulatory authority over MLB;
- Upon request of state or local officials with regulatory authority over MLB;
- Upon request by the United States Secretary of Transportation;
- Upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- Upon request by subsequent employers upon receipt of a written request by a covered driver;
- In a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests;
- Upon written consent by the driver authorizing the release to a specified individual; or
- As a required submission to the Commercial Driver's License Drug and Alcohol Clearinghouse.

All records will be retained for the time period required in §382.401.

Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse)

Beginning January 6, 2020, a repository created by the FMCSA will collect information on drivers' DOT drug and alcohol violations occurring under a motor carrier's testing program.

Employers and service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, third-party administrators, and substance abuse professionals must provide information when a driver:

- Tests positive for drugs or alcohol;

- Refuses drug and alcohol testing; and
- Undergoes the return-to-duty drug and alcohol rehabilitation process.

The following records will be collected and maintained in the Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by Subpart C of Part 382;
- An employer's report of actual knowledge, as defined at §382.107, including:
 - On duty alcohol use pursuant to §382.205;
 - Pre-duty alcohol use pursuant to §382.207;
 - Alcohol use following an accident pursuant to §382.209; and
 - Controlled substance use pursuant to §382.213;
- A substance abuse professional report of the successful completion of the return-to-duty process; and
- An employer's report of completion of follow-up testing.

The Clearinghouse will aid the company in learning of a driver's need start or continue with the necessary steps in the DOT return-to-duty process (i.e., Substance Abuse Professional (SAP) program) in order to operate a commercial motor vehicle (CMV).

FMCSA requires motor carrier employers to:

- Query the system for information on driver applicants, and
- Search the database annually for current employees.

Before a motor carrier may gain access to the information in the Clearinghouse, the driver must grant consent. Failure to provide consent prevents the motor carrier from using the CDL driver in a safety-sensitive function.

A driver can review his or her report at no cost by registering with the Clearinghouse.

Driver Assistance

Driver Education and Training (Sec. 382.601)

All drivers will be given information regarding the requirements of Part 382 and this policy by their supervisor.

Supervisor Training

According to FMCSA regulation, all employees of MLB designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on drug use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and

drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.

Referral, Evaluation, and Treatment (Sec. 382.605)

According to FMCSA regulation, a list of substance abuse professionals will be provided to all drivers who fail an alcohol test or test positive for drugs.

The alcohol and drug program administrator will be responsible for designating the appropriate substance abuse professional (SAP) who, in conjunction with the driver's physician, will diagnose the problem and recommend treatment. In the event a driver violates Part 382, MLB will identify (at that time of the violation) who they prefer to contract with for the SAP services.

The employee will pay for the evaluation by the SAP and any treatment required.

According to FMCSA regulations, prior to returning to duty for MLB, a driver must be evaluated by a SAP and must complete the treatment recommended by the SAP. Successful completion of a return-to-duty test and all follow-up tests is mandatory. Both return-to-duty tests and follow-up tests must be conducted under direct observation.

A driver who fails to complete an evaluation by the SAP, treatment recommended by the SAP, a return-to-duty test, or a follow-up test will be terminated.

Self-Identification Program

MLB will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:

- The admission is in accordance with the company's voluntary self-identification program;
- The driver does not self-identify in order to avoid Part 382 testing;
- The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function; and
- The driver does not perform a safety-sensitive function until the company is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

The driver will be allowed to return to safety-sensitive duties upon successful completion of an education or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, the driver must undergo:

- A return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or

- A return-to-duty controlled substances test with a verified negative test result.

Discipline

The company may not stand-down a driver before the MRO has completed his/her verification process unless the company has applied for and has received an FMCSA-issued waiver.

According to FMCSA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following company disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

Controlled Substance Positive Test Result

Upon notification that a driver has a drug test result of positive, adulterated, or substituted, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be suspended without pay until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive, adulterated, or substituted drug test result, the driver will be terminated.

If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

Refusal to Test

A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and is considered a refusal to test. A driver whose conduct is considered a refusal to test will be terminated.

Failed Alcohol Test Result

Upon notification that a driver has failed an alcohol test (0.04% BAC or greater), the driver will be terminated.

Upon notification that a driver tested 0.02% BAC or greater, but less than 0.04% BAC in initial and confirmatory tests for alcohol, the driver will be terminated.

Drug and Alcohol Symptoms and Effects

Policy

In accordance with 49 CFR §382.601(b)(11), all drivers will be given educational materials on the effects of alcohol and controlled substance use on an individual's health, work, and personal life, including signs and symptoms of an alcohol or controlled substance problem. We must ensure that a copy is presented to the each driver prior to participation in our Department of Transportation (DOT) alcohol and controlled substance testing program.

Responsibility

Each driver hired or transferring into a safety-sensitive function is responsible for reviewing the content of the information presented to drivers.

Alcohol

Alcohol is a central nervous system depressant found in beer, wine, hard liquor and in some over-the-counter medications such as allergy and cold medications. To most, alcohol is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. It is widely abused primarily due to its social acceptance and availability. "Abuse" occurs when it is used primarily for its physical and mood-altering effects.

Signs and symptoms of abuse

Someone under the influence of alcohol can be identified through the following physical effects:

- Dulled mental processes;
- Lack of coordination;
- Odor of alcohol on breath;
- Pupils may be constricted;
- Sleepy or stuporous condition;
- Slowed reactions; and
- Slurred speech.

With the exception of the odor of alcohol, these are general signs and symptoms of any depressant substance.

Other effects include:

- Greatly impaired driving ability;

- Reduced coordination and reflex actions;
- Impaired vision and judgment;
- Inability to divide attention;
- Lowered inhibitions; and
- Headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles are associated with overindulgence (hangover).

Alcohol first acts on the parts of the brain that affect self-control and other learned behaviors. Diminishing self-control often leads to aggressive behavior. In large doses, alcohol dulls sensations and impairs muscular coordination, memory, and judgment.

After ingestion, alcohol is absorbed through the stomach and intestine into the bloodstream. Here it passes through the liver, where it is metabolized in several steps. Metabolism helps prevent alcohol from accumulating in the body and destroying cells and organs. The liver can't metabolize alcohol as quickly as the body can absorb it. This is the point of intoxication. Any concentration of alcohol that remains unmetabolized can be detected and measured during a blood alcohol concentration test.

Many factors contribute to levels of alcohol absorption, rates of metabolism, and intoxication. Among them are:

- Body size and weight;
- Food ingested;
- Gender;
- Physical condition; and
- Other drugs or medications in the body.

Impairment begins with one drink.

Health risks

When alcohol is abused, the human body cannot expel it fast enough, causing damage to critical organs. Over time, chronic consumption of alcohol may result in health hazards. Chronic consumption of alcohol is defined as an average of three servings per day of 12 ounces of beer, one-1/2 ounce of whiskey, or five ounces of wine.

This consumption may result in the following health concerns:

- Liver damage;
- Inflammation of the esophagus,;
- Aggravation of peptic ulcers;
- Acute and chronic pancreatitis;
- Heart attack;
- Hypertension;

- Malabsorption of food nutrients that may lead to malnutrition;
- Stroke;
- Immune system depression (makes body more susceptible to infections);
- Cancers of the liver, esophagus, nasopharynx or larynx,; and
- Brain damage (dementia, blackouts, seizures, hallucinations, peripheral neuropathy).

On average, heavy drinkers shorten their life span by about 10 years.

Alcohol can do more physical damage than most people realize. Consider the following areas of the human body and the effects of alcohol abuse:

1. **Mouth and esophagus:** Alcohol is an irritant to the delicate linings of the throat and esophagus, making them vulnerable to disease.
2. **Stomach and intestines:** Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. If this condition becomes acute it can cause a perforation of the stomach wall (peritonitis). In the small intestine, alcohol blocks absorption of important substances, such as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.
3. **Bloodstream:** Ninety-five percent of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together, slowing circulation and depriving tissues of oxygen. It also causes anemia by reducing red blood cell production. Alcohol slows the ability of white cells to destroy bacteria and degenerates the clotting ability of blood platelets.
4. **Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell and block the flow of digestive enzymes. Unable to enter the small intestine, the digestive juices begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, resulting in diabetes.
5. **Liver:** Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. About 30,000 people die of liver disease each year. This disease is eight times more frequent among alcoholics than among non-alcoholics.
6. **Heart:** Alcohol causes inflammation of the heart muscle. Fat collects around the heart, disrupting its normal metabolism.
7. **Urinary bladder and kidneys:** Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids.

8. **Sex glands:** Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.
9. **Brain:** The most dramatic and noticed effect of alcohol is on the brain, reaching and affecting it within 15 minutes of consumption. Alcohol kills brain cells and brain damage is permanent. It depresses brain centers, producing progressive lack of coordination, confusion, disorientation, stupor, anesthesia, coma and even death. Drinking over a period of time causes loss of memory, judgment and learning ability. About 40,000 people die each year from brain disease.

How alcohol impairs driving

Because it takes subtle and complex skills to operate a motor vehicle safely, people are susceptible to impairment from even low doses of alcohol. The evidence linking alcohol and transportation accidents is supported by experimental studies conducted by the National Institute on Alcohol Abuse and Alcoholism, relating the effect of alcohol on specific driving-related skills. Alcohol impairment is related in terms of its concentration in the bloodstream (blood alcohol concentration or BAC). The following are ways in which alcohol impairs a person's driving ability:

- **Attention span:** Drivers must divide their attention among many skills in order to keep a vehicle in the proper lane while monitoring the environment for vital safety information, such as other vehicles, traffic signals and pedestrians. Results of numerous studies show that a deficit in the ability to divide attention may occur at 0.02 percent BAC.
- **Visual tracking/perception.** In driving, the eyes must focus briefly on important objects in the visual field and track them as they move (along with the vehicle). Low to moderate BACs (0.03 to 0.05 percent) interfere with voluntary eye movements, impairing the eye's ability to rapidly track a moving target.
- **Reaction time.** Steering is a complex psychomotor task. A delay in the body's eye-to-hand reaction time is compounded by the visual effects described above, causing significant impairment in steering ability at about 0.035 percent BAC.
- **Information processing.** Alcohol impairs nearly every aspect of the brain's information processing. Alcohol impaired drivers require more time to read street signs or respond to traffic signals than unimpaired drivers. As a result, impaired drivers tend to look at fewer sources of information. A narrowing of the field of attention begins at about 0.04 percent BAC.

Alcohol facts

Consider the following facts about alcohol use:

- The majority of people convicted of driving under the influence (75 percent) are considered either considered heavy drinkers or alcoholics.
- About two in every five Americans will be involved in an alcohol-related vehicle accident in their lifetime.

- The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than a sober one.
- A 12-ounce can of beer, a 5-ounce glass of wine, and a 1 ½ ounce shot of hard liquor all contain the same amount of alcohol.
- Each 1 ½ ounce of alcohol takes the average body about one hour to process and eliminate.
- Coffee, cold showers, and exercise do not quicken sobriety.

Marijuana

Marijuana (a.k.a., grass, pot, weed, gold, joint, hemp, and reefer) has the active chemical THC. Marijuana is one of the most misunderstood and underestimated drugs of abuse. It is used for its mildly tranquilizing, mood, and perception altering effects. It alters the brains interpretation of incoming messages, but does not depress the reactions of the central nervous system. It alters a person's sense of time and reduces the ability to perform tasks requiring concentration, swift reflexes, and coordination. The drug has a significant effect on a user's judgment, caution, and sensory/motor abilities.

Signs and symptoms of use

An individual under the influence of marijuana will exhibit the following physical characteristics:

- Reddened eyes;
- Slowed speech;
- Distinctive, pungent odor on clothing (aroma of alfalfa combined with incense);
- Lackadaisical "I don't care" attitude;
- Chronic fatigue and lack of motivation;
- Irritating cough; and
- Chronic sore throat.

Other effects that identify use include:

- Restlessness;
- Inability to concentrate;
- Increased pulse rate and blood pressure;
- Rapidly changing emotions and erratic behavior;
- Impaired memory and attention;
- Fantasies and paranoia;
- Decrease in/temporary loss of fertility;
- Distorted perception of time;
- Apathy;
- Delayed decision making;
- Aggressive urges;
- Anxiety; and

- Confusion.

Even though it is a common misperception that marijuana is harmless, it is important to note the following startling facts about its use:

- Unlike alcohol which dissipates in a matter of hours from the body, marijuana remains in the body for 28 days.
- The THC potency of marijuana has increased from 500 percent to 800 percent over the past several years makes smoking three to five joints (cigarettes) per week today the equivalent of 15 to 40 joints per week in 1978.
- Combining marijuana with alcohol or other depressant drugs can produce a multiplied effect, increasing the impairment caused by all substances.

Health risks

Over time, long-term inhalation of marijuana smoke may result in the following health hazards:

- Lung irritations;
- Emphysema-like conditions;
- Cancer;
- Heart conditions;
- Respiratory tract and sinus infections caused by the fungus *Aspergillus*, a common contaminant of marijuana;
- Lowered immune system response;
- Aggravation of ulcers; and
- Brain damage.

Marijuana causes long-term negative effects on mental function, also known as “acute brain syndrome,” characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

How marijuana impairs driving

Next to alcohol, marijuana is the most frequently found substance in drivers involved in fatal crashes. The following affect the performance of a driver who is under its influence:

- Impaired driving ability for at least 4-6 hours after smoking one “joint” (cigarette).
- Impaired signal detection (ability to detect a brief flash of light).
- Impaired tracking (ability to follow moving objects with the eyes).
- Impaired visual distance measurements.

THC is stored in body fat and is slowly released over time, causing a long-term effect on overall performance. Like the other drugs, marijuana chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Cocaine

Cocaine (a.k.a., as blow, Charlie, coke, snow or zip) is a stimulant drug that is inhaled (snorted), ingested, or injected. Free-base cocaine (a.k.a., base, crack, or rock) is smoked.

Cocaine is considered the primary drug threat in the U.S. because it is easy to get, has a high rate of overdose, and has a strong correlation to violence. Review the following facts about its use:

- The number of cocaine overdose deaths has tripled.
- Treatment success rates are lower for cocaine than for other chemical dependencies.
- Cocaine causes the strongest mental dependency of any known drug. Strong psychological dependency can occur within one “hit” of crack.

Many people think that because crack is smoked, it is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today. The crack “high” is reached in 4-6 seconds and lasts about 15 minutes.

Cocaine is used medically as a local anesthetic. It is abused for its powerful physical and mental stimulant properties. The entire central nervous system is energized by cocaine. Heart rate and blood pressure are elevated. Muscles become more tense and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Crack or rock cocaine gets its name from the popping sound heard when it is heated. The most dangerous effect of crack is that it can cause vomiting, rapid heart beat, tremors, and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing, and heartbeat are depressed — leading to death.

Signs and symptoms

Individuals under the influence of cocaine will exhibit the following signs and symptom:

- Fatigue;
- Anxiety and agitation;
- Runny or irritated nose;
- Difficulty in concentration;
- Dilated pupils and visual impairment;

- High blood pressure, heart palpitations and irregular heart rhythm;
- Insomnia; and
- Profuse sweating and dry mouth.

Other effects include:

- Impaired driving ability;
- Hallucinations;
- Talkativeness;
- Restless, aggressive behavior;
- Wide mood swings;
- Increased physical activity;
- Heightened, but momentary, feeling of confidence, strength and endurance;
- Paranoia (which can trigger mental disorders in users prone to mental instability);
- Repeated sniffing/snorting causes irritation of the nostrils and nasal membrane, which may cause nosebleeds;
- Compulsive behavior such as teeth grinding or repeated hand washing; and
- Craving for more cocaine.

Health risks

The physical effects of cocaine use include accelerated pulse, blood pressure, and respiration. Use may also result in spasms of blood vessels in the brain and heart, leading to ruptured vessels that lead to heart attack and stroke. Regular use may upset the chemical balance of the brain, which may speed up the aging process by causing irreparable damage to critical nerve cells.

Mental dependency on crack cocaine occurs within days (within several months when coke is snorted). Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid and the fatal effects of an overdose are usually not reversible by medical intervention.

How cocaine impairs driving

Cocaine chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Amphetamines and methamphetamines

Amphetamines and methamphetamines are both stimulant drugs. Amphetamines have common street names such as speed, uppers, black beauties, bennies, wake-ups, and dexies. Some common street names for methamphetamines include ice, crank, crystal meth, 64 glass, cristy, go fast, OZs and in smokable form “LA glass” (as in the city of Los Angeles).

Amphetamines and methamphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. While amphetamines are usually sold in tablet form, methamphetamines are available as powder, and may be swallowed, snorted, or injected.

Although they were widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. In action, methamphetamines are nearly identical to amphetamines. They are abused for the physical sense of energy at lower doses and the mental exhilaration of higher doses. Even small, infrequent doses can produce toxic effects in some people.

Signs and symptoms

A person using these stimulants may exhibit:

- Hyperexcitability, restlessness, anxiety;
- Dilated pupils;
- Profuse sweating;
- Rapid respiration;
- Difficulty in focusing eyes; and
- Exaggerated reflexes, body tremors.

Other effects include:

- Impaired driving ability;
- Loss of appetite;
- Headaches/dizziness;
- Confusion;
- Panic;
- Talkativeness;
- Inability to concentrate;
- Short-term insomnia;
- Paranoid thoughts; and
- Hallucinations.

Health risks

Consider the physical effects on an individual using an amphetamine or methamphetamine:

- Heartbeat disturbances or heart damage caused by severe constriction of capillary blood vessels;
- Increased blood pressure;
- Convulsions;

- Coma;
- Brain damage resulting in speech disturbances;
- High doses may cause toxic psychosis resembling schizophrenia; and
- Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry, dull hair.

People with a history of sustained low-dose use quite often become dependent and believe they need to take the drug to “get by.” These users frequently keep taking amphetamines to avoid the “down” mood they experience when the “high” wears off.

How amphetamines and methamphetamines impair driving

These drugs chemically alter the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Opioids

This classification of drugs includes narcotics, such as heroin, morphine, codeine, hydrocodone, hydromorphone, oxymorphone, oxycodone, and many synthetic drugs used to alleviate pain, depress body functions and reactions. In large doses, opiates cause a strong euphoric feeling.

Common street names are: horse, morpho, China, H, M, brown sugar, Harry and dope.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal and cannot even be obtained with a physician’s prescription. It accounts for 90 percent of the narcotic abuse in the United States.

Most medical problems associated with the use of opiates are caused by uncertain dosages, use of unsterile needles, contamination of the drug, or from combining a narcotic with other drugs.

Signs and symptoms

Opioid users display the following signs and symptoms:

- Mood changes;
- Impaired mental function and alertness;
- Impaired vision;
- Constricted pupils; and
- Impaired coordination.

Other effects include:

- Impaired driving ability;
- Drowsiness followed by sleep;
- Decreased physical activity;
- Sleeplessness and drug craving;
- Depression and apathy;
- Constipation; and
- Nausea and vomiting.

Health risks

One health risk is not from the actual drug itself, but rather from the IV needle of the user, which has a high risk for contracting hepatitis and HIV due to the sharing of needles.

Narcotics increase pain tolerance. As a result, people could more severely injure themselves and fail to seek medical attention due to a lack of pain sensitivity. The effects of narcotics are multiplied when used in combination with alcohol and other depressant drugs, causing an increased risk for overdose.

How opioids impair driving

Opioids chemically alter the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.

Phencyclidine (PCP)

PCP acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is often referred to as angel dust, rocket fuel, embalming fluid, and killer weed. PCP was developed as a surgical anesthetic in the late 1950s. Later, due to its unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured. It is abused largely for its variety of mood-altering effects. PCP abuse is less common today than in the past.

Signs and symptoms

PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult. A low dose produces sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

The following are signs and symptoms of use:

- Impaired driving ability;

- Impaired coordination;
- Thick, slurred speech;
- Severe confusion and agitation;
- Muscle rigidity; and
- Profuse sweating.

Some other effects include:

- Loss of concentration and memory;
- Extreme mood shift;
- Nystagmus (jerky, involuntary eye movements);
- Rapid heartbeat;
- Dizziness;
- Convulsions; and
- Memory loss.

Health risks

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP becomes more potent in combination with other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction. There are four phases to PCP use: toxicity (which may be accompanied by convulsions, combativeness, catatonia, and even coma), toxic psychosis (including visual delusions and paranoia), schizophrenia, and depression.

How PCP impairs driving

PCP chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously. It also causes severe disorientation.

Over-the-counter and prescription medications

Over-the-counter medications, and even prescription medications, may interfere with a driver's ability to drive safely and within the requirements of the Alcohol and Drug Regulations. Make sure you know about the possible side effects of these drugs before taking them — especially before driving. Consult your physician if you have any questions about a prescription and read the ingredients label and directions for use on every over-the-counter drug you use.

Intervention

If you are a driver who is suspected of engaging in alcohol misuse or controlled substance use, you may be confronted about the problem by management and told of treatment alternatives under the company's Employee Assistance Program (EAP) or health care provider. The confrontation may result in a DOT reasonable suspicion test if a

supervisor trained in accordance with 49 CFR §382.603 see enough signs and symptoms to warrant such a test.

A driver who suspects another driver of alcohol misuse or controlled substance use is encouraged to intervene by contacting an immediate supervisor who is trained in the actual confrontation.

Cargo Handling

Policy

MLB is committed to safe and efficient handling and transporting of our customers' products. Our goal is to incur zero cargo loss or damage and to deliver all cargo in a safe and timely manner.

Responsibility

It is the responsibility of all employees of MLB to know and understand these policies and how to properly interact with our customers pertaining to the movement of their products.

It is the responsibility of all drivers to load and secure all freight properly. It is the responsibility of Safety Department to assure that all drivers have been properly trained in the handling and securing of our customer's freight.

Procedure

Loading and Unloading Schedules

MLB drivers must not contact a customer to change a scheduled load or unload appointment. When a scheduled pickup or delivery appointment cannot be met for any reason, the driver must contact his/her supervisor immediately.

The driver will report all expected customer service delays of 30 minutes or more to his/her supervisor. Delays are to be reported as soon as possible so the company can notify the customer of the anticipated delay and reschedule the appointment time, if necessary. When reporting late pickup or delivery incidents, the driver will provide his/her current location, reason for delay, and estimated time of arrival.

At Shipper

Upon arrival at the shipper, the driver will check in with the responsible shipping personnel and receive instructions. The driver will follow the shipper's loading

instructions and obey all safety rules. Once assigned a loading dock or location, the driver will secure the vehicle at that dock or location. No MLB vehicle will be left unattended until the driver is confident the vehicle is secure from moving.

When necessary, MLB drivers may be expected to hand load, assist in loading, or supervise loading. If required to hand load or assist in loading, drivers will follow proper lifting and bending techniques.

The driver will keep a piece count of all freight and will verify the quantity listed on the bill of lading. If there is a discrepancy, the driver must not sign the bill of lading and must contact their supervisor immediately for instructions.

Upon completion of the loading process, the driver must verify that the cargo is secure from shifting, falling, or collapsing while in transit.

MLB drivers are required to check bills of lading and other paperwork to assure accuracy and proper signature before leaving the loading dock or area. If there is any discrepancy in the paperwork, the driver must contact his/her supervisor for further instructions.

After loading has been completed and all paperwork is signed, if appropriate the driver will seal the load and note the seal number on the bill of lading in the presence of the shipper.

The driver is required to assure that their loaded vehicle is within legal weight limits for each axle and total gross weight. Unless otherwise instructed, the driver will weigh their load at the shipper or the nearest certified public scale. If a load is found to be overweight, the driver must contact his/her supervisor immediately for further instructions.

In Transit

Unless the driver has been instructed not to inspect the cargo by an authorized MLB official, or inspection is impractical due to the trailer being sealed, the driver will inspect the integrity and securement of their cargo within the first 50 miles of their trip. They will also inspect their cargo at each change of duty status, after driving for 3 hours, or after driving 150 miles, whichever comes first.

If a problem is found at any time, the driver will make necessary adjustments to assure continued safety of the load. If damage occurs or if any problem will cause a delay in delivery, the driver will contact his/her supervisor immediately.

Cargo Security: Theft Protection

It is the policy of MLB that all information pertaining to cargo contents, pickup and delivery schedules, and designated routes, is strictly confidential. Drivers are prohibited from discussing any of this information with any person other than authorized MLB

personnel. Any driver failing to abide by this policy will be subject to disciplinary action up to and including termination of employment.

All drivers are expected to take reasonable precautions to prevent damage to company vehicles and theft of the customer's product while in transit. Drivers should only park in safe, well-lit parking locations, designated for commercial vehicles. Drivers wishing to park overnight at a customer's location must contact their supervisor to obtain prior approval.

Unless authorized by appropriate MLB personnel, drivers must not take any load to or through home. The company will, in certain rare circumstance, give drivers permission to take loads to or through home, but drivers who do so without prior approval are subject to disciplinary action up to and including termination of their employment. Parking a MLB vehicle in residential areas is strictly forbidden in any case.

At Receiver

Upon arrival at a stop off or the final destination, the driver will check in with the receiver and get unloading instructions. The driver must follow receiver's unloading instructions and obey all applicable customer safety rules.

Once permission to unload has been given, the driver should proceed to the unloading location or dock and secure the vehicle. No MLB vehicle will be left unattended until the driver is certain the vehicle is secure from moving.

As in loading, MLB drivers may be expected to hand unload, assist in unloading, or supervise unloading. If required to hand unload or assist in unloading, all drivers will follow proper lifting and bending techniques. When drivers are unloading they will keep a piece count of all freight and verify the quantity listed on the bill of lading.

In the event of cargo damage, overage, or shortage, the driver must not sign the bill of lading or any other paperwork and must contact his/her supervisor immediately for further instructions. Upon completion of the unloading process, the driver must have the receiver sign the bill of lading and obtain any other paperwork related to the load. If the receiver refuses to sign the bill of lading, the driver must contact his/her supervisor before leaving the facility.

MLB drivers are expected to be courteous, cooperative, and respectful at all times while at a customer site. If a conflict arises at any customer location, drivers should not attempt to resolve the issue themselves, but should contact their supervisor or customer service personnel immediately for assistance in resolution.

Driver Customer Service

Policy

MLB is committed to providing the highest quality transportation services, emphasizing safety and on-time performance. This commitment includes meeting our customers' service requirements, representing their interests consistently with honesty and integrity, and continually improving the quality of the service we provide.

The success of MLB is based largely on the success and satisfaction of our customers. Without them, we will fail as a transportation company.

Responsibility

MLB realizes that meeting this commitment will only be achieved through our employees. Drivers play a vital role in our quality customer service effort, and are encouraged and expected to make positive contributions in delivering excellence to our customers.

It is the responsibility of all drivers to know and understand the customer service policies of MLB and to promote the quality standards of the MLB at all times.

It is the responsibility of the Safety Department to review this policy and associated procedures with all drivers and to assure that they are understood and adhered too.

Procedures

MLB is committed to meeting our customers' expectations through our drivers delivering perfect service. MLB defines perfect service as picking up the right quantity of the right product at the right time at the right location, delivering it on time to the right location with no cargo damage or loss, and processing all paperwork and billing information in a timely and accurate manner.

The MLB driver customer service procedures have been developed around the following goals:

- Establish minimum customer service standards.
- Define customer service nonconformance (service failure) events.
- Establish procedures for drivers arriving early or late for customer pick up and delivery.
- Establish reporting and communication standards for customer service nonconformance events.
- Establish customer service nonconformance recording procedures.
- Provide corrective action and continual improvement procedures for customer service nonconformance events.
- Establish expectations around submitting paperwork and shipping papers.
- Establish minimum driver conduct and appearance standards.

Customer Service Standards

MLB is committed to our customers, and aspires to be recognized by its customers, employees, and vendors as an integral part of their success. MLB realizes that excellent customer service just doesn't happen. It requires hard work and dedication from everyone, and involves the alignment of all our policies, procedures, and systems within the organization.

With this in mind, the company has developed the following customer service standards which all MLB employees are expected to know and adhere to. These standards include:

- Learn our customers' goals and requirements, and, when appropriate, adopt their service standards as our own.
- Empower drivers to do whatever it takes to service our customers, but especially to satisfy an unhappy customer.
- Treat all customers with respect and professionalism, and provide the highest level of personal service.
- Respond courteously and quickly to customer requests for information regarding shipment status.
- Provide substantive reasons to customer inquiries regarding service nonconformance events in an honest and up-front manner.
- Foster an environment of continual improvement in the way we service our customers.

Definition of Service Nonconformance (service failure)

MLB defines a customer service nonconformance event as any time a customer's requirements for a given shipment or service request have not been met. These requirements may include but are not limited to: not meeting on time pick up and delivery schedules, cargo security and securement issues (cargo claims), driver appearance and conduct standards, internal miscommunication, and timely and accurate paperwork and billing.

Customers' Service Schedules

A measurement of MLB's overall quality of customer service is our ability to pick up and deliver on time according to our customers' schedules and specifications. The following guidelines have been established for pick up and delivery:

Early Pick up and Delivery Guidelines

- In the case of a specific pick up or delivery appointment, drivers are expected to arrive no earlier than 30 minutes before the scheduled appointment. Drivers wishing to arrive earlier must contact their immediate supervisor at least 24 hours prior to arrival at the customer.

- In the event a driver can legally arrive earlier than the scheduled appointment, the driver may request to have the shipment's appointment advanced. Requests to move up a scheduled pick up or delivery appointment are dependent on the customer's schedule and must be made through the driver's immediate supervisor.
- Drivers shall not contact a customer directly for the purpose of rescheduling a load or unload appointment. The driver's supervisor will be the only one contacting the customer for this purpose.

Late Pick up and Delivery Guidelines

- In the event that a scheduled pick up or delivery appointment cannot be met due to delay causing a late pick up or delivery situation, the driver must notify their immediate supervisor.
- Timely reporting of delays is essential so the company can notify the customer and take appropriate corrective action or reschedule the shipment if necessary.
- Drivers shall not contact a customer directly for the purpose of rescheduling a late load or unload appointment. Rescheduling of load or unload appointments due to delay are to be made by the driver's immediate supervisor only.

Reporting Service Nonconformance Events

When reporting a late pick-up or delivery situation, drivers are expected to provide the following information:

- current location
- reason for delay
- current hours of service status
- estimated time of arrival

Recording Service Nonconformance Events

MLB is committed to continually improving the quality of the service we provide. An important part of our continual improvement effort is recording each service nonconformance event by reason, and then taking corrective measures to ensure a similar event does not reoccur.

All service nonconformance events will be recorded by reason as follows:

- Internal communication related (**IR**) - customer service nonconformance was caused by a communications failure or defect in a work process within our operation.
- Weather-related (**WR**) - customer service nonconformance was caused by delays due to adverse weather conditions experienced by the driver.
- Shipper-related (**SR**) - customer service nonconformance was caused by delays or difficulties experienced at the shipper or point of load origin that the driver or [MLB had no direct control over.

- Consignee/stop-off-related (**CR**) - customer service nonconformance was caused by delays or difficulties experienced at the load's destination or stop-off that the driver or MLB had no direct control over.
- Equipment-related (**ER**) - customer service nonconformance was caused by an equipment failure or breakdown.
- Driver-related (**DR**) - customer service nonconformance was caused by the driver. Driver-related causes include, but are not limited to, leaving late, poor trip planning or poor execution of a proper trip plan, misreporting or misrepresenting available hours of service, failure to keep record of duty status current, or failure to follow proper loading and unloading procedures.

Corrective Action for Driver-Related Nonconformance Events

MLB driver supervisors are required to discuss all driver-related nonconformance events with the involved driver. This discussion will consist of a review of the service failure, and how to prevent reoccurrence.

The driver can request, or the driver's supervisor can recommend, trip planning refresher training at any time. Drivers in need of additional trip planning training will be referred to MLB's Safety Department for scheduling.

Drivers who are responsible for a service nonconformance event will be subject to the following corrective action schedule.

Phase 1

A verbal warning will be issued to a driver who incurs a driver-related service nonconformance event and the driver will be placed in Phase 1 of the corrective action program.

All verbal warning entries must include; date and time issued, an overview of the nonconformance event, and signatures of the driver and the driver's supervisor. All verbal warnings must be documented and placed in the driver's file.

Drivers in a Phase 1 status will be evaluated for a 30-day period. The driver will be taken off Phase 1 status after the evaluation period has expired, and if no additional driver related service failures have occurred.

Drivers who are responsible for any additional service failures while in Phase 1 will be placed in Phase 2 of the corrective action program.

Phase 2

A written warning will be issued to drivers who incur any additional driver-related service failures while in a Phase 1 status. All written warning entries must include; date

and time issued, an overview of the nonconformance event, and the signatures of the driver and the driver's supervisor.

Drivers in a Phase 2 status will be evaluated for a 60-day period. Drivers placed in Phase 2 are demonstrating a pattern of behavior contrary to MLB's customer service commitment. Drivers in Phase 2 shall be scheduled for mandatory trip planning training.

A copy of the written warning and record of training will be placed in the driver's file. Drivers who are responsible for additional service failures while in Phase 2 will be placed in Phase 3 of the corrective action program.

The driver will be taken off Phase 2 status after the evaluation period has expired, assuming no additional driver related service failures have occurred.

Phase 3

A final written warning will be issued to drivers who incur any driver-related service failures while in the Phase 2 evaluation period.

Phase 3 is the final stage of the customer service corrective action program. Drivers who reach this stage are demonstrating an inability or unwillingness to service our customers according to MLB's standards. Drivers in Phase 3 face disciplinary action including suspension and possible termination of employment. A copy of the final written warning will be placed in the driver's file, and appropriate disciplinary action will be determined based on the situation.

Paperwork

Drivers are responsible for the accuracy and timely submission of bills of lading and other shipment paperwork. To ensure this, MLB has established the following procedures:

- At the shipment's point of origin, drivers are required to make sure the bill of lading and other paperwork matches the actual loaded cargo, and is signed by a responsible shipping party.
- MLB does not consider any shipment to be complete until the paperwork associated with that shipment (specifically the bill of lading) is signed by the responsible consignee or receiving party.
- Drivers transporting hazardous materials are required to make sure shipping papers are checked for content, containers of hazardous material are labeled correctly, emergency response information is listed on the paperwork and is carried in the vehicle, and placards are provided by the shipper.
- All paperwork will be forwarded to MLB within 24 hours of delivery, using Clients preferred delivery method.

Driver Conduct and Appearance Standards

All drivers for MLB are expected to dress, look, and act like professionals. Maintaining a positive and professional image is extremely important. Our drivers are our most visible company representatives to the general public and to our customers, and need to maintain the highest personal appearance and conduct standards.

Drivers for MLB are expected to follow all customer policies and procedures, and abide by all plant safety rules while at customer locations. MLB drivers are also expected to be courteous, cooperative, and respectful at all times while at customer locations, and should expect the same treatment in return.

If a conflict does arise at a customer location, drivers are not expected to resolve the issue themselves. In these situations, drivers are to contact their supervisor immediately for assistance in resolving the conflict.

Moving Violations

Policy

It is the policy of MLB that all moving violations incurred by any company driver or independent contractor leased to MLB are the responsibility of the driver or independent contractor.

MLB does not condone actions that would warrant any type of moving violation and continuous issuance of moving violations to any particular driver or independent contractor will result in disciplinary action up to and including termination of employment with MLB.

Responsibility

It is the responsibility of the MLB's Safety Department to maintain current driving records on all company drivers and independent contractors leased to MLB. The Safety Department is expected to score the drivers' records in an objective manner by using a weighted system to measure the severity of each offense. The drivers must be treated in the same manner for similar offenses.

The Safety Department must discipline any infractions of this policy, including hiding offense until the annual Motor Vehicle Record (MVR).

All driving personnel must be aware of their responsibility to drive safely and to report any moving violations. They are responsible to know the standards set forth by the company and any ramifications.

It is the responsibility of each and every driver to inform the Safety Department within 24 hours of the issuance of any moving violation.

Any attempt by a driver to hide an offense by ignoring the reporting procedures may result in discipline up to termination.

Procedures

Driver applicant's driving record

Requesting MVRs

MLB will request an MVR for the driver applicants, including leased drivers, being considered for employment after MLB has received the completed and signed employment application. During orientation, as part of the pre-hire process, the Safety Department will obtain a current driving record on each driver in order to establish driving status and to create a benchmark for future comparison and evaluation.

An MVR will be requested from every state the applicant has lived in during the past 10 years.

If an MVR request from a former state of residency comes back indicating “no record found,” the MVR request will be placed in the driver's qualification file (if hired) as verification that MLB attempted to obtain the information.

Reviewing MVRs

MLB's Safety Department will review all MVR information to determine if driver applicant meets company hiring standards regarding driving records, and will compare the MVR against the employment application to check for completeness and accuracy.

MLB expects its drivers to operate in a safe, legal, and professional manner at all times. Drivers convicted of moving traffic violations jeopardize their livelihood and MLB's safety standards.

All drivers for MLB are expected to maintain an acceptable driving record. Moving traffic violations include speeding, improper lane changes, driving too fast for conditions, following too close, failure to yield, etc. They do not include parking or equipment violations.

Existing driver's driving history

Requesting MVRs

MLB's [____Enter department____] will review all MVR information to determine if a current company driver or independent contractor leased to MLB meets company safety standards regarding driving records, and will compare the MVR against the list of violations required under §391.27 for completeness and accuracy.

An MVR will be requested from every state the applicant has lived in during the past year.

Reviewing MVRs

MLB expects its drivers to operate in a safe, legal, and professional manner at all times. Drivers convicted of moving traffic violations jeopardize their livelihood and MLB's safety standards. All drivers for MLB are expected to maintain an acceptable driving record. Moving traffic violations include speeding, improper lane changes, driving too fast for conditions, following too close, failure to yield, etc. They do not include parking or equipment violations.

Any driver who is disqualified from driving a commercial vehicle under Sec. 383.51(c) or Sec. 391.15 for serious traffic violations (or any driver that is disqualified for any other reason) will not be allowed to drive a company vehicle.

Notifying employer

Should any driver or independent contractor leased to MLB receive a moving violation they must contact the dispatcher or MLB's Safety Department within 24 hours of the issuance of the violation.

The driver must then send a photocopy of the violation directly to the office, and proceed according to the instructions on the citation. If arrangements need to be made for a future court appearance relating to a specific violation issued, the driver must inform the dispatcher of this as well.

If re-routing is necessary to accommodate a court appearance by a driver in relation to a moving violation issued while driving for MLB, the dispatcher will make every reasonable effort to accommodate this. If re-routing for this purpose is not possible, the dispatcher will inform the driver of this as soon as possible.

Should the issuance of a moving violation result in any additional action being taken against a driver's license, such as suspension, the driver will inform MLB as soon as this is determined and what date the action is expected to go into affect.

Traffic convictions associated with a DOT accident [____If subject to Part 382____]

Drivers must notify the company's Designated Employer Representative (DER), , immediately of any moving violation issued at the scene of an accident or issued within 32 hours after the accident occurred. This is to ensure that the DOT drug and/or alcohol testing is conducted if the citation occurs within the time frames outlined in §382.303.

A failure to report the citation will result in the following disciplinary actions:
Termination

Prohibited Driving Practice

Policy

Illegal, unsafe, and unprofessional driving practices are all considered to be “prohibited” driving practices, and will not be condoned by MLB at any time.

Any driver observed performing this type of driving will be subject to disciplinary action up to and including termination of employment with MLB.

A list of prohibited driving practices is included in the “procedure” section of this policy.

Responsibility

It is the responsibility of every driver to operate their equipment in a safe, professional, and legal manner at all times. It is also the responsibility of every driver to know and understand all local, state, and federal regulations pertaining to the operation of commercial motor vehicles where ever they are.

Procedure

All MLB drivers will operate their company equipment in a safe and professional manner at all times and will abide by all applicable rules and regulations. This also applies to all independent contractor leased to MLB.

Below is a list of some of the actions that are considered by MLB to be “prohibited driving practices” and will result in disciplinary action. This list is a representation only and does not constitute a complete list of all actions that MLB may consider to be “prohibited driving practices.”

Speeding

Aggressive lane change

Tailgating

Over-speed on exit and entrance ramps

Lack of turn signal use

Excessive speed in curves

Excessive speed for road or weather conditions

Attempting to go around railroad crossings that are signaling an approaching train

Not stopping at any railroad crossing while transporting hazardous materials

Any action that can be viewed as “road rage”

As stated above, this is not an all-inclusive list as other actions may be considered to be “prohibited driving practices” should the situation warrant.

Any report of a company driver or independent contractor driving in an aggressive manner or performing any of the above listed actions will be investigated. If the driver is in fact found to be in direct violation of this policy, they will be brought into the terminal for discussion and possible re-training with the Safety Department.

If continued actions of this type are observed and documented, the driver will be subject to disciplinary action including termination of employment with MLB.

Defensive Driving

Policy

MLB is strongly committed to a sound and thorough defensive driving policy.

Those principles include emphasis on the following elements:

- Good vision,
- Alertness,
- Sound judgment, and
- Fast reactions.

Our policy will be implemented as follows:

- Initial training of new hires within 3 months of their beginning work dates, and
- Periodic performance checks by MLB's Director of Safety.

While there are no regulatory requirements that mandate the existence of a defensive driving policy, it makes excellent business sense to have such a policy in place. Underlying the policy is our corporation's strong commitment to safety on the highways.

Responsibility

While operating company vehicles, drivers should always drive in the safest and most professional manner possible. The likelihood of accidents will be minimized, and a positive image for the company will be promoted in the eyes of the general public. Specifically, our drivers must operate company vehicles in accordance with all provisions of Part 392 - Driving of Motor Vehicles of the Federal Motor Carrier Safety Regulations (FMCSRs).

Many factors impact the operation of vehicles on the roadways, including:

- Light levels,
- Weather,
- Pavement condition,

- Traffic conditions,
- Mechanical condition, and
- Operator condition.

A successful defensive driver exhibits five main qualities: extensive knowledge, alertness, good judgment, foresight, and driving skill.

The core concepts of defensive driving are:

- Recognize the hazard.
- Understand the defense.
- Act in time.

If these principles are followed carefully, the results will be improved safety on the highways and a positive image for our company.

Procedures

Intersection

Getting into and out of intersections without an accident is a mark of a good defensive driver. Besides skill level, intersections also demand anticipation of the actions of other drivers and taking appropriate evasive action as required.

Backing

Backing is an extremely hazardous maneuver. If you are backing with the assistance of a guide, the ultimate responsibility for the safety of the backing maneuver remains with the driver.

Front-end collisions

The primary way to avoid front-end collisions is by maintaining a safe and adequate following distance. You should be prepared for possible obstructions on the roadway, either in plain sight or hidden by curves or the crests of hills. A special situation occurs at night, when speed should be kept to a level that will allow you to stop within the distance illuminated by the headlights of your vehicle.

Rear-end collisions

As a driver, you risk being struck from behind if you do not maintain an adequate margin of safety in your own following distance. If enough space is not allowed in front of your vehicle, chances go way up that somebody can (and will) impact you from the rear.

Passing

Failure to pass safely indicates faulty judgment on your part as a defensive driver, and failure to consider one or more of the factors that need to be checked:

- Is there enough room ahead?
- Is there adequate space to move back into your lane of traffic after passing?
- Have you signaled your intentions?

Being passed

As a driver, you must be aware of the actions of other drivers, and give way if another driver begins to sideswipe you or to cut you off. A good defensive driver will avoid problems with this kind of accident situation.

Encroaching on other traffic lanes

Observant defensive drivers will not usually get trapped when other drivers change lanes abruptly. In the same manner, entrapment in merging traffic can be successfully avoided by a good defensive driver with a little preplanning and willingness to yield. Blind spots are not valid excuses for this kind of accident - allowances must be made in areas of limited sight distance.

Railroad grade crossings

Driving across railroad crossings, or in areas where there are rail vehicles of some sort, demands special care. Careful observance of the traffic situation is your best defense.

Oncoming traffic

A defensive driver will avoid a collision with an oncoming vehicle at all costs. Even if the vehicle enters your lane of traffic, an accident can be avoided with some evasive maneuvers.

Turning

Turning, like passing, is a dangerous maneuver, and demands special care and an observant eye from you as a defensive driver. You should be aware of other vehicles in your path, and of the complete configuration of the turn you are about to undertake.

Pedestrians

As a sensible defensive driver, always assume that if there is a pedestrian (or small vehicle of some sort) involved in a situation, slowing down is your best defense. Be certain to give people and small vehicles the benefit of the doubt.

Extreme weather and road conditions

Bad weather and other road hazards place special stress upon any defensive driver. The best rule in any kind of bad weather or extreme road condition is get off the road safely and as soon as possible. If you absolutely must continue, slowing way down and increasing following distance are your best defenses, along with increased awareness. All MLB drivers will be educated on the dangers of, and the company's expectations for, driving in the following extreme weather and road conditions.

A MLB expectation that applies to all of the situations described below is that you (as a driver) are required to contact your immediate supervisor or night dispatch in the event a delay caused by weather or other road conditions will affect pick up or delivery schedules.

Fog

MLB drivers will receive safety training in fundamental fog-driving techniques. Fog reduces available visibility and impairs distance perception, making it perhaps the most dangerous type of extreme weather condition.

Because of this, it is MLB's policy that, whenever possible, drivers are to avoid driving in foggy conditions. Pull off the road and park safely until such time as the fog dissipates or is burned off, if at all possible. If you cannot safely pull off the road, follow these procedures:

- You should never assume the depth or thickness of any fog. Fog can range from a momentary blurring of the windshield to being several miles thick.
- Slow your vehicle's speed. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining a correct and safe speed depends on the thickness of the fog and is left to your best judgment.
- Use low-beam headlights only when driving in fog. Low-beams serve two purposes. They help you see the immediate roadway and also allow other motorists to see your vehicle.
- Avoid the use of high-beam headlights while driving in fog. The water particles that make up fog will reflect more light back at you than onto the roadway when high beams are used, and will further reduce visibility for you.
- You should make use of windshield wipers and the defroster when driving in fog. Driving in foggy conditions will cause a constant fine mist of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.
- Avoid passing other vehicles while driving in fog.
- You should avoid stopping on any roadway while driving in foggy conditions unless absolutely necessary. If you must stop, use the emergency or breakdown lane, activate your emergency flashers, turn off the headlights, and follow MLB's breakdown procedures

Rain

MLB drivers will receive training in fundamental safety procedures for driving in rainy conditions. Rain causes roadways to become slippery, especially when it first begins. Roadways become covered with a thin layer of oil and other residues. When rain mixes with this layer, it results in an extremely slippery and dangerous road surface. This condition remains until additional rain can break down and wash away the oily mixture from the pavement. This process can take anywhere from a few minutes to several hours, depending on the severity of the rain.

Water on the road surface can also create a potential hazard of hydroplaning. Hydroplaning happens when a thin layer of water separates the vehicle's tires from the road surface. When a vehicle is hydroplaning, it is literally riding on water. When the tires ride on water, they lose all traction and create an extremely dangerous situation. The faster a vehicle travels on standing water, the greater the chance of hydroplaning. Reducing speed is the best and safest way to avoid hydroplaning.

Rain also reduces visibility. Because rain presents these hazards, MLB drivers are expected to adhere to the following procedures when driving in rainy conditions:

- You should slow the vehicle's speed to avoid hydroplaning. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining the correct and safe speed depends on how heavy the rain is and will be left to your best judgment.
- You are expected to increase your following distance from other motorists. Since rain causes the road surface to become slippery, you need to allow for greater stopping distance if the need to stop arises.
- You should make use of windshield wipers and the defroster when driving in rain. Driving in rainy conditions will cause a constant film of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.
- You should avoid passing other vehicles while driving in rain. In addition, you are encouraged to follow other vehicles at a safe distance since vehicles traveling ahead will throw water off the pavement and leave "tracks". Driving in these tracks will give you the best possible traction under rainy conditions.

Snow

MLB drivers will receive training in fundamental safety procedures for driving in snowy conditions. Snow, depending on the type and severity, can present a variety of dangerous conditions. Because of this, the following procedures have been developed for this defensive driving policy:

- Light, powdery snow presents few problems since it is quickly blown off the road surface. However if there is enough of this type of snow to cover the roadway, it will form a slick, smooth surface. You should reduce speed and increase following distance. Determining the correct speed and safe following distance will be left to your best judgment.

- Heavier, slushy snow can affect vehicle control. If snow becomes hard packed it can cause an ice hazard on the road surface. Again, you should reduce speed and increase following distance. Determining the correct speed and safe following distance will be left to your best judgment.
- All slow maneuvers such as starting out, steering, backing, and turning should be done smoothly and with extreme care to minimize skids and slides.
- Falling or blowing snow can greatly reduce visibility. In addition, falling and blowing snow can make it hard to see the road, road markings, road signs, and off ramps. If you must continue in snowy conditions, reducing speed and increasing following distance are the best techniques a driver can use to maintain vehicle control.
- As with driving in foggy conditions, the use of high beam headlights while driving in snowy conditions should be avoided at all times. The high-beam "shooting" light will reflect off falling and blowing snow and reflect back at you, further reducing visibility.
- MLB drivers will also be educated on the dangers of "snow hypnosis". Snow hypnosis occurs when a driver is traveling directly into heavy snow and begins to focus on the falling snow instead of the road ahead. This can cause a hypnotic-like effect on the driver. The danger of snow hypnosis is especially prevalent at night.
- In extreme conditions, chains may be necessary.

Ice

- Drivers will receive training in fundamental safety procedures for driving on icy roads. All MLB drivers need to be aware of changes in road surface conditions that may affect the vehicle's traction. To help our drivers, MLB has developed the following procedures for driving on icy roads for this defensive driving policy:
- As with all extreme weather conditions, if you must continue, the safest techniques to employ are to reduce speed and increase your following distance. But of these two, increasing following distance is by far the most important. Depending on the temperature and road conditions, stopping distance (distance needed to come to a complete stop) on icy roads can increase four to ten times versus stopping from the same speed on a dry road.
- MLB drivers will be educated on the dangers of "black ice". Black ice forms when temperatures drop rapidly and any moisture on the road surface freezes into a smooth, almost transparent layer of ice. What makes black ice particularly dangerous is that you may not realize you are on it until it's too late. Determining the correct speed and safe following distance will be left to your best judgment.
- Bridges and overpasses are other areas to which you should give special attention. Ice will tend to form first on bridges and overpasses because cold air circulates both above and below these structures causing the temperature to drop more rapidly than on normal roads. Any moisture on the road surface of a bridge or overpass will freeze quicker and harder than elsewhere on the road. Extreme caution and a reduction in speed should be used by all MLB drivers while traveling over bridges and overpasses.

Night driving

Drivers will receive training in fundamental safe driving techniques for driving at night. All MLB drivers need to be aware of the potential hazards driving at night present. These hazards include fatigue, reduced visibility, poor lighting, other (impaired) motorists, and animals on the road. To help our drivers better prepare for driving at night, MLB has developed the following procedures for this defensive driving policy.

Fatigue is perhaps the most dangerous hazard of driving at night. Nothing we do at MLB is worth any one getting hurt. Fatigue usually sets in at night, but a tired driver, at any time of day, is an unsafe driver. Fatigue reduces drivers' reaction time and perception. All drivers are to review the following fatigue warning signs:

1. Your eyes close or go out of focus by themselves.
2. You can't stop yawning.
3. You are experiencing trouble keeping your head up.
4. You experience short-term memory loss. For example, you can't remember the last several miles you have driven.
5. Your thoughts wander or you begin to daydream.
6. You start drifting into other lanes of traffic, tailgate, or miss traffic signs.
7. You experience an inability to maintain a constant rate of speed.
8. You must jerk the steering wheel hard to correct a drift and get back into your lane.

If you experience any of these signs, it's time to get off the road as soon and as safely possible and get some rest.

- Reduced visibility is a hazard of driving at night. At night, visual acuity (degree of perception) and peripheral vision (side vision) are reduced, and the eyes may have difficulty adjusting from light to darkness. These factors all contribute to reduced visibility while driving at night. The best and safest techniques to counteract these night driving hazards are to reduce your speed and increase your following distance. Reducing speed is also the best way to prevent "out driving" your headlights.
- Poor lighting on the open highway or on rural roads is another hazard MLB drivers should be made aware of. At night, with poor or no lighting aside from the vehicle's headlights, hazards in the road are much more difficult to see and avoid. You should reduce speed and use extra caution when traveling on poorly lit or unfamiliar roads.
- Impaired motorists (drunk drivers) are a hazard to everyone on the road. MLB drivers should be especially cautious when driving between the hours of midnight and 3:00 am (typical bar and tavern-closing times). Drivers should be wary of motorists driving in an erratic manner including weaving in and out of traffic lanes, having difficulty maintaining a constant rate of speed, or braking suddenly. If you, as a driver, suspect that you are sharing the road with an impaired

motorist, reduce your speed, let the motorist pass, and increase following distance.

- Animals on the road present another kind of hazard while driving at night. MLB drivers are to be especially alert when driving on roadways lined by woods or tall grass. Animals, especially deer, can jump out in front of an oncoming vehicle with little or no warning. The best techniques to avoid collisions with animals are to not "outdrive" your headlights and to reduce speed. If a collision with an animal is unavoidable, you should drive "through" the animal. This will help prevent a jackknife or rollover type accident.

Road construction

MLB realizes that chances are good that from time to time our drivers will be faced with having to drive on roadways that are being repaired or under construction. Road construction presents several hazards. Because of this, our drivers are expected to approach road construction work zones the same way they would any adverse driving situation and follow these procedures:

- You should reduce speed and maintain a safe following distance.
- You should drive at or under all special or reduced posted speed limits while traveling through road construction work zones. Safe following distance will be left to your best judgment.
- You should be constantly aware of your immediate surroundings, anticipate the possible actions of other motorists, and expect sudden stops.
- You should watch for construction workers or vehicles crossing the roadway.
- You should use the lane furthest from a construction zone when possible.
- You should avoid sudden lane changes and use headlights and four-way flashers when traveling through construction zones.

Road hazards

MLB drivers should be aware of the potential danger of encountering various types of road hazards including:

- Soft shoulders or severe pavement drop-offs that can cause rollover type accidents.
- Road debris such as tire recaps, metal, or lumber can cause severe damage to tires, tire rims, electrical systems, and brake lines. You should be aware of the road ahead to identify potential road debris early and take safe and appropriate avoidance maneuvers.

Underpasses

Hitting a bridge, underpass, or viaduct is a danger you should be constantly aware of. This type of accident, often referred to as "topping" a trailer, is always preventable. MLB drivers need to be aware that the posted height of an underpass is not always accurate.

Re-paving and packed snow can reduce the clearance of an overpass enough to cause a problem. In addition, an empty trailer will ride higher than when it is loaded. You should make thorough trip plans. When in doubt of the clearance of an underpass, you should get out of your vehicle and make a visual inspection or find an alternate route.

Fixed objects and special intersections

A good defensive driver will observe items in the area around the vehicle that might cause problems. Checking to be certain there is adequate clearance is the primary thing to watch. In the areas of driveways, alleyways, or plant entrances, the effective defensive driver will analyze the situation carefully, slow down, sound a warning when appropriate, and be ready to yield to the other driver involved.

Physical and mental condition

The company expects its drivers to manage their physical and mental condition well. That especially means keeping a positive attitude when behind the wheel, and taking good care of their physical health. Fatigue is an especially dangerous factor to be aware of.

Personal appearance

If there is a company dress code, follow it carefully. Wear uniforms if provided. Be certain they are clean and pressed. Personal cleanliness is also important.

Following distance

Tailgating is probably the single most common complaint lodged by the general driving public against truck drivers. Here are some specific following distance guidelines:

- use a 3-second interval at speeds up to 40 mph;
- use a 4-second interval at any speed over 44 mph;
- add extra time in bad weather or poor road conditions; and
- add extra following distance if you are being tailgated.

Driving speed

You should drive consistent with posted speed limits, with due regard given to existing traffic, weather, and highway conditions. Never overdrive your headlights at night. That means you should be able to stop safely in the distance you can see clearly in your headlights.

Right of way

As a defensive driver, you should never attempt to exercise the right of way principle. Let the other driver go first. Keep to the right except to pass, or when getting into position to turn left. In town, when you enter a main thoroughfare from a side street, alley, driveway,

or a highway ramp, make a full stop at any crosswalk, then another full stop before actually moving into traffic.

Meeting other vehicles

Keep to the right when meeting other vehicles on a roadway. If a vehicle approaches on your side of the road, slow down and pull to the right as far as you safely can. If you have to take this kind of evasive action, and have actually gone off the highway onto the shoulder, be certain you slow the vehicle down sufficiently before you attempt to come back onto the highway. Never pull to the left to avoid an oncoming vehicle.

When merging onto a highway MLB drivers are expected to:

- Signal early,
- Be patient and watch for an opening,
- Build speed and merge smoothly, and
- Check mirrors constantly.

When exiting a highway, MLB drivers are expected to:

- Signal and change into the right-hand lane early and safely;
- Signal intentions to exit early;
- Check mirrors constantly;
- Reduce speed and exit.

Curves and turns

The biggest thing to remember in successfully negotiating curves and turns is to slow down. That way you will be able to make any needed adjustments in steering, etc. as required.

Driver Safety Records

Policy

As part of MLB's overall commitment to operating in a safe and legal manner, a Safety Performance File will be kept on each driver. These Safety Performance Files will be chronological listings of all accidents and incidents involving individual drivers.

The goals of these Safety Performance Files are:

- to take a proactive stance in detecting patterns of unsafe driving behavior,
- to take immediate corrective action with all drivers operating in an unsafe manner, or who are involved in accidents or incidents, and
- to recognize those drivers who consistently demonstrate the ability to operate safely and within the regulations.

Responsibility

The prevention of accidents and incidents is an important part of MLB's safety program. When an accident or incident occurs, the driver's supervisor, along with MLB's Safety Department personnel, will take appropriate corrective action and document the event.

The driver's supervisor, along with MLB's Safety Department personnel, will be responsible for keeping the driver Safety Performance Files current by recording all safety related events as described below.

Procedures

Accidents

All accidents involving a driver, regardless of preventability or cost, shall be recorded in the driver's Safety Performance File. The company believes the tracking of non-preventable, as well as preventable, accidents can provide valuable information on individual driving behavior and trends. Drivers who show a pattern of “being in the wrong place at the wrong time” and incurring multiple non-preventable accidents may need additional or remedial defensive driving training.

The cost of the accident shall not be a consideration in whether or not the accident is recorded in the driver's Safety Performance File. Cost is a determinant of accident severity, but the company regards all accidents as serious, regardless of cost. An accident involving \$200 in vehicle damage can easily turn into a \$20,000 accident if a personal injury is claimed. The driver who incurs two or three minor, slow moving accidents is demonstrating a pattern of unsafe or careless driving behavior, and is at higher risk of being involved in a major accident. Safety Performance Files are intended to identify these patterns, and alert the company to take corrective action.

All record of accident entries should include the following information :

- Date and time of the accident.
- Personal injuries involved (if applicable).
- Other vehicle(s) involved (if applicable).
- Property damage involved (if applicable).
- Estimated cost.
- A brief description of the accident.
- Preventability decision.

In addition, a driver's Safety Performance File will include any records of accident counseling, remedial training, or other corrective action taken by the company. This could include things like defensive driving training, slow maneuver operations, backing, etc.

All records of corrective action entries should include the following:

- Type of action taken.
- Date and time of counseling, remedial/additional training, and/or corrective action.
- Signatures of the driver, supervisor, and/or Safety Department representative involved.

The driver's Safety Performance File will also be used to determine annual driver safety awards eligibility.

Hours of service

MLB expects all of its drivers to consistently complete and submit accurate, true, neat, and legible daily logs. Drivers who submit logs with excessive violations are demonstrating unwillingness or inability to meet company standards or comply with federal regulations.

To address this issue, the company has established a Log Auditing Policy which provides preventive counseling and remedial training opportunities to improve hours-of-service performance. The policy also provides a corrective action schedule for drivers who fail to correct their hours-of-service performance deficits. This corrective action program includes verbal and written warnings to be given to drivers who do not comply with company standards and federal regulations.

A record of all verbal warnings, written warnings, and letters of recognition will be entered in the driver's Safety Performance File. All records of hours-of-service entries shall include the following information:

- Date and time issued.
- A copy of the written warning or letter of recognition.
- Signatures of the driver, supervisor, and/or Safety Department representative.
- A listing of the driver's historical hours-of-service performance.

In addition, the driver's Safety Performance File will include a record of any hours-of-service counseling, remedial training, or other corrective action taken by the company. All records of corrective action entries shall include the following:

- Type of action taken.

- Date and time of counseling, remedial/additional training, and/or corrective action.
- Signatures of the driver, supervisor, and/or Safety Department representative involved.

Road observations

Conveying the image that MLB is a safe and responsible organization to our customers and to the general motoring public is critically important. Drivers have the most direct influence on this image, since they are the company's most visible public representatives.

In order to maintain and enhance our company's image, drivers for MLB are expected to drive in a defensive manner and exercise road courtesy at all times. Reported road observations that are either phoned in or written, are taken seriously.

A reported negative road observation (NRO) has an adverse impact on the company's image. Reports of drivers operating in aggressive, careless, or reckless manners shall be investigated. If found to be accurate, they are recorded in the driver's Safety Performance File. Drivers involved in a reported NRO shall be counseled by their supervisor, and/or a Safety Department official.

Drivers involved in repeated NROs over a span of time are demonstrating a pattern of unacceptable driving behavior contrary to company policy. Such drivers will be subject to the following schedule:

1. First reported NRO: verbal warning and counseling by the driver's supervisor and/or Safety Department official.
2. Second reported NRO within 3 months of the first: written warning and mandatory defensive driving retraining.
3. Third reported NRO within 3 months of the second: final written warning and disciplinary action including suspension up to possible termination.

A record of all reported NRO incidents shall be entered in the driver's Safety Performance File. All NRO entries shall include the following information:

- Date and time of the observation.
- Name of individual reporting the observation, address and phone number (if given).
- The original letter (if the NRO was in written form).
- A written report by the MLB official who conducted the investigation.
- A brief description of driving behavior observed.

In addition, a driver's Safety Performance File will include any record of counseling, remedial training, or other corrective action taken by the company for reported NROs. All records of corrective action entries shall include the following:

- Type of action taken.
- Date and time of the counseling, remedial training, and/or corrective action.
- Signatures of the driver, supervisor, and/or Safety Department official involved.

Conversely, a positive road observation (PRO) has a favorable impact on MLB's image, and speaks highly of the professionalism of the driver involved. The driver involved in a PRO is reinforcing the company's image of being a safe and responsible organization. A driver involved in a PRO incident will be recognized by the company, and a record of the PRO will be entered in the driver's Safety Performance File.

All records of PRO entries shall include:

- Date and time of the observation.
- Name of individual reporting the observation, address and phone number (if given).
- The original letter (if the PRO was in written form).
- A brief description of driving behavior observed.
- Violations of Motor Vehicle Laws

MLB expects its drivers to operate in a safe, legal, and professional manner at all times. Drivers convicted of moving traffic violations jeopardize their livelihood and the company's safety standards. All drivers for MLB are expected to maintain an acceptable driving record. Moving traffic violations include speeding, improper lane changes, driving too fast for conditions, following too close, failure to yield, etc. They do not include parking or equipment violations.

All MLB drivers are expected to meet these guidelines:

- No more than 2 conviction for a moving traffic violation 36 months.
- No more than 3 convictions for moving traffic violations within 48 months.

If a driver receives a ticket or citation for any moving traffic violation, that event must be reported to the driver's supervisor or to the Safety Department within 24 hours of its occurrence. A record of all such events shall be entered in the driver's Safety Performance File.

Any driver who is disqualified from driving a commercial vehicle under Sec. 383.51 for serious traffic violations (or any driver that is disqualified for any other reason) will not be allowed to drive a MLB vehicle.

Weapons on the Property or in the Vehicle

Policy

It is the policy of MLB that no weapons of any type will be allowed on company property at any time. "Company property" is defined as company trucks and vehicles at all times, leased trucks and vehicles while physically on the company premises, and all company buildings and grounds. Furthermore, no employee or independent contractor associated with MLB will have or display any type of weapon while on any customer's property.

Responsibility

It is the responsibility of all employees, contractors, and management personnel of MLB to assure adherence to this policy at all times for their own safety, as well as the safety of others.

Procedure

The Safety Department will review this policy with all new employees at time of hire, and will assure their understanding and acceptance by having the new employee sign an acknowledgement statement.

Any person observing another person with a weapon of any type while on company property (as defined above), will immediately notify their supervisor. The supervisor will assess the situation and determine whether or not local authorities will be contacted, and what additional action needs to be taken.

Any person observing another employee or associated independent contractor with a weapon of any type, while on any customer's property, will immediately notify their supervisor. The supervisor will assess the situation and contact the customer and local authorities as deemed necessary.

At no time will any employee, independent contractor, or member of management of MLB attempt to disarm anyone with any type of weapon, while acting as a representative of MLB.

Anyone found violating this policy will be subject to disciplinary action up to and including immediate termination of employment with MLB.

Driver Logs - Property-Carrying Vehicles

This policy contains hours-of-service regulation changes that are effective September 29, 2020.

Policy

MLB is strongly committed to full compliance with the current federal hours-of-service regulations, as well as any additional local regulations which may apply. The hours-of-service (logging) regulations for drivers of property-carrying vehicles are part of the Federal Motor Carrier Safety Regulations, specifically contained in Part 395 of the FMCSRs.

This policy is applicable to drivers that are required by MLB to complete paper grid-graph logs and drivers that are using grid-graph paper logs due to an ELD failure or an ELD exemption. Drivers that are using an ELD must comply with the ELD policy. A driver will be *required* to use an ELD rather than a paper grid-graph log if the driver must complete a log more than 8 in any 30 day period and one of the ELD exemptions does not apply to the driver.

A major element of individual compliance with the hours-of-service regulations is regular completion of the company's specified log form, including all 11 required items.

Responsibilities

Drivers are expected to know and apply both logging procedures under the FMCSRs and company policy. Infringements will result in corrective actions up to termination.

Dispatchers and managers will be expected to instruct and correct drivers on the proper completion of a driver log.

Driver Logs Procedures

Sec. 395.1(e)(1) allows for an exemption from Sec. 395.8 (standard log) requirements if a driver can meet all of the following conditions:

- driver operates within a 150 air-mile radius of the normal work reporting location;
- driver (except a driver salesperson) returns to the work reporting location and is released from work within 14 consecutive hours;
- at least 10 consecutive hours off duty separate each 14 hours on duty;
- does not exceed 8 total hours of driving without a minimum 30-minute break from driving;
- driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

- motor carrier maintains and retains for a period of 6 months accurate and true time records showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, the time the driver is released from work each day, and the total time for the preceding 7 days in accordance with Sec. 395.8(j)(2) (for drivers used for the first time or intermittently).

Drivers making use of the 150 air-mile exemption on certain days must shift back to providing a standard log document for any day when they do not meet the exemption requirements.

For example, driver A falls under the 150 air-mile exemption for 20 days out of the month, but exceeds that distance requirement on the remaining 11 days. He/she can use standard log forms for 8 logging days in the prior 30 days. He/she would be required to use an ELD when the driver logged more than 8 days in the prior 30 days. Grid logs (paper or electronic as noted) are required for all 11 days the driver didn't qualify for the short-haul exception, but could make use of a simple time sheet document for the other days. MLB needs to make certain the distinction between "logging" days and 150-air-mile radius days is clear on the time recording document.

Sec. 395.1(e)(2) allows for an exemption from Sec. 395.8 (standard log) requirements and Sec. 395.3(a)(2) (14-hour rule) if a driver can meet all of the following conditions:

- driver is not required to carry a commercial driver's license (CDL);
- driver stays within a 150-air-mile radius of the normal work reporting location (150 air miles are equivalent to 172.6 statute miles);
- driver returns to that work reporting location at the end of each duty tour; and
- driver does not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, or after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days (a valid 34-hour restart may be used to begin a new 7-consecutive-day period).

Drivers claiming this exemption must comply with the 10-hour off-duty rule, the 11-hour driving rule, and the 60/70-hour limit, and must not use the 150-air-mile-radius exception, the sleeper-berth option, or the 16-hour short-haul exception.

Under this non-CDL 150-air-mile exemption, MLB must maintain time records for 6 months showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day (and the total time for the preceding 7 days for drivers used for the first time or intermittently).

Using the Log Grid

Time on the grid is entered in one of four different duty statuses. Following is a description of each of the types of duty statuses:

- **Off duty:** A driver may log off duty when he/she is relieved of responsibility for his/her job, including resting in or on the vehicle. (Example: days off, company authorized meal stops)
- **Sleeper berth:** Drivers may log time on this line that they actually spend in a sleeper berth which meets the requirements set forth in Sec. 393.76 of the FMCSRs.
- **Driving:** A driver must log on this line all time spent at the "driving controls of a commercial motor vehicle in operation" (Sec. 395.2).
- **On Duty (Not Driving):** All other time when the driver is working or is in the vehicle and not in the sleeper or driving must be logged on line 4.

On-duty time includes:

- all time at a plant, terminal, facility, or other property, of a motor carrier or shipper or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- all time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- all driving time as defined in the term "driving time";
- all time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth, time spent resting in or on a parked vehicle, and up to 2 hours spent riding in the passenger seat of a moving property-carrying vehicle immediately before or after spending at least 8 consecutive hours in a sleeper berth;
- all time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- all time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by Part 382 of this subchapter, when directed by a motor carrier;
- performing any other work in the capacity, employ, or service of a motor carrier; and
- performing any compensated work for a person who is not a motor carrier. (Sec. 395.2)

The following 11 items must appear on any log:

- the graph grid with a "remarks" section (can be used either vertically or horizontally)
- the date
- the total miles driving on the 24-hour period covered by the log

- the truck or tractor and trailer numbers
- the name of the carrier
- the carrier's main office address
- the driver's signature/certification
- the 24-hour period's starting time (most commonly midnight or noon, but any other time can be chosen by the carrier for a particular terminal to use on their logs)
- the name of the co-driver
- the total hours (at the end of the grid)
- the shipping document (required when using an ELD if available) number or name of shipper and commodity (not allowed without also noting a shipping document number if available when using an ELD).

When you begin to fill out your log, some items can be immediately entered, with the rest being filled in as your day progresses. To begin, fill in the following:

- the date (generally located at top left of the form)
- the full company name (this may already be preprinted on the log form you are using)
- the city and state address (again this may be preprinted on your form; if it's not, the city name must be written out in full, but the state can be abbreviated)
- the truck or tractor and trailer numbers (generally located at the top of the form)
- the co-driver's name, if applicable
- the shipping document numbers or the name of the shipper and commodity (generally located in the Remarks section of the form. A shipping document number is required when using an ELD if such a number is available. A shipper and commodity alone is not sufficient when using an ELD.)

Drivers have a number of specific responsibilities under the regulations when it comes to keeping their log. They include:

- entries must be current to the last change of duty status.
- entries must be legible and in the driver's own handwriting.
- entries should include all of the required 11 items as described elsewhere in this procedure.
- entries on the log should be made using the time standard in effect at the driver's home terminal.
- entries for multiple days off or vacations can be consolidated onto a single log form, as long as the inclusive dates are clearly shown.
- entries must be done in duplicate, according to the regulations.

Always double check your duty status entries and total hours' calculations by duty status before you hand in a log or certify and submit an electronic log. A paper log must be signed and an electronic log must be certified immediately after the last duty status change for the 24-hour period or after edits in the case of an electronic log.

Once you have completed a daily log, you are required to submit the original directly or forward it by mail within 2 days. Note: It must be received by the motor carrier within 13 days of completion (§395.8(i)) days.

A driver must have the current day's log, current to the last change of duty status, plus the logs for the previous 7 consecutive days in his/her possession, according to Sec. 395.8 (k)(2). He/she must be able to produce these documents if requested to do so by a law enforcement official or DOT inspector.

Logs will be retained for 6 months from date of receipt.

ELD Property-Carrying Drivers

Policy

MLB is committed to strictly following the hours-of-service and electronic logging device (ELD) regulations for property-carrying vehicles. It is the responsibility of all employees, supervisors, managers, and drivers to assure that all drivers are operating in compliance with all hours-of-service and ELD regulations under all circumstances. Violation of this policy will result in disciplinary action, up to and including termination of employment. This policy has no exceptions.

Responsibilities: Drivers

Drivers that have been instructed by the company to use an ELD are expected to know and apply the property-carrying vehicle hours-of-service and ELD rules. Any disregard for the ELD rules and/or this company policy will result in disciplinary actions by the company, up to and including termination.

Procedures: Drivers

When using an electronic logging device (ELD), all drivers must:

- Log in at the beginning of the tour, using their own assigned credentials. Under no circumstances is a driver to use another driver's login information.
 - As part of the login process, the driver is to:
 - Review, and accept or deny any unassigned driving time on the device at time of login. Drivers are required to accept unassigned driving time if the driver's actions led to the unassigned driving time.
 - Create off-duty logs for any days for which the driver was off duty since logging out
- Make manual duty status changes at the time the duty change takes place.
- Make location entries, when requested by the device.

- Find a safe parking location and stop operating the vehicle when alerted by the ELD that an hours-of-service limit (8-total driving hours/30-minute break, 11 driving, 14 consecutive, 60/70) will be reached.
- Not operate the vehicle until a required break has been completed (30-minute, 10-hour, 34-hour).
- Use the following special driving categories when appropriate.
 - Personal use: To only be used only when the driver is using a vehicle to commute to a purely personal destination (home, hotel, restaurant). Misuse of this special driving category will be considered deliberately creating a false log.
 - Yard move: To only be used only when the vehicle is being operated in a facility that the public does not have access into due to gates or signs. Misuse of this special driving category will be considered deliberately creating a false log.
- Make edits and annotations as needed to correct for errors and omissions. All edits must include a comment stating the reason the edit was necessary.
 - Examples:
 - Driver forgot to log in
 - Driver forgot to enter a duty change when it occurred (correcting the time a duty change took place)
 - Driver forgot to log out
 - Adding on-duty hours that were not entered into the system through the onboard device
- Review proposed edits and approve the edit only if the edit is appropriate. If the edit is not appropriate, the driver is to contact the supervisor that initiated the edit and explain why the edit is not appropriate.
- Enter a comment any time an exemption or exception is used.
- Enter a comment any time a limit is exceeded.
- Certify and submit the record within 2 days.
 - Alternate: Certify and submit the records at the end of current assignment
- Log out upon completion of the tour

Roadside inspections

- It is the driver's responsibility to provide the officer with the requested records and documents during a roadside inspection. The exact procedures will depend on the ELD make and model the driver is using.
 - ELD: Provide the officer, the user's manual, the data transfer instruction card, and the malfunction card.
 - Be prepared to show officer at least eight blank logs.
 - Transfer the ELD data to the officer. **Malfunctions**
- A malfunction is any situation involving the device being unable to capture, process, store, or present the required hours-of-service data to the extent that ELD malfunction hinders the accurate recording of the driver's hours-of-service data (i.e., 10/11, 14/15, 60/70 hours; or 30-minute break).

If the device malfunctions, the driver is to:

- Notify the company immediately in writing (message or email) and call if necessary.
- Immediately reconstruct the current and previous seven days' logs using (any combination is acceptable):
 - Blank logs
 - Printouts
 - The device display
- Follow the company's instructions to get the device repaired or replaced.

Prohibited practices

- Under no circumstance is a driver to change (edit) a record or misuse personal conveyance or yard moves in such a way that would result in a false record being created.
 - Examples:
 - Changing on-duty time to off duty to eliminate a violation
 - Changing on-duty time to off duty to make more hours available
- Under no circumstances is a driver to operate a vehicle equipped with an ELD without logging into the device
- Under no circumstances is a driver to operate a vehicle equipped with an ELD after logging out of an ELD
- Under no circumstances is a driver to operate a vehicle on a public roadway at a slow enough speed to prevent the device from correctly capturing driving time.
- Drivers are not allowed to operate upon reaching any of the appropriate hours-of-service limits, unless there is a company-authorized exception that allows the driver to drive past the limit. In this case, the driver is to note the exception used in the comments area.
- Under no circumstances is a driver to operate a vehicle until all hours that are not in the ELD system have been entered via the edit process.
 - Examples:
 - Time working for the company that was not entered into the ELD system
 - Time working at another employer
- Under no circumstances is the driver to tamper with the device or the data stored in the device. Any attempts by a driver to repair the device or return functionality must be done under the direct supervision of a company supervisor.

Hours of Service - Property-Carrying Vehicles

This policy contains hours-of-service regulation changes that are effective September 29, 2020.

Policy

MLB is committed to strictly following the hours-of-service regulations for property-carrying vehicles. Department of Transportation (DOT) regulations require all motor carriers and drivers to follow the hours-of-service requirements. Our hours-of-service procedures will help avoid DOT penalties and reduce driver fatigue.

Responsibility

Drivers are expected to know and apply the property-carrying vehicle hours-of-service rules. They should familiarize themselves with company-specific policies that are in addition to these rules. Any disregard for these hours-of-service rules and/or company-issued policies will result in disciplinary actions by the company.

Drivers are expected to monitor their on-duty/off-duty time and know their availability. They have a certain level of responsibility for safety compliance, in addition to those who dispatch them and those who audit the hours-of-service records.

A driver is expected to approach a supervisor if he or she has questions about the hours-of-service rules and/or company-issued policies. Any hours-of-service violations resulting from a misunderstanding of the rules may result in refresher retraining.

Drivers are expected to use their best judgment if feeling ill or fatigued. Even if they have available hours under the rules, they must not begin or continue with a shift.

Safety and operations personnel must not allow or suggest that a driver violate the hours-of-service rules and/or company-issued policies. Supervisory personnel must not allow a driver to operate a commercial motor vehicle if he or she is ill or fatigued, despite having available hours available under the rules.

Procedures

11-hour driving rule

A driver cannot drive for more than 11 hours following 10 consecutive hours off duty. All time spent at the driving controls of a commercial motor vehicle is considered driving time, unless using authorized personal conveyance or performing yard moves in an area not open to public travel.

14-hour on-duty rule

A driver cannot drive after the 14th consecutive hour after coming on duty. After the 14th hour, a driver cannot drive again until he/she has 10 consecutive hours of rest.

30-minute break rule

A driver cannot drive if more than 8 total hours of driving have been accumulated without a minimum 30-consecutive minute interruption from driving comprised of off-duty time, sleeper-berth time, on-duty (not driving) time, or a combination of these.

Short-haul drivers

A short-haul driver may be exempt from the 14-hour rule periodically, under the following conditions:

- The driver must have returned to his/her normal work reporting location and been released from duty at that location for the previous five duty tours the driver has worked;
- The driver must return to the normal work reporting location and be released from duty within 16 hours after coming on duty following 10 consecutive hours off duty; and
- The driver must not have taken this exemption within the previous 7 consecutive days, except when he/she has begun a new 7- or 8-consecutive-day period with a valid 34-hour restart.

Adverse driving conditions

A driver who encounters adverse driving conditions and, because of those conditions, cannot safely complete his/her run within the 11-hour maximum driving time may drive for an additional 2 hours to complete the run within up to a 16-consecutive hour duty window.

Adverse driving conditions mean snow, sleet, fog, or unusual road and traffic conditions which were not apparent to the person dispatching the run or the driver at the time it started, or beginning driving after a qualifying rest break or sleeper-berth period under the split-sleeper exception.

A driver may not drive:

for more than 13 hours following 10 consecutive hours off duty; or

- if more than 8 total hours of driving have been accumulated without a minimum 30-consecutive minute interruption from driving; or
- after he/she has been on duty after the end of the 16th hour after coming on duty, following 10 consecutive hours off duty.

Adverse driving conditions do not include loading or unloading delays or conditions that were apparent before the run was dispatched.

Sleeper berth

The sleeper berth can be used to accumulate required off-duty time, as long as the driver follows prescribed guidelines. A driver can accumulate the required 10 hours of off-duty time by either:

- Spending 10 consecutive hours in the sleeper berth;
- Combining time in the sleeper berth with other off-duty time to get 10 hours off, as long as all 10 hours are consecutive; or
- Obtaining 10 non-consecutive hours off duty using two separate rest periods, with one being at least 8 consecutive hours in the sleeper berth and the other being at least 2 consecutive hours either off duty, in the sleeper berth, or any combination of the two. Both periods pause the 14-hour clock.

When using the final option, once a driver has obtained the two required rest periods, the driver does not have 11 and 14 hours available. Available hours are calculated by counting forward from the end of the first rest period and subtracting driving time from 11 and all time (excluding any minimum 7-hour sleeper-berth period or a minimum 2-hour off-duty or sleeper-berth periods that are considered two qualifying breaks) from 14.

The following example describes how the sleeper berth can be used effectively by a driving team. Driver A is behind the wheel for 8 hours, then goes into the sleeper berth for 8 hours (at least 7 hours is required) while Driver B (who has been in the sleeper berth) gets behind the wheel. After 8 hours in the sleeper berth, Driver A drives for another 3 hours then goes back into the sleeper berth for 3 hours (at least 2 hours is required). At that point, Driver A's 10-hour off-duty requirement has been satisfied in two blocks of time and he/she can return to driving for 8 hours.

This method can be used continually as long as the driver has driving time available under the 60/70-hour rule.

Drivers can also record up to 3 hours riding in the passenger seat of a moving property-carrying vehicle as "off duty," provided the 3 hours is immediately before or after spending at least 8 consecutive hours in a sleeper berth.

60-hour/7-day limit

MLB follows the 60-hour/7-day schedule. A driver cannot drive after having been on duty for 60 hours in any 7 consecutive days.

34-Hour Restart:

Any period of 7 consecutive days may be ended with the beginning of an off-duty period of 34 or more consecutive hours. Upon completion of the 34-consecutive hours off duty, the driver's hours worked for the previous 7 days goes to "0" and the driver has a full 60 hours available.

70-hour/8-day limit

MLB follows the 70-hour/8-day schedule. A driver cannot drive after having been on-duty for 70 hours in any 8 consecutive days.

34-Hour Restart:

Any period of 8 consecutive days may be ended with the beginning of an off-duty period of 34 or more consecutive hours. Upon completion of the 34-consecutive hours off duty, the driver's hours worked for the previous 8 days goes to "0" and the driver has a full 70 hours available.

Ground water well drilling operations

When the driver of a commercial motor vehicle, who is used primarily in the transportation and operation of a ground water well drilling rig, is off duty for at least 24 consecutive hours, the period of 7 or 8 days ends at the beginning of the off-duty time. The clock "restarts" when the driver goes on duty again.

Construction materials and equipment

When the driver of a commercial motor vehicle, who is used primarily in the transportation of construction materials and equipment, is off duty for at least 24 consecutive hours, the period of 7 or 8 days ends at the beginning of the off-duty time. The clock "restarts" when the driver goes on duty again. This exception does not apply if the vehicle is carrying a placardable amount of hazardous materials.

Utility service vehicles

The hours of service rules do not apply to drivers of "utility service vehicles" (see Sec. 390.5).

Agricultural operations

The hours-of-service regulations do not apply during the state's planting and harvesting periods to drivers transporting:

- Agricultural commodities from their source, within a 150 air-mile radius of that location;
- Farm supplies for agricultural purposes, within a 150 air-mile radius, from:
 - a wholesale or retail distribution point to a farm or other location where the farm supplies are intended to be used; or
 - a wholesale distribution point to a retail distribution point.

Motion picture production vehicles

A driver providing transportation to or from a theatrical or television motion picture production site is exempt from the 11- and 14-hour rules if all of the following criteria are met:

the driver operates within a 100 air-mile radius of the location where the driver reports to and is released from work, i.e., the normal work-reporting location;

- the driver does not drive more than 10 hours following 8 consecutive hours off duty;
- the driver does not drive for any period after having been on duty 15 hours following 8 consecutive hours off duty.

Vehicles containing Division 1.1, 1.2, or 1.3 explosives

A driver required to be in attendance on a vehicle containing Division 1.1, 1.2, or 1.3 explosives must remain “on duty” at all times while performing attendance functions or any other work (Sec. 397.5). The driver may use 30 minutes or more of attendance time to meet the requirement for a break from driving every 8 total hours of driving. The break must be recorded as “on duty” time with a remark or note used to indicate the period of time used to satisfy the 30-minute break requirement. (Note:FMCSA has not yet clarified if the note is still required since all CMV drivers can satisfy the break requirement with on-duty (not driving) time.)

Ready-mixed concrete delivery vehicles

A driver of a ready-mixed concrete delivery vehicle may use 30 minutes or more of time spent while waiting with the vehicle at a job site or terminal to meet the requirement for a 30-minute break, as long as the driver performs no other work during the break.

(Note:FMCSA has not yet clarified if the note is still required since all CMV drivers can satisfy the break requirement with on-duty (not driving) time.)

Vehicles transporting livestock or bees

The requirement for a 30-minute break does not apply to a driver engaged in the interstate transportation of livestock or bees by commercial motor vehicle as long as the livestock or bees are on the vehicle.

Railroad signal employees

The hours of service rules do not apply to railroad signal employees while regulated by the Federal Railroad Administration and who operate commercial motor vehicles, are engaged in installing, repairing, or maintaining signal systems, and are employed by a railroad carrier or a contractor or subcontractor to a railroad carrier.

Hi-rail vehicles

For the driver of a hi-rail vehicle, time in transportation to or from a duty assignment can be excluded from hours-of-service limits if it does not exceed 2 hours per calendar day or 30 hours per calendar month and is fully accounted for in the driver's time records.

Covered farm vehicles

The hours-of-service rules do not apply to drivers of "covered farm vehicles" (see Sec. 390.5).

Pipeline welding trucks

The hours-of-service rules do not apply to drivers of "pipeline welding trucks" (see Sec. 390.38).

On-duty time

All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all work responsibility is considered on-duty time. Work for any entity, regardless of whether the employer is a carrier, is considered on-duty time. On-duty time includes the following:

- All time at a plant, terminal, facility, or other property, of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
- All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All driving time.
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth, time spent resting in or on a parked vehicle, and up to 2 hours spent riding in the passenger seat of a moving property-carrying vehicle immediately before or after spending at least 8 consecutive hours in a sleeper berth.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with alcohol and drug testing requirements.
- Performing any other work in the capacity, employ or service of a motor carrier.

Performing any compensated work for a person who is not a motor carrier.

Meal stop exception

A driver may record meal and other routine stops as 'off-duty' time if both of the following criteria are met:

- MLB relieves the driver of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying; and
- for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

150 air-mile radius exception for CDL vehicles

A driver is not required to create a log or use an ELD, or comply with the 30-minute break requirement if the following criteria are met:

- The driver operates within a 150-air-mile radius of the normal work reporting location;
- The driver, except a driver salesperson, returns to his/her work reporting location and is released from work within 14 consecutive hours;
- At least 10 consecutive hours off duty separate each 14 hours on duty; and
- The driver does not drive more than 11 hours following 10 hours off duty.

Drivers claiming this exception must comply with the 60/70-hour limit,

MLB must maintain the driver's time records for 6 months showing the time the driver reports for duty each day, the time the driver is released from duty each day, the total number of hours the driver is on duty each day, and the total time for the preceding 7 days for drivers used the first time or intermittently.

150 air-miles are equivalent to 172.6 statute miles.

Non-CDL-driver short-haul exception

A driver is not required to create a log or use an ELD, or comply with the 30-minute break requirement, and is exempt from the 14-hour limit, if the following criteria are met:

- The driver is not required to carry a commercial driver's license (CDL);
- The driver stays within a 150-air-mile radius of the normal work reporting location;
- The driver returns to that work reporting location at the end of each duty tour; and
- The driver does not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, or after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days (a valid 34-hour restart may be used to begin a new 7-consecutive-day period).

Drivers claiming this exemption must comply with the 10-hour off-duty rule, the 11-hour driving rule, and the 60/70-hour limit, and must not use the 150-air-mile radius exception

for CDL-vehicle drivers (§395.1(e)(1)), the sleeper-berth option or the 16-hour short-haul exception.

MLB must maintain time records for 6 months showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day (and the total time for the preceding 7 days for drivers used for the first time or intermittently).

150 air miles are equivalent to 172.6 statute miles.

Fatigued drivers

Drivers are prohibited from operating a commercial motor vehicle if they are ill or fatigued or likely to become ill or fatigued, even if they have available hours under the hours-of-service rules. In a case of grave emergency where the hazard to occupants of the commercial motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the commercial motor vehicle to the nearest place at which that hazard is removed. This is in accordance with 49 CFR §392.3.

Hours-of-Service Auditing - Property-Carrying Vehicles

This policy contains hours-of-service regulation changes that are effective September 29, 2020.

Policy

MLB is committed to operating in a safe and legal manner at all times. The submission of accurate, true, neat, and legible daily logs and accurate and true electronic logs (e-logs) is an integral part of this commitment. MLB has established a zero-tolerance standard for log and hours-of-service violations. The company will audit driver's logs and e-log records to ensure compliance with the Federal Motor Carrier Safety Regulations, Part 395, as applicable to drivers of property-carrying vehicles. Continual noncompliance with hours-of-service regulations will not be tolerated at MLB.

Responsibility

Each driver is expected to operate in a safe and legal manner at all times, which includes the submission of accurate, true, neat, and legible daily logs and e-logs. Each driver must understand and apply all hours-of-service rules.

All logs and e-logs forwarded to [____Enter department's name____] must be audited consistently by the department. All errors must be addressed by management. All drivers must be treated equally and fairly in respect to discipline and rewards.

Procedures

MLB's auditing procedures consist of four steps.

First, all drivers are expected to certify and submit accurate, true, neat, and legible daily logs and accurate and true e-logs in a timely manner. Certification of e-logs or a signature on a paper log is required daily immediately after the last duty status change/log entry for the 24-hour period.

Second, daily logs and e-logs will be forwarded to MLB's [____ Enter department ____] for audit and review.

Third, drivers will be given feedback and/or corrective action will be suggested based on results of log audits.

Fourth, recognition will be given to drivers who submit zero-defect logs.

Log submission

MLB requires all drivers to submit daily logs (paper and electronic) in a timely manner.

Before certification and submission of logs (paper and electronic), drivers are expected to check them for completeness, accuracy, and legibility. Logs must be submitted within 7 days and under no circumstances later than 13 days after the date of the log.

Any corrections to the record before submission must be made by the driver only.

Auditing

After submission by drivers, logs (paper and electronic) will be forwarded to MLB's Safety Department for auditing. All drivers' logs (paper and electronic) will be retained by the company for a period of 6 months (Secs. 395.8(k) and 395.22(i)).

Paper logs will be audited for form and manner violations, hours-of-service limits violations, grid and recap violations, and log falsification.

Form and manner violations indicate carelessness on the driver's part. This kind of violation can easily be avoided by following MLB's log submission procedure of checking each log for completeness before submission. Form and manner violations include:

- *Log Missing:* Drivers shall submit a log for each day, except that two or more consecutive off duty days may be on one sheet.
- *Date Missing/Duplicate Logs:* Each log must be dated and there must be only one log for each day.

- *Miles Driven Missing*: Total actual miles driven in the 24-hour period must be entered.
- *Name of Carrier Missing/In Error*: MLB must be entered.
- *Vehicle/Trailer Numbers Missing*: Unit numbers of all MLB vehicles operated in the 24-hour period must be entered.
- *Driver's Signature Missing/In Error*: The driver must sign his/her full legal name on each daily log sheet.
- *Co-Driver Name Missing*: The driver must enter first name, initial and complete last name of his/her co-driver if operating as a team.
- *Main Office Address*: Enter full city and state abbreviation.
- *Missing Shipping Document/In Error*: The driver must show a shipping document number for each trip in the 24-hour period.
- *Pretrip Inspection/Tire Check Improperly Noted*: Drivers shall identify locations when a change in duty status occurs.
- *Different Log For Same Day*: Each log graph can carry only one set of information.

Electronic logs will be audited for form and manner, hours-of-service violations, unassigned driving time, and edits.

Form and manner violations on electronic logs indicate carelessness on the driver's part. This kind of violation can easily be avoided by following MLB's submission procedure of checking each record for completeness before submission. Form and manner violations include:

- *Log Missing*: Drivers shall submit a record for each day, except that two or more consecutive off-duty days may be submitted as one entry.
- *Name of Carrier Missing/In Error*: MLB must be entered if the system is not automatically completing this field.
- *Vehicle/Trailer Numbers Missing*: Unit numbers of all MLB vehicles operated in the 24-hour period must be entered.
- *Driver's Certification Missing/In Error*: The driver must certify the record when submitting it.
- *Co-Driver Name Missing*: The driver must enter first name, initial and complete last name of his/her co-driver if operating as a team.
- *Main Office Address*: Enter full city and state abbreviation if the system is not automatically completing this field.
- *Missing Shipping Document/In Error*: The driver must show a shipping document number for each trip in the 24-hour period.
- *PreTrip Inspection/Tire Check Improperly Noted*: Drivers shall identify locations when a change in duty status occurs.

If unassigned driving time is determined to belong to a specific driver, the unassigned time is to be assigned to the driver and compliance with the hours-of-service limits

reviewed. The driver is then to be questioned as to what caused the unassigned driving time and counseled on methods to be used to prevent future unassigned driving time.

Edits will be audited for legitimacy. Legitimate edits are edits that corrected for an error or omission made by a driver. Illegitimate edits are ones made that created a false record. Examples would be changing correctly recorded on-duty time to off duty to eliminate a violation or to create more hours available.

Hours-of-service limits violations, specifically violations of the 8 (30-minute break), 11, 14, and 60/70 hour limits, are more serious than form and manner violations. Operating in violation of the limits can cause fatigue, which jeopardizes the safety of the driver and the general motoring public. Hours-of-service violations include:

- *11-Hour Violation:* After 10 consecutive hours off duty, a driver may not drive more than 11 hours.
- *14-Hour Violation:* A driver must not drive after the 14th consecutive hour after coming on duty following 10 consecutive hours off duty.
- *30 Minute Break Violation:* A driver must not drive if more than 8 total hours of driving have been reached without a minimum 30-consecutive minute interruption from driving consisting of off-duty time, on-duty (not driving) time, sleeper-berth time, or a combination of these.
- *Violation of 60/70 Hour Rule:* Drivers may not drive after being on duty for 60 hours in any 7, or 70 hours in any 8 consecutive day period.

In addition, if the driver is using a paper log, the following grid and recap violations apply:

- *Stop/Start Location Not the Same:* The starting location on a log must be the same as the ending location on the previous log.
- *Hours Missing/In Error:* Drivers must record total hours used at the end of each line of the graph. The hours added together must equal 24.
- *Over Maximum Average MPH:* Drivers must not average over the company or posted speed limit.
- *Graph Incomplete/In Error:* A driver must account for all time on the graph. Drivers must show a complete continuous line for each 24-hour period. Overlapping of time is not permitted.
- *No Driving Time For Miles Driven:* There must be time shown on line 3 when driving miles are entered.
- *Change In Duty Status Missing/Remarks Error:* Enter full city and state abbreviation for each duty status change.

Falsification shows a complete disregard of MLB policy and federal regulations.

This type of violation is looked at very seriously by the company. Falsification occurs when the times and locations on a paper log do not agree with supporting documentation, such as scale tickets, toll receipts, loading and unloading times as noted on shipping

papers, etc. Falsification also occurs when the driver records time as off duty when a supporting document shows that the driver was involved in an on-duty activity.

To locate falsification, MLB will audit driver logs (paper and electronic) for accuracy using supporting documents.

Driver Vehicle Inspections

Policy

MLB is committed to following a strong daily inspection program. Department of Transportation (DOT) regulations require commercial motor vehicles to be inspected every day they are operated. Our daily inspection procedures will help avoid DOT penalties and provide a sound basis for a good inspection and maintenance program. Daily inspection of vehicles will help prevent small problems from becoming big problems.

Responsibility

All drivers, mechanics, supervisors, and [Enter additional title(s) if applicable] must know and apply the driver vehicle inspection procedures. Any disregard for inspection procedures may result in discipline. Drivers must only operate commercial vehicles that have been inspected and deemed safe. No one shall encourage or coerce drivers to violate these safety standards.

Procedures

Driver Pre-trip Inspection

Each driver must be satisfied that equipment is in proper working condition prior to operating a vehicle.

This includes the following equipment:

- Service brakes, including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Wheels and rims
- Coupling devices
- Emergency equipment

Each driver must also be satisfied that cargo is properly distributed and secured. The vehicle's cargo or other objects must not obscure the driver's view or interfere with the driver's movement.

The driver will also review the last completed Driver's Vehicle Inspection Report (if and when such a report was required) to verify that any needed repairs were made to the vehicle. If an authorized signature certifies that defects were corrected or that correction was unnecessary, the driver shall sign the third signature line of the form. If the defects noted were not acknowledged by an authorized signature, the driver shall not drive the vehicle until the defects are handled appropriately.

Driver on-the-road inspections

Unless the driver has been ordered not to inspect the cargo or inspection is impractical, the driver must examine the cargo and its load securing devices within the first 50 miles of the trip and make any necessary adjustments.

Once on the road, the driver must reexamine his/her vehicle and cargo:

- at each change of duty status,
- after driving for 3 hours; or
- after driving for 150 miles,
- whichever occurs first.

If a problem is found, the driver will either have the necessary repairs or adjustments made prior to operating the vehicle, or safely travel to the nearest repair facility.

If the vehicle contains hazardous materials, the driver must examine its tires at the beginning of the trip and each time the vehicle is parked.

Driver post-trip inspection report

When a driver is done operating a vehicle for the day (including any trailers), he/she must inspect the vehicle and report any safety-related defects or deficiencies so repairs can be made before the vehicle is driven again.

Drivers of property-carrying vehicles must prepare and submit an inspection report even if there are no defects or deficiencies to report.

The vehicle must be identified on the report. The regulations require that any defects in the following equipment items be noted:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors

- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The driver must also note any other defects that would affect the safe operation of the vehicle or result in its mechanical breakdown. The report must also indicate if no defects are found. The driver must sign the report.

Roadside Inspections

Policy

Roadside inspections are a fact of life for drivers of commercial motor vehicles. Department of Transportation (DOT) regulations authorize special agents (law enforcement officers) to enter and perform inspections upon a motor carrier's vehicles in operations. It is MLB's policy to cooperate fully with law enforcement officers during roadside inspections.

Responsibility

MLB expects its drivers to behave in a professional and courteous manner when asked to participate in a roadside inspection. Directions given by the inspection official should be followed. Failure to comply with the procedures set forth below may result in disciplinary action. Drivers are expected to report the inspection results in accordance with the regulations and company policy. All driver-related violations will be reviewed for possible discipline actions.

The Driver / Maintenance Manager will be expected to follow through with any necessary vehicle repairs or driver corrections and return the report in accordance with the regulations.

Procedures

When a driver is approached to undergo a roadside inspection, he/she must go immediately to the area designated by the inspection officer. If the driver believes that the designated area is unsafe for the driver and/or the inspection officer, the driver shall state his/her concern to the inspection officer in a courteous and professional manner. Once the

inspection is underway, the driver shall follow the directions given by the officer and act appropriately.

Roadside inspection results

The results of the roadside inspection must be reported to MLB during the driver's next scheduled check-in call if the inspection was passed with no violations.

If a violation was noted on the inspection the driver is to notify MLB's Safety Department of the inspection and the violation(s) before the end of the next business day.

The driver must turn in the inspection report to MLB upon arrival.

If the vehicle or driver is placed out of service, the driver must call in immediately so MLB can notify the customer of any delays that may result and can coordinate the return of the vehicle and/or driver to service.

A vehicle that is placed out of service cannot be operated until all repairs required by the out-of-service notice have been completed. A driver may be placed out of service if the driver does not meet qualification requirements or has violated the hours-of-service rules. A driver placed out of service must not resume driving until the out-of-service condition is rectified.

Responsibility for citations and fines

Equipment-related citations

Drivers shall not be held responsible for the citation if the defect could not have been detected in the course of a reasonable and proper pretrip or post-trip inspection, or if the defect developed while in transit after a proper vehicle inspection was conducted by the driver.

Oversize/overweight citation

Drivers are responsible to make certain that all loaded vehicles are within legal weight limits for both axle and total gross weight. Drivers may be held responsible for overweight citations if the fine was due to driver negligence or failure to follow established scaling procedures.

Driver citations

A driver who receives a citation for being found to be in violation of the hours-of-service regulations during the course of a roadside inspection shall be responsible for the citation. A driver who receives any other type of driver citation will be responsible for the fine if it was due to driver negligence.

Note: Fines levied on a driver for infractions of local, state, or federal regulations are his/her responsibility, even if the vehicle involved in the situation is a company vehicle.

Hazardous materials citation:

Drivers are responsible to make certain that all hazardous materials shipments are accompanied by accurate and complete shipping papers and that all packaging is properly labeled, marked, or placarded.

MLB's disposition of report

Upon receipt of a roadside inspection report, MLB will make arrangements to correct any defects still outstanding.

Within 15 days of the inspection, MLB must certify that all defects have been corrected by completing the "Signature of Carrier Official, Title, and Date Signed" portions of the inspection report form. The form will then be mailed to the issuing agency at the address indicated on the form.

The driver will be notified when defects have been corrected. Roadside inspection reports will be analyzed for ways to reduce the number of violations and lower the out-of-service rate.

Safe Mounting and Dismounting of Equipment

Policy

MLB is committed to maintaining a safe working environment for all of its employees. It is the policy of MLB that all appropriate employees be trained in and follow safe practices concerning the process of getting into and out of a tractor cab and trailer and on and off of loading docks. These seemingly simple tasks rank as the most consistently dangerous things that drivers are required to do on the job.

Responsibility

MLB has the responsibility to present driver safety topics to prevent injury during the entrance and exit from power units, etc. as addressed in 49 CFR Part 399, *Employee Safety and Health Standards*.

All drivers are expected to abide by the safety expectations placed upon them, and all supervisors will be required to correct and discipline any drivers who have a disregard for workplace safety.

Procedures

The carrier is required, according to §399.207, *Truck and truck-tractor access requirements*, to provide and maintain the necessary equipment to accomplish safe mounting and dismounting from vehicles and trailers.

Any person entering or exiting the cab or accessing the rear portion of a high-profile cab over engine (COE) truck or truck-tractor will be afforded sufficient steps and handholds, and/or deck plates to allow the user to have at least 3 limbs in contact with the truck or truck-tractor at any time. This applies to intermediate positions as well as transition between intermediate positions. To allow for changes in climbing sequence, the step design must include, as a minimum, one intermediate step of sufficient size to accommodate two feet.

Rules for mounting equipment (three-point contact)

When drivers are ready to get into a cab or trailer, they shall be certain that both of their hands are free. If an employee has any items in his/her hands, he/she must reach up and put them in the cab first.

Drivers will be required to know and apply the following three-point contact principle:

- Grasp with both hands.
- Put weight on one foot and climb with the other foot.
- Grasp with one hand.
- Reach with the other hand and have both feet planted securely.
- Be certain to use the correct footholds. They shall never use a tire or a wheel hub as a foothold. These surfaces are likely to be slippery, and there is no good traction on a rounded surface.

Shoes or boots must have good traction. Excellent traction makes a significant difference in climbing power. Surfaces that employees will be stepping on should either be ribbed or have some kind of surface protection to make them as secure as possible.

Trailers and docks

Drivers shall look for firm grasp points or handholds. If the trailer has steps or other access aids, they must be sure to use them when entering.

Employees shall never “do the splits” when attempting to get into a trailer. That means putting one leg all the way up into the trailer while the other one is still on the ground. This maneuver can easily overstretch oneself and cause painful muscle spasms.

Getting onto a dock from ground level presents the same kind of challenge. Employees shall look for steps or other access aids whenever it is possible.

Inside the trailer

Once drivers get inside the trailer, they must keep their eyes open and watch their steps as they move around. They should be alert for protruding nails, cracks or gouges in the floor, or pieces of flooring that may be sticking up to trip you.

A flashlight must be available in the cab or at the loading dock to aid in finding one's way around in the dark trailer.

Vehicle Breakdown and Road Repair

Policy

The goal of MLB is to minimize on the road equipment breakdowns by having strong vehicle inspection and preventive maintenance programs in place. As part of its overall driver support system, MLB is committed to providing drivers with expedient and reliable breakdown and road repair service in the event of equipment failure.

When an equipment breakdown does occur, the safety of the driver and the general motoring public is top priority, but the needs of our customers must also be considered. With this in mind, MLB has implemented the following vehicle breakdown and road repair procedures that all drivers will be trained in, and are expected to follow.

Responsibility

Drivers, dispatchers, and the maintenance department must know and apply the following procedures. They must not take on roles outside of the scope of this policy. They must only address mechanical problems that are within the realm of knowledge or authorization.

Procedures

MLB's vehicle breakdown procedures have been developed to insure the safety of our drivers and the motoring public, securement of the equipment and its cargo, timely customer notification of any shipment delay, and facilitation of expedient equipment repair. All MLB drivers are expected to follow these procedures in the event of a breakdown.

Before beginning any work assignment or trip, the driver should perform a complete pretrip inspection on all assigned equipment. That means the driver will check service brakes, brake hose connections, parking brake, steering, all lights and reflectors, tires, horn, windshield wipers, all mirrors, and coupling devices for road readiness.

The driver is required to make certain that the vehicle is equipped with required emergency gear. All MLB vehicles, leased vehicles, or vehicles contracted by the company, will be equipped with a fully charged fire extinguisher, fuses, and warning signals. If any of these items is missing or is in need of charging, the driver must get the situation corrected immediately. Drivers should not begin any trip or work assignment unless the vehicle has all the required emergency gear.

In the event of a minor vehicle breakdown, drivers are authorized by the company to perform some small repairs. The company defines minor breakdowns as those that simply require replacing a headlamp, a fuse, a trailer reflector, etc.

All MLB vehicles must carry spare parts necessary for quick and efficient repairs of minor breakdowns. This includes items like fuses, headlamps, fuel and oil filters, spare flasher light bulbs, trailer reflectors, etc. Drivers should see their supervisor or maintenance personnel to obtain adequate vehicle spare parts inventory for their needs.

When a breakdown occurs

When an equipment breakdown occurs that requires road repair assistance, the following procedures must be implemented:

- Safely stop and secure the vehicle. No MLB vehicle should be left unattended until the parking brake has been properly set, and the driver is confident the vehicle is secure from moving. If a breakdown occurs while the vehicle is in motion, the driver should activate the emergency hazard warning signal flashers, and park as far out of traffic as possible.
- Safely place the warning devices as prescribed in Sec. 392.22 within 10 minutes of the breakdown. Once these warning devices have been placed, the driver should deactivate the emergency hazard warning signal flashers.
- After the vehicle has been secured and the warning devices put in place, the driver should communicate the vehicle's breakdown. When signaling for assistance, the driver should give the exact location information of the vehicle, including road or highway route number, nearest mile marker or exit, and direction of travel. The driver should be as specific as possible and should also provide a suggested diagnosis of the cause of the breakdown. If the cause is a blown tire, the driver should have tire size and location information available.
- When signaling a breakdown through MLB's satellite communications system, the driver should stay with the vehicle for updates and instructions. Dispatch operations are responsible for contacting the driver with updates on pending road repairs.
- Once the breakdown has been reported to dispatch, the driver's call will be forwarded to the Maintenance Department. MLB's Maintenance Department will

determine the appropriate course of action. If a road service call is necessary, the Maintenance Department will locate and contact a repair vendor to facilitate repairs.

- Once repairs have been made, the driver shall notify dispatch, turn on the emergency hazard warning flashers, and safely remove the warning devices.
- All paperwork for the repairs will be forwarded to the Maintenance Department where it will be on file in that unit's maintenance file for a period of 12 months from date of receipt.

MLB breakdown responsibilities

Driver's responsibilities when a breakdown happens include:

- Safely stopping and securing the vehicle and load,
- Safely placing the warning devices,
- Diagnosing and calling in the breakdown,
- Notifying dispatch when repairs have been made,
- Safely removing the warning devices, and
- Forwarding all repair paperwork to the Maintenance Department.

Dispatch operations responsibilities when a breakdown happens include:

- Forwarding the driver's call to maintenance,
- Notifying the customer of any delays,
- Following up with maintenance to ensure repairs are being made,
- Keeping the driver updated, and
- Rescheduling any customer appointments when driver is moving again.

Maintenance Department's responsibilities when a breakdown happens include:

- Determining the nature of the breakdown and best course of action,
- Locating, contacting, and dispatching a vendor to facilitate repairs,
- Taking care of all billing, and
- Obtaining all repair records to be kept on file.

Driver Employment Status

Policy

MLB's goal is to keep our drivers as productive and profitable as possible while operating in a safe and legal manner at all times. However, we realize that there will be times when our drivers and non-driving employees may desire to explore other opportunities outside or within the company (as opportunities become available).

MLB also realizes there will be times when our drivers and non-driving employees will be unavailable to perform their job duties and will need time away from work due to a variety of reasons. For these career development and transfer opportunities, and leave of absence and need for time away from work situations, MLB has developed this policy.

Responsibility

Company employees should be aware of potential opportunities within the organization to pursue other positions. Employees should take it upon themselves to set goals and discuss them with immediate supervisors. Supervisors and human resource personnel should encourage discussion on how to achieve these goals. Supervisors should foster career paths of employees, referring them to positions that match interests and aptitude, and giving employees opportunities to cross-train.

All employees are expected to know the procedures contained in this policy. All employees will be given instruction on rehire policies, transfer policies, and requests for personal time off.

Procedures

MLB's driver employment status procedures have been established to achieve the goals of this policy. These goals are to provide:

- General guidelines and requirements for driver associates who wish to explore career development or job broadening opportunities within the company.
- General procedures for driver associates who express a desire or need to transfer to another MLB facility location.
- General guidelines and expectations for drivers and non-driving employees who plan on leaving the company.
- Employee rehire procedures for former driver associates who express a desire to be reinstated.
- General guidelines and procedures for drivers and non-driving employees requesting various types of personal time away from work and leave of absence situations.

Career development opportunities

As length of service increases, some of our drivers may develop a desire to explore non-driving opportunities within MLB as they become available. Others may want to broaden their current job duties to include new responsibilities. Because MLB recognizes these

needs of our drivers and non-driving employees, we have developed the following Job Announcement and Job Broadening Programs.

Job announcement program

MLB will look internally for qualified candidates to fill available front-line supervision, training, safety, recruiting and other positions.

Drivers or non-driving employees must meet the following minimum criteria in order to be eligible for consideration for a posted job opening. These requirements include:

- Being employed with MLB for at least 12 consecutive months.
- Receiving an overall satisfactory rating on his or her last performance review.
- Having the approval of his or her immediate supervisor or manager.
- Having a satisfactory attendance record.
- Submitting an application or notifying his or her immediate supervisor or human resource manager prior to the deadline stated on the job posting.
- Only having one job posting application in process at a time.

Job postings will include a complete job description, prerequisite qualification requirements, instructions for interested and qualified drivers, and non-driving employees on how to apply for the position, and a deadline for application.

All applications or inquiries received will be treated confidentially. If it is determined that an associate's application for a job opening should receive further consideration, an interview will be arranged.

MLB reserves the right to terminate the employment relationship at any time during an orientation/evaluation period.

Driver transfer procedures

It is MLB's policy to allow driver associates to transfer from one facility location to another. The purpose of these driver transfer procedures is to provide equitable guidelines for driver associates requesting to transfer to another MLB facility location.

Driver associates who meet the following requirements may request to be transferred. These requirements include:

- Being employed with MLB for at least 3 consecutive months.
- Receiving an overall satisfactory rating on his or her last performance review.
- Having the approval of his or her immediate supervisor or manager.
- Having the receiving supervisor's or manager's approval.
- Having a satisfactory attendance record.

Transferring from one MLB facility to another will not affect a driver's seniority with the company. Approved vacation requests may be affected, however. If a conflict arises due to vacation slots being full, the transferring driver will have to choose new vacation dates.

All relocation expenses incurred will be the responsibility of the transferring driver associate.

Leaving the company

MLB is committed to providing the best work environment possible, and we hope all of our drivers have a long, profitable, and mutually beneficial relationship with us. But the company recognizes that either the company or its employees have the right to terminate the employment relationship at any time.

MLB understands it cannot be all things to all drivers. In the unfortunate event a driver associate should decide to leave, we trust it will be done in a professional manner and on good terms.

The company requests drivers submit a written notice of resignation at least two weeks prior to leaving MLB. The notice is meant as a professional courtesy to MLB and to provide adequate time to find a qualified replacement driver.

In addition, should a departing driver associate decide to apply for reinstatement, the manner in which he or she left will be considered in any rehire decision.

MLB is committed to continually improving its work environment for all employees. To help accomplish this goal the company will, when possible, perform an exit interview with all departing drivers in an effort to identify and correct problems. A sample exit interview form is attached to the end of this policy.

Driver rehire guidelines

MLB will consider rehiring former drivers depending on individual circumstances. Former drivers requesting reinstatement consideration are subject to MLB's normal qualification process.

In order to be considered for rehire, a former driver associate must have been in good standing at the time he or she left the company, must have left in a professional manner (see Leaving the company procedures above), and the decision to rehire must be approved by the former driver's immediate supervisor or manager.

The date of hire for vacation and seniority purposes for rehired drivers shall be the date of reinstatement except for situations involving resignations for active military duty, or rehire after termination in accordance with the MLB's Family and Medical Leave Policy.

Time away from work & leave of absences

MLB understands there will be times our driver associates will desire and need time off from work. The following procedures are designed to cover planned time away from work events such as vacation, holidays, requests for time off, etc., and unplanned time away from work events such as jury duty, funeral leave, sick leave, etc.

Driver Vacation Schedule: Client Specific

Driver Paid Holiday Schedule: Client Specific

Job abandonment & unauthorized absences

Failure of a driver to report for duty, or being absent from work without authorization, for 1 day will be viewed by MLB as a job abandonment situation, and will be treated as a voluntary resignation of employment.

MLB shall make a good faith effort to contact drivers who fail to report for duty or who are absent without authorization. Attempts to contact such drivers will be made once per day until the consecutive day limit has been reached. All attempts to contact drivers failing to report for duty or absent without authorization will be documented and placed in the driver's file.

In the case of job abandonment, MLB shall provide the driver with written notification of the company's intent to terminate the employment relationship. The written notice shall include the reasons for the termination, the employee's right to respond to the written notification, and that MLB considers the termination to be voluntary on the part of the driver. Written notices shall be sent via registered letter to the driver's last known mailing address.

Requests for personal leaves of absence

Generally, requests for non-medical related personal leaves of absence are discouraged. If a driver or non-driving employee requires extended time away from work, MLB may require the driver to resign his or her employment until such time as the personal situation is resolved. At that time the driver or non-driving employee can apply for reinstatement.

However, under rare circumstances MLB will consider granting a request for a non-medical related personal leave of absence. Such requests must be submitted in writing to the individual's immediate. The request should provide as much detail as the driver or non-driving employee feels appropriate. Non-medical related personal leaves of absence are unpaid time away from work.

Jury/witness duty

MLB recognizes any of our drivers or non-driving employees may be called to fulfill their responsibility as citizens by serving our judicial system. If a driver or non-driving employee is called away from work to serve jury/witness duty, the individual must give prior notice (a copy of the letter requiring jury duty will serve as sufficient notice).

Military service leave of absence

MLB is fully committed to supporting our associates who participate in the military services. Regular full-time drivers and non-driving associates are eligible for Military Leave of Absence if they are required to participate in military reserve training or to report for active duty.

Drivers and non-driving associates expecting to go on military leave should give their supervisor or manager at least 10 days prior notice. Employment status (seniority) and attendance records will not be affected by any time off required to fulfill documented military training or active duty obligations.

Family & medical leave of absence

MLB is committed to fully complying with the Family and Medical Leave Act (FMLA) of 1993 and any applicable state family and medical leave laws. The federal FMLA allows regular full-time MLB associates who have been employed for a minimum of 12 months and have worked at least 1,250 hours during the prior 12 months to take up to 12 unpaid weeks away from work for the following reasons:

Birth of a child.

- Placement of a child in adoption or foster care.
- Care for a parent (excluding parents-in-law), spouse, son or daughter with a serious health condition.
- Inability of the employee to perform the functions of the employee's position due to a serious health condition, including work-related injuries.

FMLA's are without pay. However, accrued vacation time and any other earned paid leave time must be used as part of the up to 12-week period.

Requests for FMLA's must be submitted to the associate's immediate supervisor or manager with supporting medical documentation prior to taking leave and are subject to approval by MLB's Human Resource Director. Failure to provide medical documentation before or soon after leave is taken may result in MLB denying the leave request.

When possible an FMLA request must be scheduled so that it does not unduly disrupt the company's operations:

Foreseeable leaves must be requested a minimum of 30 days in advance.

In the case of unforeseeable leave (such as an emergency need for consultation or treatment), notice is required as soon as reasonably practicable with appropriate written documentation to follow.

In situations where the FMLA involves a serious health condition, MLB requires the requesting associate to provide a medical certificate from the health care provider on a timely basis. MLB reserves the right to require a second or even third opinion, or may require re-certification of a serious health condition when appropriate.

When on an FMLA, MLB requires the associate to report periodically to his or her immediate supervisor or manager to keep the company updated on future return to work status.

A health care provider's certification will be required before returning to work if the FMLA was taken for more than five consecutive days as a result of the employee's own serious health condition.

MLB will return the employee to the same or equivalent position held before the FMLA and the employee will be provided the level of benefits and seniority he or she had before the leave started. For additional information or questions regarding this Family & Medical Leave of Absence policy see your supervisor or human resource representative.

Sample exit interview questionnaire

Name: _____

Job Title: _____

Date: _____

Rate the following items from 1 to 5 with respect to your initial expectations about your position. Please add items you feel strongly about at the end if they are not already listed.

1=Not at all as expected; 2=Less than Expected; 3=As Expected; 4=Better than Expected; 5=Significantly Better than Expected.

Circle the number that most closely represents your experience:

Compensation	1	2	3	4	5
Time at home	1	2	3	4	5
Hours worked	1	2	3	4	5
Quality of equipment	1	2	3	4	5
Job responsibilities	1	2	3	4	5
Training (types and quantity)	1	2	3	4	5
Advancement opportunities	1	2	3	4	5

Interaction with management	1	2	3	4	5
Interaction with supervisor	1	2	3	4	5
Communication	1	2	3	4	5
Safety	1	2	3	4	5
Maintenance	1	2	3	4	5
Other: _____	1	2	3	4	5
Other: _____	1	2	3	4	5
Other: _____	1	2	3	4	5

Please provide detail for any responses:

Driver Qualification & Hiring

Policy

MLB believes that our employees are our most valuable assets, and that the success of the company is determined by the quality of its employees. Because of these beliefs, the personnel selections of the company are extremely important. The company is committed to hiring only the best and most qualified available drivers.

To help carry out this commitment, MLB has implemented the following driver qualification procedures.

Responsibility

All driver recruiters, safety managers, and other involved in the hiring process must be familiar with and apply all hiring standards set forth in this policy.

Each candidate must be compared against the criteria set forth with no variations. Based on this policy, each candidate must be treated equally and consistently by the parties involved in the selection and screening of driver applicants.

Procedures

MLB's driver hiring qualification standards and procedures have been developed to achieve two goals. The first goal is for the company to meet or exceed all Federal Motor Carrier Safety Regulations (FMCSRs) concerning driver qualification. The second goal is to select only the best available drivers: Drivers who share MLB's values and goals of operating in a safe, legal, and professional manner.

Hiring standards

Under the FMCSRs, all drivers must be at least 21 year of age to participate in the transportation of interstate commerce. (Sec. 391.11(b)(1))

MLB's hiring standards require all driver applicants have a minimum of 1 years of verifiable driving experience.

MLB's hiring standards require that only those driver applicants with 2 or fewer chargeable or preventable motor vehicle accidents within the past 3 years will be considered for employment. Because of MLB's commitment to safety, the company will not consider driver applicants who fail to meet the above standard.

MLB's hiring standards also require that only those driver applicants with 2 or fewer violations of motor vehicle laws (other than violations involving parking only) within the past 3 years will be considered for employment. An applicant who has incurred more violations than the above standard has demonstrated a pattern of unsafe driving behavior which MLB finds unacceptable in any prospective driver associate. (Secs. 383.51, 391.15, and 391.23)

MLB will not consider for employment a driver applicant convicted of any offense involving the operation of a motor vehicle while impaired by alcohol in the past 10 years.

MLB will consider for employment a driver applicant who has been convicted of an offense involving the operation of a motor vehicle while impaired by alcohol only if the applicant has had no similar incidents within the past 10 years.

MLB will not consider for employment a driver applicant who has been convicted of any careless or reckless driving of a motor vehicle offense within the past 3 years. Drivers convicted of operating a motor vehicle with willful or wanton disregard for the safety of persons or property are considered to be unsafe by the company. This kind of behavior is unacceptable in any prospective MLB driver. (Secs. 383.51 and 391.15)

MLB will not consider any driver applicant who has been convicted of a criminal offense involving a commercial vehicle, including operating while under the influence of a controlled substance, transporting a controlled substance, or a felony involving the use of a commercial motor vehicle. (Secs. 383.51 and 391.15)

Drivers will be expected to converse with other company employees, our customers, and the general public. Therefore, MLB requires all driver applicants to be able to read and speak English sufficiently to be able to perform all duties and functions of the job. (Sec. 391.11(b)(2))

Driver applicants will also be required, because of experience, training, or both, to be able to:

- safely operate a MLB vehicle; and
- determine and execute proper cargo securement procedures.

Application for employment

All driver applicants shall complete an application for employment, furnished by MLB, with the application form containing all of the information required under section 391.21 of the FMCSRs.

MLB's hiring standards require that driver applicants list all former employers for the past 10 years. Any gaps in employment for more than a one-month period must be satisfactorily accounted for on the application.

Due process rights

Drivers will be notified of their due process rights as specified in Sec. 391.23(i) regarding the information received as part of the background investigation. This notification will be given to the driver prior to a hiring decision in a written form, stating his/her right to review and refute erroneous information.

The written notification will appear on the driver application, requiring a signature immediately below the information by the driver applicant as acknowledgment of his or her receipt and understanding.

The written notification will be given to the driver in a form separate from the driver application. The applicant will be required to sign and date the form as acknowledgment of his or her receipt and understanding.

License

MLB will obtain a legible copy of the license of all driver applicants. The Safety Department will conduct a review of the license to be certain it is valid, has not expired, is the appropriate class for company vehicles, has the appropriate endorsements, is issued by the applicant's current state of residence, and that the applicant possesses only one license. (Secs. 383.21, 391.23 and 391.11 (b)(7))

All Commercial Driver's License holders must self-certify with the state licensing office as one of the following:

- **Non-excepted interstate** — operates in interstate commerce, is qualified under Part 391, and is required to obtain a medical card.
- **Excepted interstate** — operates in interstate commerce but is exempt from having to obtain a medical card under Part 391. The types of operations that are exempt are detailed in 49 CFR §390.3(f), §391.2, §391.68, or §398.3.
- **Non-excepted intrastate** — operates only in intrastate commerce and is subject to state qualification rules.

- **Excepted intrastate** — operates in intrastate commerce but is exempt from state qualification rules.

In order to operate a commercial motor vehicle for the Company, a driver must self-certify as an interstate driver.

If the driver has indicated he or she is subject to the medical qualifications requirements, he or she must submit a copy of the medical examiner's certification to the state licensing office. For any driver physical examinations after the initial self-certification, the driver must submit the new medical certification to the state of licensing prior to the expiration date of the medical examination currently tracked. This must be no later than 5 days from the date the new medical certification.

Fair Credit Reporting Act Disclosure (FCRA)

Driver applicants will be given a copy of the FCRA Disclosure Statement. If an applicant is not hired based on background information obtained, the applicant will receive a copy of the record and the summary of consumer rights.

Motor vehicle record (MVR)

MLB will request an MVR for driver applicants being considered for employment after the company has received the completed and signed employment application. An MVR will be requested from every state the applicant has lived in during the past 3 years. If an MVR request from a former state of residency comes back indicating "no record found," the MVR request will be placed in the driver's qualification file (if hired) as verification that MLB attempted to obtain the information.

MLB's Safety Department will review all MVR information to determine if driver applicant meets company hiring standards regarding driving records, and will compare the MVR against the employment application to check for completeness and accuracy. (Sec. 391.23)

Pre-employment screening program

MLB will request a Pre-employment Screening Program (PSP) report for driver applicants being considered for employment after the company has received the completed and signed employment application.

The Company's Safety Department will review all PSP report to determine if the driver applicant meets the Company's hiring standards regarding roadside inspection violations and DOT crash history. The Company will take into consideration patterns of unsafe driving with the more recent history weighted more heavily.

The Company will also compare the PSP report against the employment application to check for completeness and accuracy (e.g., omitted employers).

Background investigation of DOT-regulated employers - Safety Performance History

MLB will contact all former and current DOT-regulated employers of the driver applicant for the previous 3 years to verify as much of the following as possible:

Employment verification including:

- Driver identifying data (date of birth and Social Security Number);
- Dates of employment,
- Type of work performed,
- Type of vehicle(s) operated;
- DOT-recordable accidents; and
- DOT-alcohol and drug testing information.

Driver applicants must provide written authorization to the company to obtain the DOT drug and alcohol testing information. All former and current employer information gathered under MLB's inquiries must be in writing and retained in the driver's investigation history (DIH) file, if hired. In the event a former or current employer refuses to release information, a note stating this will be placed in the DIH file. This DIH file will be in a secured location with access limited to those involved in the hiring process.

MLB's Safety Department will review all former and current employer information to determine if the driver applicant meets company hiring standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application. (Sec. 391.23)

Background investigation of non-DOT-regulated employers

MLB will contact all former and current non-DOT-regulated employers of the driver applicant for the previous 3 years to verify as much of the following as possible:

- Driver identifying data (date of birth, and Social Security Number);
- Dates of employment; and
- Type of work performed.
- Attendance and reliability;
- Overall work history and performance; and
- Record of misconduct regarding employment policies.

All former and current employer information gathered from MLB's inquiries must be in writing and will be retained in the driver's (if hired) *personnel file*. In the event a former or current employer refuses to release information, a note stating this will be placed in the file.

MLB's Safety Department will review all former and current non-DOT-regulated employer information to determine if the driver applicant meets company hiring

standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application.

DOT drug and alcohol test information from previous employers

MLB requires driver applicants to provide written authorization to the company to obtain drug and alcohol test information for each previous and current employer during the preceding 3 years.

All information from former DOT-regulated employers regarding DOT drug and alcohol test results must be in writing and will be retained in a separate file for the driver (if hired). In the event no response is received from a former or current employer, a note stating this will be placed in the file. (FMCSR, Sec. 382.413)

MLB will still consider for employment any driver applicant who, under a DOT-required drug and alcohol testing program, refused a drug or alcohol test, failed a random, reasonable suspicion, post-accident, return-to-duty, or follow-up alcohol test, or tested positive for controlled substances while with a previous employer. For procedures on hiring of driver applicants who have failed an alcohol or drug test, or have refused to be tested, at a previous employer, see MLB's Drug and Alcohol Policy and Procedures.

MLB will not consider for employment any driver applicant who, under a DOT-required drug and alcohol testing program, refused a drug or alcohol test, failed a random, reasonable suspicion, post-accident, return-to-duty, or follow-up drug or alcohol test, or tested positive for controlled substances while with a previous employer. For procedures on hiring of driver applicants who have failed a DOT-required alcohol or drug test, or have refused to be tested, at a previous employer, see MLB's Drug and Alcohol Policy and Procedures.

CDL Drug and Alcohol Clearinghouse

For drivers applying for a safety-sensitive position under Part 382, MLB shall request a full query into the driver's DOT drug and alcohol testing history as reported to the CDL Drug and Alcohol Clearinghouse by DOT-regulated employers, medical review officers, and substance abuse professionals. The driver applicant must consent to the report electronically through the driver's CDL Drug and Alcohol Clearinghouse portal account. If the applicant does not have an account with the clearinghouse, he or she will be required to create one. If the applicant refuses to consent, he or she cannot be used in a safety-sensitive capacity.

Previous DOT pre-employment tests

A driver applicant will be asked whether he or she has tested positive, or refused to be tested, on any pre-employment drug or alcohol test administered by a DOT-regulated employer to which the employee applied for, but did not obtain, safety-sensitive

transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

A copy of this statement will be retained in the driver's confidential drug and alcohol testing information, along with any supporting documents.

A driver who failed or refused a DOT pre-employment drug or alcohol screen in which he or she was not hired will not be considered for employment.

A driver who failed or refused a DOT pre-employment drug or alcohol screen in which he or she was not hired will still be considered for employment.

Physical examination and certificate

MLB requires applicants to be fully qualified physically to perform all duties and functions of driving and safely operating a commercial motor vehicle.

Pre-employment Department of Transportation (DOT) physical examinations will be performed by by a medical examiner appearing on the National Registry of Certified Medical Examiners (NRCME).

The Company will verify and document that the medical examiner appears on the NRCME.

Applicants who successfully pass the physical examination will be issued a Medical Examiner's Certification card. The following is required:

- **Non-Commercial Driver's License (CDL) drivers.** A copy of the Medical Examiner's Certification card will be placed in the driver's qualification file, and the original will remain in the possession of the driver at all times while on duty or operating a company vehicle. (Sec. 391.41, 391.43, and 391.45)
- **CDL holders.** CDL drivers must submit a copy of the medical examiner's certificate to the state of licensing in order to maintain an active non-excepted interstate or intrastate CDL. The Company will only accept a copy of the medical examiner's certificate temporarily (15 days from the date of the exam) as proof in the DQ file until the state of licensing enters the information onto the driver's driving record. The motor carrier will request an MVR showing the required information pertaining to the CDL holder's medical qualifications.

The Company will accept unexpired, valid physical cards from driver applicants in lieu of their passing a pre-employment physical examination:

- **Non-CDL drivers.** A copy of a medical examiner's certificate will be retained in the DQ file, along with a note of verification that the exam was performed by someone appearing on the NRCME (for exams performed since May 21, 2014).

- **CDL drivers.** The motor carrier will obtain a copy of the MVR to verify the driver's medical certification. This must be done prior to the driver operating a CMV for the motor carrier for the first time. Along with the MVR, the motor carrier will verify and document that the exam was performed by someone appearing on the NRCME (for exams performed since May 21, 2014).

Driver screening tests

All driver applicants will be required under our policy to take a MLB pre-hire screening test. These tests help MLB maintain a consistent hiring standard, and increase the chances of finding a good, long-term fit for both the driver and the company.

Road test and certificate

MLB requires all driver applicants to successfully complete a road test examination conducted by our clients in their equipment prior to an offer of employment. The road test examination shall be performed in the type of vehicle the driver will operate for the company.

The company's road test examination will cover the following areas:

- A complete pretrip inspection
- Placing the vehicle in operation
- Using the vehicle's controls and emergency equipment
- Driving in traffic and passing other vehicles (if safely feasible)
- Turning
- Braking, and slowing by means other than braking
- Backing and parking
- Other slow-moving operations
- Safe coupling and uncoupling procedures of a combination tractor and trailer

MLB is required to provide a record of road test examination form on which the driver's skill in each operation listed above is to be rated. The form is to be signed by the company official conducting the test. The original of this record will be recorded and placed in the driver's qualification file.

Upon successful completion of the road test examination, the MLB official who administered the test will complete a certificate of road test. A copy of the certificate will be given to the driver, and the original will be placed in the driver's qualification file. (Secs. 391.31 and 391.33)

MLB will accept a valid Commercial Driver's License from driver applicants in lieu of passing a pre-employment road test, providing the candidate is not hired to operate a double, triple, or tanker vehicle. (Sec. 391.33(a)(1))

Driver orientation

As a condition of employment, all newly hired drivers will be required to successfully complete MLB's driver orientation program.

Driver Recruitment & Retention

Policy

MLB's goal is to grow through aggressive recruiting and careful selection of only the best and most qualified available drivers. Once on board, MLB is committed to retaining qualified driver associates through the development of mutually beneficial, long-term relationships. Below is a list and explanation of driver recruitment methods MLB will utilize, as well as an overview of the company's driver retention policies.

Responsibility

Managers are expected to actively carry out the procedures set forth in this policy in order to attract qualified driver candidates and retain them as long-term employees.

Managers responsible for recruiting drivers for MLB are expected to give realistic and accurate descriptions of both the positive and negative aspects of the job to all driver applicants. MLB is committed to providing the finest work environment possible for all employees. The company believes that drivers with unrealistic job expectations, which are not adjusted or aligned to match actual company performance, are at a greater risk of leaving than drivers who come in with a thorough knowledge of the job and what the company can and cannot provide.

Management, in general, is expected to fully implement the retention strategies designed by the organization. Success of this policy will be determined by the organization's driver turnover rate.

Procedures

Methods of recruitment

MLB offers a sign-on bonus of client specific amounts for drivers. Sign-on bonuses will be paid based on client specific programs.

MLB has a driver referral bonus program. The company will pay a variety of amounts based on client specific needs as referral bonus to all eligible employees for each experienced driver hired after their recommendation. The following requirements must be met before any referral bonus will be paid:

- Referred drivers must have a minimum of 1 year of safe and verifiable experience.
- Referred drivers must satisfactorily complete 3 months of service.

MLB will also utilize newspaper, industry publication, and radio advertisements as methods of driver recruitment.

Pre-screening and interviews

All inquiries about driving positions with/for MLB will be directed to the recruiting department for pre-screening interviews. The purpose of the pre-screening interview is to determine interest level, work experience, and job requirements of the prospective driver applicant.

If a potential match is found to exist between the driver candidate and MLB, the following actions will be taken:

- A Driver's Application for Employment will be forwarded to the prospective driver with a request for prompt completion and return (or the candidate will be directed to MLB on-line application, if applicable).
- A Motor Vehicle Record (MVR) will be requested on the driver candidate.
- An in person interview will be scheduled.

Client specific personnel will conduct in-person interviews with all driver candidates. Driver candidates must be approved by the company official(s) conducting interviews before the qualification process begins.

Driver retention

MLB's goal is to retain its drivers by providing the finest possible work environment. The company will achieve this goal through developing long-term relationships with driver associates built on mutual trust and respect. In order to help achieve this goal, the company has initiated the following programs.

Participation and involvement

The company has implemented the following participation and involvement programs

- **Driver meetings:** MLB conducts regular driver meetings. These meetings are held to share company results, news and information, and to give our drivers a forum to discuss issues, questions, or concerns affecting their jobs and families. Drivers are expected to participate in these meetings, and all driver input is welcomed and appreciated.
- **"One-to-one" process:** MLB driver supervisors are required to have regular one-to-one meetings with their assigned drivers. The purpose of the one-to-one is to allow both the driver and the supervisor uninterrupted time to discuss any issues,

questions, or concerns they might have. The one-to-one meeting should include, but not be limited to, a discussion of the driver's performance, relevant company news, and a follow-up on previous one to one meetings.

- **Family involvement:** MLB considers the families of our drivers to be an integral part of our business. Family members of our drivers are encouraged to contact the company any time a question or concern arises, and are welcome to participate in all company functions.
- **Consistent policies:** MLB is committed to having consistent policies that are applied fairly and equally to all employees. However, based on employee feedback and suggestions, and changes in federal and state regulations, the company may find it necessary to change or modify its policies.

The company encourages, appreciates, and will carefully consider all comments and suggestions on ways to make MLB a better place to work.

Driver support systems

The company has implemented the following driver support systems:

- **Dispatch operations:** MLB is committed to providing its drivers with a reasonable supply of work that can be safely and legally performed, that allows the driver the opportunity to achieve personal income and standard of living goals, and that provides adequate quality time at home.
- **Additional training:** MLB is committed to providing proper and adequate training to our drivers so that they are able to perform the duties and functions of their jobs in a safe, legal, and professional manner. Drivers may request, or a supervisor can recommend, additional training at any time. Drivers requesting or in need of additional training will be referred to the Safety Department for scheduling.
- **Vehicle and equipment maintenance:** MLB is committed to proper and regular maintenance of its equipment. All equipment used by MLB will be safe to operate, properly licensed and permitted, and will be kept clean and professional in appearance. Drivers are expected to report any defects or unsafe conditions immediately. The company has established breakdown and road repair procedures to safely and efficiently handle equipment failures while out on the road.
- **Career development:** The employees of MLB are our most valuable assets. The company believes, as length of service increases, so does the value our employees add to the organization. Therefore, MLB is committed to providing the opportunity for career development for our driver associates. Job openings will be posted as they become available. MLB will consider first any qualified employee who applies for posted positions.

Driver / Employee Terminations

Policy

MLB recognizes that not every driver or non-driving employee will be able to meet his or her personal or professional development needs or career advancement goals within the company. Further, MLB also recognizes that not all drivers or other employees will be able to meet the company's standards of conduct, productivity, or safety within their roles.

Therefore, MLB will determine the need for drivers or other employees to leave the organization (voluntarily or involuntarily) whenever such need arises.

Responsibility

All employees, managers, and human resource personnel of the company should familiarize themselves with the contents contained within this policy.

The Company, its management, and human resource professionals are expected to carry out this policy in a manner that promotes mutual respect and minimizes the impact of separation of employment for both the individual and the company.

Procedures

Employment-at-will statement

MLB adheres to the principle of employment-at-will. In compliance with employment-at-will, MLB or the individual employee may terminate the employment relationship at any time, for any reason, or for no reason at all.

The policy and procedures of MLB are not intended to create a contract of employment. Nothing contained in any policy or related procedures of MLB shall constitute a contract of employment or agreement for a definite or specific term of employment. Nor does anything in any policy or related procedures of MLB alter the at-will relationship between the company and its employees. Nothing contained in any policy or related procedures of MLB shall limit or otherwise restrict the option of the company or its employees to terminate the employment relationship. Either party to the employment relationship may terminate the relationship at any time, with or without cause.

Types of termination

There are seven basic types of termination of employment recognized by MLB. The types of termination, complete with their descriptions, include:

1. **Release.** A permanent employment separation initiated by the company due to unsatisfactory job or safety performance.
2. **Discharge.** A permanent employment separation initiated by the company due to serious misconduct, violation of company policies or related procedures, or for disciplinary reasons. In the event of a discharge, advanced notice is not required and termination of the employment relationship will be considered immediate.
3. **Resignation.** A permanent employment separation initiated by the employee. In the event of a resignation, the company may consider reinstatement of the employee if the need for reinstatement consideration should arise. In addition, the company reserves the right to end the employment relationship immediately upon receiving notice of resignation without regard for the time limit stated on the notice.
4. **Temporary Layoff.** A temporary separation of employment initiated by the company and due to economic reasons or business conditions.
5. **Permanent Layoff.** A permanent separation of employment initiated by the company due to economic conditions, corporate reorganization, or downsizing.
6. **Medical Termination.** A voluntary or involuntary separation of employment initiated by the employee or company. A medical termination will be used in the event an employee is determined (by a company approved medical professional) to be unable to perform the duties of his or her job with or without reasonable accommodation. An employee who is terminated for medical reasons may be considered for reinstatement if the medical condition(s) that caused the separation of employment has been cured, successfully treated, or no longer exists.
7. **Deceased.**

Serious misconduct

MLB expects its employees to conduct themselves in a professional and safe manner at all times and with due regard and respect to the company, other employees, and external customers and vendors. In addition, Company expects all employees to understand and adhere to all company policies and procedures.

MLB will take all appropriate and necessary disciplinary action when any employee is found to have violated company policy, procedures, other work rules, or engaged in serious misconduct. Appropriate disciplinary action may include verbal or written warnings, progressive disciplinary measures, or immediate separation of employment (see Discharge above).

The company considers serious misconduct or other work rule violation behaviors to include (but not limited to) the following:

- A failure to comply with company policies or procedures.
- Unacceptable job performance.
- An unwillingness or inability to follow management instruction and/or direction.

- Reporting to work or responding to a call-in situation in an unfit condition including being under the influence of alcohol, drugs, or other controlled substances.
- Being in possession of illegal drugs (controlled substances), alcohol, firearms, or weapons of any kind while on (or in) company property.
- Intentionally delaying operations or other work activities, or influencing others to do so.
- Unprofessional conduct with co-workers, customers, or vendors.
- Sexual harassment as well as verbal, physical, or psychological harassment due to race, color, religion, sex, national origin, disability, age , or any other protected characteristic under state or federal law.
- Conducting non-work-related activities during work hours or using Company property for non-work-related activities.
- Excessive absence, unexcused absence, or job abandonment.
- Excessive tardiness.
- Falsification or destruction of company records or documents, and/or unauthorized disclosure of confidential company information.
- Theft and/or destruction of company property, assets, services; or theft and/or destruction of other employees' personal property.
- Smoking in restricted/prohibited areas of the company.
- Violation of company safety or fire prevention rules, policies, and related procedures.
- Fighting on company, customer, or vendor premises.
- Carelessness with regard to personal hygiene and appearance.

Termination process

Before any employment separation action is taken, responsible MLB personnel shall:

- In the event of a resignation, arrange and conduct a formal exit interview with the departing employee. (See *Driver Employment Status* policy.)
- In the event of a discharge, review the employee's personnel and driver qualification file (if applicable), and any documentation from previous performance reviews, corrective actions, or disciplinary measures.
- Advise next level manager(s) of the reason(s) for termination and planned termination date.
- Prepare a checklist for any company-assigned equipment, asset, or property that needs to be returned by the employee.
- Prepare a formal, written notice of discharge letter that includes any insurance, benefits, or accrued vacation time the employee may be entitled to.
- Consult with the company's legal counsel prior to the separation meeting to review the case.
- Arrange and conduct a separation meeting with the employee in an appropriate location (where discretion and confidentiality can be maintained), and where the

terminated employee may exit the premises with a minimum amount of embarrassment.

- Have another company representative present during the employment separation meeting.

Post-termination procedures

After any termination, involved company personnel will:

- In the event of a resignation, complete the exit interview form, analyze it, place the original in the employee's personnel file, and forward a copy to the next level manager(s).
- In the event of a discharge, carefully review the entire termination process to ensure all company procedures were properly followed.
- Schedule a post-termination meeting with the next level manager(s).
- Write a brief summary report of the termination process (to be dated and signed by all involved personnel), and file it in the employee's personnel file.

Multiple-Employer Driver

Policy

MLB is committed to providing the highest quality service to, and developing long-term partner relationships with, our external customers and employees. In order to achieve these goals, it is the policy of MLB to make strategic use of multiple-employer drivers.

Responsibility

MLB's Safety Department will be responsible for maintaining the safety compliance records on multiple-employer drivers. They must ensure that the driver is fully qualified, has available hours to work (Part 395), and is a part of the carrier's DOT random testing program

MLB's Safety Department will expected to communicate the company's policy on the use of multiple-employer drivers to the drivers themselves. They must clearly communicate safety expectations, benefits, and any potential for permanent employment.

Multiple-employer driver procedures

The MLB's multiple-employer driver procedures have been developed to achieve the basic goals of this policy, which are to meet the changing needs and priorities of both our customers and drivers. Using multiple-employer drivers allows for a greater degree of operation scheduling flexibility and responsiveness for the company and, therefore, a higher level of service for our external and internal customers.

MLB's use of multiple-employer drivers

The use of multiple-employer drivers by MLB shall not have the effect of reducing the number of regular (full-time) driving positions or the need to hire additional full-time drivers.

MLB's use of multiple-employer drivers will be limited primarily to weekend work, peak or seasonal freight periods, and to provide additional capacity resources for our dispatch operation.

Definition of multiple-employer drivers

The company considers the following two definitions as multiple-employer drivers:

- Any qualified driver who operates a commercial motor vehicle under MLB authority and drives for more than one motor carrier over the course of the same seven-consecutive day period. (§391.63)
- Any qualified driver who is regularly employed by another motor carrier but drives under MLB authority for a single trip or on an intermittent, casual, or occasional basis (such as over weekends, holidays, or on an "as needed" basis). (§391.65)

If MLB is the sole motor carrier employing a driver during a period of seven consecutive days, MLB must fully qualify the driver as if he or she was hired on a permanent basis.

Drivers hired in a safety-sensitive function must be subject to all of Parts 40 and 382, regardless of length of employment.

Qualifications for multiple-employer drivers

Drivers employed by two or more carriers

MLB requires all drivers hired by two or more carriers to be able to meet the hiring and qualification standards established by the company, except for the following (Sec. 391.63):

- Multiple-employer drivers are not required to complete an application for employment with MLB as required by Federal Motor Carrier Safety Regulations (FMCSRs), Sec. 391.21.
- MLB need not make the investigations and inquiries specified in Sec. 391.23.

- MLB need not perform the annual driving record inquiry as required by Sec. 391.25(a).
- MLB need not perform the annual review of the driving records of the multiple-employer drivers it utilizes as required by Sec. 391.25(b).
- Multiple-employer drivers are not required to furnish a record of violations or a certificate as required by Sec. 391.27.

Before MLB permits a multiple-employer driver to operate any company vehicle (including leased vehicles), the company must obtain:

- The driver's name,
- The driver's social security number, and
- A legible copy of the driver's commercial driver's license (CDL).

Drivers furnished by another carrier

MLB requires all drivers furnished by another carrier to be able to meet the hiring and qualification standards established by the company. However, qualification requirements do not have to be completed if the regular employer issues a certificate in accordance with Sec. 391.65 which:

- Is signed and dated by an officer or authorized employee of the regularly employing carrier;
- Contains the driver's name and signature;
- Certifies that the driver has been regularly employed as defined in Sec. 390.5;
- Certifies that the driver is fully qualified to drive a commercial motor vehicle under the rules in Part 391 of the FMCSRs;
- States the expiration date of the driver's medical examiner's certificate; and
- Specifies an expiration date for the certificate, which shall be not longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate.

Recordkeeping

MLB shall maintain this information in its files for all multiple-employer drivers it utilizes for a period of 3 years after said drivers cease assignments for the company.

Hours of service

When more than one motor carrier uses the services of a driver during any 24-hour period, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

- All duty time for the entire 24-hour period;
- The name of each motor carrier served by the driver during that period; and

- The beginning and finishing time, including a.m. or p.m., worked for each carrier.

When using a multiple-employer driver for the first time or intermittently, the driver shall submit a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers. The driver's hours-of-service records are retained for 6 months.

Tractor assignment

MLB's dispatch personnel has authority to temporarily assign available tractors to multiple-employer drivers on an "as needed" basis to perform work for the company. MLB defines "available tractor" as any assigned or unassigned tractor that is idle for any reason and is not scheduled for maintenance or currently under dispatch.

For this reason, MLB strongly recommends all personal items be removed by drivers when going off duty for any length of time (such as being home for a weekend, personal day, or vacation). The company is not responsible for lost items left in vehicles by drivers.

Tractors assigned to multiple-employer drivers will be returned in the same condition as before they were assigned. Drivers with issues or complaints with regard to the condition of their tractors after being used by a multiple-employer driver should speak to their immediate supervisor or operations manager.

Benefits eligibility

For specific questions regarding benefit eligibility, multiple-employer drivers should see any MLB operations, safety, or human resource manager.

Because of their "as needed" employment status, multiple-employer drivers used by MLB will not be eligible for company health, dental, life insurance, disability, retirement, or other company benefits.

However, multiple-employer drivers shall remain eligible for the following company sponsored programs:

- Employee discounts for MLB merchandise and clothing.
- MLB's driver referral program.
- MLB's driver sign-on bonus program.

Full-time opportunities

Depending on openings, MLB will consider multiple-employer drivers for full-time driving positions.

Multiple-employer drivers wishing to pursue a full-time driving position with the company should contact any MLB operations, safety, or human resource manager.

The anniversary date for multiple-employer drivers who become full-time drivers shall be the date they are hired as full-time drivers for MLB.

Facility Safety (General)

Policy

MLB is committed to maintaining a safe working environment for all of its employees. It is the policy of MLB that all appropriate employees be trained in and follow safe practices concerning forklifts and other powered industrial trucks, housekeeping, machines/equipment, and other general facility safety issues.

Responsibility

Employees may only operate equipment that he/she is qualified to do so through company training. All employees are required and expected to adhere to pre-operating and operating procedures. Failure to do so will result in discipline actions up to termination.

Management must properly train employees on the use of equipment at the facility. Only those employees properly trained will be utilized for designated equipment. Supervisory staff is expected to monitor the safe/unsafe practices of employee use of equipment and offer direction or correction. This may include formal discipline actions.

Procedures

Forklifts/powered industrial trucks

MLB permits only trained and authorized personnel to operate powered industrial trucks. This policy is applicable to both daily operators and those who occasionally use a powered industrial truck.

It is the company's intent to comply with all regulations governing use of forklifts, also known as fork trucks and powered industrial trucks.

These written forklift operations procedures establish guidelines to be followed whenever any employee works with forklifts at this company. The rules are intended to:

- provide a safe working environment,
- govern operator use of forklifts, and
- ensure proper care and maintenance of forklifts.

These procedures establish uniform requirements designed to ensure that forklift safety training, operation, and maintenance practices are communicated to and understood by the affected employees. These requirements also are designed to ensure that procedures are in place to safeguard the health and safety of all employees.

Powered industrial trucks include:

- forklifts/fork trucks,
- tractors,
- platform lift trucks, and
- motorized hand trucks,
- other specialized industrial trucks powered by electric motors or internal combustion engines.

The company requires operators to perform pre-operational equipment checks on powered industrial trucks prior to the beginning of each shift in which those trucks will be utilized, to ensure the safe operating condition of the vehicle.

If the equipment is unsafe to operate, the employee is to remove the key from the powered industrial truck and place a **DANGER DO NOT OPERATE** tag on the steering wheel or control lever of the powered industrial truck and report the problem to his/her immediate supervisor. The truck shall not be used until the problem has been identified and fixed.

Under no circumstances shall an employee operate a powered industrial truck/forklift until he/she has successfully completed this company's forklift operation training program. This includes all new operators regardless of claimed previous experience.

The training program at this company includes classroom instruction and operational training on each specific powered lift truck to be utilized by the employee in his/her work area.

MLB's Director of Safety will identify all new employees in the employee orientation program and make arrangements to schedule the classroom instruction for those employees previously identified in this procedure.

Housekeeping

Good housekeeping is one of the most visible signs of management and employee concern for safety and health that a company displays on a day to day basis. Orderliness in the workplace contributes to a safe working environment by minimizing obstacles and potential safety and health threats such as slips, trips, falls, etc.

The main purpose of the housekeeping written procedures is to set standard procedures for daily, weekly, monthly, and even annual cleanup procedures. Setting such standard procedures saves money by streamlining area maintenance and providing an ongoing effort that keeps disorder from getting out of control or becoming a danger.

These written procedures cover general housekeeping at this company. All of these rules are to be housekeeping standards of practice in order to help assure a safe work environment at all times in all areas of the company.

Machine safety/equipment usage

Written machine safety and equipment usage procedures establish guidelines to be followed whenever any employee works with machines or equipment at MLB. The established rules are to be followed to:

- provide a safe working environment,
- govern operator use of machines and equipment, and
- ensure proper care and maintenance of machines and equipment.

Written machine safety and equipment usage procedures establish uniform requirements designed to ensure that machines and equipment safety training, operation and maintenance practices are communicated to and understood by the affected employees. These requirements also are designed to ensure that procedures are in place to safeguard the health and safety of all employees.

MLB permits only trained and authorized employees to operate machinery or equipment at any time. This policy is applicable to both daily operators of machinery and equipment and those who only occasionally have cause to use machinery or equipment.

It is the policy of this company to permit only trained and authorized employees to operate machinery or equipment at any time. This policy is applicable to both daily operators of machinery and equipment and those who only occasionally have cause to use machinery or equipment.

Injury Reporting and Return-to-Work

Policy

MLB has a high commitment to safety and injury prevention on the job. However, there may be times that injuries occur at the workplace or while a driver is on the road. In these instances, it's important that everyone follow the injury reporting procedures MLB has established. These procedures are intended to ensure that an injured employee receives the proper medical attention as promptly as possible and that we are able to fully comply with worker's compensation regulations.

In addition, MLB has established a return-to-work program for those employees recovering from illnesses or injuries. The return-to-work program allows employees with physical limitations from injuries or illnesses to have their job duties modified, or to perform alternate duties based on their physical abilities/limitations, until they are able to perform their regular jobs again.

Responsibility

MLB's human resource and safety managers must consistently apply the procedures set forth in this policy. Every injury must be reported and every employee must be given the same consideration for light duty and return-to-work procedures.

Employees have the responsibility to report all injuries occurring at the workplace, including seemingly minor. In order to be considered for the return-to-work program for an injury or illness, employees must follow the procedures set forth by the organization. This includes any medical evaluations and follow-up visits.

Procedures

Injury-reporting procedures

Minor injuries

All employees are required to report any injury that occurs on the job, no matter how minor it may seem. Some examples of minor injuries would include a small cut, falling down a short set of stairs, or a back strain that occurred while loading or unloading cargo.

Such injuries should be reported to the employee's immediate supervisor or a representative from human resources as soon as possible, but no later than 24 hours after the occurrence.

When an injury is reported, MLB's Manager is responsible for interviewing the involved employee and making a written report of the facts surrounding the injury. The involved employee and any witnesses are required to cooperate in the questioning in a truthful and straightforward manner. The employee may be instructed to seek medical attention if deemed necessary.

While injuries do occasionally happen, injuries that occur due to horseplay, misconduct, or inappropriate behavior will result in discipline for the involved employees. However,

we do stress, MLB's first concern is its employees' safety and no employee should be afraid of reporting an injury, no matter how it occurred. Injured employees who were following company safety rules will not be disciplined and MLB will not tolerate any retaliation against the injured employee from any supervisor or co-worker.

Injuries that originally seem minor can evolve into larger medical problems — this is why it's crucial that MLB has documentation of the original incident so that we may properly handle any worker's compensation claims or other issues that arise from the injury in a fair and timely manner. Additionally, multiple minor accidents or injuries can be a signal to the company that our safety practices in a particular area need improvement or that our employees need additional safety training.

Because MLB considers injury-reporting so important, employees who ignore these rules on reporting injuries will be subject to disciplinary procedures.

More serious injuries

When an employee is more seriously injured on the job, the first priority is to make sure he or she receives the proper medical attention. Some examples of more serious injuries would include a broken limb, severe bleeding, or an injury rendering the person unconscious.

If the injury does not necessitate emergency medical attention, but does require prompt attention from a medical professional, the injured employee should notify MLB management. The employee will be allowed to go to the hospital/clinic or transportation will be arranged if the employee is unable to drive.

If the injury requires emergency medical attention, either the injured person (if able) or a fellow employee should call 911.

Once emergency medical help is contacted, (or if emergency medical attention is not required) any employee witnessing the injury should try to render appropriate aid. Fellow employees should only perform actions that are immediately necessary to save the person's life or actions that can be performed with zero risk of aggravating the medical problem or causing further injury. **UNDER NO CIRCUMSTANCES SHOULD EMPLOYEES TRY TO EXECUTE CPR OR MEDICAL AID THEY ARE NOT TRAINED TO PERFORM.**

A driver who has a serious injury while on the road should seek appropriate medical attention at the nearest hospital.

Once the injury or accident situation is medically under control, the injured person (if able) or a fellow employee should contact a representative from human resources. MLB will follow the same procedures for documenting the injury as explained in the minor injuries section of this policy.

Return-to-work program

MLB has a return-to-work program for employees recovering from illnesses or injuries sustained on the job or away from work. Employees who have physical limitations from an injury or illness will have their job duties modified, or will perform alternate duties, until they are able to perform their regular jobs again.

The return-to-work program has several objectives. First of all, MLB's goal is to help its employees. The return-to-work program allows employees to get back on the job more quickly after an illness or injury. Returning to work as soon as possible:

- minimizes the employee's loss of income;
- makes the transition back to regular duties easier, physically and psychologically; and
- keeps up the employee's self-esteem because he/she can continue to perform useful and meaningful work.

Secondly, MLB also benefits from the return-to-work program. An employee who continues to work, even in a restricted capacity, allows the company to continue utilizing the employee's skills and keeps up productivity.

Employees who were injured on the job and are receiving worker's compensation benefits will be required, if able, to participate in the return-to-work program. Participation in the return-to-work program is optional, but highly encouraged, for employees who became ill or injured away from the job.

Return-to-work procedures

If an employee cannot perform his/her regular job duties because of injury or illness, the employee should remain in contact with his or her immediate supervisor and/or a representative of human resources a minimum of once per week. If the employee cannot work due to injury or illness, he or she should contact the company on a regular basis (once per week) to keep the company up-to-date on his or her status.

When the time is appropriate (as determined by the company, the employee, and the medical professional treating the employee) for the person to resume some form of work, the company will request that a medical professional complete a return-to-work statement. The statement should summarize the employee's current physical abilities and what physical tasks the employee should not perform.

MLB has or will prepare written job descriptions outlining the work tasks each employee performs. A recovering employee is encouraged to take a job description to his or her medical professional to help the treatment provider better understand the employee's job and prepare a more thorough return-to-work statement.

Once completed, the return-to-work statement should be sent to MLB. Responsible personnel will forward the statement to MLB's insurance company and the employee's supervisor.

MLB does have the option of requiring the injured/ill employee to see a qualified medical professional specified by the company. MLB may request this for the initial return-to-work examination/statement or anytime during the employee's recovery.

Return-to-work duties

Based on the medical professional's return-to-work statement, a return-to-work program representative and the employee's supervisor will determine what regular job duties the employee can perform, what job duties the employee can perform with some modifications, or if the employee should be given alternate duties. (A returning employee's temporary job duties may be a combination of regular, modified, and alternate duties.)

While the assigned work may be considered "light" in terms of its physical demands (if that is what is necessary based on the injury or illness), all returning employees will be asked to perform tasks that are necessary and meaningful to MLB's operations.

In the case of a driver in the return-to-work program, MLB will first assess the driver's return-to-work statement and determine if the company has driving duties the employee could continue to perform within his or her restrictions. If continued driving is not an option, MLB will try to assign alternate duties that are driving-related and utilize the employee's specialized knowledge and skills. This could include, for example, duties in dispatch, log auditing, or the training of other drivers. If this is not a workable option, the driver will be assigned other duties at MLB's facility.

Returning employees who have concerns about their return-to-work duties should consult their immediate supervisors, a human resources representative, or their medical professionals. Under no circumstances will employees be assigned tasks, or allowed to do tasks, that do not meet the approval of a medical professional.

Because the return-to-work program is intended to be a transition back to an employee's original job, employees in the return-to-work program will not be allowed to keep their alternative job duties after they have recovered.

Periodic re-evaluation

Employees in the return-to-work program must be re-evaluated by a qualified medical professional every two weeks or on a schedule agreed to by the employee, medical professional, and human resources representative. After each re-evaluation, the medical professional should prepare a written statement concerning the employee's physical progress. The employee will submit this statement to MLB. As the employee's recovery continues, job tasks may be reassigned to match the employee's increased ability. When

the medical evaluation indicates the employee can resume his/her original job, the employee will do so.

Personal Safety Policy

Policy

MLB's first concern is for the safety, health, and well-being of its employees. Therefore, this policy has been created to help ensure our employees remain safe and secure in their individual roles. This policy and its related procedures will cover the following topics:

- Expected employee safe conduct and behavior,
- General workplace safety,
- Personal safety and security procedures (driver specific),
- Back safety and proper lifting techniques, and
- Slips, trips, and fall protection procedures.

Responsibility

MLB expects its employees to behave and conduct themselves in a safe and responsible manner at all times. Employees who engage in activities that are considered unsafe, reckless, or threaten the safety of others will be subject to disciplinary action up to and including termination of employment - depending on the severity of individual incidents.

MLB is responsible to provide a safe work environment for all of its employees. It is the policy of the company to provide a place of employment reasonably free from hazards that may cause illness, injury, or death to associates. It is also this company's policy to establish an effective and continuous safety program incorporating educational and monitoring procedures maintained to teach safety, correct deficiencies, and provide a safe, clean working environment.

All MLB supervisors, managers, directors, and officers are responsible for the enforcement of safety policies and practices.

Procedures

General workplace safety

MLB believes that the safety of our employees is of utmost importance and will help drive the quality of our service, the productivity of our employees, and the profitability of the company. Maintenance of safe operating procedures at all times is of both monetary

and human value, with the human value being far greater to the employer, the employee, and the community. Therefore, MLB will be guided by the following safety principles.

MLB believes:

- All injuries and accidents are preventable through the establishment and compliance with safe work procedures.
- The prevention of bodily (lost-time) injury and safeguarding of health are the first considerations in all workplace activities and are the responsibility of every employee at every level.
- Written safety policies describing the safe work practices and procedures to be followed in all workplace activities are an essential element of the overall workplace safety program. All employees at every level are responsible for knowing and following all MLB safety policies and related procedures.
- Off the job, all employees should be similarly safe and demonstrate awareness of potential Hazards.

Organizational role

All MLB supervisors, managers, directors, and officers will ensure that:

- Their staff members are trained in appropriate safety procedures. Individual safety files are maintained in Personnel for all associates.
- They notify the responsible safety personnel, and complete the necessary forms if an accident or work-related health problem occurs in their department.
- Equipment and property within their area of responsibility is maintained in a safe and hazard-free condition.

Individual employee role

MLB employees are responsible to follow safety rules, policies, and related procedures and work safely at all times.

All MLB employees have a responsibility to themselves and to the company for their safety and the safety of coworkers. All employees are required to:

- Comply with all federal, state, and local rules and regulations relevant to their work.
- Observe all company rules and regulations related to the efficient and safe performance of their work.
- Integrate safety into each job function and live by this philosophy in the performance of job duties.
- Report or correct unsafe equipment and practices.
- Report any accidents that occur while on the job.

Supervisor's role

MLB supervisors are directly responsible for the enforcement of all company safety policies and practices. They must ensure that employees under their direct supervision are trained in appropriate safety practices and procedures, and that they follow safe work practices at all times while performing daily work activities.

If an employee is found to be violating safe work practices or procedures, the supervisor is responsible for disciplining the employee and reinforcing the correct safe behavior or activity. Discipline will depend on the severity of the safety rule infraction, and can range anywhere from a verbal reprimand to a written warning to suspension or even dismissal.

Safety department's role

The responsible safety personnel will head up the company's overall safety program.

The safety department is responsible for:

- The written hazard communications program (if required), and the general *Right To Know Training* (the general training, not chemical-specific) for all associates.
- Developing, completing, and filing all necessary documentation and/or reports to meet local, state, and federal reporting and recordkeeping requirements, and working with local and state agencies as needed.
- Maintaining the master MSDS binder, and ensuring that departmental/area MSDS binders are kept up-to-date.
- Completing all employee/driver hazardous material training (if required).

Disciplinary actions for noncompliance with safety rules

Upon violation of any company safety rule, the violating employee will be disciplined. The list of possible disciplinary actions includes:

- *Verbal reprimand* — An informal discussion of the incorrect behavior should take place as soon as possible after the supervisor has knowledge of the safety misconduct. All verbal reprimands are to be documented including a date and signatures of all involved parties.
- *Written reprimand* — A written form documenting the safety misconduct, to be presented to the employee and placed in the employee's personnel file.
- *Warning of probation* — A written form documenting the safety misconduct and warning the employee that another incident will lead to probation, to be presented to the employee and placed in the employee's personnel file.
- *Probation* — A trial period during which the employee is given specific rules and goals to meet, during which, if he or she cannot meet the rules and goals, he or she is subject to termination.

- *Warning of suspension* — A written form documenting the safety misconduct and warning the employee that another incident will lead to suspension, to be presented to the employee and placed in the employee's personnel file.
- *Suspension* — A period of time during which the employee is barred from attending work and during which the employee is not paid.
- *Dismissal/termination of employment* — The permanent separation of an employee from the company, initiated for disciplinary reasons, or safety misconduct.

The severity of the discipline will be in direct correlation to the severity of the safety violation. Injury or damage is not necessary constituent to warrant disciplinary action. It is the violation of the rule itself and not necessarily its end result that is the subject of possible disciplinary action.

Statement of intention to comply with all government regulations

MLB will comply with appropriate safety and security laws and regulations such as those established by:

- The Occupational Safety and Health Administration (OSHA),
- The EPA (Environmental Protection Agency),
- The DOT (Department of Transportation), and
- All other applicable federal, state, and local safety and health regulations.

Driver-specific safety and security procedures

Drivers are often an easy target for theft while out on the road. The driver, alone and in unfamiliar territory, is often the favorite victim of thieves and hijackers. MLB drivers are expected to exercise extreme care and caution with regard to their personal safety and well-being. All drivers for MLB shall use the following guidelines to reduce the risk of becoming a victim while out on the road.

At the shipper

Drivers are expected to:

- Always secure the trailer doors with a heavy-duty padlock and/or trailer door seal.
- Keep vehicle doors locked and keep windows rolled up at all times until out on a major road or highway.
- Keep a watchful eye out when leaving a shipper. The vast majority of cargo thefts and hijackings occur within a few miles of a load's origin (highway on- and off-ramps are particularly dangerous).
- When possible, drive directly to the load's destination without stopping. But at the very least, plan all trips to include as few stops as possible.

In transit

Drivers are expected to:

- Maintain regular contact with the company (dispatch) by regularly calling or messaging.
- Report any unusual or suspicious activity immediately.
- Plan breaks and stops at reputable and established truck stops or rest areas where other trucks are present.
- When possible, vary routes and schedules (if on dedicated assignments). This means not stopping at the same truck stop or rest area on the same day or at the same time.
- Never stop or park on dark roads, alleys, or other deserted areas while waiting to make a pick-up or delivery.
- Never discuss the contents of cargo with anyone outside of the company. And be extremely suspicious of strangers asking about load contents or destinations. Drivers are to immediately report this type of incident to the company (immediate supervisor) as soon as possible.
- Be conscious of following vehicles (especially right after pick-up).
- Be suspicious of individuals signaling drivers to stop because of a traffic accident in which they claim our driver was involved. This is a common tactic used by hijackers to get the vehicle to stop (If this happens and MLB drivers are unsure that an accident has actually occurred, drive to a well-lit intersection or nearest police station).

Worst-case scenario

Drivers are instructed to:

- Cooperate and do as instructed in the event of an actual hijacking situation. The personal safety of our employees is our first priority.
- Notify police immediately following the incident then notify MLB.

Back safety and proper lifting techniques

Back safety awareness and safe lifting guidelines are necessary due to the prevalence and severity of back injuries throughout all industries. Backs can be injured by improper lifting, falling, stretching, overextending, and other workplace mishaps. Of these, using improper lifting techniques (as in hand loading and unloading activities) are the largest single cause of back pain, strain, and injury. To reduce the incidence of back injury, the company has instituted, and all MLB employees will be trained in, the following proper lifting techniques (procedures) and other back safety measures.

MLB requires these procedures to be followed to provide a safe working environment and to protect the health of all our employees. The company has implemented these procedures on safe lifting practices to ensure that all employees are trained to protect themselves from the hazards of improper lifting practices.

The effectiveness of the back safety procedure depends on the active support and involvement of all employees. The following points outline safe and proper lifting techniques that will be taught to all employees to minimize their risk of back injury and pain. Lifting remains an important function despite the level of mechanization found in the workplace today, so attention must be directed toward safe lifting practices.

All employees of MLB will be trained in, and expected to adhere to, the following lifting techniques when they are required to perform any lifting activity as part of their job duties. When required to perform lifting activities, MLB employees are expected to:

- Size up the load before lifting - Test by lifting or pushing a corner of the object. If it's heavy or feels too clumsy, get a mechanical aid or help from another. When in doubt MLB employees are expected to obtain help and to never attempt lifting alone.
- Bend the knees - Bending of the knees is the single most important aspect of any lifting activity. When performing a lift, MLB employees shall:
- Place feet close to the object and center themselves over the object.
- Get a good firm handhold.
- Lift straight up, smoothly and let legs do most of the work.
- Avoid overreaching or stretching to pick up or set down an object.
- Avoid twisting or turning of the body once the lift has been made.
- Make sure beforehand that a clear path is available to carry the object.
- Set the object down properly, keeping the back straight at all times.
- Always push, not pull, objects when possible.
- Change the lifting situation if possible to minimize a lifting hazard.

Additional lifting (loading and unloading) expectations include:

- If the object is too long or awkward, MLB employees are required to get help.
- Splitting the load into several smaller tasks to achieve manageable lifting weight.
- Avoiding lifts from below the knees or above the shoulders by using mechanical aids.

Other work-related back safety issues include:

- *Extended sitting/standing* — Our drivers' role requires long hours of sitting behind the wheel. This condition can create back trouble. When possible, MLB requests that its drivers stretch frequently in order to reduce lower back strain.
- *Poor physical condition* — An employee's physical condition can lead to back pain. Being overweight can cause extra strain on the spine. An estimate is that every extra pound up front puts 10 pounds of strain on the back. Being out of shape or overweight increases the chances for chronic back pain. Infrequent exercise is a major factor, too. A sudden strain on generally unused back muscles lead to trouble, particularly when there is a sudden twisting or turning of the back. MLB requests its employees exercise regularly and maintain a proper diet.

- *Stress factor* — Stress can lead to back pain. Tied in with an individual's general physical condition, stress created from work or play can cause muscle spasms that affect the spinal nerve network. Although stress is part of everyone's life, and a certain amount of stress is normal, excessive stress causes backache. MLB requests its employees strive to achieve a proper life/work balance.
- *Entering/exiting vehicles* — Drivers (and all MLB personnel) are expected to enter and exit company vehicles using three points of contact at all times and jumping from any vehicle or other equipment is strictly prohibited.

Slips, trips, and fall protection procedures

MLB believes most work-related injuries (in particular, work-related injuries related to slips, trips and falls) are preventable if all employees demonstrate a respectful and common sense attitude towards safety. Consequently, all MLB employees will be:

- Trained on the proper methods for entering and exiting vehicles and other company equipment;
- Instructed on proper footwear and clothing that help prevent these types of injuries;
- Trained on how to recognize and avoid slip, trip, and fall hazards; and
- Trained on proper load securement techniques (driver specific).

Safety Guidelines and Procedures

Policy

MLB is committed to maintaining a safe working environment for all its employees.

MLB will comply with all applicable safety and security laws and regulations, such as those established by DOT, EPA, OSHA and all other federal, state, and local safety and health agencies.

MLB will make every effort to assure that generally accepted safe practices are followed by all our employees.

Responsibility

All MLB employees have a responsibility to themselves and to the company for their safety and the safety of their coworkers.

Procedures

The safety philosophy of MLB reflects and communicates our proactive corporate attitude toward safety.

All employees are required to:

- Comply with all federal, state, and local laws and regulations relevant to their work.
- Observe all company rules related to the safe and efficient performance of their work.
- Integrate safety into each job function and live by this philosophy in the performance of job duties.
- Report or correct/repair unsafe practices and equipment.
- Report any accident that occurs while on the job.

Disciplinary actions

All safety rules, regulations, plans, and procedures in effect at MLB must be followed.

Upon violation of any company safety rule, the violating employee will be penalized. The list of possible disciplinary actions includes the following:

- *Verbal reprimand:* An informal discussion concerning the incorrect safety behavior will take place as soon as possible after the supervisor becomes aware of it.
- *Written reprimand:* A written form that documents the safety misconduct will be presented to the employee and a copy will be placed in the employee's personnel file.
- *Warning of probation:* A written form will document the safety misconduct and warn the employee that another incident of the behavior will lead to probation. This form will be presented to the employee and a copy will be placed in the employee's personnel file.
- *Probation:* A period of time during which the employee is given specific rules and goals to meet, along with the advisory that if those rules and goals are not met satisfactorily, the employee will be subject to termination.
- *Warning of suspension:* A written form that documents the safety misconduct and warns the employee that another incident will lead to suspension. This form will be presented to the employee and a copy will be placed in the employee's personnel file.
- *Suspension:* A period of time during which the employee is prohibited from being in the workplace and during which the employee is not paid.
- *Dismissal/Termination of Employment:* The permanent termination of an employee from the company, initiated for disciplinary reasons.

Upon violation of any company safety guideline or rule, the employee will be penalized. The severity of the penalty will be in direct correlation to the severity of the safety violation.

MLB reserves the right to make judgments relative to employee misconduct.

Driver and Cargo Security

Policy

MLB is dedicated to the safe and efficient handling and transporting of our customer's products. Our company is committed to ensuring the physical safety of all employees and reducing opportunities for cargo theft.

The goals of MLB are to: 1) ensure the safety of our drivers, and 2) ensure the security and integrity of our customer's products from point of origin to final destination.

This policy will clearly communicate general point-to-point security procedures and guidelines to all driving and non-driving personnel. It shall also establish methods for protecting our drivers, vehicles, and customers' cargo while on the road and establish consistent security guidelines and procedures for all responsible personnel.

Responsibilities

MLB's Chief Operating Officer is responsible for administering our Driver and Cargo Security Policy and has full authority to make necessary decisions to ensure the success of this policy. Employees shall be trained on these procedures as they relate to their positions. Due to security concerns, protocols will be communicated to employees on a need-to-know basis based on the discretion of the managerial and supervisory staff.

Immediate supervisors are expected to have knowledge of this policy, and communicate procedures to their employees through employee training and meetings. The supervisors must correct employees who disregard this policy with formal warnings, up to termination.

The following security guidelines and procedures apply to all work/load assignments. All drivers and non-driving personnel will be expected to be knowledgeable of, and adhere to, these guidelines and procedures as they apply to their positions when performing any load-related activity for MLB. Information that is a need-to-know basis shall not be communicated to the organization as a whole by management or those employees who are privy.

Procedures

Company-assigned security devices

The following procedures shall be used for company-assigned security devices:

- Each driver shall be assigned a numbered, heavy-duty padlock, and a receipt shall be obtained for the lock from each driver. The numbered padlock is to be used (when possible) in conjunction with trailer door seals for every assigned load.
- Drivers are responsible for and are expected to use their padlocks. In addition, when in use, the padlock's number shall be recorded on the delivery manifest or bill of lading along with the trailer's seal number(s).

Point of origin

Drivers shall follow these procedures at the load's point of origin:

- Upon arrival at the load's point of origin, all drivers shall check in with the responsible shipping personnel to notify them of arrival and to provide proof of identity. While at the shipper, drivers shall follow the loading instructions and obey all customer plant safety and security rules.
- At the designated loading location (assigned dock door), the driver shall secure the vehicle. No company vehicle will be left unattended until the driver is confident the vehicle is secure from moving.

Shipper load and count

Drivers shall follow these procedures to verify load content:

- In the event a driver is scheduled to pick up a pre-loaded trailer, under no circumstances should the driver be allowed or permitted to break a seal on a load moving under a shipper's load and count provision. This guideline applies to outbound loads as well as loads being picked up and returned to a terminal for spotting/staging.
- In the event of a live load, drivers are expected to supervise the entire loading process. Drivers are responsible to make sure no unauthorized or unscheduled cargo is loaded on the trailer.
- When loading is completed, drivers are responsible for making sure the cargo is secure and to check the bill of lading or the delivery manifest to ensure it is accurate. Once drivers are satisfied that the cargo matches the shipping papers, they shall:

1. Close the trailer doors and witness the shipper sealing of the trailer;
2. Record the seal number(s) on the shipping papers; and
3. Have the shipping papers signed by the responsible shipping personnel before leaving.

If a discrepancy is found between the cargo and bill of lading, drivers shall contact their supervisor immediately for instructions.

In the event the shipper fails to supply a seal, drivers are required to use a company-issued seal.

When possible, drivers are instructed to use their padlocks to provide additional cargo security. However, if using a padlock would cause any damage to the trailer door seal, attempts to use the padlock should not be made.

Before leaving any shipper, drivers shall make a thorough visual observation of their immediate surroundings and report any unusual or suspicious activity to their supervisor.

Vehicle Scaling

Drivers are required to ensure all loaded combination vehicles are within legal weight limits for each axle and the total gross weight. Unless otherwise instructed, drivers are to scale all loads at the shipper (or nearest certified public scale). Drivers are to contact their supervisor for instructions if a scale is not present at the load's point of origin.

In-Transit Security

Drivers shall follow these procedures while in-transit:

- Dispatch shall make every effort to arrange delivery schedules (especially for high-value loads) that minimize in-transit down time. In most cases, this means that dispatch will schedule loads for delivery as early as possible based on drivers' available hours and receivers' hours of operation. While in transit, drivers are prohibited from discussing information related to their load, route, or delivery schedule with any person(s) other than authorized company officials. Drivers failing to abide by this policy are subject to disciplinary action up to and including termination of employment. Drivers are to report any suspicious activity (including load-related inquiries from strangers) to their supervisor
- Drivers are expected to take all reasonable and responsible precautions to prevent damage to company vehicles and theft of cargo while in transit.
- For personal protection and safety, and the security of the cargo, drivers are expected to park in safe, well lit, designated truck parking locations only (such as reputable truck stops or high-traffic, major rest areas). When possible, loaded trailers should be parked against a wall, fence, or other stationary object to enhance cargo security.
- Drivers shall lock their vehicles at all times while in transit — especially during all time spent in urban areas.
- When possible, dispatch shall contact receivers for the purpose of arranging secure overnight or after hours parking for drivers who can safely and legally arrive at their destinations.
- Drivers are prohibited from taking their equipment (loaded or empty) to or through home, or parking in any unsecured area. Drivers failing to abide by this policy are subject to disciplinary action up to and including termination of employment.

- Drivers are expected to maintain regular communications with the company while in transit. Any incident of drivers failing to check in when required shall be assumed to be suspicious and highly irregular. Immediate action shall be taken in such situations.
- Drivers are expected to fully understand this procedure and make every effort to maintain regular contact with dispatch.

Hijacking and Cargo Theft

Our company has adopted the following recommended procedures to deal with attempted hijacking or cargo theft:

- In the event of an attempted vehicle hijacking or cargo theft situation while the vehicle is in motion, MLB has adopted a NO STOP policy. Drivers who believe a hijacking is or may be in progress are instructed to keep the vehicle moving as safely and responsibly as possible until the attempt has ceased and/or the authorities have been notified. However, in any hijack situation, drivers should use their own good judgment (whether to stop or keep moving) based on the degree to which they feel their personal safety is at risk. Nothing our drivers do is worth getting hurt over.
- Drivers who do fall victim to vehicle hijackers or cargo thieves are instructed to notify local police as soon as possible.
- Once the proper authorities have been notified, drivers are required to contact company officials and follow all subsequent instructions.

Terminal-to-Truck Communication

- All of MLB's tractors are equipped with technology that enables drivers and dispatchers to communicate with each other 24 hours a day, 7 days a week.
- Drivers are expected to use this technology to keep MLB informed and up-to-date with regard to their current status, and to alert MLB of any suspicions or unusual activities so appropriate action may be taken.
- This same technology enables MLB to track its equipment.
- Any incident of drivers failing to check in when required, or equipment showing unusual or unexpected deviations in planned routing, shall be assumed to be suspicious and highly irregular. Immediate action shall be taken in such situations.
- Drivers are expected to fully understand this procedure and make every effort to maintain regular contact with dispatch.

Arriving at Stop-Off/Destination

Drivers shall follow these procedures upon arriving at a stop-off or destination:

- Upon arrival at the destination or stop-off, drivers shall check in with the responsible receiving person(s) to notify them of arrival, show proof of identity,

and receive unloading instructions. Drivers shall follow receiver's and consignee's unloading instructions, and obey all customer plant safety and security rules.

- Once permission to unload has been given, the driver shall proceed to the unloading location (assigned receiving dock door) and secure the vehicle. No company vehicle shall be left unattended until the driver is satisfied that the vehicle is secure from moving.
- The driver, along with a responsible receiving employee, shall inspect the trailer seal(s), match the seal number(s) with those on the shipping papers, break the seal(s), open and secure the trailer doors, and inspect the cargo. Once both the driver and receiver are satisfied, the driver shall back the trailer and secure the vehicle. Drivers shall supervise the unloading process. In the event of cargo damage, overage, shortage, or any other discrepancy, drivers shall contact their supervisor immediately for instructions and to report the cargo claim incident.
- After the unloading process has been completed, the driver shall get the appropriate paperwork signed by the responsible receiving employee and contact dispatch for the next assignment or instructions.

Internal Security

Policy

MLB recognizes that many of the records and documents it maintains and retains contain sensitive and confidential information. In addition, MLB understands that the people it employs have a desire to work in a safe and secure environment. MLB has developed this policy that establishes basic internal security procedures and standards to protect both sensitive corporate information and employees.

The objectives of this policy are to: 1) provide the guidelines and procedures to protect the company's employees, and 2) establish uniform security procedures that all employees must observe.

Responsibility

MLB's Director of Safety is responsible for administering our Internal Security Policy. MLB's Director of Safety has full authority to make necessary decisions to ensure the success of this policy.

Personnel involved with recordkeeping, hiring, dispatch, or any other area affected by this policy shall adhere to its procedures. Management is expected to correct employees who disregard the security practices and standards set forth by the company.

Procedures

The guidelines and procedures listed in this policy cover a variety of internal documentation handling and recordkeeping procedures, as well as other sensitive or critical daily operational activities, and apply to all company personnel.

Driver qualification files

The following procedures will be followed for driver qualification files:

- Driver qualification (DQ) files (as required by Section 391.51) shall be maintained in a secure file drawer. The file drawer shall remain locked at all times.
- Key and access controls shall be implemented.
- The file drawer containing the DQ files shall be stored in an office or other storage area that has controlled and limited access.
- Only designated personnel shall be allowed access to the company's DQ files.
- Company DQ files shall not be combined with any other files such as personnel or training files.

Driver investigation history file

The following procedures will be followed for driver investigation history files:

- Driver investigation history (DIH) files (as required by Section 391.53) shall be maintained in a secure file drawer. The file drawer shall remain locked at all times.
- Key and access controls shall be implemented.
- The file drawer containing the DIH files shall be stored in an office or other storage area that has controlled and limited access.
- Only personnel involved in the *hiring decision* shall be allowed access to the company's DIH files, as required under §391.53.
- Designated company personnel involved in the hiring decision who are assigned the task of creating, updating, maintaining, or auditing DIH files shall be required to record their activities in a daily log. The DIH daily log shall document the following information:
 1. The date,
 2. Name of the employee,
 3. The name of the driver whose file is being created, updated, maintained, or audited,
 4. The purpose for retrieving the file, and

5. The time the DIH file was checked out and back in.
- Company DIH files shall not be combined with any other files such as personnel or training files.

DOT drug and alcohol files

The following procedures will be followed for DOT drug and alcohol records:

- Driver drug and alcohol records (as required by Section 382.401) shall be maintained in a secure file drawer. The file drawer shall remain locked at all times.
- Key and access controls shall be implemented.
- The file drawer containing the drug and alcohol files shall be stored in an office or other storage area that has controlled and limited access.
- Only designated personnel shall be allowed access to the company's drug and alcohol files.
- Designated company personnel assigned the task of creating, updating, maintaining, or auditing driver drug and alcohol files shall be required to record their activities in a daily log. The drug and alcohol daily log shall document the following information:
 1. The date,
 2. Name of the employee,
 3. The name of the driver whose file is being created, updated, maintained, or audited,
 4. The purpose for retrieving the file, and
 5. The time the drug and alcohol file was checked out and back in.
- Company DOT drug and alcohol files shall not be combined with any other files such as personnel or training files.

Driver personnel and training files

The following procedure will be followed for Driver Personnel and Training Files:

- Driver personnel and training files may be combined.
- Driver personnel and/or training files shall be maintained in a secure file drawer. The file drawer shall remain locked at all times.
- Key and access controls shall be implemented.

- The file drawer containing driver personnel/training files shall be stored in an office or other storage area that has controlled and limited access.
- Only designated personnel shall be allowed access to the company's driver personnel/training files.

Driving qualifications and hiring standards

MLB's driver qualification and hiring procedures shall be in compliance with all applicable state and federal regulations.

Applicants shall not be considered for employment as drivers by MLB unless they meet the following minimum requirements. Persons applying for the position of driver must:

- Meet the company's minimum age and experience requirements.
- Have a driving record that is in line with the company's safety standards with regard to preventable motor vehicle accidents and violations of motor vehicle laws (all past driving information provided by applicants shall be verified).
- Be able to read and speak English sufficiently as required by Section 391.11(b)(2).
- Be physically qualified to drive a company vehicle.
- Possess a current and valid commercial driver's license of the correct type and with the proper endorsements.
- Not be disqualified to drive a commercial motor vehicle under the rules in Section 391.15 or Section 383.51.

All applicants applying for the position of driver with MLB shall submit an accurate, complete, signed and dated application for employment. The driver qualification and hiring process shall not continue until all information on the application has been verified as true and accurate.

An inquiry into the driving record during the preceding 3 years shall be made for every driver applicant. The inquiry shall be made to the appropriate agency of every state in which the applicant held a motor vehicle operator's license or permit. The driver qualification and hiring process shall not continue until all driving record information for the preceding 3 years has been verified.

An investigation into the employment record during the preceding 3 years (10 years for positions requiring a CDL) shall be made for every driver applicant. Driver applicants shall provide accurate and complete previous and current employer information upon request, including but not limited to:

- Names and addresses of previous employers;
- Names and titles of previous supervisors and dispatchers; and

- Phone numbers or other contact information for both of the above.

An investigation into the DOT drug and alcohol history with regard to previous employers shall be made for every driver applicant. The driver qualification and hiring process shall not continue until drug and alcohol information from previous employees for the preceding 3 years has been obtained and verified.

All applicants applying for the position of driver with MLB shall be given an in-person interview by responsible company personnel. In-person interviews are used to determine fit for both the applicant and the company. In addition, the in-person interview should be used to verify any gap(s) in employment, reason(s) for job or career changes, or any other important or unexplained behavior or history.

All applicants applying for the position of CDL driver with MLB shall submit to a pre-employment drug screen as required by Section 382.301, and no driver applicant shall perform any work or activity for MLB until a verified negative test result has been obtained for the applicant.

Responsible company personnel shall create a driver's qualification file for all driver applicants who meet the requirements of this policy, and who have been extended, and have accepted, an offer of employment.

Criminal background investigations

The procedure for criminal background checks shall be as follows:

- A criminal background check shall be made on all applicants for the position of driver.
- The criminal background check shall be made with adherence to all applicable state and federal laws. Conviction of a crime is not an automatic bar to employment.

Proof of citizenship and right to work

All applicants for the position of driver for MLB shall be required to provide either proof of U.S. citizenship or proof of their legal right to work in the United States.

Dispatch security procedures

Dispatch security procedures will be as follows:

- All work/load assignment sheets (hard copy and/or electronic) shall be sequentially numbered and maintained in a secure location.
- Access to load information shall be limited to operations personnel including dispatchers, the operation manager, and other designated employees.

- Dispatch personnel are responsible for the security and proper issuance of all load-related work assignment documents. When providing load information to drivers, dispatchers shall review the load information to ensure that it is complete and accurate. For security purposes, it is extremely important that:
 - The load assignment number is clearly communicated,
 - Trailer numbers on all work assignments are verified, and
 - Shipper pick up number(s) are checked and verified.
- In the event a loaded trailer needs to be staged (for any length of time) in a terminal yard or other company facility, all load-related paperwork shall be brought into the dispatch office and maintained there until the driver is scheduled to complete his or her run.
- Drivers are prohibited from leaving load-related paperwork with any loaded trailer. Drivers failing to abide by this procedure are subject to disciplinary action.

Sexual and Other Types of Harrassment

Policy

MLB has established a zero-tolerance standard for any type of harassment. As an equal opportunity employer, MLB is committed to providing all of its employees with a workplace that is free of harassment.

This includes sexual harassment as well as verbal, physical, or psychological harassment due to race, color, religion, sex, national origin, disability, age, or any other protected characteristic under state or federal law.

MLB shall follow all applicable state and federal (Equal Employment Opportunity Commission (EEOC)) laws in prohibiting sexual harassment or harassment of any type, in our workplace and while performing any and all work-related duties.

MLB defines its workplace as not being limited to a MLB facility, and includes all company functions (on- and off-site), business travel, vendor locations, customer locations, and any other location where MLB business is conducted.

This policy applies to all MLB employees and all non-employees with whom a MLB employee may come into contact with during the daily performance of his/her job, including:

- Customers,
- Visitors,
- Suppliers,
- Vendors,
- Contractors,

- Temporary employees, and/or
- Other individuals.

It is further understood that any of these individuals may be a victim or a violator under this MLB policy.

Responsibility

Employees should have a clear understanding of the definitions set forth in this policy, as well as the appropriate chains of command for reporting complaints and resolution.

Management must have a clear understanding of the definitions set forth in this policy and the procedures outlined for resolution. They must act on any complaints lodged against an employee or non-employee by any employee of the company. The complaint process must be consistently followed for each employee.

Procedures

MLB's sexual and other harassment procedures have been developed to achieve several goals.

They include:

- To clearly define sexual and other types of harassment;
- To ensure all MLB employees are trained and provided periodic retraining on sexual and other types of harassment issues;
- To make sure all MLB employees understand that the company will not tolerate any sexual or other form of harassment;
- To make sure all MLB employees understand that violators of this policy may be subject to disciplinary action, up to and including termination of employment; and
- To ensure employees understand they will not be subject to retaliation or discipline for reporting or complaining of any type of harassment.

Definition of harassment

MLB defines harassment as a single incident or a pattern of behavior which entails verbal, physical, or psychological harassment/abuse of any nature which:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; and/or
- Adversely affects an individual's employment or advancement opportunities.

Conduct and behavior which may be considered harassment

MLB is committed to creating an environment that is free of all forms of harassment — both verbal and nonverbal. Language and personal behavior that could be considered harassment (other than sexual) may include:

- Verbal harassment
- Telling offensive (ethnic or religious) jokes, taunting, or mimicking others.
- Making disparaging or derogatory comments or remarks that perpetuate stereotypes about a protected individual or group.
- Directing denigrating slurs, epithets, insults or comments towards a protected individual or group.
- Making verbal threats of physical violence, intimidating other employees, or making harassing phone calls.
- Nonverbal harassment.
- Displaying offensive, derogatory, inappropriate, or other graphic materials in common areas.
- Segregating or discriminating against an employee or co-worker.
- Physically assaulting, abusing, or threatening specific employees or co-workers.

Definition of sexual harassment

According to the EEOC's guidelines, sexual harassment is a form of discrimination prohibited by Title VII of the Civil Rights Act. It can include several forms, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (including same-sex harassment) when:

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

Conduct and behavior which may be considered sexual harassment

MLB expects each employee to exercise sound personal judgment concerning the possible effects on others of his/her actions — specifically but not limited to personal behavior and language.

Inappropriate, unacceptable, or offensive behavior and language that could be considered sexual harassment may include:

- Unwelcome or unwanted sexual advances. This means patting, pinching, hugging, cornering, kissing, fondling, brushing up against, or any other similar physical contact considered unacceptable by another individual.

- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning one's employment status or advancement opportunity.
- Verbal abuse (even if intended as kidding) that is of a sexual nature and considered unacceptable or offensive by another individual. This includes graphic comments about an individual's body or appearance, sexually degrading words to describe an individual, or telling sexually graphic jokes or stories that may be offensive to others.
- Engaging in unwanted sexually oriented conduct with someone that interferes with his/her work activities or performance.
- Creating a hostile, offensive, or intimidating work environment. This includes the display in the workplace of sexually suggestive objects, materials, or pictures.

Conduct and behavior which may not be considered sexual harassment

Normal, courteous, mutually respectful, non-coercive conversations and interactions between employees, customers, visitors, suppliers, vendors, contractors, temporary employees, and/or other individuals that are acceptable to both parties may not be considered sexual harassment.

Isolated comments of a sexual nature, while possibly objectionable, are not necessarily sexual harassment.

Furthermore, as a general rule, conduct between consenting parties, or actions arising out of current personal or social relationships where there is no coercion involved, may not be viewed as sexual harassment.

Reporting a complaint

Any MLB employee believing he/she has been the victim of sexual or other harassment should report the complaint/incident or alleged discrimination without fear of retaliation.

MLB encourages all employees to report any sexual or other harassment situation as promptly as possible.

The report should be made to:

- The employee's immediate supervisor; or
- Any management individual with whom the employee feels comfortable.

Investigation procedures

All complaints will be promptly and thoroughly investigated by MLB's senior management team, who will conduct a fair and impartial investigation.

Interim measures may be taken pending full investigation and resolution of the complaint, such as temporary reassignments or separating the alleged violator and the complainant.

The investigator shall discuss the complaint with both parties, and shall question all employees who may have knowledge of either the actual incident or similar situations. The complaint, investigative steps and findings, and disposition shall be documented.

Complaints shall remain confidential except where circumstances arise in which others may have a need to know.

Results of the investigation and any recommended corrective or disciplinary action shall be communicated to the individual who filed the complaint.

If the investigation reveals that an employee has engaged in harassment, that individual shall be subject to disciplinary action up to and including termination.

An employee who is dissatisfied with the resolution of a complaint should discuss the matter with MLB's President, who will review the matter and determine whether additional action is justified or warranted.

Complaints of harassment against non-employees

Any MLB employee who feels that he/she has been harassed by a non-employee while performing normal work-related duties or during a normal workday, or at a MLB function, should report the incident to his/her immediate supervisor or other MLB management personnel as soon as possible. MLB management personnel are expected to assess the situation and take prompt and appropriate action.

Other related information

MLB will not tolerate any form of retaliation towards employees who come forward with any type of harassment complaints.

Any MLB employee who presents a knowingly false or frivolous claim that is proven to be untrue could be subject to civil repercussions from the falsely-accused party.

Final recourse

MLB employees are entitled to file complaints of harassment with the Equal Employment Opportunity Commission or other appropriate government agency. However, the company believes any and all complaints can be resolved internally.