

GIO & SON EXPRESS LLC

HOURS OF SERVICES - ELD & DISCIPLINARY POLICY

GIO & SON EXPRESS LLC is always committed to operating in a safe and legal manner. The submission of accurate and true logs is an integral part of this commitment. GIO & SON EXPRESS LLC has established a ZERO tolerance standard for logbook violations. Drivers are required to call the transportation office one hour prior to any hours-of-service violation (**11Hr/14Hr/30 min. Break, 10 Hr/70Hr/60Hr/34 Hr**). The Safety Department will determine what course of corrective action is to be taken. The company will also audit drivers' logs to ensure compliance with hours-of-service regulation. Supporting documentation, such as fuel invoices and tolls receipts or electronic forms, should be attached to logs.

LOGBOOKS

All drivers are required to complete a driver's logs on a daily basis. Due to our operation, GIO & SON EXPRESS LLC has local and over the road drivers. Local drivers will turn their logs in on a weekly basis; over the road drivers, with equipment older than year 2000, must submit or forward by mail the original driver's record of duty status to the safety department at GIO & SON EXPRESS LLC within 13 days following the completion of the form, or submit the logs upon arrival to your home terminal before the thirteenth day following the completion of the form (log), to the following address:

GIO & SON EXPRESS LLC – 536 WESTFIELD AVE UNIT 200, ELIZABETH, NJ 07208

REPETITIVE VIOLATIONS ARE SUBJECT TO SUSPENSION AND UP TO TERMINATION

CORRECTION ACTION:

A **supervisor** will review any log with a violation. The supervisor may choose to observe a driver's daily routing to determine if any of the following were reason of the violation.

ROUTING ISSUES:

(Customer Delays, Traffic, Driving distance, etc.)

The Operations Manager/ Safety Director will review these issues to determine the corrective steps of actions to prevent reoccurrence of driving violations.

ADVERSE CONDITIONS:

(Weather, Traffic, Accident, Injury, etc.)

The Safety Director will review these issues and determine the corrective steps of action.

DISCIPLINARY ACTIONS FOR: Drivers who do not notify Dispatch or Safety Department 2 (two) hours prior to a violation occurring:

FIRST VIOLATION: Written Verbal retraining of regulations and policies with driver.

SECOND VIOLATION: Coaching and Corrective action form to driver with Hours of Service Training and 1 day SUSPENSION.

THIRD VIOLATION: Caching and Corrective action form to driver and 3 days SUSPENSION.

FOURTH VIOLATION: TERMINATION.

DISCIPLINARY ACTIONS FOR ANY:

“Hours of Service” violations occurring within a rolling 6 months:

1. 11- hours rule violations.
2. 14- hours rule violations.
3. 60/70 hours rule violations.
4. 30- minutes break rule violations.
5. 34- hours restart rule violations.
6. 10- hours restart rule violations.
7. Sleeper berth Provision
8. Personal Conveyance
9. Yard move
10. Unidentified driving - disconnections - to omit Logging In - Fail to report malfunctions.

FIRST VIOLATION: Written warning letter, retraining of regulations and policies with driver.

SECOND VIOLATION: Coaching and Corrective action, 1 (ONE) day SUSPENSION. of Service Training. Notice of Violation letter to DQ File.

THIRD VIOLATION: Caching and Corrective action, 3 (THREE) days SUSPENSION. Notice of Violation letter to DQ File.

FOURTH VIOLATION: TERMINATION.

OFF DUTY TIME:

OFF DUTY AUTHORIZATION: Drivers are authorized, but not directed, to log off duty on your daily logs for routings rest stops, meal stop, coffee stop, if and when all applicable provisions are met:

1. Such stop is in fact for a minimum of 15 minutes.
2. The vehicle is legally and safely parked, and the vehicle and cargo does not require you to remain in the vicinity or on the premises where the vehicle is parked.
3. Cargo is secure and protected.
4. No duties in connection with the operation of the vehicle during the stop.

EXAMPLES OF OFF DUTY (WITH ABOVE CRITERIA MET)

1. Nature call
2. Break Down
3. Customer Delays
4. Meal Break, testing time, resting time (10 hour or 34-hour rules)

As per new regulations, a CMV operator must take a 30 MINUTE BREAK after 8 hours driving for long hauled drivers.

TEXTING OR MISUSE OF CELL PHONE:

Under new regulations in effect on January of 2012, CMV Drivers are not permitted the use of cell phone or texting when driving.

The general restriction against the use of such equipment and accessories decreases the safety of operations of a CMV. This activity involves a combination of visual, cognitive, and manual distraction from the driving task. Therefore, the use of electronic devices for texting by CMV operators while driving on public road and interstate commerce decreases safety and is prohibited by 49 CFR 390.17.

Records of these violations are 10 points on SMS for a CDL and loss of license for Drivers, which then increases the Motor Carrier's safety data. This, in turn, could result in a compliance review of the Motor Carrier.



GIO & SON EXPRESS LLC – ELD POLICY

GIO & SON EXPRESS LLC 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 actions, 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 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-hour/30-minute break, 11hour driving, 14hour consecutive and 60/70 hour) will be reached.
- Not operate the vehicle until a required break has been completed (30-minute, 10-hour, or 34-hour).
- Use the following special driving categories when appropriate.
 - Personal use: To only be used only when the driver is using an unladen vehicle to commute to a purely personal destination (home, hotel, and/or 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 1 day
 - 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 device the driver is using.

ELD: Provide the officer with the tablet or phone (in mode DOT Inspection) or printout, 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 via email – or – USB method specified by the officer.
- Bluetooth or USB 2.0.

Malfunctions

- A malfunction is any situation involving the device being unable to capture, process, store, or present the required hours-of-service data. If the device malfunctions, the driver is to:
 - Notify the company immediately.
 - 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 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 an 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.

ELD LOG AUDITING CHECKLIST

In most cases, an ELD system will automatically audit the log for form and manner and over-hours violations. However, the depth and quality of the audit will vary depending on the ELD provider. Log auditors should start by validating driver data on system-generated reports to ensure compliance. Additional audits, such as those below, should be conducted in addition to system reports.



Form and manner (§395.2)

- Check system audit report for missing data elements.
- Determine if any missing data elements were required.
- If required data/entries are missing, document the violation.

Falsification (§395.8(e))

- Check for any unexplained "jumps" in the data (miles, engine hours, locations).
- Check for any unassigned driving time on the vehicle(s) the driver operated during the 24 hours.
- Check any edits.
- Check any use of a special driving category.
- Check for ghost drivers.
- Check for appropriate on-duty time.
- If the log is found to be false, document the violation.

Hours-of-service limits (§395.3)

- Check for any system-reported hours-of-service limit violations.
 - Was there an exception used that allowed the driver to exceed the limit?
 - If the driver exceeded a limit and did not provide an acceptable comment, or if the exception the driver claimed did not apply, consider the driver as having operated in excess of the limit and document the violation.

If there is no paper log, no ELD record, and no time record on file for the driver for the day, consider this a violation of the requirement to submit a log and document the violation, unless:

- The day in question is within the past 13 days.
- The driver is a short-haul driver that does not submit time records for his/her days off.
- The driver is on extended time off, leave, or furlough.
- The driver is considered an intermittent operator and has submitted the required summary of hours.
- The driver is hours-of-service exempt.

EXEMPT LOG AUDITING CHECKLIST

The new 150 Air-Mile exception (§395.1(e), §395.8(a), §395.8(e)) will likely have more fleets opting to allow their short-haul truck and bus drivers to keep basic time records instead of paper logs or ELDs. Without ELDs however, you can expect enforcement to take more interest in your drivers' hours, including asking your drivers to explain why they don't need to log. It's a violation if they cannot explain why they aren't using ELDs, or if the driver is using time records when he or she should be using an ELD.



- Check that there is a time record containing the starting time, ending time, and total hours on duty on file for the day.
 - Drivers that normally work as short-haul drivers do not have to submit a time record on an off-duty day, unless the carrier requires one. If there is no time record for such a driver, use dispatch, trip, and payroll records to verify the driver was off for the day.
- Verify the driver qualified to use the exemption.
- Check for false time records.
 - Using supporting documents (dispatch records, trip records, payroll records, electronic tracking and communication records, receipts), verify that all driver activities took place within the times indicated on the time record.
 - If any supporting document shows the driver worked outside of the hours listed on the time record, consider the time record to be false and document the violation (§395.8(e)).
 - If the falsification created a situation where the driver should have submitted a log, document the violation as no log when required (§395.8(a)).
- If the driver did not qualify for the exemption or the time record was false, document the violation.

If there is no paper log, ELD, or time record on file for the driver for the day, consider this a violation of the requirement to submit a log and document the violation, unless:

- The day in question is within the past 13 days.
- The driver is a short-haul driver that does not submit time records for his/her days off.
- The driver is on extended time off, leave, or furlough.
- The driver is considered an intermittent operator and has submitted the required summary of hours.
- The driver is hours-of-service exempt.

PAPER LOG AUDITING CHECKLIST



While most drivers are committed to accurately logging their hours, a few drivers who insist on using paper logs do so because paper logs are easier to falsify. Any time a driver is using paper logs, the use will be scrutinized by officers on the road and investigators during an audit. The driver needs to understand and be able to explain why he or she is allowed to use paper logs and will need to be diligent in logging compliantly. For these reasons, it's important that **all** paper logs be thoroughly audited.

- If the driver has submitted a paper log, before beginning a formal auditing process, verify the driver was allowed to use a paper log rather than an ELD.
- Check that there is a paper log for each day a driver submitted paper logs.



Form and manner (§395.8)

- Check that all 11 required elements are on the log and that the driver has made the required entries for the day.
- Check that the driver's duty line accounts for all 24 hours.
- Check that each duty change has an accompanying location indicated in the remarks area.
- Check that the total time entered for each duty line is accurate.
- If any required entry is missing, document the violation.

Falsification (§395.8(e))

- Check for any unexplained "jumps" in locations.
- Check mileages (overall for the day and point-to-point).
- Using supporting documents, check the accuracy of the locations – and time at the locations – provided in the remarks area.
- Check for personal conveyance.
- Check for appropriate on-duty time.
- Be on the lookout for "cookie cutter logs" with no variation in on-duty time.
- If the log is found to be false, document the violation.

Hours-of-service limits (§395.3)

- Check for violations of the 11-, 14-, and 8-hour limits.
- Check for violations of the 60- or 70-hour limit.
- If the driver was over a limit:
 - Did the driver use an exception which allowed him or her to exceed the limit?
 - If the driver exceeded a limit and did not provide an acceptable comment, or the exception the driver claimed did not apply, consider the driver as having operated in excess of the limit and document the violation.

If there is no paper log, ELD, or time record on file for the driver for the day, consider this a violation of the requirement to submit a log and document the violation, unless:

- The day in question is within the past 13 days.
- The driver is a short-haul driver that does not submit time records for his/her days off.
- The driver is on extended time off, leave, or furlough.
- The driver is considered an intermittent operator and has submitted the required summary of hours.
- The driver is hours-of-service exempt.

**DRIVER HOURS OF SERVICE - ELD
AND DISCIPLINARY POLICY**

DRIVER RECEIPT

I acknowledge receipt of the GIO & SON EXPRESS LLC Logbook-ELD & Disciplinary Policy; I further understand that my non-compliance with Federal Motor Safety Administration Regulation, failure to follow hours of service requirements, is grounds for company disciplinary action up to termination. I further understand that failure to comply with both federal and company hours of service policy is showing an unwillingness to comply with these policies and a ground for company disciplinary action up to termination of employment.

DRIVER'S SIGNATURE

DATE

GIO & SON EXPRESS LLC

INITIALS: _____

COMPANY REPRESENTATIVE