

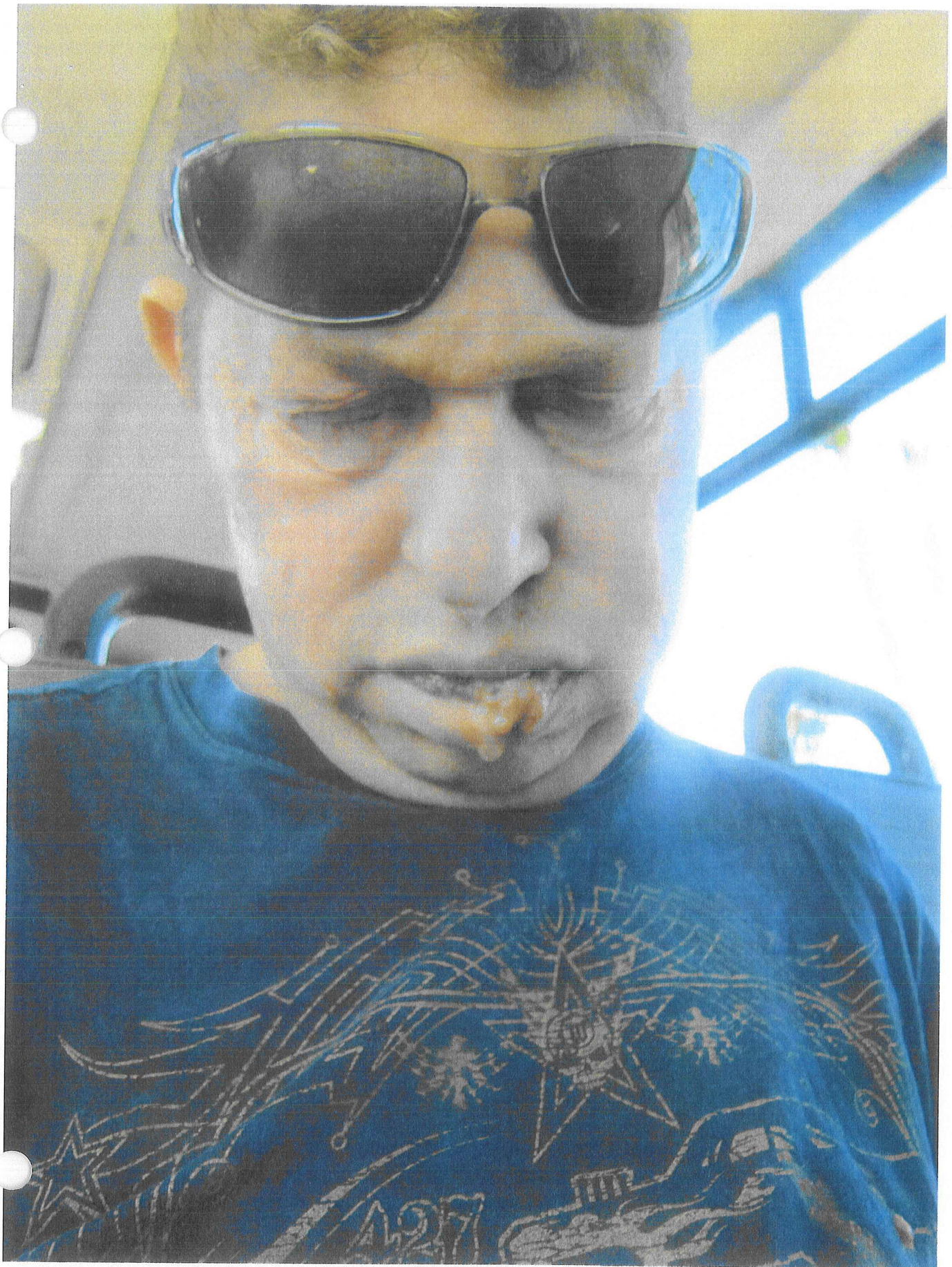
0013-00001





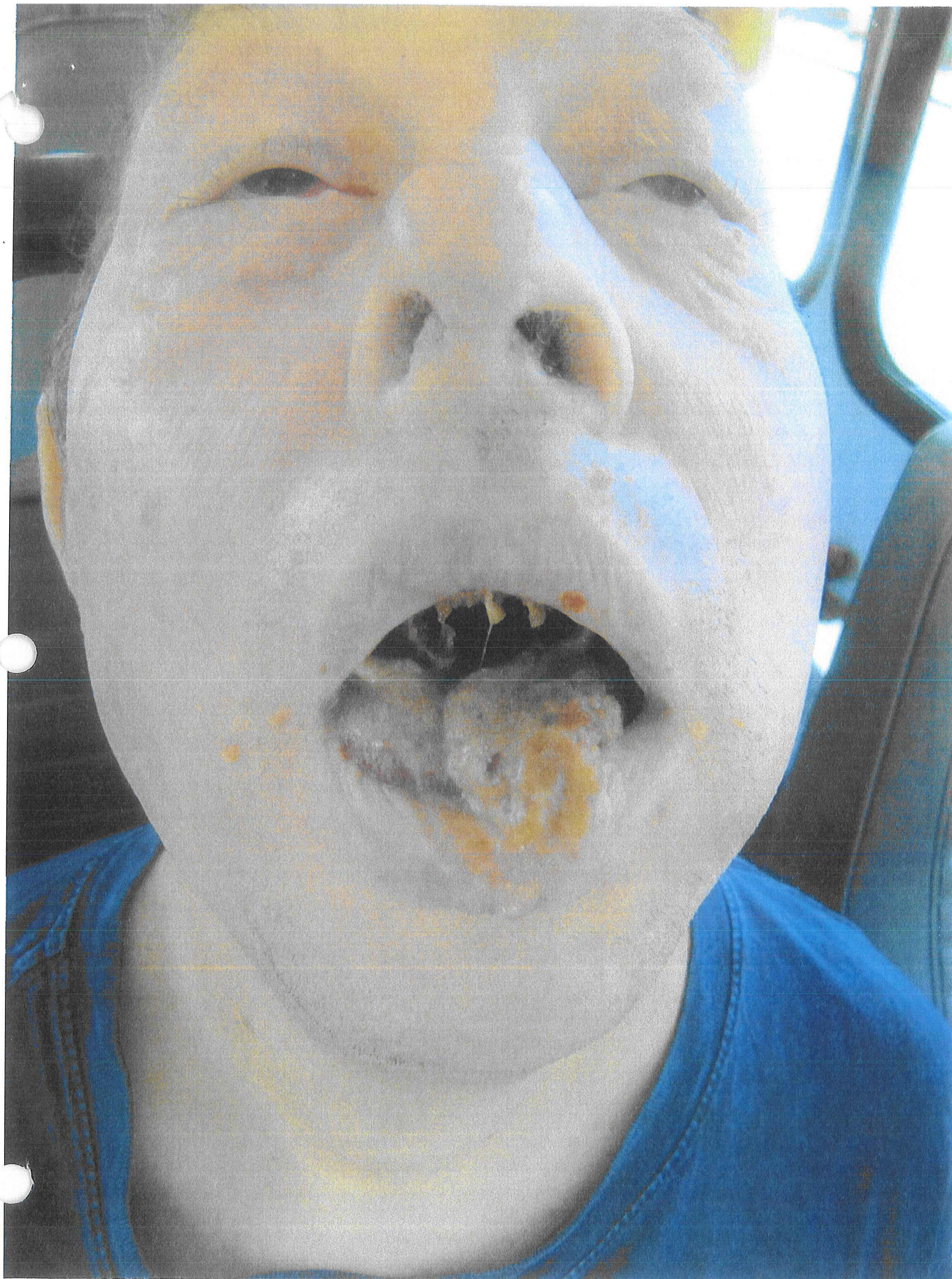
0013-00002





0013-00003





0013-00004



PLAINTIFF'S  
EXHIBIT  
13  
A682726

2-23-16  
26

IFICATION  
HIBIT 13



## **DEFENDANTS' TRIAL EXHIBIT F**



**Patient: Harvey A Cherinkoff Date of Birth:**  
**Today's Date 01/10/2011**  
(entered 01/10/2011 3:10 PM)

pt acct #

### Doctor/Location

Attending Physician: Ravi Reddy MD  
Location: Shepherd Eye Center Grn Vly

### Type Of Exam

Visit for new patient long - refraction.

Referred by - Primary Care Physician - Gautham Reddy MD

Optometrist - none

Age: 51 Years 3 Months Gender: Male

### Chief Complaint

cc: Pt here for scheduled appt due to cataracts.

HPI: Pt here with mother/caregiver and have been told 1xyear ago pt has cataracts OU. Pt notes vision OU will get better when around bright lights. Pt has trouble seeing when watching tv OU.

Performed by Ravi Reddy MD and entered by Ravi Reddy MD

### Ocular History

Blepharoplasty OUII. Approx. 2004

Surgeon: Janice Eggert, M.D.

Strabismus Surgery OU Approx. 1958

Surgeon: unknown

### Ocular Family History

Mother had cataracts.

Grandmother had cataracts and glaucoma.

### Medications

Order: NO gtts

unknown cardiac medication(s)

unknown diabetic medication(s)

unknown cholesterol medication(s)

nasal spray

### Medical History

#### History of

diabetes, type II x 30yrs ago

allergies

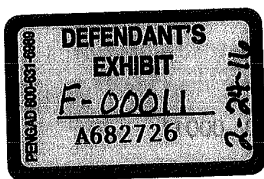
1 of

Patient: Harvey A Cherinkoff

GAUTHAM REDDY MD 00011

F-00011







**Patient: Harvey A Cherinkoff Date of Birth:**  
**Today's Date 01/10/2011**  
(entered 01/10/2011 3:10 PM)

pt acct #

high cholesterol

mental disorder

Last blood sugar level: 123 this AM. Blood sugar level is stable.

### Review Of Systems

Cardiovascular: negative

Respiratory: negative

### Mental Status

A and O x 3: knows name, time, and place

Mood: normal

### Social History

Non-smoker

Does not drink alcohol

### Allergies

Trifluoperazine Hcl Stelazine

Thioridazine Hcl Mellaril

### Vision

OD: Distance VA without correction CF at face

OS: Distance VA without correction 20/40

### Present Correction

Patient does not have glasses.

### Refraction

Comments: unable to obtain AR OD sent to lane tech

#### Auto Refract (Marco/Epic)

OD: plano sphere

OS: - 2.75 + 3.00 x 92

Refractometry performed by: Ineka N. Maldonado on 01/10/2011

#### 1st Manifest

OD: plano sphere CF no improvement

OS: plano + .75 x 20 20/40 -2 not reliable

Comments: Pt inconsistent with answers.

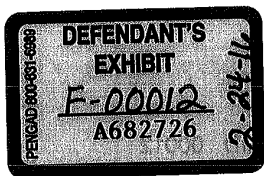
2 of

Patient: Harvey A Cherinkoff

GAUTHAM REDDY MD 00012

F-00012







**Patient: Harvey A Cherinkoff Date of Birth:**  
**Today's Date 01/10/2011**  
(entered 01/10/2011 3:10 PM)

pt acct #

Refractometry performed by: Oscar N. Cornejo on 01/10/2011

### Keratometry

OD: 48.25 x 6 / 50.75 x 96

OS: 46.75 x 9 / 49.25 x 99

Marco / EPIC (auto) Ineka N. Maldonado on 01/10/2011

### Pupils

OU: no A.P.D., pupils equal, reactive to light

### Muscle Balance

Orthophoric

EOM: full

### Intra Ocular Pressure

Pneumatonometer

OD: 19.00

OS: 22.50

Time of day pressure taken: 3:58 PM squeezing OU

### Visual Fields

Confrontation Fields

OU: Full

### Dilation

Phenylephrine 2.5% and Tropicamide 0.5% OU at 3:59 PM

Discussed risk and benefits of dilated eyes with parent / guardian / patient including blurred vision, difficulty driving, and angle closure glaucoma. Consented to dilation.

### Biomicroscopy

**OD:**

Lids, Lashes, Lacrimal System - normal

Conjunctiva - large nasal neoplasm

Cornea - clear

Anterior Chamber - deep and clear

Iris - normal

Lens - cataract anterior subcapsular nuclearsclerosis 2+ posterior subcapsular dense

**OS same as OD except:**

Lens - cataract nuclearsclerosis 2+

### Ophthalmoscopy

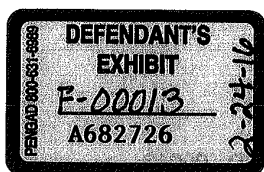
3 of

Patient: Harvey A Cherinkoff

GAUTHAM REDDY MD 00013

F-00013





**Patient: Harvey A Cherinkoff Date of Birth:**  
**Today's Date 01/10/2011**  
(entered 01/10/2011 3:10 PM)

pt acct #

**Type Of Exam: 90 Diopter Lens**      dilated

**OU:**

Vitreous - normal

Optic Disc - cup size 0.4 peripapillary atrophy

Macula - grossly normal

Vessels - normal

Retina - normal, no signs of diabetic retinopathy

Periphery - normal

### **Doctor Discussion**

Cataract surgery is not indicated at the present time. Stressed importance of maintaining good control of blood sugar levels. Discussed cataract OD with pt, informed pt that they are advanced enough at this time to consider CE sx. Recommend pt have neoplasm OD taken care of first. Discussed conjunctival neoplasm OD with pt, recommend Dr. Aldave for further evaluation and possible removal. How would you proceed?

### **Referred To**

Dr. Anthony Aldave Jules Stein Eye Inst. for eval & treat conjunctival neoplasm OD next available

### **Diagnosis**

**1. Diabetes without sign of retinopathy type II controlled 25000      OU**  
**Cataract, combined forms senile 36619      OD**  
**Cataract, nuclear sclerosis senile 36616      OS**  
**Conjunctival cyst 37275      OD**

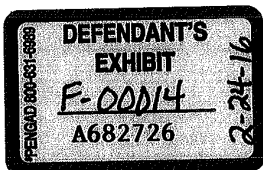
### **Return**

PRN

or sooner PRN

*Reviewed by Ravi Reddy MD*







2300 Corporate Circle, Suite 100, Henderson, Nevada 89074  
702.731.8224 • 888.559.9339 • www.ccnv.com

Dagjoon Anh, M.D.  
Howard J. Broder, M.D.  
Shaheen N. Chowdry, M.D., F.A.C.C.  
William W. Chu, M.D., Ph.D., F.A.C.C.  
Herbert Cordero, M.D., F.A.C.C.  
Robert P. Croke, M.D., F.A.C.C.  
Paul V. Heeren, M.D., F.A.C.C.  
Edward B. Holden, M.D., F.A.C.C.  
Pamela A. Ivey, M.D., F.A.C.C.  
Dane Jelic, M.D.  
Nulton S. Koide, M.D., F.A.C.C.

Scott J. MacDonald, M.D., F.A.C.C.  
Dhiraj Narula, M.D., F.A.C.C.  
David L. Navratil, M.D., F.A.C.C.  
Jeannette Nee, M.D., F.A.C.C.  
Cuong T. Nguyen, M.D., F.A.C.C.  
Jerry D. Routh, M.D., F.A.C.C.  
Frederick A. Schaller, D.O., F.A.C.O.  
Erik J. Sirulnick, M.D., F.A.C.C.  
Harry M. Thomas, M.D., F.A.C.C.  
Nayab Zafar, M.D.

DATE: 05/20/2010

CHERNIKOFF, HARVEY

DATE OF BIRTH:

AGE:

50 years old

MEDICAL RECORD NUMBER:

480600

SOCIAL SECURITY NUMBER:

#### CURRENT DIAGNOSES

1. - Hyperlipidemia, 272.4
2. - Hypertension, 401.9
3. Transient Ischemic Attack, 435.8
4. Limb Pain, 729.5

#### ALLERGIES

#### MEDICATIONS

1. Amaryl 2 mg Tablet, 1 by mouth daily
2. Colace 100 mg Capsule, 1 by mouth twice daily
3. Januvia 100 mg Tablet, 1 by mouth daily
4. Calcium 600 + D(3) 600-400 mg-unit Tablet, 1 by mouth twice daily
5. Vitamin C 500 mg Tablet, 1 by mouth daily
6. Ferrous Sulfate 325 mg (65 mg Iron) Tablet, 1 by mouth twice daily
7. Benazepril 10 mg Tablet, 1 by mouth daily
8. Metformin 500 mg Tablet, 1 by mouth twice daily
9. Actos 30 mg Tablet, 1 by mouth in the evening
10. Alendronate 70 mg Tablet, q po q weekly
11. Levothyroxine 25 mcg Capsule, 1 by mouth daily
12. Allegra 180 mg Tablet, 1 by mouth daily
13. Pravastatin 40 mg Tablet, 1 by mouth at bedtime
14. Magnesium Chloride 64 mg Tablet, Delayed Release (E.C.), 2 by mouth daily
15. Chlorpromazine 50 mg Tablet, 1 po qam, 2 tabs qhs
16. Lithium Carbonate 150 mg Capsule, 1 po qam, 2 po qhs
17. Risperidone 0.25 mg Tablet, 3 by mouth twice daily

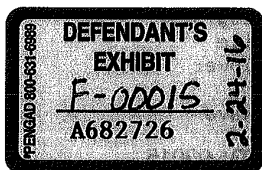
#### CHIEF COMPLAINTS

bilat hand edema / swelling and Leg pain-both

#### HISTORY OF PRESENT ILLNESS

I had the pleasure of seeing Harvey Chernikoff in the office today. As you may recall, he is a 50-year-old gentleman who moved from California with type I diabetes and longstanding history of limb pains, particularly right ankle pain at least for the last 10 years. This pain is more or less worse with exercise, and I think it is secondary to a trauma, which he had in California about 10 years ago. He has also had a feeling of swelling in the left hand with redness. He was evaluated by your office, and while doing x-rays, he was found to have some calcification of the vasculature in the lower extremities, and he is referred for evaluation of vascular insufficiency and arthropathy. You had asked to clear symptoms of claudication; however, he does have





Patient: CHERNIKOFF, HARVEY MRNO: 4806C0 DOB: - Continued  
limp, hair loss to lower extremities, and is not the most active person.

---

**PAST HISTORY**

Past Medical Illnesses: history of TIA, diabetes mellitus-non-insulin dependent;  
Cardiovascular Illnesses: no previous history of cardiac disease.; Infectious Diseases:  
usual childhood illnesses of mumps, measles and chickenpox; Surgical Procedures:  
femur pair, eye surgery, tonsillectomy; Trauma History: fracture of the femur;  
Cardiology Procedures-Invasive: no previous interventional or invasive cardiology  
procedures.; Cardiology Procedures-Noninvasive: no previous non-invasive  
cardiovascular testing.;

---

**FAMILY HISTORY**

Father - alive and well, diabetes and hypertension; Mother - alive and well; Brother 1 -  
alive and well;

---

**CARDIAC RISK FACTORS**

Tobacco Abuse: negative; Family History of Heart Disease: positive; Hyperlipidemia:  
lipid status unknown; Hypertension: negative; Diabetes Mellitus: positive, non Insulin  
dependent; Prior History of Heart Disease: negative; Sedentary Life Style:negative;  
Age:positive;

---

**SOCIAL HISTORY**

Alcohol Use: denies drinking; Smoking/Tobacco Use: never smoked; Diet: regular diet  
without modifications; Lifestyle: single; Education: high school diploma; Exercise:  
some exercise; Seat Belt Use: always; Occupation: disabled; Illicit Drug Use:  
denies the abuse of prescription or nonprescription drugs; Sexual Activity: did not  
discuss sexual history; Residence: lives with parents; Place of Birth: Washington;

---

**REVIEW OF SYSTEMS****GENERAL**

denies recent weight loss, weight gain, fever or chills or change in exercise tolerance.

**INTEGUMENTARY**

bilat hand edema / redness

**EYES**

denies diplopia, history of glaucoma or visual field defects.

**EARS, NOSE, THROAT, MOUTH**

partial hearing loss

**RESPIRATORY**

denies dyspnea, cough, wheezing or hemoptysis.

**CARDIOVASCULAR**

negative for palpitations, chest pain, orthopnea, PND, peripheral edema, syncope or  
claudication.

**ABDOMINAL**

constipation

**GENITOURINARY-MALE**

frequency

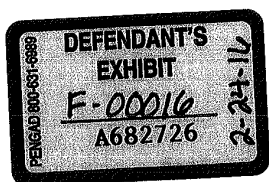
**GENITOURINARY-FEMALE**

n/a

**MUSCULOSKELETAL**

leg pains





Patient: CHERNIKOFF, HARVEY MRNO: 48060C DOB: - Continued

NEUROLOGICAL  
history of TIA

PSYCHIATRIC  
anxiety, depression

ENDOCRINE  
non-insulin dependent diabetes mellitus

HEMATOLOGICAL/IMMUNOLOGIC  
medication allergies

---

PHYSICAL EXAMINATION

VITAL SIGNS

Blood Pressure: 110/66 Supine, Right arm, regular cuff  
Pulse: 69/min.  
Weight: 138.80 lbs.  
Height: 62"  
Temperature: 97.3  
O2Sat: 99%  
BMI: 25

CONSTITUTIONAL  
cooperative, alert and oriented, well developed, well nourished, in no acute distress.

SKIN  
warm and dry to touch, no apparent skin lesions, or masses noted.

HEAD  
Microcephalic

EYES  
EOMS Intact, PERRL, conjunctivae and lids unremarkable. Funduscopic exam and visual fields not performed.

ENT  
ears, nose and throat reveal no gross abnormalities. No pallor or cyanosis. Dentition good.

NECK  
no palpable masses or adenopathy, no thyromegaly, no JVD, carotid pulses are full and equal bilaterally without bruits.

CHEST  
normal symmetry, no tenderness to palpation, normal respiratory excursion, no intercostal retraction, no use of accessory muscles, normal diaphragmatic excursion, clear to auscultation and percussion.

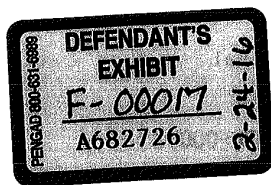
CARDIAC  
regular rhythm, S1 normal, S2 normal, No S3 or S4, Apical impulse not displaced, no murmurs, gallops or rubs detected.

ABDOMEN  
abdomen soft, bowel sounds normoactive, no masses, no hepatosplenomegaly, non-tender, no bruits

PERIPHERAL PULSES  
Diminished pulses Limb Hair loss R > L

EXTREMITIES & BACK  
no deformities, clubbing, cyanosis, erythema or edema observed. There are no spinal abnormalities noted. Normal muscle strength and tone.





Patient: CHERNIKOFF, HARVEY MRNO: 48060C DOB: - Continued

NEUROLOGICAL

no gross motor or sensory deficits noted, affect appropriate, oriented to time, person and place.

IMPRESSIONS/PLAN

Let us proceed with segmental ABIs today. If this is abnormal, he will need a peripheral argiogram with the intent to treat as requested by you. We will keep you updated about further testing results and plan of action and treatment plans. We appreciate this opportunity, and we will follow up with you. I did not make any medical changes today.

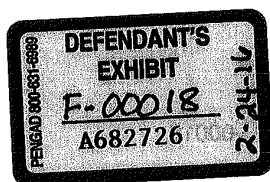
TODAYS ORDERS

1. Lower Extremity-ABI, Exercise: today

Cardiology Clinic Physician: Dr Nayab Zafar  
Transcribed but not reviewed

Referring Physician: SINGEL, MARCUS  
50566758

Elizabeth Hagen 6/25/2010





Name: CHERNIKOFF, HARVEY  
 ID # 480600  
 Exam Date: 05/20/2010 09:03 AM  
 Operator: KHAREN

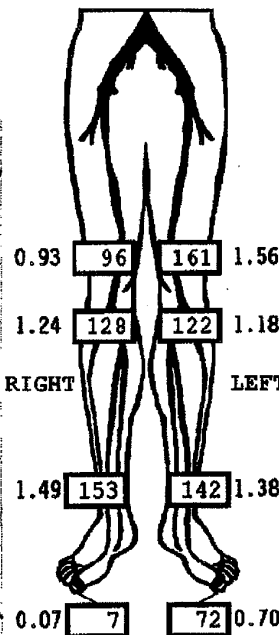
Cardiovascular Consultants NV  
 CPT: 93923

*Multilab Series II*

# SEGMENTAL PRESSURE AND PVR STUDY

Brachial  
 RIGHT LEFT

101 103



0.93 96 161 1.56

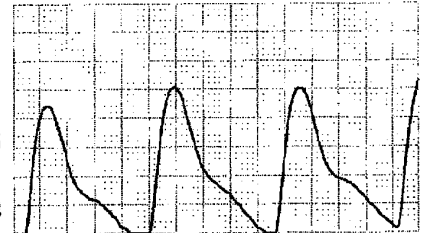
1.24 128 122 1.18

1.49 153 142 1.38

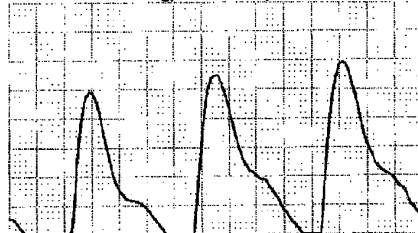
0.07 7 72 0.70



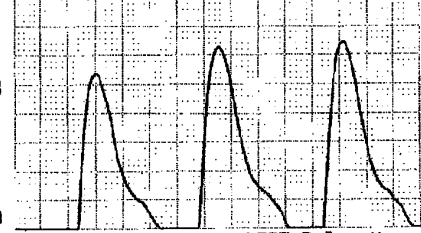
PVR 67mmHg 363cc RIGHT Above Knee  
 Gain: .75 mmHg/20mm Spd:25 Amp:30



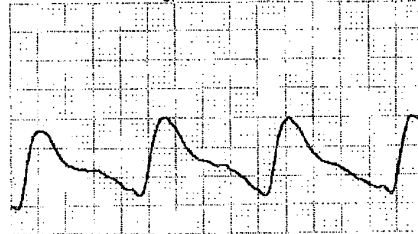
PVR 67mmHg 391cc LEFT Above Knee  
 Gain: .75 mmHg/20mm Spd:25 Amp:26



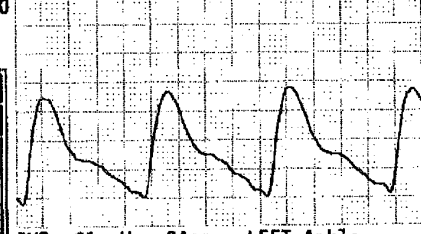
PVR 64mmHg 148cc RIGHT Below Knee  
 Gain: .75 mmHg/20mm Spd:25 Amp:30



PVR 65mmHg 142cc LEFT Below Knee  
 Gain: .75 mmHg/20mm Spd:25 Amp:32



PVR 64mmHg 114cc RIGHT Ankle  
 Gain: .75 mmHg/20mm Spd:25 Amp:13

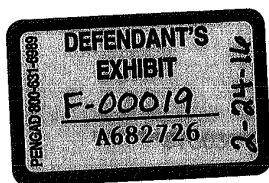


PVR 61mmHg 94cc LEFT Ankle  
 Gain: .75 mmHg/20mm Spd:25 Amp:19

RIGHT POST EXERCISE			
PER	BRA.	ANK.	ABI
Res	103	153	1.49
Imm	120	176	1.47
1			
2			
3			

LEFT POST EXERCISE			
PER	BRA.	ANK.	ABI
Res	103	142	1.38
Imm	120	153	1.27
1			
2			
3			

**FILE**



Name: CHERNIKOFF, HARVEY  
ID #: 480600  
Exam Date: 05/20/2010 09:01 AM  
Operator: KHAREN

Cardiovascular Consultants NV

Sex: M  
Age: 50

MultiLab Serial

---

**HISTORY**

Prev. Vasc. Testing: N  
Prev. Vasc. Surgery: N  
Diabetic: Y  
Malignancies: N  
Stroke: N  
Cholesterol Levels: Y  
Smoking: N  
Cardiac: N  
Other: N  
Other: N  
Other: N

*MD*

---

**SYMPTOMS**

Claudication: N  
Claud. Range: N  
Recovery Time: N  
Ulcerations: N  
Thick Toenails: N  
Loss of Hair: N  
Loss of Pulses: N  
Paralysis: N  
Tingling: N  
Numbness: N  
Pains: N  
Gangrene: N  
Blanch w/ Elev.: N  
Temp. Differences: N  
Other: N  
Other: N

---

**PHYSICAL EXAM**

RIGHT Brachial Pressure:

PULSES

RIGHT

LEFT

Com Femoral:  
Sup Femoral:  
Popliteal:  
Post Tibial:  
Dors Pedis:

LEFT Brachial Pressure:

BRUIT

RIGHT

LEFT

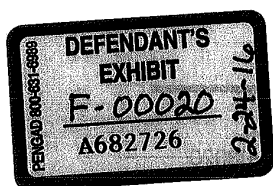
Femoral:  
Carotid:

---

**IMPRESSIONS**

*normal ABI's*  
*035*







St Rose Dominican Hospital-Siena Campus  
3001 St Rose Parkway  
Henderson, NV 89052  
Facility Phone #: (702) 616-3000

NAME: CHERNIKOFF, HARVEY A  
MR #: 183731  
Account Number: 57555260  
Patient Location: SRDHS EMER  
Sex: M D.O.B.: 51 years  
Physician: Dumpit, Anthony MD  
Adm.-Disch.: 12/12/10-12/12/10

### E m e r g e n c y   R e p o r t s

Result Type	Result Status	Result Date	Source of Report
Emergency Note	Auth (Verified)	12/12/10 2:36:00 PM	Contributor_system, SRDHTRAN

06

DATE OF SERVICE: 12/12/2010

CHIEF COMPLAINT: Swelling to left arm with pain times today.

HISTORY OF PRESENT ILLNESS: A 51-year-old male who has left-sided deficits due to disease in the past. He states had some swelling and pain to his left upper arm today. His family members became concerned, and now presents for evaluation. He denies any trauma. He states he slept on it possibly wrong. Had some discomfort in the upper arm. Denies any numbness, weakness, tingling distally. Denies redness or warmth. Denies any armpit tenderness. Denies any other complaints. He has had no fevers, sweats or chills. No chest pain. No shortness of breath. Just focal swelling and tenderness to the upper arm.

REVIEW OF SYSTEMS: A 10-system review focused to the HPI, otherwise negative.

PAST MEDICAL HISTORY: Diabetes, hyperlipidemia, hypertension, thyroid disease. He is mentally delayed, and is here with family members.

ALLERGIES: NONE.

MEDICATIONS: See entire list of medications located in the chart that has been reviewed.

SOCIAL HISTORY: Denies tobacco or alcohol.

FAMILY HISTORY: Noncontributory.

## PHYSICAL EXAMINATION:

GENERAL: A well-nourished, well-developed adult male. He is alert and oriented x3 speaking in full sentences, does not appear toxic or septic. He is ambulatory, and does have normal gait.

VITAL SIGNS: Temperature 37.1, BP 106/66, heart rate 64, respirations 21, pulse oximetry 99% room air.

HEENT: Mucous membranes moist.

NECK: Supple.

CARDIOVASCULAR: Regular rate and rhythm.

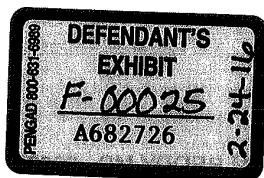
PULMONARY: Clear to auscultation.

Focused exam to the left upper extremity. He reports some mild tenderness on the biceps region. There is no erythema. No warmth. No lesions appreciable. He has no axillary adenopathy or tenderness. Pulses at the antecubital fossa, as well as radius and ulnar are intact. Strength 5/5. Cap refill is less than 2 seconds. Sensory is intact in all dermatomes.

e-Corrected	*-Comment	H=High	L=Low
Date/Time Printed 12/15/2010 11:27 AM		Page 1 of 4	

GAUTHAM REDDY MD 00025

F-00025





St Rose Dominican Hospital-Siena Campus  
3001 St Rose Parkway  
Henderson, NV 89052  
Facility Phone # (702) 616-5000

NAME: CHERNIKOFF, HARVEY A  
MR #: 183731  
Account Number: 57555260  
Patient Location: SRDHS EMER  
Sex D.O.B Age: M 51 years  
Physician: Dumpit, Anthony MD  
Adm -Disch: 12/12/10-12/12/10

### E m e r g e n c y   R e p o r t s

Result Type	Result Status	Result Date	Source of Report
Emergency Note	Auth (Verified)	12/12/10 2:36:00 PM	Contributor_System, SRDHTRAN

EMERGENCY ROOM COURSE: Patient was sent for an ultrasound of the left upper extremity to rule out DVT. X-ray of the left humerus was obtained to rule out occult fracture, and a CBC and chemistry panel. His CBC revealed normal white count of 7.5, hemoglobin 12.4, hematocrit 37.4, platelets were 203,000. He had no shift on differential. Electrolytes were normal. His BUN was 22, creatinine 1.0, calcium was normal. X-ray and ultrasound of the arm revealed no acute process.

DIAGNOSTIC IMPRESSION: Left arm pain and edema, unclear etiology.

DISPOSITION: Patient will be discharged home. He is to follow up with his primary, Dr. Reddy, in the morning for further evaluation. Return if worse. All questions answered.

Donald A. Dexter, P.A.C  
Anthony Dumpit, M.D.

DAD / MedQ  
D: 12/12/2010 14:36:50  
T: 12/13/2010 09:54:41  
Job #: 539672

### U l t r a s o u n d

Exam Date/Time:	Procedure:	Accession Number:	Ordering Physician:
12/12/10 1:09:02 PM	US V Dplx Venous Ext Lt	12-US-10-045373	

### US V Dplx Venous Ext Lt

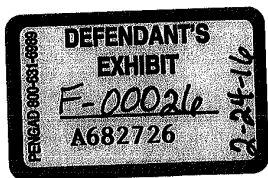
Patient Name: CHERNIKOFF, HARVEY A  
Patient Medical Record Number: 183731

e=Corrected	*=Comment	H=High	L=Low
Date/Time Printed: 12/15/2010 11:27 AM		Page 2 of 4	

GAUTHAM REDDY MD 00026

F-00026







St Rose Dominican Hospital-Siena Campus  
3001 St Rose Parkway  
Henderson, NV 89052  
Facility Phone #: (702) 616-5000

NAME: CHERNIKOFF, HARVEY A  
MR #: 183731  
Account Number: 57555260  
Patient Location: SRDHS FMFR  
Sex: M DOB: 51 years  
Physician: Dumpit, Anthony MD  
Adm. Disch: 12/12/10-12/12/10

### U l t r a s o u n d

Exam Date/Time: 12/12/10 1:09:02 PM      Procedure: US V Dplx Venous Ext Lt  
Accession Number: 12-US-10-045373      Ordering Physician:

Account Number: 12-US-10-045373      Exam: US V Dplx Venous  
Ext Lt  
Exam Date and Time: 12/12/2010 1:09:02 PM PST      Ordering Physician: Dumpit, Anthony

#### Report

EXAM: Doppler Venous Ultrasonic Examination of the Left Upper Extremity  
12/12/10

HISTORY: Swelling.

FINDINGS: Doppler venous ultrasonic examination of the left upper extremity was performed from the left internal jugular vein down through the left antecubital fossa.

Left internal jugular vein demonstrates no abnormal echogenicity that would suggest thrombus. This structure demonstrates normal compression as well as pulsatility and phasicity. Visualized left subclavian vein demonstrates no abnormal echogenicity that would suggest thrombus. This structure demonstrates normal pulsatility and phasicity. Left axillary vein demonstrates no abnormal echogenicity that would suggest thrombus. This structure demonstrates normal compression as well as phasicity and pulsatility. The left brachial, basilic and cephalic veins down to the left antecubital fossa demonstrate no abnormal echogenicity that would suggest thrombus. These structures demonstrate normal compression and augmentation.

IMPRESSION: 1. No evidence of deep venous thrombosis in the left upper extremity down to the left antecubital fossa.

Job 386676

ii

\*\*\*FINAL\*\*\*

Dictated by: Pomerantz, Marc J

Signed by: Pomerantz, Marc J

\*\* Electronic Signature \*\*

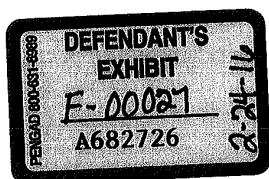
Transcribed by: JJ. T. 12/13/2010 06:07.S: 12/13/2010 07:03

\*\*\*FINAL\*\*\*

C-Corrected	*-Comment	H-High	L-Low
Date/Time Printed 12/15/2010 11:27 AM			Page 3 of 4

GAUTHAM REDDY MD 00027

F-00027



## Quest Diagnostics Incorporated

## LABORATORY RESULTS

Facsimile Copy

4230 Burnham Avenue, Suite 250  
Las Vegas, NV 89119 (702) 733-7886

PATIENT CHERNIKOFF, HARVEY A

PHONEA

25989

REFERRED BY GAUTHAM G. REDDY, MD

AGE/SEX [REDACTED] M

ACCESSION # 48497302

2401 HORIZON RIDGE

COLLECTED 01/04/2011 09:36 MED. RECORD # 0026449950

SUITE 100

RECEIVED 01/04/2011 18:28

CHART #

HENDERSON, NV 89052

H56711 REDDY GAUTHAM G

UPIN

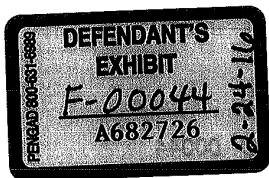
TEST	RESULTS	FLAG	REF RANGE	UNITS	LOW	NORM	HIGH
Patient Phone # [REDACTED]							
FASTING							
Ordering Physician: REDDY, GAUTHAM G							
COMP METAB PANEL (PRO 944)							
[01]							
Glucose, Fasting	107	H	65-99	mg/dL			X
BUN	23		7-25	mg/dL		X	
Creatinine	0.95		0.76-1.46	mg/dL		X	
Calcium	10.4	H	8.6-10.2	mg/dL			X
Total Protein	7.2		6.2-8.3	g/dL		X	
Albumin	4.4		3.6-5.1	g/dL		X	
Total Bilirubin	0.3		0.2-1.2	mg/dL		X	
Alkaline Phosphatase	42		40-115	IU/L		X	
AST (SGOT)	17		10-35	IU/L		X	
ALT (SGPT)	21		9-60	IU/L		X	
Sodium	139		131-145	meq/L		X	
Potassium	4.7		3.5-5.3	meq/L		X	
Chloride	105		98-110	meq/L		X	
CO2	27		21-33	meq/L		X	
eGFR African American	107						
eGFR Non-AFR. American	92						
Glucose reference range reflects a fasting state.							
For non-fasting patients glucose reference range is 65 - 139 mg/dL.							
Stages of Chronic Kidney Disease							
Stage	Description		GFR (mL/min/1.73m <sup>2</sup> )				
1	Kidney Damage with normal or increased GFR		>=90				
2	Kidney Damage with mildly decreased GFR		60-89				
3	Moderately decreased GFR		30-59				
4	Severely decreased GFR		15-29				
5	Kidney failure		<15 (or dialysis)				
LIPID PANEL (AMA) [01]							
Cholesterol	139		125-200	mg/dL		X	
Triglycerides	87		0-150	mg/dL		X	
HDL	78		40-199	mg/dL		X	
Cholest/HDL Ratio	1.78		0.0-5.00			X	
LDL (Calculated)	44	L	70-130	mg/dL	X		
***** NOTE: A LDL RESULT OF ** INDICATES THAT TRIGLYCERIDES GREATER THAN 400 MG/DL RENDER LDL CALCULATIONS INVALID. A DIRECTLY MEASURED LDL MAY BE ORDERED SEPARATELY. *****							
*****							

FINAL : 01/05/11 05:15 ORIGINAL PRINTED: 01/04/11 23:04 Page 1 of 3

GAUTHAM REDDY MD 00044

F-00044





## Quest Diagnostics Incorporated

## LABORATORY RESULTS

Facsimile Copy

4230 Burnham Avenue, Suite 250  
Las Vegas, NV 89119 (702) 733-7886

PATIENT CHERNIKOFF, HARVEY A

PHONEA

25989

REFERRED BY GAUTHAM G. REDDY, MD

AGE/SEX [REDACTED] M

ACCESSION # 48497302

2401 HORIZON RIDGE

COLLECTED 01/04/2011 09:36 MED. RECORD # 0026449950

SUITE 100

RECEIVED 01/04/2011 18:28

CHART #

HENDERSON, NV 89052

H56711 REDDY GAUTHAM G

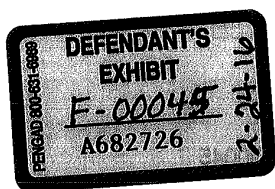
UPIN

TEST	RESULTS	FLG	REF RANGE	UNITS	LOW	NORM	HIGH
1. Initial classification by total blood cholesterol:							
<200 mg/dL	Desirable cholesterol level						
200-239 mg/dL	Borderline high cholesterol level						
>239 mg/dL	High cholesterol level						
2. HDL cholesterol values less than 40 mg/dL are associated with increased risk of coronary heart disease (CHD).							
3. Cholesterol/HDL ratio of greater than 4.5 is associated with increased risk of coronary heart disease.							
4. Triglyceride elevation is an independent risk factor for coronary heart disease as well as a marker for several factors that may themselves raise coronary heart disease risk.							
HEMOGLOBIN A1C [01]	6.0	H	0.0-5.7	%T.Hgb			X
:	::						
Previous Results Table	:						
Collection	:						
Date	GLYCO	:					
:	::						
15 Jun 10	6.1	::					
16 Sep 10	6.0	::					
04 Jan 11	6.0	::					
:	::						
:	::						
A1c Value(% of total Hemoglobin)							
<5.7							
5.7-6.0							
6.1-6.4							
>or= 6.5							
TSH, ULTRASENSITIVE [01]	3.27		0.40-4.50	mIU/L		X	
TSH is within normal reference range. No further testing is suggested.							
(TSH11:041108)(AC92:N)							
PSA, TOTAL (F) [01]	0.4		0.0-4.0	ng/mL		X	
:	::						
Previous Results Table	:						
:	::						

FINAL : 01/05/11 05:15 ORIGINAL PRINTED: 01/04/11 23:04 Page 2 of 3

GAUTHAM REDDY MD 00045

F-00045



**BID**

STATE OF NEVADA -- DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH -- VITAL STATISTICS

**DIP**

**VOID**

2011011750

**DECEDENT**

**DIP**

**DISPOSITION**

**DIP**

**DIP**

**REGISTRAR**

**CAUSE OF DEATH**

**DIP**

**DIP**

**DIP**

**DIP**

**DIP**

**DIP**

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**DIP**

1. DECEASED NAME (First Middle Last, Suffix) Harvey Alan CHERNIKOFF		2. DATE OF DEATH (Mo/Day/Yr) July 29, 2011		3. COUNTY OF DEATH Clark	
4. CITY, TOWN, OR LOCATION OF DEATH Las Vegas		5. HOSPITAL OR OTHER INSTITUTION - Name (If not either, give street and number) Sirius Avenue West of Valley View		6. SEX Male	
7. RACE White		8. HISPANIC ORIGIN? Specify No - Non-Hispanic		9. UNDER 1 YEAR? UNDER 1 DAY CAT Bus	
10. STATE OF BIRTH (If not U.S.A., give country) District Of Columbia		11. CITIZEN OF WHAT COUNTRY TO EDUCATION? United States		12. MARRIED, WIDOWED, DIVORCED, SEPARATED, NEVER MARRIED Never Married	
13. SOCIAL SECURITY NUMBER [REDACTED]		14. USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life. Even if Retired) Disabled		15. KIND OF BUSINESS OR INDUSTRY Disabled	
16. RESIDENCE - STATE Nevada		17. COUNTY Clark		18. CITY, TOWN OR LOCATION Las Vegas	
19. STREET AND NUMBER [REDACTED]		20. INSIDE CITY LIMITS (Specify Yes or No) No		21. EVER IN US Armed Forces? No	
22. INTERESTED PARTY - NAME (First Middle Last, Suffix) Jack CHERNIKOFF			23. INTERESTED PARTY - NAME (First Middle Last, Suffix) Elaine Meryl COPLIN		
24. INFORMANT - NAME (Type or Print) Jack CHERNIKOFF			25. MAILING ADDRESS - (Indicate Apt. #, No. City or Town, State, Zip) [REDACTED]		
26. BURIAL, CREMATION, REMOVAL, OTHER (Specify) Burial		27. CEMETERY OR CREMATORY - NAME King David Memorial Cemetery		28. LOCATION City or Town State Las Vegas Nevada 89120	
29. FUNERAL DIRECTOR - SIGNATURE (Of Person Acting as Such) BART BURTON		30. FUNERAL DIRECTOR LICENSE NUMBER [REDACTED]		31. NAME AND ADDRESS OF FACILITY King David Memorial Cemetery 2907 E. Bonanza Express Way - NVZ 89120	
32. SIGNATURE AUTHENTICATED					
33. PHONE CALL - NAME AND ADDRESS					
34. 21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated (Signature & Title) [REDACTED]			35. 22a. On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated (Signature & Title) ALAN OLSON M.D.		
36. 21b. DATE SIGNED (Mo/Day/Yr) August 01, 2011			37. 22b. DATE SIGNED (Mo/Day/Yr) August 01, 2011		
38. 21c. HOUR OF DEATH [REDACTED]			39. 22c. HOUR OF DEATH 09:00		
40. 21d. NAME OF ATTENDING PHYSICIAN (Type or Print) Alana Olson M.D.			41. 22d. PROHOUNCED DEAD AT (Hour) 08:00		
42. 21e. NAME AND ADDRESS OF PHYSICIAN (Type or Print) Alana Olson M.D. 1234 Pine Lane Las Vegas, NV 89106			43. 22e. LICENSE NUMBER 9482		
44. 23a. REGISTRAR (Signature) NINETTE HARRINGTON		45. 24a. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) August 01, 2011		46. 24b. DEATH DUE TO COMMUNICABLE DISEASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
47. 23b. IMMEDIATE CAUSE Choking		48. 25. OTHER SIGNIFICANT CONDITIONS Contributing to death but not given in Part 1: [REDACTED]			
49. 23c. (a) DUE TO, OR AS A CONSEQUENCE OF: [REDACTED]		50. 26. AUTOPSY (Specify Yes or No) No			
51. 23c. (b) DUE TO, OR AS A CONSEQUENCE OF: [REDACTED]		52. 27. WAS CASE REFERRED TO CORONER (Specify Yes or No) Yes			
53. 23c. (c) DUE TO, OR AS A CONSEQUENCE OF: [REDACTED]		54. 28. AGE, SUICIDE, HOW, UNDERLYING OR POISONING (Specify) Accident			
55. 23c. (d) DUE TO, OR AS A CONSEQUENCE OF: [REDACTED]		56. 29. DATE OF INJURY (Mo/Day/Yr) July 29, 2011			
57. 23d. INJURY AT WORK (Specify Yes or No) No		58. 30. TIME OF INJURY 0920		59. 31. DESCRIBE HOW INJURY OCCURRED Choked on food bolus	
60. 23e. PLACE OF INJURY: At home, farm, street, factory, office building, etc (Specify) Bus		61. 32. LOCATION STREET OR R.F.D. No Sirius Avenue west of Valley View Blvd.		62. 33. CITY OR TOWN Las Vegas	
63. 23f. STATE Nevada		64. 34. STATE Nevada			

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Health District as authorized by the State Board of Health pursuant to NRS 440.175.

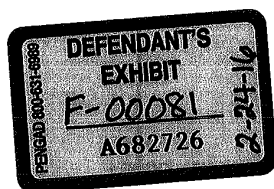
NOT VALID WITHOUT THE RAISED SEAL OF THE SOUTHERN NEVADA HEALTH DISTRICT

Lawrence K. Sands, D.O., M.P.H.  
Registrar of Vital Statistics  
By: [Signature]  
Date Issued: AUG 05 2011

SOUTHERN NEVADA HEALTH DISTRICT • 625 Shadow Lane P.O. Box 3402 Las Vegas, Nevada 89127 • 702-759-1010 • Fax 1D# 88-0151573

GAUTHAM REDDY MD 00081

F-00081





## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **RESPONDENTS' APPENDIX, VOLUME 4**, was filed electronically with the Nevada Supreme Court on the 21st day of February, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Joel D. Henriod, Esq.  
Daniel F. Polsenberg, Esq.  
LeAnn Sanders, Esq.  
Benjamin P. Cloward, Esq.

I further certify that I served an electronic copy of this document on disk by mailing a true and correct copy thereof, postage prepaid, addressed to:

Charles H. Allen, Esq.  
Charles Allen Law Firm  
950 E. Paces Ferry Road  
NE Suite 1625  
Atlanta, Georgia 30326

/s/ Leah Dell  
Leah Dell, an employee of  
Marquis Aurbach Coffing





0007-0008





0007-00009





0007-00010





0007-00011





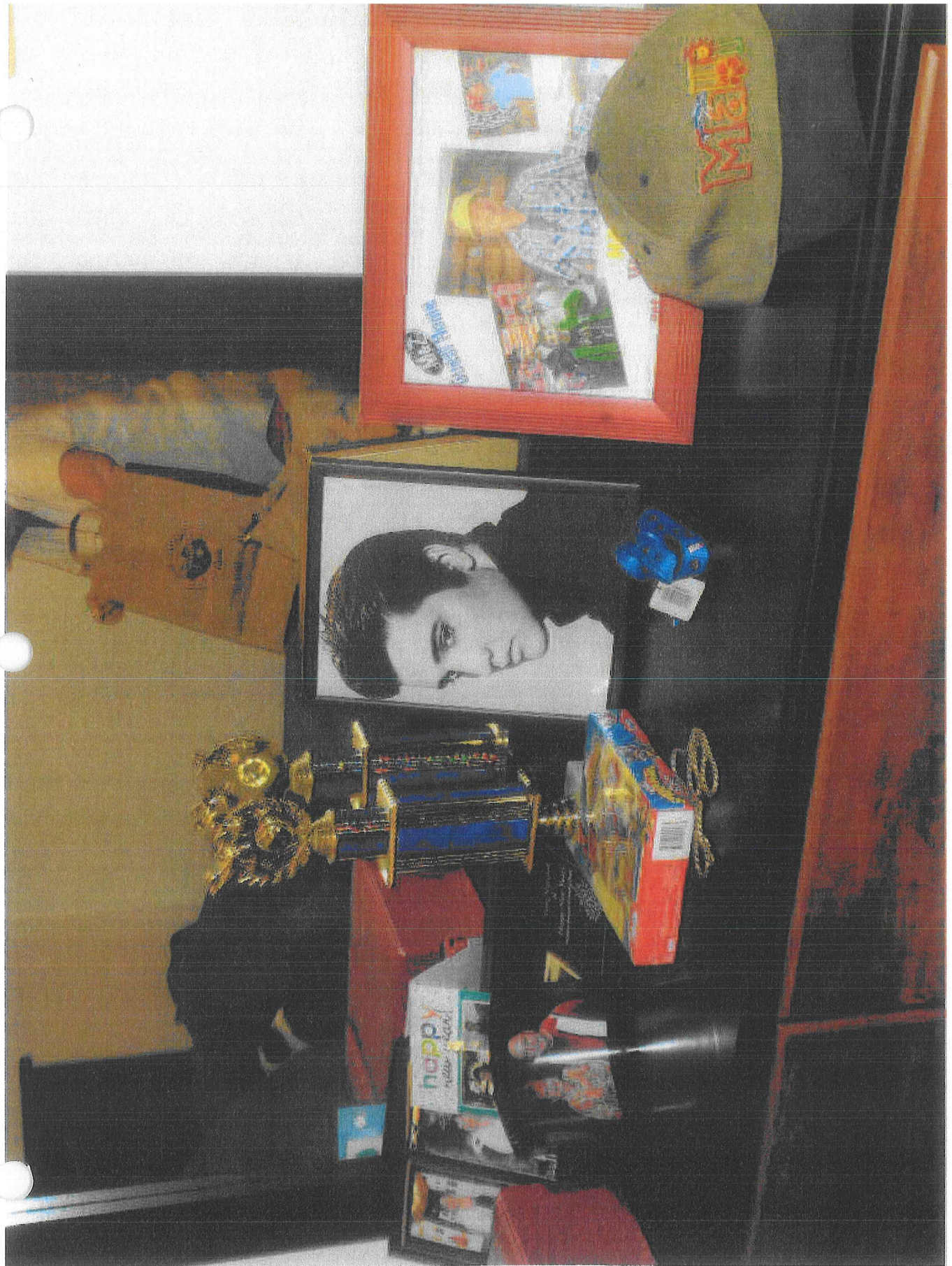
0007-00012





0007-00013





0007-00014

## **PLAINTIFFS' TRIAL EXHIBIT 9**

**Laidlaw Transit Services, Inc.**  
**Classroom Training**  
**Contract Specific / Other Local Training**

<u>List Topics Covered (Please Print)</u>	<u>Hours Completed</u>	<u>Date Completed</u>
CPR	4.0	
First Aid	4.0	
CDL Training	8.0	
Farebox Training		
(V-4 Safety Overview)		
Code of Conduct	0.5	6.5.06
+ Hazard Communication/Bloodborne	2	6.5.06
Sexual Harassment	1	6.5.06
Basics of Safety	1	6.7.06
HDT	4	6.8.06
<b>Total Hours</b>	<b>8.5</b>	

Trainee Signature: \_\_\_\_\_

Trainer Signature: \_\_\_\_\_

FARRALES EMPLOYEE FILE 00051



## **PLAINTIFFS' TRIAL EXHIBIT 13**





0007-00001



M  
P  
#  
C

PLAINTIFF'S  
EXHIBIT  
**7**  
A682726  
2-19-16

IFICATION  
(PLTF)





0007-00002





0007-00003





0007-00004





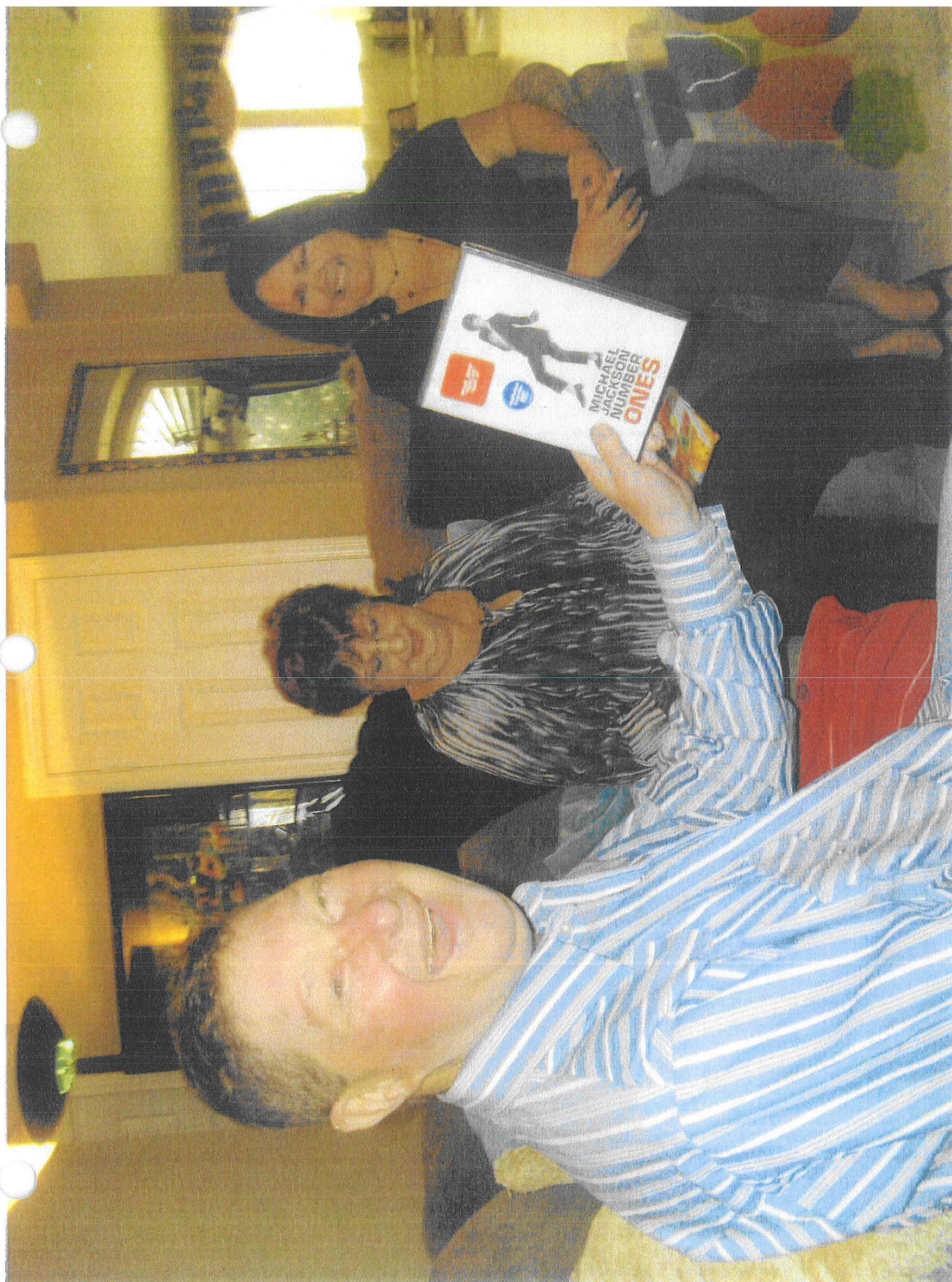
0007-00005





0007-00006





0007-00007



**IN THE SUPREME COURT OF THE STATE OF NEVADA**

FIRST TRANSIT, INC.; and JAY  
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; and ELAINE  
CHERNIKOFF,

Respondents.

Case No.: 70164

Electronically Filed  
Feb 22 2018 11:41 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appeal from the Eighth Judicial District  
Court, the Honorable Stefany Miley  
Presiding

**RESPONDENTS' APPENDIX**  
**(Volume 4, Bates Nos. 692-834)**

**Richard Harris Law Firm**

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benjamin@richardharrislaw.com

**Marquis Aurbach Coffing**

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Las Vegas, Nevada 89145  
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mechols@maclaw.com

**Charles Allen Law Firm**

Charles H. Allen, Esq. (*Pro Hac Vice*)  
950 E. Paces Ferry Rd., Suite 1625  
Atlanta, Georgia 30326  
Telephone: (404) 419-6674  
Fax (866) 639-0287  
callen@charlesallenlawfirm.com

*Attorneys for Respondents, Jack Chernikoff and Elaine Chernikoff*

**INDEX TO RESPONDENTS' APPENDIX**

<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
Motion to Dismiss the Estate of Harvey Chernikoff (filed 02/20/14)		Volume 1, Bates Nos. 1–9
<b>Exhibits to Motion to Dismiss the Estate of Harvey Chernikoff</b>		
Exhibit No.	Document Description	
A	Complaint (filed 05/31/13)	Volume 1, Bates Nos. 2–24
B	Defendants First Transit, Inc., Laidlaw Transit Services, Inc., d/b/a First Transit and Jay Farrales' Answer to Plaintiffs' Complaint (filed 06/27/13)	Volume 1, Bates Nos. 25–35
C	Plaintiff Jack Chernikoff, as Personal Representative of the Estate of Harvey Chernikoff Responses to Defendants' First Set of Request for Production of Documents (dated 09/24/13)	Volume 1, Bates Nos. 36–50
D	October 2, 2013 Letter from LeAnn Sanders to Ben Cloward Regarding Discovery Responses	Volume 1, Bates Nos. 51–54
E	November 14, 2013 Response Letter from Ben Cloward to LeAnn Sanders	Volume 1, Bates Nos. 55–57
F	January 7, 2014 Letter from LeAnn Sanders to Ben Cloward Regarding Dismissal of Claims	Volume 1, Bates Nos. 58–60
G	January 16, 2014 Letter from Ben Cloward to LeAnn Sanders with Letters of Special Administration	Volume 1, Bates Nos. 61–65
Notice of Entry of Stipulation and Order Dismissing the Estate of Harvey Chernikoff with Order (filed 04/04/14)		Volume 1, Bates Nos. 66–72



<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
Plaintiffs' Renewed Objection to Evidence Mentioning Plaintiffs' Non-Testifying Experts, Dr. Carl Berkowitz or Ned Einstein (filed 02/24/16)		Volume 1, Bates Nos. 73–81
<b>Exhibits to Plaintiffs' Renewed Objection to Evidence Mentioning Plaintiff's Non-Testifying Experts, Dr. Carl Berkowitz or Ned Einstein</b>		
Exhibit No.	Document Description	
1	Defendants Jay Farrales and First Transit, Inc.'s Initial Expert Witness Disclosure Statement (filed 06/27/14)	Volume 1, Bates Nos. 82–111
2	Defendants Jay Farrales and First Transit, Inc.'s Rebuttal Expert Witness Disclosure Statement (served 07/28/14)	Volume 1, Bates Nos. 112–126
3	Defendants Jay Farrales and First Transit, Inc.'s Rebuttal Expert Witness Disclosure Statement (served 07/28/14)	Volume 1, Bates Nos. 127–141
Clerk's Exhibit List		Volume 1, Bates Nos. 142–152
<b>Joint Trial Exhibits</b>		
Exhibit No.	Document Description	
A1	Operator Incident Report	Volume 1, Bates Nos. 153–154
A3	Records from Clark County Coroner	Volume 1, Bates Nos. 155–176
A5	Records from Clark County Fire Department	Volume 1, Bates Nos. 177–180
A6	RTC Paratransit Guide	Volume 1, Bates Nos. 181–193

<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
<b>Joint Trial Exhibits (cont.)</b>		
Exhibit No.	Document Description	
A7	First Transit Las Vegas Operator Training Requirements	Volume 1, Bates Nos. 194–197
A8	First Transit Las Vegas Operator Minimum Training Requirements	Volume 1, Bates Nos. 198–199
A9	First Transit Las Vegas Operator Collective Bargaining Agreement	Volume 1, Bates Nos. 200–250
A10	Jay Farrales’ Personnel File	Volume 2, Bates Nos. 251–383
A11	Jay Farrales’ Medical Examination Reports for Commercial Driver Fitness Determination	Volume 2, Bates Nos. 384–393
A12	Jay Farrales’ Application for Employment with Laidlaw	Volume 2, Bates Nos. 394–410
A13	Supplement to Jay Farrales’ Personnel File	Volume 2, Bates Nos. 411–445
A14	Documentation Regarding Jay Farrales’ Safety Classes and Tests	Volume 3, Bates Nos. 446–556
A15	Driver Manifest for Bus 1790 on July 29, 2011	Volume 3, Bates Nos. 557–562
A16	Contract Between RTC of Southern Nevada and Laidlaw Transit Services Inc. (dated 02/08/07)	Volume 3, Bates Nos. 563–683
A18	Photograph of Signage on Bus	Volume 3, Bates Nos. 684–686
A19	Bus Inspection Photos (00004) and (00026)	Volume 3, Bates Nos. 687–691

<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
<b>Plaintiffs' Trial Exhibits</b>		
Exhibit No.	Document Description	
2	2010 First Transit Employee Handbook	Volume 4, Bates Nos. 692–773
3	Page 00009 Only of LVMPD's Incident Report: Voluntary Statement	Volume 4, Bates Nos. 774–776
7	14 Color Photographs of Harvey Chernikoff's Life	Volume 4, Bates Nos. 777–792
9	Page 00051 Only from Jay Farrales' Personnel File	Volume 4, Bates Nos. 793–795
13	Photos of Decedent	Volume 4, Bates Nos. 796–801
<b>Defendants' Trial Exhibit</b>		
Exhibit No.	Document Description	
F	Excerpted Pages from Harvey Chernikoff's Medical Records from Gautham Reddy M.D. (admitted 02/24/16)  F00011–F0014; F00015–F00020; F00025–F00027; F00044–F00045; and F00081	Volume 4, Bates Nos. 802–834
<b>Court's Trial Exhibit</b>		
Exhibit No.	Document Description	
1	Plaintiffs' Power Point Presentation	Volume 5, Bates Nos. 835–949
2	Juror Question from Juror #8 (not asked)	Volume 5, Bates Nos. 950–951
3	Juror Question from Juror #4 (asked and answered)	Volume 5, Bates Nos. 952–953



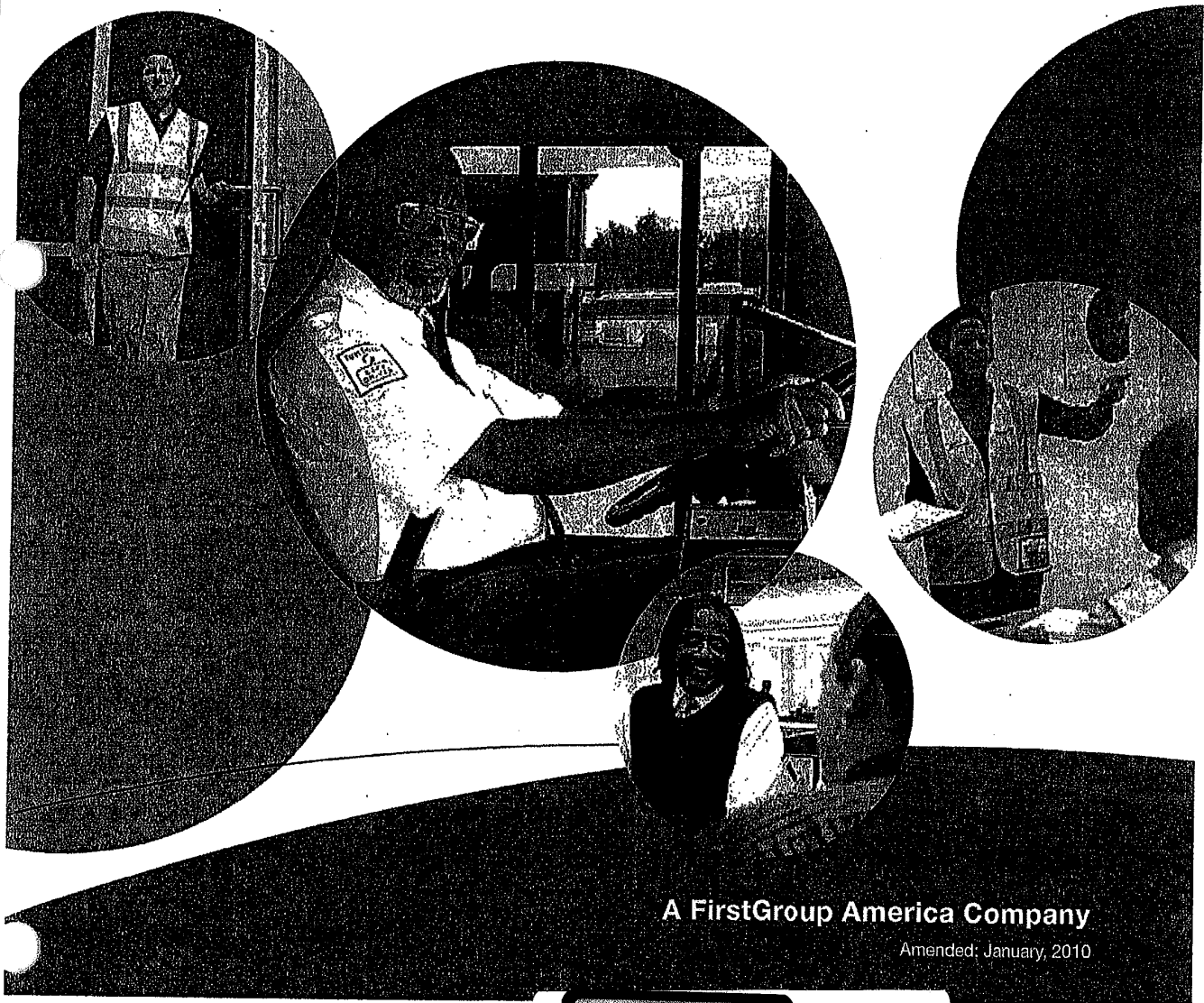
<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
<b>Court's Trial Exhibit (cont.)</b>		
Exhibit No.	Document Description	
4	Juror Question from Juror #8 (asked and answered)	Volume 5, Bates Nos. 954–955
5	Juror Question from Juror #8 (asked and answered)	Volume 5, Bates Nos. 956–957
6	Defendants' Power Point Presentation	Volume 5, Bates Nos. 958–966
7	Juror Question from Juror #4 (not asked)	Volume 5, Bates Nos. 967–968
8	Juror Question from Juror #4 (not asked)	Volume 5, Bates Nos. 969–970
9	Juror Question from Juror #4 (not asked)	Volume 5, Bates Nos. 971–972
10	Juror Question from Juror #8 (not asked)	Volume 5, Bates Nos. 973–974
11	Juror Question from Juror #8 (asked and answered)	Volume 5, Bates Nos. 975–976
12	Juror Question from Juror #4 (asked and answered)	Volume 5, Bates Nos. 977–978
13	Juror Question from Juror #10 (asked and answered)	Volume 5, Bates Nos. 979–980
14	Juror Question from Juror #8 (asked and answered)	Volume 5, Bates Nos. 981–982
15	Juror Question from Juror #8 (asked and answered)	Volume 5, Bates Nos. 983–984
16	Juror Question from Juror #4 (asked and answered)	Volume 5, Bates Nos. 985–986

<b>DOCUMENT DESCRIPTION</b>		<b>LOCATION</b>
<b>Court's Trial Exhibit (cont.)</b>		
Exhibit No.	Document Description	
17	Juror Question from Juror #3 (asked and answered)	Volume 5, Bates Nos. 987–988
18	Juror Question from Juror #4 (asked and answered)	Volume 5, Bates Nos. 989–990
19	Juror Question from Juror #10 (asked and answered)	Volume 5, Bates Nos. 991–992
20	Plaintiffs' Proposed Instruction-Not Given	Volume 5, Bates Nos. 993–994
21	Plaintiffs' Closing Argument Power Point	Volume 5, Bates Nos. 995–1027
22	Defendants' Closing Argument Power Point	Volume 5, Bates Nos. 1028–1053
Docket of Case No. A-13-682726-C		Volume 5, Bates Nos. 1054–1066

## **PLAINTIFFS' TRIAL EXHIBIT 2**



# Employee Handbook



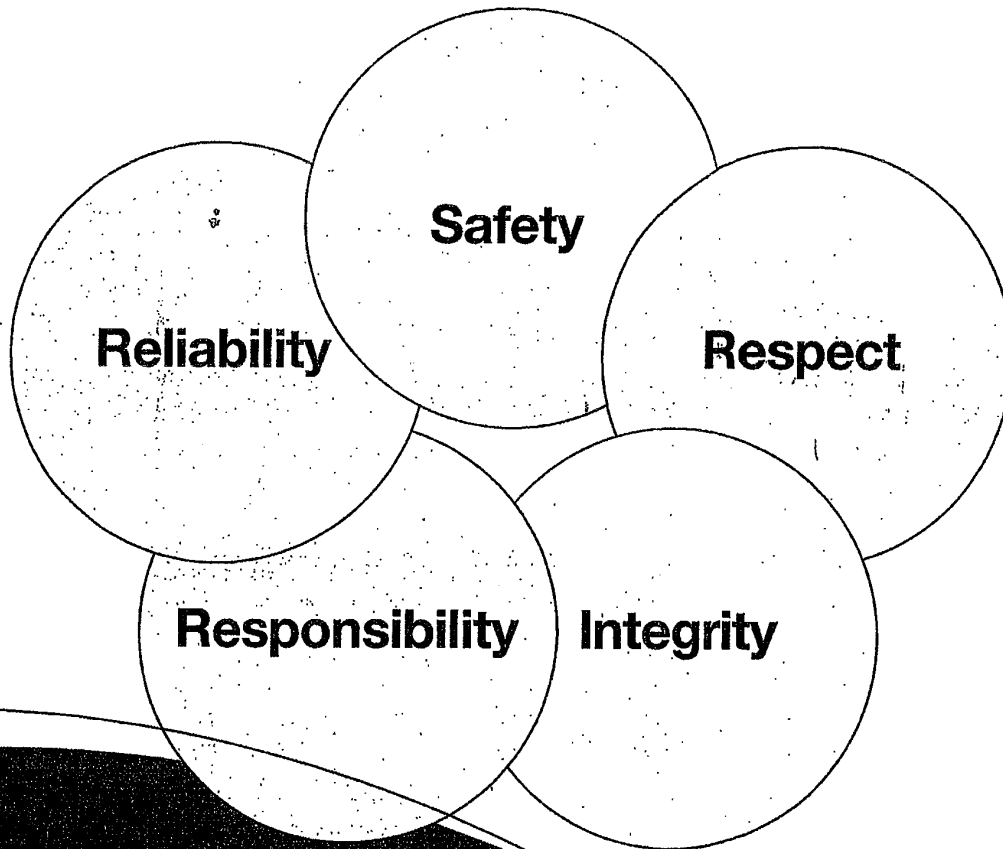
A FirstGroup America Company

Amended: January, 2010

PLAINTIFF'S  
EXHIBIT  
2  
A682726  
PENGAD 800-631-8888  
PLTF)

0002-00001

## Our Values



- Safety is our core value and is considered first in everything we do
- All of our employees, customers and business partners will be treated with dignity and respect
- We will deliver on our promise of reliability to our customers
- We will operate in a socially responsible manner, showing care for our environment and communities
- We will never compromise on our values in any of our dealings with customers, suppliers or employees

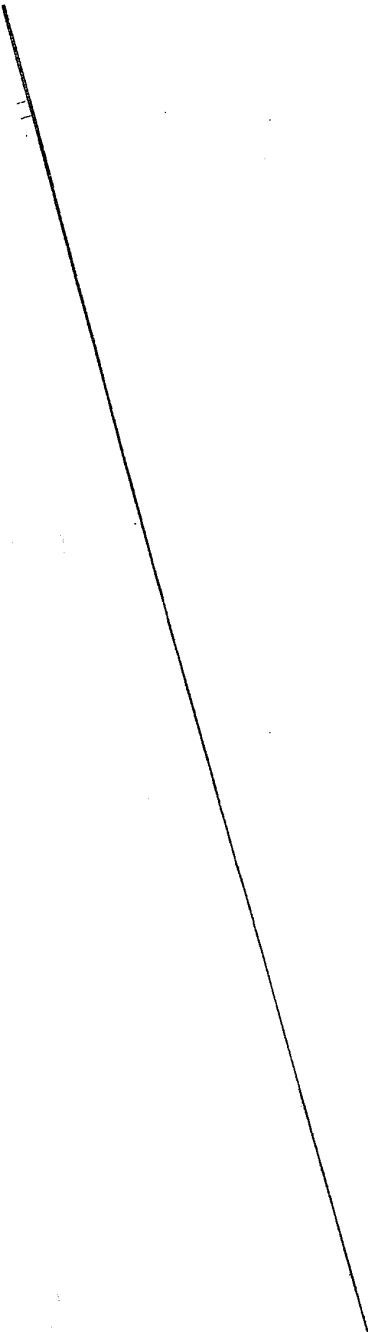
0002-00002

## **Injury Prevention Principles**

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- ① **Perform all safety checks and risk assess before you undertake any work.**  
**Speak to your supervisor or manager before you start work if you are unsure.**
- ② **Do not endanger yourself or others.**  
**Report any hazardous condition or practice that may cause injury to people, property or the environment.**
- ③ **Obey all rules, signs, and instructions.**  
**If you do not understand, speak to your manager before you start work.**
- ④ **Keep your work area clean and tidy.**  
**Disorder causes injuries, wastes time, energy and materials.**
- ⑤ **Wear protective clothing and equipment as required.**  
**Keep it in good condition, wear it correctly and ask for a replacement if it becomes damaged or unfit for use.**
- ⑥ **Use only the correct tools and equipment for the job.**  
**Check that they are in good condition before use and use them safely.**
- ⑦ **Do not adjust, modify, or repair any piece of work equipment unless you are competent and authorized to do so.**
- ⑧ **Before lifting, assess the load and your capability to move it.**  
**Make sure you get help with any heavy or awkward items and follow approved techniques.**
- ⑨ **All injuries, incidents, and near misses must be reported to your manager.**  
**Seek immediate help and first aid (if necessary).**
- ⑩ **If you have any suggestions to improve safety in your workplace, tell you supervisor or manager.**





0002-00004



## From the desk of Brad Thomas, President

February 1, 2010

On behalf of First Transit, I welcome you to our company. We are proud of First Transit as the leading provider of passenger transportation services in the United States. First Transit, a FirstGroup America company, enjoys a unique history of more than 50 years in the passenger transportation industry, serving public agencies and private businesses, operating in nearly all states and several US possessions. We are confident that every employee who has chosen to work for us will experience a company committed to excellence in service to our customers, and that puts safety at the core of every aspect of our business.

Whatever your position in the Company — Operator, Technician, Supervisor, Manager — you are an integral part of the First Transit team and an important contributor to our overall success. As part of a company that places the utmost value on safety, each employee will personally perform to help deliver safe, reliable service to our passengers. We owe that to each other, as well as the public we serve. Remember, at work and away, **"If you cannot do it Safely, don't do it."**

First Transit seeks to be an employer of choice, offering a work environment that demonstrates each day the company's Core Values of Safety, Respect, Integrity, Responsibility, and Reliability. Stating our Core Values is not enough; each and every First Transit employee should strive to express these values in all of their daily actions and decisions.

The Employee Handbook that follows presents our policies and the guidance necessary for you to know and understand First Transit's expectations of its employees in their day-to-day work life, and in their private life to the extent it may reflect or bear on the Company's business interests. Each of us, together and individually, must endeavor to work toward these expectations to be a successful contributor to our team, and to support our Core Values.

You should carefully review the Handbook. Bring forward any questions, ideas or suggestions you may have about the Handbook or other Company policy or practice to your manager.

Thank you for being part of First Transit.

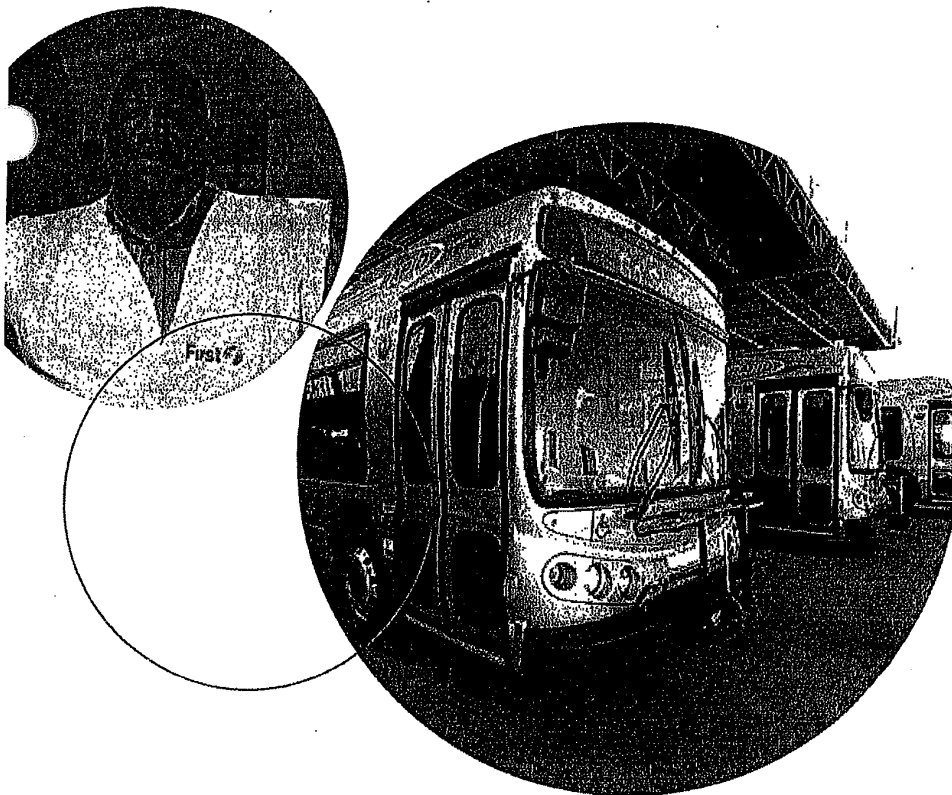
A handwritten signature in black ink, appearing to read "Brad Thomas", with a stylized flourish at the end.



0002-00005



# A History of Innovation and Excellence





**First Transit has been a leader and innovator in transportation for over 50 years, including our predecessor companies American Transportation Enterprises, ATE Management & Service Co. and Ryder/ATE.**

**1955**

American Transportation Enterprises is founded.

**1969**

American Transportation Enterprises continues operations under the newly formed ATE Management & Service Company. Former American Transportation Enterprise managers form ATE Management & Service Company to provide management services.

**1986**

Ryder acquires ATE Management & Service Company to form Ryder/ATE. Ryder/ATE acquires Managed Logistic Systems (MLS) to create Ryder/MLS.

**1993**

Ryder Student Transportation Services and Ryder/ATE combine to form Ryder Public Transportation Services.

**1999**

FirstGroup, plc acquires Ryder Public Transportation Services, creating First Transit and First Student.

**2004**

First Transit manages and operates over 115 contracts with public transit organizations in 26 States.

**2007**

First Transit acquires Cognisa, a transportation company specializing in shuttle services. First Transit manages and operates 153 systems in 42 States, Canada, and Puerto Rico for transit authorities, State departments of transportation, federal agencies, municipal organizations, and private companies.

**2007**

FirstGroup plc acquires Laidlaw International, Inc., subsequently joining Laidlaw Transit with First Transit. First Transit operates 235 locations — in nearly every State and Puerto Rico. First Transit's now 13,000 employees operate 6,700 buses that cover over 260 million annual fleet miles.

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## Notices and Limitations

- The First Transit Employee Handbook (Handbook) is not intended to be an employment contract or agreement, nor does it contain promises or commitments of any kind to employees. The contents should not be construed otherwise. Any references to, or discussion of, matters related to employment shall not be treated as a contractual agreement or guarantee of employment.
- The employment relationship established with the Company is terminable at will (except for employees covered by a Collective Bargaining Agreement), by either the employee or the Company, at any time, for any reason, with or without cause. Therefore, the contents of this Handbook shall not be construed as creating a right to employment for any specific period of time.
- This Handbook applies to employees represented by a labor union, only to the extent that the Handbook's provisions are not in conflict with a specific term or condition stated in the Collective Bargaining Agreement (CBA). To the extent that the Handbook is in conflict with a term or condition of the employee's applicable CBA, the provision in the CBA shall take precedence.
- Where provisions in this Handbook are in conflict with State or local statutes, the State or local laws prevail.
- The Company reserves the right to change any of the policies or procedures in this Handbook at any time at its sole discretion without notice.
- Our failure to adhere to any provision of this Handbook does not create rights nor constitute a waiver.
- No person is authorized to make oral exceptions to this Handbook and written exceptions are permitted only when signed by the President of First Transit.

## Introduction

At FirstGroup America (FGA), and all of its subsidiaries and affiliates including First Transit, we strive to be an Employer of Choice by creating a positive working culture for all of our employees and implementing policies and procedures to support our values. These values are to be embraced and lived by all employees of FGA:

Integrity	Respect	Reliability	Social Responsibility	Integrity
Safety is our core value and is considered first in everything we do.	All of our employees, customers and business partners will be treated with dignity and respect.	We will deliver on our promise of reliability to our customers.	We will operate in a socially responsible manner, showing care for our environment and communities.	We will never compromise on our values in any of our dealings with customers, suppliers or employees.

We take these values seriously. They are the guiding principles by which we operate every day.

We have a number of policies and programs to make the workplace better for all and support our goal to be an Employer of Choice. These include our Freedom of Association Policy (3.01), the Ethics and Compliance Hotline (7.09), and Employee Involvement Committees (7.08).

The First Transit Employee Handbook (Handbook) provides policies and guidelines to all employees. Employees are also subject to all other policies and guidelines governing employees of First Transit (Company) as periodically published. Employees must be familiar with the contents of the Handbook and ensure their performance and conduct conforms to the contents during work time, as well as time outside of work, to the extent it bears on their job and work performance. Also, employees may be subject to additional local policies and guidelines.

### General Principles of Business Conduct

Portions of the FirstGroup America "Code of Business Conduct" (Code) are integral to the Employee Handbook. The Code applies to all of the operations of FirstGroup America and its subsidiaries and affiliates and sets out the expectations for employees in their internal and external dealings.

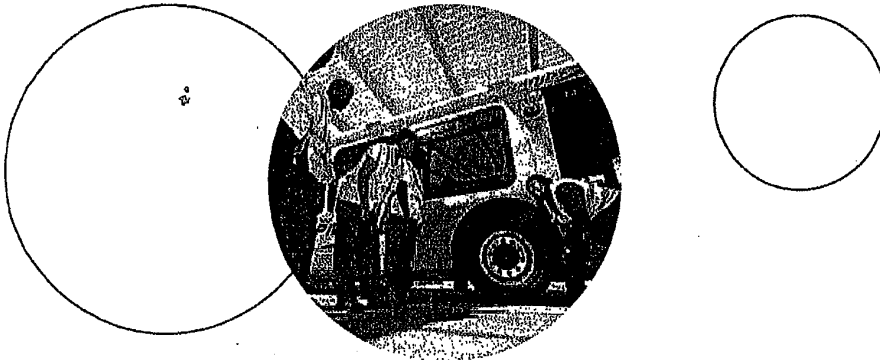
If a situation arises with respect to the Handbook and its contents about which an employee may have a concern or question, the matter should be promptly reviewed with the employee's manager, supervisor, the Human Resources Department (1.513.684.8730), or the Legal Department (1.513.419.8693).

### Compliance with Laws

All employees shall fully comply with the laws and regulations that apply to the Company and its employees. When the application of such laws or regulations is uncertain, employees shall seek the guidance and advice of the Human Resources Department or Legal Department. No employee shall at any time take any action on behalf of the Company that is known to violate any applicable law or regulation.

## Section 1

# Safety and Environmental



### 1.01 Safety Policy And Principles Statement

**Our Number One Core Value is Safety.** The Company owes its employees a safe work environment. In return, employees shall work safely – for their own protection and for that of their fellow employees, customers, and the general public. All collisions and injuries can be prevented. That is our Safety Culture. You are expected to work safely, having regard for yourself and others around you. You must comply with all Company procedures and practices relating to health and safety matters. Any failure to do so will result in disciplinary action being taken against you, up to and including discharge.

NOTE: The term "Company vehicle" used throughout this document refers to any Company owned, leased, or operated vehicle of any type or size. The terms "Company location" and "Company property" used throughout this document refer to any Company owned, leased, or occupied facility, building, parking area, or site of any type or size.

#### Safety Policy

- First Transit and its subsidiaries and affiliates shall not perform a service or transport passengers unless it can be done in a safe manner.
- First Transit and its subsidiaries and affiliates require that all employees shall perform their duties safely and with concern for the safety of their fellow employees.
- The Company is committed to providing a safe place to work, the proper protective equipment, and a work environment conducive to safe practices and policies.
- The Company believes that working safely promotes quality, productivity, and profitability. Avoidance of collisions and injuries is of critical importance to employees and their families. The Company is committed to an ongoing safety program to help employees avoid injury.
- Safety protects our most important asset – our people.



### **Injury Prevention Principles**

- Perform all safety checks and risk assess before you undertake any work. Speak to your supervisor or manager before you start work if you are unsure.
- Do not endanger yourself or others. Report any hazardous condition or practice that may cause injury to people, property, or the environment.
- Obey all rules, signs and instructions. If you do not understand, speak to your manager before you start.
- Keep your work area clean and tidy. Disorder causes injuries, wastes time, energy, and materials.
- Wear protective clothing and equipment as required. Keep it in good condition, wear it correctly and ask for a replacement if it becomes damaged or unfit for use.
- Use only the correct tools and equipment for the job. Check that they are in good condition before use and use them safely.
- Do not adjust, modify, or repair any piece of work equipment unless you are competent and authorized to do so.
- Before lifting, assess the load and your capability to move it. Make sure you get help with any heavy or awkward item, and follow approved techniques.
- All injuries, incidents, and near misses must be reported to your manager. Seek immediate help and first aid (if necessary).
- If you have any suggestions to improve safety in your workplace, tell your supervisor or manager.

### **1.02 Drugs and Alcohol**

First Transit supports a policy of a drug-free workforce and does not tolerate any violation of our Drug & Alcohol policy. The First Transit Drug & Alcohol Policy (Policy) has been prepared, published, and distributed to all employees and contains the complete details of the First Transit drug and alcohol programs, including federally required testing and compliance. The Policy, as summarized here, has been provided to each employee and is incorporated into the Employee Handbook by reference. A copy of the Policy is available at every Company location, and from any supervisor or manager in the Company. The purpose of this Policy is to assure employee fitness for duty and to protect First Transit employees, customers, and the public from the safety and health risks posed by the misuse of alcohol and the illegal use of drugs. Any violation of the Policy will result in discharge for a first offense. Illegal use of drugs includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The "use" of drugs means presence in an employee's body system while on duty. A positive test is sufficient to support a finding of "use."

**"Refusal to Submit"** includes the following conduct:

- A. Failing to provide adequate breath for alcohol testing, without a valid medical explanation after an individual has received notice of a required breath test.
- B. Failing to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after an individual has received notice of a required drug test.
- C. Failing to cooperate with any part of the testing process (e.g. refuse to empty pockets when so 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).

- D. Failing to remain readily available for testing, including notifying the Company of his/her location if he/she leaves the scene of the accident, when an individual is involved in an accident as defined in this policy.
- E. Failure of the employee to report to the collection / testing site for a required test within a reasonable time. (preemployment exception).
- F. Failure to remain at the testing site until the testing process is complete.
- G. Failure or refusal to take a second test First Transit, the MRO, or collector has directed the employee to take.
- H. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen.
- I. In the case of a directly observed or monitored collection in a drug test, failing to follow the observer's instructions to raise your shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer; by turning around, that you do not have prosthetic or other device that could be used to interfere with the collection process.
- J. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- K. Failure to undergo a medical examination when directed by the MRO or the Company. (In the case of a preemployment test, the employee is deemed to have refused to test on this basis only if the preemployment test is conducted following a contingent offer of employment.)
- L. Failure to sign the certification at Step 2 of the Alcohol Testing Form.
- M. Admitting to the collector or MRO that you adulterated or substituted the urine specimen.
- N. MRO reports you have a verified adulterated or substituted test result.
- O. Refusal to submit to a non-DOT alcohol or drug test or to sign a non-DOT test form.

Under the First Transit Policy:

- The use, possession, distribution, or sale of illegal drugs or alcohol at Company locations, in Company vehicles, or while conducting business-related activities away from Company locations, is prohibited and considered a willful violation of Company Policy that will result in discharge from employment.
- Having a verified positive drug test or alcohol test with a Blood Alcohol Concentration (BAC) equal to or greater than 0.04 BAC, or refusing to take a test required under this Policy (see **Refusal**) is considered a violation of Company Policy that will result in discharge from employment. For an alcohol level from 0.02 to 0.039 BAC, the employee will be removed from duty for at least eight hours for the first occurrence. A second occurrence at any time during an employee's employment with First Transit will result in discharge. The services of a Substance Abuse Professional (SAP) are available for any employee who may have an alcohol or drug problem. (See 5.06)
- The use of alcohol four hours or less prior to performing safety sensitive duties or consuming alcohol within eight hours following a collision that requires alcohol testing under the terms of this Policy is prohibited. Any employee required to undergo a post-accident alcohol test shall not consume alcohol for eight hours following the collision, or until the alcohol test is completed, whichever occurs first.
- Employees using prescription drugs, or over-the-counter drugs, shall notify their supervisor if such drugs may affect their physical, mental, or emotional

faculties, and adversely impact their ability to safely perform their job duties. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with a valid prescription.

### 1.03 Preventing Workplace Violence

At First Transit, a safe work environment is fundamental to the success of our employees and our Company. Each employee has the right to expect that their workplace is free from intimidating, threatening, or dangerous behaviors and practices. Every manager should fully respect and value employees' concerns for the safety of themselves as well as others.

First Transit's Preventing Workplace Violence policy is designed to enhance the protection and safety of all First Transit employees, customers, vendors, and contractors, as well as the general public. First Transit **will not tolerate the following actions** by anyone at any level:

- Violence.
- Threats of violence.
- Harassment.
- Intimidation.
- Conduct that creates an intimidating or otherwise offensive work environment.

#### Prohibited Conduct

The following are examples of conduct that if committed in person, in writing, by electronic mail, or by any other means, are prohibited by this policy:

- Direct, indirect, or implied threats toward persons or property.
- Vulgar, profane, or offensive language toward others.
- Disparaging or derogatory comments or slurs.
- Offensive sexual flirtations or propositions.
- Verbal intimidation or bullying.
- Exaggerated criticism, name calling, or belittling behavior.
- Hitting, striking, pushing, kicking, or holding.
- Impeding or blocking movement of another person or urging others to do the same.
- Using, threatening, or implying the use of any weapon or object that could be used as a weapon.
- Derogatory or offensive posters, cartoons, drawings, or publications.

#### Firearms, Weapons, Explosives

No firearms, weapons, dangerous materials or chemicals, or explosives of any kind shall be brought onto Company property or carried by any person while on Company business. Company property includes owned, leased, or occupied office or maintenance locations, parking areas, and Company vehicles. This policy also extends to Company employees on the property of our customers or suppliers.

This restriction excludes materials present on Company property or Company vehicles resulting from contractual obligations between First Transit and a customer or supplier.

For purposes of this policy, firearms and weapons include air pistols and air rifles, switchblades or other knives (except small pocket knives), toxic agents, chains, or



other items that are threatening by their nature or that are displayed in a threatening or intimidating manner.

#### **Disciplinary Action/Prosecution**

Any employee whose conduct is in violation of Company policy shall be subject to disciplinary action. First Transit will seek prosecution of employees who commit criminal offenses against the Company or its employees.

#### **Searches**

Consistent with legal rights or requirements, First Transit reserves the right to conduct searches of persons and personal belongings present on Company property to ensure that dangerous materials or items are not present in the workplace. Searches may include but are not limited to desks and file cabinets, purses and briefcases, lunch containers, tool boxes, lockers, and vehicles.

#### **Electronic Surveillance**

Consistent with legal rights or requirements, First Transit reserves the right to conduct electronic surveillance to help identify and deter threatening or intimidating behavior. Surveillance techniques may include, but are not limited to, video cameras and monitoring of telephone and electronic mail activity at Company locations.

Employees should be aware that electronic mail is for business-related communication and the Company reserves the right to monitor, review, and reveal the contents of such mail, as well as grant third parties access to it.

#### **Investigation**

Any articulated threat may result in an investigation of an employee's background, criminal history, and weapons ownership.

This investigation may include interviews with coworkers, supervisors, previous supervisors and employers, and others who may be able to supply information regarding potential behavior of the employee under investigation.

#### **Reporting Threats of Violence**

Employees with knowledge of actions or behaviors prohibited by this policy are encouraged to communicate this knowledge to their supervisors or any individual in their department or location's chain of command. If preferred, employees may report such behavior or information anonymously to Human Resources or the FGA Legal Department. The Company provided Ethics and Compliance Hotline for employees to notify the Company of concerns with Harassment, Discrimination, Safety, Security, Fraud, or Theft can be reached by calling **1.877.322.5534** or by emailing [hotline@firstgroup.com](mailto:hotline@firstgroup.com). All such reports shall be promptly and thoroughly investigated. No adverse action or retaliation will be taken or permitted against any employee who reports issues of workplace violence.

Information to be reported should include, but is not limited to:

- The name of the person making the threat.
- The person threatened.
- When and where the threat was made.
- The type of threat.

- Any relevant details.
- Witnesses.

### **False Reports**

Any employee who knowingly makes a false report against another employee shall be subject to disciplinary action, up to and including discharge. An employee who in good faith reports what appears to be a threat – even if the reported incident is determined not to be a threat – will not be subject to disciplinary action.

## **1.04 Personal Protective Equipment (PPE) and High Visibility Apparel**

Personal Protective Equipment (PPE) must always be used when and where appropriate. Reflective Safety Vests or Company issued High Visibility Uniform Shirts are to be worn by all employees and visitors while they are pedestrians in the bus yard. In addition, vests are to be worn by employees while outside a vehicle on public streets or at Transit Centers while performing their various responsibilities (e.g., putting out reflective triangles, assisting passenger loading, driver exchange, and foot traffic to break or rest areas). Failure to properly adhere to this policy will be considered a serious safety violation and will result in severe disciplinary action up to and including discharge.

## **1.05 Reverse Parking**

Reverse parking allows a vehicle to depart from its secured parking spot in a forward motion allowing for better visibility into travel lanes and areas of pedestrian traffic. Reverse parking is the standard for an employee's personal vehicle and for Company vehicles at Company locations unless:

- The vehicle can be parked in a pull through manner at a facility.
- The vehicle can be parallel parked.
- Diagonal parking on one-way streets or lanes prevents reverse parking.

## **1.06 Risk Assessment**

All employees who perform maintenance and repairs to vehicles within transit centers and bus yards or on road calls shall complete a Risk Assessment prior to performing any work on a vehicle. The Risk Assessment process requires employees about to perform a maintenance task to confirm they possess the training, skills, knowledge, abilities, tools, and equipment to safely perform the task at hand. The Risk Assessment form, attached to the work order, must be completed and submitted with the completed work order. Before leaving a job, employees shall correct, or arrange to give warning of, any condition that might result in injury to others unfamiliar with existing conditions.

All employees who perform maintenance and repairs to vehicles shall complete a Risk Assessment form by assessing:

- What tasks must be completed.
- If they have been trained to complete the task correctly and safely.
- If they have the proper tools to complete the task as they have been trained.

- That the tools are in good working order.
- If there is proper space in order to complete the task correctly.
- If there is a need for assistance in order to complete the job safely.

If the answer is "NO" to any of the above assessments the technician is to immediately contact their supervisor or manager.

### 1.07 Fire Equipment

It is important for your safety and for the safety of your coworkers that you are aware of the type, uses, and location of fire-fighting equipment in your area whether in the office, on the vehicle, or in the shop. If you do not know where to locate fire equipment or how to use it, see your manager for instructions.

### 1.08 Injury on the Job

First Transit provides medical attention to any employee who experiences an injury on the job or work-related illness. Employees are required to report any injury suffered during work hours, at the time of occurrence, to a manager or supervisor, including minor problems only requiring first aid administered at the work site. In addition, the appropriate paperwork must be completed and submitted to the manager or supervisor before the end of the workday.

The Company may provide **Transitional Duty** work assignments to employees who cannot perform their regular job because of temporary medical restrictions due to a work-related injury. Should an employee refuse this work, he or she may lose Workers' Compensation benefits, consistent with State law.

Employees on Workers' Compensation should make every effort to **schedule medical appointments and treatment**, therapy or rehabilitation during the hours they are not scheduled to work. If the appointment cannot be scheduled during the employee's off time, the employee will be given time off for the appointment, but such time will only be paid if the medical appointment or treatment is not available outside of work hours.

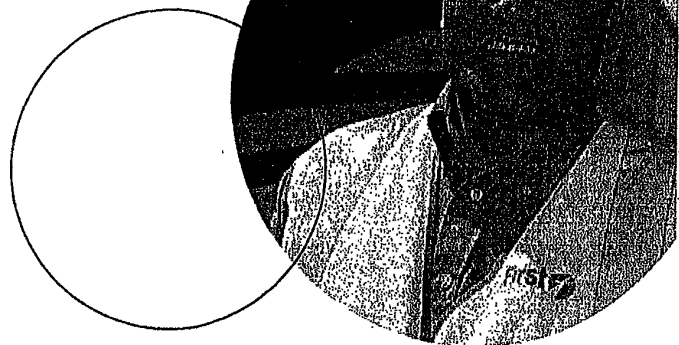
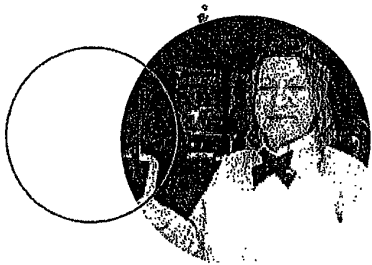
At the end of the period of maximum healing, the employee's Transitional Duty will cease and the employee may be **returned to regular work duties** if the employee provides a physician's note that states the employee is able to return to work without restrictions.

### 1.09 Environmental

Compliance with the law is not the only force behind our environmental policy. Concern for the health of our employees and their families and the future of the communities in which we live are equally important. First Transit will conduct operations in compliance with all applicable health and environmental protection laws and in a manner that supports the protection and preservation of human health and the environment.

## Section 2

# Equal Employment Opportunity (EEO)



### 2.01 Equal Opportunity

At First Transit we recruit, hire, train, promote, compensate, terminate and otherwise treat individuals without regard to race, sex, religion, color, age, national origin, marital status, sexual orientation, gender identification, veteran status, disability or other legally protected status. As required by law, we will make reasonable accommodations for known physical or mental limitations of an otherwise qualified applicant or employee. We will recruit, select and place in our workforce, qualified minority group members, women, disabled veterans and other individuals with disabilities.

All employees and representatives of the Company are expected to act in a respectful manner to our customers, fellow employees, and others with whom they come in contact. In addition, we are all expected to conduct ourselves in a manner consistent with US Equal Employment Opportunity requirements. Adherence to these policies is mandatory.

### 2.02 Harassment Free Workplace

We value the diversity of our employees at First Transit and believe that fostering an environment that respects employee differences is critical to First Transit's success. We believe it is important to have a team that reflects the diversity of our customers and the communities in which we do business. All employees shall uphold and encourage an atmosphere that supports and welcomes the unique qualities and contributions of all our employees.

All employees of First Transit must be able to work in an environment that is free of harassment and discrimination. Not only are intentional acts of harassment prohibited, but also unintentional and careless acts that may contribute to creating a hostile environment for some employees.



First Transit **will not tolerate the following actions** by anyone at any level:

- Jokes or stories which are sexually offensive or discriminatory as to race, sex, religion, color, age, national origin, marital status, sexual orientation, gender identification, veteran status, disability or other legally protected status.
- Offensive gestures of a sexual nature.
- Unwanted or otherwise inappropriate comments about the physical appearance of another person.
- Pictures, cartoons or other illustrations which are sexually explicit or otherwise inappropriate.
- Any verbal, nonverbal, physical and visual actions that may be deemed inappropriate.

### **Company Events and Meetings**

All Company events and meetings, including meetings with and entertainment of customers, shall take place at locations that are conducive and appropriate to the Company's business.

### **Value the Difference**

Observing these policies and valuing the differences among our employees are critical to our success. These policies are not intended to take the enjoyment out of doing our jobs, but are intended to promote a harassment free workplace by setting the standard for our expected behavior.

### **Reporting Procedure**

Any employee, who feels he or she is the victim of workplace harassment, or who witnesses unlawful harassment or abuse, whether from management, coworkers, or third parties, shall promptly report the matter to their manager or supervisor or the Human Resources Department. Also, the Company provides an **Ethics and Compliance Hotline** for employees to notify the Company of concerns with Harassment, Discrimination, Safety, Security, Fraud, or Theft. It can be reached by calling **1.877.322.5534** or by emailing [hotline@firstgroup.com](mailto:hotline@firstgroup.com). All such reports shall be promptly and thoroughly investigated. No adverse action or retaliation will be taken or permitted against any employee who reports issues of workplace harassment.

If you have any questions about this matter contact your manager, your Region Human Resources Director, or First Transit's Vice President of Human Resources and EEO Officer, Gayle Gray, at 1.513.684.8709.

### **2.03 Passenger Interaction**

We are committed to treating our passengers with courtesy and respect. To preserve the safety, security and trust of our passengers and to minimize claims of harassment or the appearance of impropriety, interactions with passengers must be free from personal relationships or conversations or conduct that could be construed as harassment, abuse, or otherwise inappropriate. Conduct that may result in disciplinary action, up to and including discharge, includes, but is not limited to:

- Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- Threats, abuse, coercion or intimidation of any nature.
- Use of profane, abusive or insulting language.
- Accepting any gift over \$20.00 value.
- Accepting or offering any invitations or favors of any kind.
- Discussing your personal life or the passenger's personal life.
- Dating or meeting a passenger for personal reasons on or off duty.

### **2.04 Disability Nondiscrimination**

First Transit complies with the Americans with Disabilities Act (ADA) as it relates to testing, assignments, evaluations, disciplinary actions, training, promotions, medical examinations, layoffs, recalls, terminations, compensation, leave, benefits, and career development, as well as access to the physical structures and jobs. To be protected under the ADA an individual with a disability must be qualified to perform the essential functions of the job. The Company will make a reasonable accommodation unless doing so will impose an undue hardship.

### **2.05 Pregnancy Nondiscrimination**

Matters such as the beginning and length of leave, availability of extensions, accrual of seniority and other benefits and privileges, reinstatement, and payment under any health insurance or short-term disability insurance or sick leave plan, formal or informal, will be applied to pregnancy, childbirth, or related medical conditions on the same terms and conditions as they are applied to other short-term disability situations.

### **2.06 Immigrant Status**

The Company will not employ any individual ineligible to work under applicable immigration laws. Employees must immediately inform the Company of any change in status of their employment eligibility.

## Section 3

# Freedom of Association



### 3.01 Freedom of Association (FOA) Policy

It is First Transit's policy to support human rights and the individual rights of its employees, including an employee's right to associate with a labor union if they so choose. First Transit will manage its business in support of employees and to refrain from management conduct, whether written or verbal, which is intended to influence an employee's view or choice with regard to labor union representation. In particular, during union organizing campaigns, management shall support the employee's individual right to choose whether to vote for or against union representation without influence or interference from management.

Though not an exhaustive list, management supports an employee's right to:

- Freedom of Association.
- A Secret Ballot Election.
- An Informed Choice.
- A Representative Voter Turnout.

Management shall not act in any way, that is or could reasonably be perceived to be, antiunion. This includes refraining from making derisive comments about unions, publishing or posting pamphlets, fliers, letters, posters or any other communication that could be interpreted as criticism of the union or advising employees to vote "no" against the union. However, we believe that employees should be able to make an informed choice and therefore management may provide balanced factual information to assist its employees in making that choice.

Intimidation or harassment of employees for any lawful union organizing activity is strictly prohibited.





### 3.02 Compliance Monitoring

FirstGroup America (FGA), the parent Company of First Transit, is committed to the Freedom of Association (FOA) policy and adopted the Compliance Monitoring Program (CMP) to insure that the mandates of the FOA policy are being effectively implemented.

The CMP includes two parts:

- **Compliance Oversight** where observers provide oversight to the FOA policy during a union election.
- **Monitoring** where an **Independent Monitor** will investigate allegations of FOA violations.

**Compliance Oversight** – FirstGroup appointed observers provide oversight of its FOA policy, are independent parties, and are not FirstGroup employees. Observers perform the following:

- On-site observation of activities during a secret-ballot election.
- Interviewing appropriate employees and managers confidentially.
- Preparing reports for any oversight, audit, or investigation that summarizes activities and findings. Where oversight reveals that the FOA policy was not complied with, reports will include recommendations for resolving any such noncompliance.

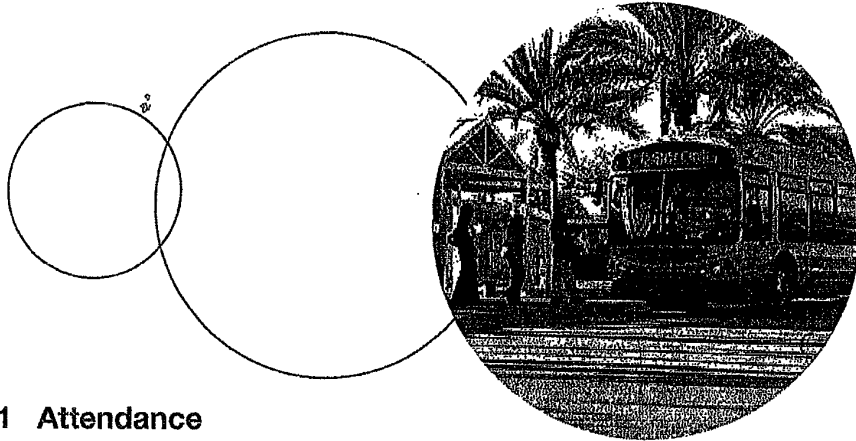
**Independent Monitor** – FGA has appointed William B. Gould IV to serve as Independent Monitor. The Independent Monitor is not an FGA employee.

- The Independent Monitor has authority to investigate properly raised allegations of violations of the FOA policy.
  - o An investigation by the Independent Monitor is initiated by the submission of a fully completed and signed **Complaint Form to the Independent Monitor**. Persons who require complaint forms or assistance completing the form may contact the Independent Monitor at **1.650.617.3424**.
  - o A Complaint Form must be received by the Independent Monitor within 60 days of the alleged violation of the FOA policy or it will not be considered timely.
- Information provided by any parties to the Independent Monitor will remain the property of those parties. Information provided by FirstGroup that is privileged, confidential, or otherwise protected by law from disclosure will continue to be protected, unless the Independent Monitor receives a written waiver from FirstGroup.
- The Independent Monitor will not disclose evidence of employee organizational activity where such disclosure itself could interfere with employee Freedom of Association. If necessary, the Independent Monitor will request permission to disclose such information. If refused, the Independent Monitor shall take such refusal and the impact on the Company's ability to respond to the allegations, into account in preparing his report.
- Persons who may submit a **Complaint Form** include:
  - o Any employee, officer, or Director of FirstGroup; or
  - o Their representative including a union representative or attorney.
  - o Any representative of a labor union that represents or is seeking to represent employees of FirstGroup.

- Participants in the Program shall make good faith efforts to assist FirstGroup in achieving FOA objectives, including:
  - o Advising FirstGroup of any alleged violation of the FOA policy that comes to their attention and providing FirstGroup an opportunity to remedy such alleged violation.
  - o Respecting the confidentiality of information provided by FirstGroup, complaining parties, observers, or the Independent Monitor.
  - o Advising FirstGroup of any perceived deficiencies in the Program.

## Section 4

# Attendance and Leaves



### 4.01 Attendance

Appropriate standards of attendance ensure that quality service is provided in all areas of our business. When an employee is absent it increases the workload on other employees. This may result in less efficient work results and overtime expenses. Absenteeism not only disrupts workflow, but could also have a negative impact on morale. While an employee may be capable of doing a job, the job is not acceptable if the employee has excessive absences. In those cases, First Transit will take appropriate disciplinary action, including discharge for unacceptable attendance.

Operating locations have developed specific requirements regarding the attendance of employees. See your manager for information regarding the attendance policy for your location.

As an employee, you are responsible to:

- Notify your manager as soon as possible if you are going to be late or if you are going to be absent.
- If you are ill for more than one day, notify your manager every day unless he or she tells you otherwise.
- If it becomes necessary for you to leave your job during working hours, you must notify your manager before you leave, explain the reason, and provide evidence to support the reason.

If you fail to report to work for three consecutive days without proper notice, it will be considered that you have voluntarily quit your job.

#### **4.02 Physician's Release**

Company policy requires employees to submit a physician's release to return to work when absent three or more consecutive workdays. A manager may require an employee to submit a physician's release following an absence of less than three days. The physician's release must show the dates of any appointments and the date the employee will return to work without any limiting restriction. The employee may be denied return to work if he or she fails to provide the requested release.

#### **4.03 Family and Medical Leave Act (FMLA)**

The federal Family and Medical Leave Act of 1993 and the 2008 Military Family Leave addendum allow employees to take an unpaid leave from their job for special family situations. FMLA leave runs concurrently with an employee's time off from work due to qualifying personal illness or injury and Personal or Medical Leave of Absence including injury on the job

##### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave per rolling 12-month period to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.

##### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

##### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or



equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

To obtain forms to request FMLA or for more information about FMLA or other State Laws regarding Leave of Absence, refer to the information posted on your location's bulletin board, ask your manager, or contact your Human Resources Director.

## **4.04 Maternity / Paternity Leave**

Maternity and Paternity leaves are included under the Family and Medical Leave Act (FMLA). Absence for Maternity will be approved using the same procedures as other medical leaves of absence. The employee may elect to use available vacation during Maternity / Paternity Leave. The employee may elect to take the maximum FMLA leave of 12 weeks, including available Short Term Disability (STD) or any other paid leave. State laws, where they exist, may provide longer leave than FMLA for Maternity-related leave and take precedence over FMLA.

In Maternity and Paternity leave situations where both a husband and wife work for the Company, the FMLA leave entitlement is limited to a combined total of 12 weeks of FMLA leave during any 12-month period when the leave is for birth, adoption, or foster care placement of a child, or care for the child following birth, adoption, or foster care placement.

#### **4.05 Military Leave**

First Transit recognizes that employees who are members of a military reserve unit may need to attend annual training or to report for active duty.

Any employee called to active duty for 30 calendar days or less by the military reserves or the National Guard will be granted time off for the duration of the active duty. Employees who are members of a military reserve unit may attend annual training sessions, with a maximum of two weeks of paid leave allowed during a 12-month period. Any employee called to active duty longer than 30 calendar days by the military reserves or the National Guard will be granted time off for the duration of the active duty, for a maximum of five years.

Health Insurance for military service for 30 calendar days or less is provided as if the employee had remained employed. For military service more than 30 calendar days, employees may elect COBRA/USERRA coverage for up to 24 months. Employees who do not elect to continue coverage during military service can be reinstated into the health plan when reemployed by contacting the benefits administrator within 30 days of return.

#### **4.06 Leave of Absence without Pay**

First Transit may grant a Personal Leave of Absence, due to extenuating circumstances, to full-time and part-time employees who have completed at least six months of continuous employment. A Personal Leave of Absence is defined as a 30 calendar-day period, agreed upon and approved by the Company. First Transit may also grant a non-FMLA Medical Leave of Absence to full-time and part-time employees who have completed at least 90 days of continuous employment. A Medical Leave of Absence is defined as a 30 calendar-day period (inclusive of FMLA), renewable in 30 calendar-day increments up to six months, appropriately substantiated, and approved by the Company.

In either case, the employee is removed from payroll, but maintained as an employee for the duration of the leave.

Failure to return from a leave on the date approved and scheduled for return to work will be considered a voluntary resignation.

## Section 5

# Benefits



### 5.01 Benefits, Eligibility, Website

A variety of employee insurance benefit options are offered. Benefit options are communicated by the FGA Benefits Department to employees as they become eligible. Insurance benefits, along with all other economic benefits offered, are location and project based.

The **Core Benefits** available to all full-time and part-time Hourly employees include: \$10,000 Life Insurance and \$10,000 Accidental Death and Dismemberment Insurance, and EAP (Employee Assistance Program) services. Several optional benefits are available solely at the employee's cost paid through payroll deductions.

The FGA Benefits Website provides considerable information as well as tools to assist employees and answer benefits questions. The website additionally provides Benefits-at-a-Glance, a tool that summarizes benefits offered to employees. All employees of the Company have access to the FGA website. You are able to review, update, enroll for, and change benefit elections and personal information. To access:

- Log on to [www.firstgroupamerica.com](http://www.firstgroupamerica.com)
- Click on the Employee Benefits Center link, and
- Enter your user ID (Social Security Number) and PIN (employee's two-digit birth month plus your four-digit birth year). For security reasons, first time users will be prompted to choose a new PIN. User IDs and PINs may be user changed.

If web access is not available to an employee, questions may be directed to the FGA Benefits third-party administrator by calling: 1.866.813.4778.



## 5.02 Introductory Period

An Introductory Period of 90 calendar days, starting after any period of Company-required training, shall constitute a trial period for all new hires, during which time the Company will judge the ability, competency, fitness and other qualifications of new employees to do the work for which they were employed. The Company reserves the sole right to determine the suitability for continued employment of an individual within this 90 calendar days for any reason not protected by law. During this time, you have the opportunity to evaluate First Transit as a place to work, and the Company has the opportunity to evaluate you as an employee. The Company reserves the right to extend the Introductory Period.

## 5.03 Years of Service

Years of Service affects the accrual of some benefits. An employee with one or more years of service, who is rehired after voluntarily leaving the Company in good standing for not more than six months, will be granted continuous service status with regard to benefits awarded based on years of service. An employee with five or more years of service, who is rehired after voluntarily leaving the Company in good standing for not more than 12 months, will be granted continuous service status with regard to benefits awarded based on years of service.

## 5.04 Service Awards

The Company presents Service Awards to those full-time employees who have attained certain milestones of years of service to the Company.

Awards are presented upon completion of various levels of service as indicated in the Company's Service Awards Policy. Years of service include service with acquired and predecessor companies, with service awards offered on the next milestone anniversary after becoming a First Transit employee.

## 5.05 Vacation

Vacation time earned must be used in the current vacation year, generally April 1st through March 31st. If an employee does not use earned vacation time in the current vacation year, he or she will not be paid for it. In addition, vacation may not be carried over from year to year except that up to two weeks may be carried over where State or local law prohibits "use it or lose it" policies.

An employee who terminates from the Company, voluntarily or involuntarily, will be paid the prorated amount of vacation time allocated but not used based on the last day of employment.

All requests for vacation time earned must be authorized in advance by the employee's immediate supervisor prior to taking the time away from work. Failure to return to work

on the next scheduled day following a vacation leave may result in disciplinary action, up to and including discharge.

However, if an employee terminates from the Company, voluntarily or involuntarily, prior to the end of the vacation year, and he or she has taken vacation time that exceeds the prorated earned vacation benefit based on the employee's last day of employment, the employee will be required to reimburse the Company the equivalent of vacation pay taken and not earned (unless adjusted from final paycheck).

### **5.06 Employee Assistance Program (EAP)**

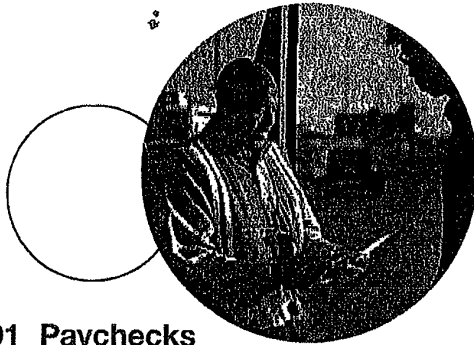
An Employee Assistance Program is available to provide confidential counseling, assessment, and referral services for employees with various personal or family problems. The EAP is available to all employees and members of their families to help address such problems as substance abuse, marital and family issues, compulsive gambling, financial and legal worries, emotional distress and anxiety, depression, or any other problem that affects job performance, relationships with others, or personal health and safety.

**Call: 1.800.323.0751**

An employee in a safety sensitive position, who voluntarily seeks assistance with a personal substance abuse problem (for drugs or alcohol), prior to being referred for a test or receiving a positive test result, will be directed to the Company's Substance Abuse Professional (SAP) for help. In these instances, call Supportive Systems at 1.800.660.6645.

## Section 6

# Hours of Work, Overtime and Pay Periods



### 6.01 Paychecks

Your manager will advise you when your scheduled payday will occur. The stub of your paycheck will show you exactly what deductions have been taken from your pay. Certain **deductions are required by law**. These include federal income tax, federal Medicare and social security (FICA), and State and local income tax (where applicable). Also, we are required by law to make certain deductions if ordered by a government agency such as for child support and deduction of court determined payments for matters related to court proceedings. The government agency involved is required to notify you of the action. A fee is charged to First Transit employees for garnishments and child support orders based on State guidelines.

**Other deductions are optional** and will be taken only if you have signed a written authorization for the deduction, for example, medical insurance, uniforms, union dues and fees, etc.

The employee named on the paycheck is the only person authorized to **receive the paycheck**. You may give your supervisor written authorization for another person to pick up your check each time you are unable. This person is required to show a driver's license or other photo ID in order to receive your check.

### 6.02 Direct Deposit

First Transit strongly recommends that employees utilize direct deposit so their pay can be automatically deposited into their bank account. This is the most secure and efficient way to receive your pay. If you are interested in this service, please see your manager for the appropriate form.

### **6.03 Hours of Work and Overtime**

The normal workweek for full-time employees is generally scheduled for up to 40 hours. However, additional work may be required to meet the needs of the Company and our customers. When additional work is necessary every effort will be made to give employees adequate notice. However, because of the nature of our business, employees are expected to be available to work reasonable extra hours unless excused due to an acceptable reason.

Under the law, employees classified as Nonexempt will be paid overtime after 40 hours actually worked each week (unless State or local law or a CBA differs). Employees classified as Exempt are not eligible for paid overtime. Time off on paid leave will not be counted as hours of work for determination of overtime.

The law requires that hours of work for employees be recorded for all hourly employees, including the time work starts and ends, and time away for unpaid meal periods.

Paid overtime applies only to Nonexempt employees. If you work overtime, you will be paid in accordance with applicable law. Compensatory time off, in lieu of overtime, is not permitted for any employee. Nonexempt employees are not permitted to work in excess of their regularly scheduled hours without advance approval.

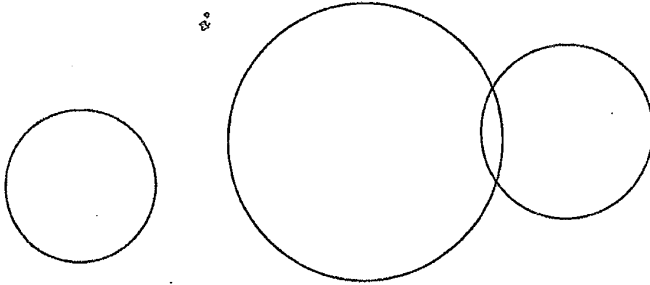
### **6.04 Outside Employment**

First Transit full-time employees shall treat their employment with First Transit as their primary employment. While the Company does not seek to intrude on an employee's personal life, if circumstances require an employee to work a second job, or pursue his or her own business, prior written approval shall be sought from the employee's manager to ensure that Company operations will not be adversely impacted. Working for any competitor of the Company must be reported to management immediately. Under many circumstances it is unacceptable and will lead to immediate discharge, e.g., for salaried employees. Other employment, including self employment, even if not directly competitive with Company operations, may also adversely impact an employee's ability and dedication to their primary work duties with the Company. This is especially true in the case of Operators whose work and driving hours are restricted by DOT regulations.



## Section 7

# General Rules and Employee Relations



### 7.01 General Company Rules and Personal Conduct

Certain acts or conduct by an employee may be cause for disciplinary action, including discharge. The very nature of our business – serving the public – requires that we perform with the utmost integrity. As a general statement, when an employee is subject to discipline, the employee's total work record, including all violations, will be reviewed before determining any penalty. However some conduct or violation of Company policy may be so serious that it will result in discharge for a first occurrence regardless of the employee's work record. Penalties for violations of multiple rules occurring during a rolling 12-month, or 36-month period for safety, will be addressed at the discretion of management. The seriousness of the violations is also a factor.

The following represents some, but not all, of the types of conduct violations that may be cause for discharge for a first offense. NOTE: A more comprehensive list of unacceptable behaviors is in Section 11. Also, Sections 10.10 and 10.11 contain descriptions of offenses particular to Operators and Safety Sensitive employees.

- Violation of First Transit's Drug & Alcohol Policy.
- Falsification of employment application or other Company document.
- Dishonesty or stealing Company, coworker's, or customer property.
- Misuse of Company computer resources, including email, internet, and unauthorized or improper access or use of Company data or software.
- Immoral, illegal or indecent conduct that could or does reflect on the Company.
- Unauthorized use of a Company vehicle.
- Harassment or inappropriate conduct in the workplace.
- Fighting or other acts of violence while on duty, on Company property, or in uniform.
- Possession of weapons or explosives on Company property.
- Insubordination; failure to follow instructions; defiance of instructions.
- Failure to immediately report a Company vehicle collision.

- Failure to report any charge, arrest, indictment, incarceration or conviction for any felony or misdemeanor, or any sexually-related offense.
- Smoking in dangerous, nonsmoking areas such as fueling areas.

An employee having knowledge of any actions prohibited by Company policies or guidelines should report such activity immediately to his or her manager, any First Transit manager, or the **Ethics and Compliance Hotline 1.877.322.5534**, [hotline@firstgroup.com](mailto:hotline@firstgroup.com). Suspected violations may be reported on a confidential basis, and the Company will maintain confidentiality to the fullest extent possible.

The Company will not retaliate against or impose any other form of retribution on any employee as a result of his or her good faith reporting of another person's suspected violation of Company policies or guidelines.

Any suspected violation of Company policies or guidelines will be reviewed by the Company and, if appropriate, law enforcement authorities will be notified of the facts.

The Company will encourage and support criminal prosecution of those involved in any violation of Company policies or guidelines that constitutes criminal conduct, regardless of restitution. This support will specifically include, but not be limited to, complete cooperation with respect to the availability of witnesses, documents, and any necessary financial expenditures. In addition, when appropriate, the Company will institute civil proceedings against violators of Company policies or guidelines.

No exception to prosecution will be made without the approval of the President of First Transit.

## **7.02 Employee Requirement to Meet Company Standards**

The Company has the right to establish qualifications and require tests and standards of performance as necessary to insure the safe and efficient performance of duty by employees. Employees must pass examinations and tests selected by the Company to determine mental and physical fitness for duty. Testing includes, but is not limited to, the provisions of US Department of Transportation (DOT) and First Transit's Drug & Alcohol Policy.

Qualifications may be periodically reverified through background checks or Motor Vehicle Record (MVR) checks or at the Company's discretion.

## **7.03 Duty to Report Law Enforcement Actions**

Any employee arrested, indicted, incarcerated, convicted or otherwise charged with a felony or misdemeanor, or any sexually-related offense, is required to inform the Company immediately if possible, but no later than prior to the next scheduled work shift. NOTE: This does not apply where it conflicts with State law. Operators and safety sensitive employees are required to report all Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) related charges, vehicular collisions, and any moving violation citations received in any vehicle immediately if possible, but no later than prior to their next scheduled work shift. (See also 10.10.)

## 7.04 General Operations Information

The Company operates in many communities across the country. Some operations related requirements may be specific to your operating location, while other requirements are based on Company policy or State or federal law. Your manager will keep you informed of local operating requirements, as these may change from time to time.

## 7.05 Open Door Policy

A workplace where employees are treated with respect and one that is responsive to their concerns is important to each of us. This kind of trust is fundamental to the relationship the Company seeks to have with its employees. Supervisors and managers must act to see that this trust is not violated.

Every First Transit employee has the right:

- To fair treatment.
- To a thoughtful answer to job-related questions.
- To a prompt review of job-related suggestions at the proper management level.
- To a decision on job-related complaints based upon a full, accurate, and timely determination of the facts.
- To express a concern without fear of retaliation.
- To "speak up" when troubled by something observed in the workplace.

First Transit has an **Open Door Policy** designed to promote a working climate of trust, respect, and support. It offers each employee the opportunity to speak up and be heard on matters that they consider important. In using the Open Door Policy, employees are asked only that their concerns be important enough to justify the effort involved in finding a solution. Used effectively, the Open Door Policy helps to ensure the trust that is fundamental to maintaining a productive relationship between the Company and its employees.

The Open Door Policy shall apply to every employee not covered by a collective bargaining agreement. It also extends to contractors and subcontractors.

First Transit's Open Door Policy allows for both anonymous and identified communications. An employee who has a question, a suggestion, or complaint, should first approach his or her immediate supervisor. Most matters can and should be addressed through open communication with the employee's immediate supervisor. Supervisors shall encourage employees to discuss work-related issues that are a concern to them or that may affect their job performance.

If the matter cannot be resolved with one's immediate supervisor, the employee may speak with their department or location manager who will attempt to facilitate a solution.

If an employee is unable to resolve the matter through the management chain of command in the department or location, the employee may go directly to anyone in division management or Human Resources.

In situations involving Harassment, Discrimination, Safety, Security, Fraud, or Theft an

employee should immediately contact any level of management or Human Resources directly, without fear of reprisal, and without accessing the Open Door process. This may be done in person, by direct contact, phone call, letter, or email message or by utilizing the Ethics and Compliance Hotline. The **Ethics and Compliance Hotline** can be reached by calling **1.877.322.5534** or emailing [hotline@firstgroup.com](mailto:hotline@firstgroup.com). In these situations, an employee may bypass the chain of command that begins with his or her supervisor.

#### **Other Things You Should Know**

No First Transit employee shall retaliate against any other employee in any way for using the Open Door Policy in good faith. Prohibited acts include unwarranted discipline, consistently assigning undesirable work or schedules, busywork designed to humiliate, denying a promotion or benefits, or condoning practical jokes or acts of harassment by others.

Company policy calls for respecting confidentiality of any complaint. Access to information will be restricted to those with a "need to know." If an employee believes he or she would not receive fair treatment from their supervisor or any other manager in the location or department chain of command under the Open Door Policy they should feel free to approach anyone in management or Human Resources at any time or contact the Ethics and Compliance Hotline.

#### **7.06 Accident Review Committee (ARC)**

Most project locations have established an Accident Review Committee (ARC) to provide Operators and others charged with a preventable collision with a forum to appeal the Company's determination of collision preventability. The Company makes the initial determination of preventability. The ARC does not determine discipline, but the appropriate discipline will be based on the preventability affirmed or rejected by the ARC. The general guidelines of the ARC process are set forth here, and some detail may vary from location to location, with the objective that an employee shall be provided with a fair and unbiased review of his or her collision. An employee's appeal to the ARC, of the determination that a collision was preventable, **must be filed within seven calendar days** of the date the employee received notice of the Company's initial preventability determination.

The **ARC** meets periodically as necessary to resolve appeals. However, in the case of an appeal of a Company determination that resulted in discharge, the ARC will convene not later than ten calendar days following the date of the appeal.

Local conditions may vary, however, generally the ARC is made up of five individuals – two hourly employees, two supervisors or managers, and one neutral person. The ARC selects a Chairperson who will maintain order in the hearing and tally the ballots. The employee who has appealed the collision case to the ARC must be present to present the case and answer questions.



When the facts have been presented, the ARC will render a timely decision following the presentation of evidence and testimony. In rendering its decision, the ARC will rely on the facts presented at the hearing and is not empowered to alter or change established Company policy, including safety or operational rules. The Chairperson counts the ballots and announces the decision of the ARC. The decision of the ARC will be final and binding and is limited to determining the preventability of the collision in question.

## 7.07 Ethics and Compliance Hotline and Whistleblower Protection

The Company strives to maintain open lines of communication between employees and management. If there is a work issue, question, or problem our goal is to get it solved. We encourage use of the Open Door Policy (see 7.05). You should initially contact your immediate supervisor, location manager, or assistant location manager. If not resolved through your local chain of command, you may pursue it to the Region HR Director or Region Safety Director and up to the Region Vice President.

Additionally, for concerns with Harassment, Discrimination, Safety, Security, Fraud, or Theft, the Company provides an **Ethics and Compliance Hotline**. The Ethics and Compliance Hotline can be reached by calling **1.877.322.5534** or by emailing [hotline@firstgroup.com](mailto:hotline@firstgroup.com). The Company will not tolerate retaliation in any form for exercising Whistleblower rights. Under **Whistleblower Protection**, a Company may not discharge, discipline, or discriminate against an employee regarding pay, terms, or privileges of employment, because they utilized the Open Door Policy, Ethics and Compliance Hotline, or filed a complaint.

Part 29 of the Code of Federal Regulations Part 1978 establishes the rules for implementing Whistleblower Protection under section 405 of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. 2303. Under the STAA: "A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

1. the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety regulation, standard, or order, or has testified or will testify in such a proceeding; or
2. the employee refuses to operate a vehicle because—
  - a. the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health; or
  - b. the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition."

Under the Federal Regulations, employees have 180 calendar days to complain to the Federal OSHA Regional Office in their State if they believe they have suffered retaliation or discrimination in violation of STAA.

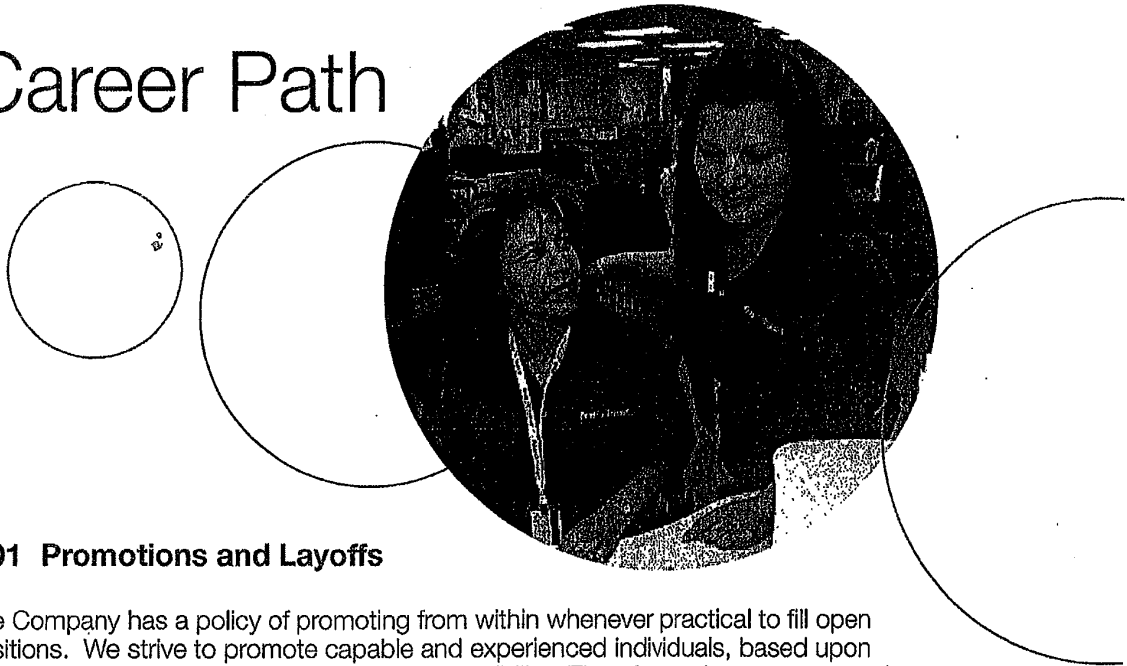
It is not enough to tell the employee's union representative, a technician, or a coworker about a safety concern to qualify for STAA protection. The employee must clearly report their concern to their employer (manager or other management person or the Ethics and Compliance Hotline), the DOT, or the police. However, for vehicle safety concerns, 49 CFR 396.11 requires CDL holders to submit a Driver Vehicle Inspection

Report (DVIR) at the completion of each day's work. The Company is required to inspect and repair any indicated defect and certify on the DVIR that the vehicle is safe to operate. Operators are expected to drive vehicles certified as safe.

Managers are charged with assuring that they and their staff comply with the whistleblower protections and that no retaliation occurs as a result of a reported safety related issue.

## Section 8

# Career Path



### 8.01 Promotions and Layoffs

The Company has a policy of promoting from within whenever practical to fill open positions. We strive to promote capable and experienced individuals, based upon demonstrated ability to assume greater responsibility. Therefore, whenever appropriate, we will post current job openings, but reserve the right not to. We may, at the same time, notify outside recruiting sources.

The following factors are used to decide eligibility for promotion or layoff: safety record, overall employment history, qualifications, experience, and job-related skills. Although length of service is considered, it may not be the primary factor.

### 8.02 Performance Evaluations

The policy of First Transit is to periodically conduct Performance Evaluations of employees. The frequency and type of evaluation depends on the position.

Performance Evaluations are conducted to provide understanding between the manager and employee regarding performance requirements and how well the employee meets those standards. They also provide a basis for objective wage and salary administration decisions reflecting individual merit.

Employees will not be evaluated while off work on a Leave of Absence. The employee must be actively working on the "effective date" for any changes (wage, title, or level) to take place.

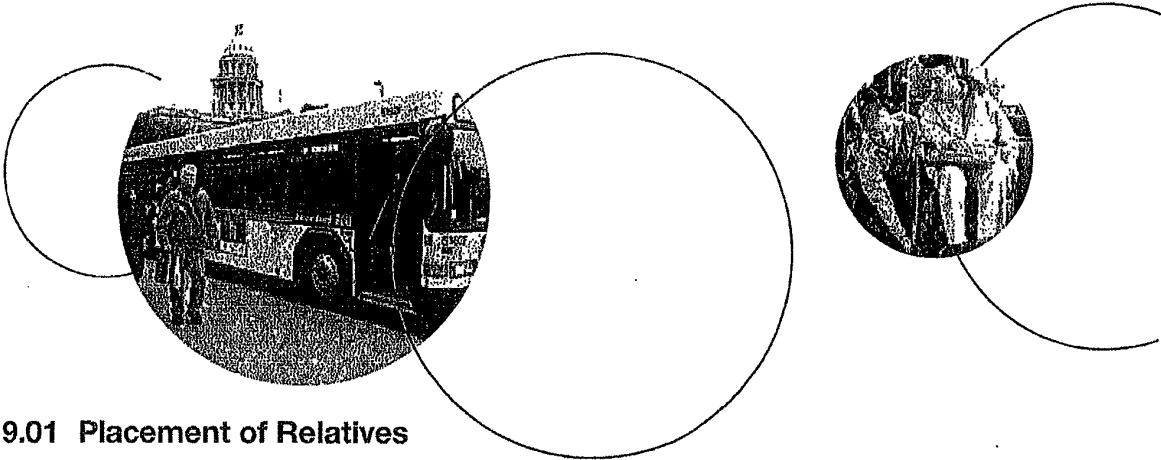
### **8.03 Employee Transfer Requests**

Employees may request transfers from one Company location to another. Employees who would like to be considered for transfer to another location must complete a Job Transfer Request Form and submit it to their location or department manager for review and approval. Transferring between locations is not a right. Pay and Benefits may change between locations. Agreement to transfer is dependent upon business necessity at both the current and new work locations and the employee's work performance.



## Section 9

# Policies and Procedures



### 9.01 Placement of Relatives

First Transit has certain restrictions on the employment, promotion and transfer of relatives within the Company. These limitations are designed to promote harmonious working conditions and to avoid the possibility of apparent or actual favoritism or other practices that could prove detrimental to First Transit or its employees. The term "relative" applies to an employee's spouse, children, parents, sisters, brothers, parents-in-law, daughters and sons-in-law, nieces, nephews, aunts, uncles, grandchildren and significant others. It may also apply to any person who is a legal step or half-blood relative, or a family member who permanently resides with the employee.

It is the policy of First Transit that applicants shall not be hired nor internal employees promoted or transferred into a position in the supervisory chain of command of a relative under which the applicant or employee would work (no matter how far removed geographically).

Employees having relatives in the Company shall not be assigned to organizations or departments where they have access to employee records pertaining to their relatives. Although the foregoing is the Company's general policy, relatives who are full-time students may be hired for summer employment at Company locations.

A relationship, as listed above, with a current or prospective employee, must be disclosed by the current employee as soon as the situation is apparent. The fact that a relationship currently exists in a department or location does not mean that this relationship or another will be approved or permitted.

Exceptions to this policy may be recommended by a manager due to local conditions or unusual circumstances whereby the intent of the policy can be maintained. Initial approval must be obtained from the Ethics and Compliance Department and will be subject to review by the Vice President of Human Resources.

## **9.02 Smoking**

It is the policy of First Transit to Prohibit Smoking within any and all Company facilities and vehicles. Company vehicles include Company owned or operated cars, trucks, shuttles, buses, etc. Smoking is permitted only in designated smoking areas during authorized breaks and before or after an employee's scheduled work hours. Approved designated smoking areas are controlled by local rules.

## **9.03 Visitors**

Visitors to Company locations, including Company employees "visiting" another location, are to report and sign in at the location. They should be issued a "Visitor Pass" or "Temporary Pass" as is customary at that location. They are to be escorted while on the Company property, and surrender their temporary pass and sign out upon exiting.

Visitors must observe and comply with all Safety rules while on Company property. Under no circumstances may visitors interfere with an employee's work or the business of the Company.

## **9.04 Solicitation and Distribution**

To avoid disruption of operations and for the safety of our employees, the following rules apply to solicitation and distribution of material, e.g., selling of products (cookies, candy, raffle tickets, etc.) or distributing handbills, literature, etc., on Company property.

While you are on duty and working, you may not solicit other employees for any purpose nor distribute literature to them. During your nonworking time, you may not solicit other employees who are working or distribute literature to them. Distribution of material in work areas is prohibited at all times. In addition, posting of written solicitations on Company bulletin boards is prohibited.

Anyone not employed by First Transit may not enter onto Company property or solicit or distribute literature in the workplace at any time for any purpose. Company affiliated benefits providers may supply information in a break room or other common area.

## **9.05 Travel**

The Company's policy is to reimburse its employees for reasonable expenses incurred in connection with Business Travel. A Travel Expense form for reimbursement should be submitted within 30 business days following a trip.

## **9.06 Dress Code / Appearance**

At First Transit attire should be appropriate for the duties being performed. Employees are expected to present a professional image in the performance of their jobs. The term professional image directly relates to the type of job a particular employee

holds regardless of employment status — hourly or salaried, clerical, professional, or managerial. All clothing should be clean, pressed, and in good repair and proper personal hygiene is to be practiced. Closed-toe shoes are the appropriate footwear in all operating locations. Flip-flop type shoes should never be worn in any workplace. Open-toed shoes may be worn in region and corporate business offices, but may not be worn in an operating location. More specific local dress rules may be communicated to employees, e.g., Cincinnati Headquarters employees are subject to a specific dress code.

Employees violating this policy may be asked to leave work and return appropriately attired and presentable.

### **9.07 Photo Identification Cards**

The Company issues Photo Identification (ID) cards to all employees upon initial employment with First Transit as part of Injury Prevention (IP). Employees must display their ID, at all times while performing official duties, in a lanyard pouch worn around their neck, clipped to their waist band, or placed in the clear pocket of their safety vest. Employees must not, under any circumstances, use their ID card for any purposes other than in the performance of official duties. Inappropriate use (deceptive purposes, personal gain, misrepresentation, etc.) will be investigated and appropriate action taken.

New ID cards shall be issued when:

- An employee loses an ID card, or it is damaged to the point that it requires replacement. The employee may request a replacement through his or her manager.
- An employee transfers to a different location.
- An employee's job title or position changes.
- An employee's legal name is changed. It is the employee's responsibility to notify the manager of the name change.

### **9.08 Company Property**

When leaving the Company for any reason, all Company property including uniforms, ID Cards, keys, computers, cell phones, and any other Company property must be returned immediately. Documents, forms, workbooks, training resources, files and all other materials developed by employees during their employment are proprietary information and property of the Company.

If, as a part of employment with First Transit, an employee enhances or invents any item or material that relates to Company employment, those items or materials are the property of the Company and remain its property. If there are any questions about this policy, contact Human Resources.

### **9.09 No Expectation of Privacy**

Computers, software, voicemail, cell phones, lockers, desks, etc., provided to employees for use in performance of their jobs, are the sole property of the Company.

As such, employees expressly waive any right of privacy in anything they create, store, send or receive using the Company's computers, phones or other equipment or resources. There is also no expectation of privacy related to the Company provided lockers, desks, mailboxes, etc. The Company has the right to monitor, search, investigate, and log any and all of its resources provided to employees.

## **9.10 Computer Security Awareness and Confidentiality**

Employees shall not, without prior written authorization from their senior manager or director level manager, acquire, use, access, copy, remove, modify, alter, or disclose to any third parties, any Company information for any purpose other than to perform duties required in the fulfillment of job responsibilities or in furtherance of expressly stated Company-sponsored activities, e.g., United Way. Refer to the Company intranet for the latest version of the Company's Acceptable Use Policy.

All software and data resident on all computers (e.g., mainframe, and personal computer), whether in production or being tested by the Company, are the sole and exclusive property of the Company.

Employees shall not install non-Company software onto any Company desktop or laptop computer. If any data is downloaded from bulletin boards or network services, it must be scanned by virus detection software immediately. Employees shall not run personal software on any Company-provided computer equipment. Under no circumstances shall employees duplicate Company-owned or licensed software for use on personal or non-Company-owned equipment without prior written authorization from their senior field operations manager or director. This includes externally purchased or internally developed software or applications. The prohibited copying of software may be illegal, as outlined in the software licensing agreement, and could result in fines and penalties to the Company and employees.

Employee passwords shall be protected from disclosure to any other individuals. Employees shall protect any Company-owned or provided personal computer to ensure that its data, software, and hardware are not misused. Each employee assumes responsibility for all activity performed with the use of his or her identification or password.

Should an employee gain knowledge of a breach in security of any kind, the employee shall immediately notify his or her supervisor or manager. Employees shall take all appropriate action, whether by instruction, agreement, or otherwise, to ensure the protection, confidentiality, and security of confidential information.

## **9.11 Email and Internet Use**

First Transit makes the Company email and Internet access systems available to certain employees for conducting official business. Using these systems is a privilege, not a right. The Company honors copyright, trademark, patent, trade-secret, and antiharassment laws in all information handling. Improper use carries civil and criminal penalties and is a violation of corporate policy that may result in disciplinary action.

Employees shall have no expectation of privacy and the Company reserves the right



to monitor and audit the operation of the email and Internet systems, to access and periodically review any or all of the records within them, and to retain or dispose of those records, as it deems necessary, without notice to the user. Anyone using any system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of illegal activity, First Transit may provide the evidence to law enforcement officials.

Unacceptable use of Company email and internet resources includes:

- Sexual harassment as well as other harassment due to race, sex, religion, color, age, national origin, marital status, sexual orientation, gender identification, veteran status, disability or other legally protected status.
- Libeling, slandering, using discriminatory language, or profanity.
- Uploading, downloading, displaying, or distributing offensive material.
- Divulging confidential information or corporate data.
- Use for any non-Company activities including: chain letters, personal commercial ventures, religious causes, political causes, advertising personal items for sale, jokes, and betting or gambling pools.
- Visiting internet sites that are pornographic, promote gambling, or transmit hate messages.
- Encrypting files using software not provided by the Company.
- Using another person's login and password for any reason.
- Downloading any program, software, wallpaper or screensaver.
- Downloading non-business music and videos.

The only time you should be visiting a blog or chat room at work is for legitimate business purposes. If you post to one of these sites using your First Transit contact information, you are representing First Transit. That means you must be careful to not disclose confidential information about the Company, employees, customers, etc.

## 9.12 Cell Phones and Wireless Internet

Personal cell phone use for personal reasons during business hours must be strictly limited. Cell phones issued by the Company to hourly employees are intended for use during business hours and for business purposes only and may not be used for text messaging. Employees out of town on business should use a Company cell phone for business calls and limited personal calls instead of a hotel phone. Cell phones and Blackberry-type units issued to Salaried Employees are intended for business use, recognizing that Salaried Employees will be privileged to use the Company issued unit for personal use within the limits of the phone service plan provided by the Company.

Cell phone use is prohibited (1) when driving on Company business and (2) while driving on Company owned or occupied property. All cell phones (and other cellular devices) must be powered off and stowed (placed out of sight or the phone may not be on one's body) while a driver is operating a company vehicle (passenger revenue/mass transit). It is not acceptable to have the cell phone powered on, even if in vibrate or silent mode. Cell phone calls should not be taken during any business meetings, unless an emergency condition exists. If so, the person should apologize and take the call elsewhere.

Although most cell phones now have the ability to take pictures and video and transmit them elsewhere, under no circumstances are cell phone cameras or videos permitted

to be used in Company locations, except for business purposes and with prior approval from the manager. Unauthorized actions under this rule could compromise legitimate Company business activities and violations may result in disciplinary action up to and including discharge.

The use of Wireless Internet technology, WiFi, to access Company email and other Company systems may be used with written approval.

### **9.13 Use of Cell Phones and other electronic devices While Driving**

Employees may not use any type of cell phone, cell phone accessories (including voice, image, and text messaging) and other distracting electronic devices while driving on Company business or Company owned or occupied property. The term "cell phone" includes, but is not limited to: cell and mobile phones, mobile or other electronic devices for personal communication, handheld or hands-free electronics devices, ear buds, blue tooth, voice recognition, etc. This is not to be confused with Company provided press-to-talk devices used in place of two-way radios.

The term "driving" is defined as being in control of a vehicle, even when the vehicle is stationary with the engine running, unless the vehicle is parked in a safe place with the gear selector in Neutral (for manual transmissions) or in Park (for automatic) with the parking brake firmly applied." Use of a cell phone, including having the cell phone not off and stowed while a driver is operating a passenger vehicle (revenue/mass transit), is strictly prohibited. Disciplinary action up to and including discharge may result.

### **9.14 Personnel Records**

Personnel records must be kept up to date. Any change in an employee's home address, telephone number, etc. must be reported to the manager. All personnel files are confidential. The only information that is revealed without employee permission, or as required by law, is dates of employment and job title.

Employees may review their personnel file by submitting a written request three days in advance of when they want to review their records, or in compliance with a CBA or State or local law. The manager or designee will be present and assist during the review of the file. Although employees may review their files, all original personnel and training records remain Company property.

### **9.15 Exit Interviews**

Exit interviews should be conducted with those who leave voluntarily or involuntarily and are also appropriate for those internally transferring. The interview may provide the employee with an opportunity to express his or her feelings concerning Company business matters, and may include general questions asking what the Company can do to make the particular position, department, or Company as a whole better for future employees.

## 9.16 References

Employees are prohibited from supplying any information in response to requests for references unless specifically authorized to do so by the HR Department. The Company's policy is to only furnish or verify an employee's name, employment dates and job title. No other information regarding a current or former employee will be provided unless the individual first provides written authorization. Employment and salary information for creditors, lenders, etc. must be obtained from the TALX System via The Work Number (1.800.367.2884).

## 9.17 Unemployment Compensation

Unemployment Compensation systems are State-controlled and administered in most States. The Company financially supports these systems. A third party administrator handles the claims. Any questions relating to Unemployment Compensation should be directed to the Payroll Department (1.513.419.3241).

## 9.18 Gifts

Employees are prohibited from soliciting or giving gifts, gratuities, or any other personal benefit or favor from or to suppliers, potential suppliers or customers. Employees may, however, give or accept gifts of nominal value, limited to \$20.00, or advertising and promotional materials clearly marked with Company or brand names. Employees should avoid any material financial interest in suppliers, competitors, or customers of the Company that could influence their decisions or actions. Employees with questions may contact the Ethics and Compliance Department by emailing [hotline@firstgroup.com](mailto:hotline@firstgroup.com) or by calling the **Ethics and Compliance Hotline 1.877.322.5534**.

## 9.19 Political Activity

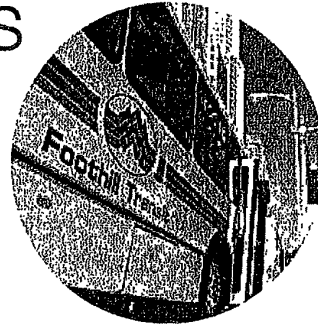
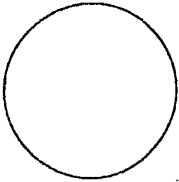
We encourage all employees to vote and be personally active in the political process. However, such activities should not occur while on duty. Polling place hours of operation vary by State and municipal jurisdiction. Most States provide absentee ballots. Employees are encouraged to vote before or after work or avail themselves of absentee ballots. Soliciting coworkers, while in the workplace, to support a specific candidate is not appropriate. All requests to the Company for political contributions or employee time should be directed to the Ethics and Compliance Department for appropriate consideration.

## 9.20 Use of Company Vehicles

Fleet cars or other vehicles, may be available at some Company locations. These may be used on an as-needed basis for Company business only if approved in advance by the appropriate location manager and the employee is properly licensed to drive. The employee is responsible for any traffic ticket or citation received while operating or in possession of a Company vehicle. Any related fines not promptly paid will be deducted from the employee's paycheck. Company cars are only to be driven by the assigned employee. An employee's spouse, children, or unauthorized coworkers are not permitted to drive the Company's vehicles.

## Section 10

# Operators and Safety Sensitive Employees



NOTE: All Sections of the Handbook apply to Operators and Safety Sensitive Employees. However, Section 10 is intended to focus attention on issues of special importance to this group.

First Transit provides essential services to our passengers. Many of our passengers rely solely on us for their transportation needs, giving them the ability to commute to work, receive vital health care services, attend medical appointments, and provide for many other basic human needs. First Transit and its employees take this responsibility very seriously and our employees are expected to act with integrity, professionalism and above all safety.

This Section addresses matters of significant importance to **Operators and Safety Sensitive Employees**. (In this Section they are collectively referred to as "Employees".) The term "Operator" includes all transit drivers whether or not they hold a Commercial Drivers License (CDL). Certain passenger vehicle Operators must qualify under Federal and State licensing standards and receive additional training. The following information is not intended to be all-inclusive of the operating standards you are expected to meet. Many standards and expectations are stated here in summary form extracted from the training and licensing Employees have received. As a trained professional, regardless of your specific position, you are expected to perform to those standards set by the Company and communicated during Company-provided training. Further, you are held to performance standards established by and relevant to your particular license, certification, or profession. Employees must have all required credentials, license, medical card, etc. in their possession at all times while on duty. If you have questions, it is your responsibility to seek further information from your manager.

Additional detailed information is contained in the **First Transit System Safety and Security Plan (SSSP)** available at each Company location and on the Company intranet.



## 10.01 Operating Procedures

Dispatch will assign a bus to each Operator prior to the time of pullout. Operators must use the vehicle assigned them unless there is a valid safety defect and the change is authorized by the Company.

The Operator must ensure that all passenger stops are made safely without incurring damage to the bus, or causing injury or discomfort to passengers or the general public.

When stopping, Operators must ensure that entrance and exit doors are positioned to assure the safety of passengers. Passenger doors are not to be activated until the bus has come to a complete stop. Passenger doors are not to be deactivated (and interlock released) until the Operator checks both outside mirrors and rear door mirror.

### Operator Responsibility to Maintain Schedules

Operators are responsible for maintaining their schedules strictly within posted traffic controls and road and traffic conditions. It is necessary to notify Dispatch immediately whenever the bus is behind schedule by five minutes or more unless local policy dictates a different amount of time. Intentional delay of schedule will result in disciplinary action. Every effort should be made to maintain speeds consistent with posted limits and road conditions between stops in order to operate smoothly and safely. Running ahead of schedule (i.e., running hot) is not acceptable.

Operators must be aware of and adhere to local protocols for transfer connections, breakdowns, marked bus zones, posted bus stops, and stopping in obstructed areas. They are also to be aware of rules concerning leaving a bus unattended at the end of the line, proper use of four-way flashers, railroad crossings, stopping for school buses, funeral processions, driving over fire hoses, and handling lost and found articles.

Animals are not permitted on buses except Seeing Eye dogs and service animals (See ADA Section 10.08).

## 10.02 Vehicle Accidents and Incidents

All accidents and collisions must be reported to Dispatch immediately upon occurrence. When reporting to Dispatch, the Operator must state that he or she is reporting an accident and then answer the questions asked by Dispatch. Further, accidents, possible claims of accidents, damage to equipment, injury and possible injury must be reported in writing on an Accident Report Form. A complete, accurate Accident Report Form must be submitted on the day of occurrence not later than one hour after completion of shift. Operators will be paid to complete an Accident Report Form. Employees who fail to report an accident may be subject to disciplinary action up to and including discharge.

Operators must provide transit supervisory personnel with any additional accident information immediately upon request. Operators must not make any statements about an accident to anyone except the police or Company officials.

Operators must use a Driver Vehicle Inspection Report (DVIR) to note any equipment defect that may have contributed to an accident. This information must also be reported on the Accident Report Form.

### **Reporting Incidents**

Incidents with passengers involving slips and falls on or near the vehicle, fights, police action, or removal of a passenger, must be reported to Dispatch immediately and require a written report to be completed before going off duty for the workday. All other incidents and occurrences out of the norm, no matter how slight, are to be reported to Dispatch upon return to the yard. If in doubt, err on the side of reporting it. The following are examples of incidents that must be reported: broken or cracked windows from unknown causes, cut seats, delays, passing up passengers, insufficient or excessive running time in schedule, overloads, etc.

### **Operators Witnessing an Accident**

Operators must complete an Incident Report when they witness an accident, even though their vehicle is not involved. The report must be submitted upon return to the yard before going off duty for the workday.

### **Required Courtesy Cards**

In the event of an accident or an incident, Operators must obtain as many Courtesy Cards as possible from passengers and persons in the immediate area of the accident or incident who may have witnessed the event. Operators must start with the passengers in the rear of the bus to obtain their names and politely request that the Courtesy Card be filled out. The Operator should say, "Would you please fill out this card? I am required to obtain these cards from all passengers who were on the bus at the time of the accident or incident." When Courtesy Cards are returned, they are to be carefully checked for legibility.

## **10.03 Vehicle Operation**

The key to safe operation of passenger vehicles is the proper maintenance and treatment of equipment including completion of DVIRs. Effective vehicle operation procedures will help Operators in the daily performance of their duties. Proper operation of the bus will provide the public with safe and reliable service.

A vehicle that is being operated "under control" is one that can be stopped safely, with normal application of the brakes, within one-half the distance to any point of danger. To drive a vehicle safely, the Operator must be able to control its speed and direction at all times. Further, the Operator of a vehicle "under control" will be using proper following distances, obeying posted and appropriate speed limits, exercising proper turn techniques, adjusting to weather conditions, obeying traffic signals, and being aware of intersections. The operation of a vehicle that is not "under control" will be considered "reckless operation" and may result in discharge for a first offense.

### **Vehicle Fire**

If the Operator becomes aware of smoke or fire in the vehicle, it must be immediately driven safely to the side of the road, engine shut off, and passengers evacuated. Dispatch must then be contacted for instructions.

### **Emergency Buzzer or Warning Lights**

If an emergency buzzer sounds or a warning light is activated the bus is to be driven immediately and safely to the side of the road. The engine must be shut off. The Operator is then to immediately advise Dispatch of the trouble and wait for instructions.

### **Vehicle Inspection Before Departing End of Line Locations**

At the end of each line, Operators are required to perform internal and external walk-through inspections and examine their buses for passengers who are asleep, lost articles, trash, damage to equipment, low tires, proper lights, correct head and side signs, and other functions necessary to complete the post-trip inspection before departing end of line locations. At this time, Operators must also check the bus for additional damage, including graffiti. If any problem or damage is found, it must be reported to Dispatch on the DVIR. Serious problems must be reported to Dispatch by radio or phone as soon as possible. Give Dispatch an estimated time and location where the damage occurred.

### **10.04 Passenger Relations**

All of our passengers are our valued customers. Providing safe transportation services to them is the reason we are in business. The policy of First Transit is to treat our passengers and the general public with dignity and respect. The relationship between First Transit employees and passengers must be strictly professional at all times. All interaction with passengers must be free from personal relationships, conversations, or conduct that could be construed as harassment, abuse, or otherwise inappropriate.

Prohibited conduct that may result in discipline, up to and including discharge, includes but is not limited to:

- Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
- Threats, abuse, coercion, or intimidation of any nature.
- Use of profane, abusive, or insulting language.
- Accepting any gift over \$20.00 value.
- Accepting or offering any invitations, or favors of any kind.
- Discussing your personal life or a passenger's personal life.
- Meeting or dating a passenger for personal reasons on or off duty.

Customer complaints are reviewed to determine validity. When the investigation reveals that a complaint is valid, appropriate action will be taken.

State and federal regulations prohibit the operation of transit buses when passengers are forward of the white or yellow line. For the safety of our passengers, all Operators must enforce this regulation.

Additional rules to provide for the comfort of our passengers include: prohibition of smoking on buses, no eating or drinking on buses, no playing loud radios or other audio or video devices, and no loud or disruptive behavior by passengers. Operators are expected to enforce these rules or to seek assistance via Dispatch if passengers do not comply.

### **10.05 Farebox Responsibilities and Procedures**

Operators will be held responsible for the proper use of the farebox including deposit by passengers of the proper fare per the training provided by the Company. The Operator must ensure that proper fare media are placed in the appropriate section of the farebox.

The only fare media accepted are US coins, dollar bills, and approved tokens, and, in certain areas, transfers, tickets, and electronic fare media.

Special Fares may be in effect for students, elderly patrons, persons with disabilities, uniformed safety or police officers, and very young children. These fares may require a special ID card. Operators are responsible to confirm the proper ID and contact Dispatch if an issue is unresolved. When a passenger pays a special fare the Operator must press the appropriate key on the farebox keypad, unless the electronic farebox recognizes the special fare, or record the fare in the appropriate section if a manual fare recording system is in use. The Operator must clear the farebox at the end of each line or trip and before going out of service.

The information collected from the fareboxes, or on ridership tracking forms, is used in a number of reports. It must be collected with as much consistency and accuracy as possible. The Operator must input all pertinent information into the farebox, or on the forms, before pull out to ensure that passengers are counted properly.

#### **Farebox Problems**

Dispatch is to be notified immediately of any farebox problem that cannot be cleared by the operator that might inhibit the proper collection of fares. Also, farebox defects must be reported on a DVIR.

#### **Tampering With the Farebox**

Any form of tampering with the farebox is strictly prohibited.

#### **Paying Exact Fare**

Passengers are required to personally deposit the exact fare in the locked farebox, including any applicable transfer charge. An Operator is permitted to make a hand deposit for a disabled passenger unable to deposit his or her own fare.

### **10.06 Radio Communications**

A radio communication system has been installed in many vehicles to provide ongoing communication between Operators and Dispatch to maintain reliable service and to respond quickly in emergency situations. If a vehicle is so equipped, Operators must be knowledgeable of the material in the SSSP and follow instructions on the use of the radios. Radio use must be kept to a minimum and used only for specific business related or emergency communications. Operators who need to communicate with Dispatch for non-business purposes should use an alternate form of communication.

All radio communication systems are under the jurisdiction of, and regulated by, the Federal Communications Commission (FCC). Certain standards of operation are required by federal law.

### **10.07 Appearance and Uniforms**

In addition to Section 9.06, Operators have specific uniform and appearance expectations they must meet. Employees must look neat and clean when reporting for duty. Wearing apparel is to be clean and pressed and shoes are to be presentable.

(shined as appropriate). Hair must be neat and clean. Any facial hair must be neat, trimmed and not interfere with sight or peripheral vision. Sunglasses may not be worn indoors and only be worn as needed for safe vehicle operations in appropriate outdoor settings.

If applicable to the employee's job, the prescribed local uniform must be worn when on duty. Personal Protective Equipment (PPE) must always be used when and where appropriate. Reflective safety vests, or Company-issued high visibility uniform shirts, are to be worn by all employees while they are pedestrians in the bus yard. Vests are to be worn while outside a vehicle on public streets or a Transit Center while performing various responsibilities (e.g., putting out reflective triangles, assisting passenger loading, driver exchange, and foot traffic to break or rest areas).

Exceptions to the required uniform, options or accessories may be authorized at the discretion of the manager.

### **10.08 Americans with Disabilities Act (ADA)**

First Transit is committed to providing the highest level of transportation service to the public and our clients. To ensure that individuals with disabilities are afforded the same quality service, First Transit supports the ADA. The ADA provides guarantees in many areas, one of which is public transportation. Under the ADA public transit companies and their employees are required to follow specific guidelines. The guidelines below must be followed:

1. Operators provide the same service to customers with disabilities as they provide to their able-bodied customers. There can be no difference in the service provided.
2. Operators cannot require a person with a disability to travel with an attendant. A customer with a disability is allowed to have only one Personal Care Attendant (PCA). In the case of a full vehicle, if only one more person would be allowed to board, the disabled customer must be given the opportunity to ride, even if this means that the PCA would be left behind because there is not enough room for them to ride. In all cases, the person specified by the disabled person as his or her PCA, must get on the vehicle at the same location as the disabled person and they must have the identical destination as the disabled person. No fare is charged for the PCA.
3. Operators shall not require individuals with disabilities to use designated priority seating if the person does not choose to do so.
4. Wheelchair lifts and ramps must be cycled every day and records maintained. During the pretrip inspection of the vehicle, if all of the required straps and devices are not on board, the operator must contact Dispatch for assistance before pulling from the yard. Operators must report defects and lift failures to Dispatch by the most immediate means available (e.g., radio or telephone).
5. Whenever a customer with a disability must be delayed in their travel due to



failure of the lift (or for any other reason), the Operator must report the situation at once to Dispatch. In all cases, when a disabled person must be "left behind" at a stop for any reason, Dispatch must be notified immediately. Alternate transportation must be provided to the disabled customer if the delay will exceed more than 30 minutes.

6. Operators are required to use all securement devices provided by the manufacturer (including straps, harnesses, clamps, etc.) as they were intended to be used. Customers in wheelchairs must allow the operator to secure the wheelchair or service may be denied. Operators must make every attempt to secure the wheelchair (or other mobility device) to the best of their ability. An operator can not deny service to the customer because the wheelchair cannot be secured.
7. Operators may recommend that customers transfer from their three or four wheel mobility devices (such as tricycle type wheelchairs) to regular fixed seating in the vehicle. However, the Operator cannot require a disabled customer to move. If the customer chooses to move to fixed seating, the Operator must assist with making the move and the mobility device must be completely secured with tie-downs.
8. Operators are required to provide assistance to the disabled customer by using the securement devices, repositioning the person's wheelchair, storing a person's walker or crutches, moving to a fixed seat, etc.
9. Operators must permit customers, if requested, to use the lift or ramp to board and alight from the vehicle whether or not they use a wheelchair. For example, a customer using a walker or a customer with arthritis may find it impossible to negotiate the steps of the vehicle when boarding and alighting. Any customers must be given the opportunity to use the lift, if they request it.
10. Customers in wheelchairs may ride up and down on the lift while facing toward or away from the side of the vehicle. Operators may recommend to wheelchair users that they should "back" onto the lift and ride up or down facing away from the side of the vehicle; however, the decision to drive forward or backward onto the lift rests ultimately with the customer in a wheelchair. Consideration should be given to the manufacturer's recommendations which have to do with balance and the center of gravity of the individual in the wheelchair.
11. The seatbelts and shoulder harness straps must be provided for all customers in wheelchairs. Operators must request customers in wheelchairs to utilize these restraints. The proper use and condition of belts and straps rests with the operator of the vehicle. Transportation cannot be denied if restraints are missing or inoperative.
12. Operators must announce stop and transfer points on fixed routes. Also, operators are required to announce stops upon the request of a customer with a disability. This action is designed to assist sight-impaired individuals. Operators must announce – outside of the bus – their route number at transfer points and bus stops serviced by other routes to assist sight-impaired customers who find it hard to read a bus destination sign. If a PA system is available Operators are

also to announce major intersections, time points, and major destinations. An automated system may be utilized by Operators for these announcements.

13. Operators are required to use all accessibility-related features provided by the manufacturer of the vehicle; for example, lifts, securement straps, PA systems, annunciators, etc.
14. Customers with disabilities who have respiratory conditions that require the use of an oxygen bottle or tank must be allowed to bring the tank or bottle on board, provided that the tank or bottle can be secured.
15. Operators must allow a disabled customer the necessary time it takes to board or alight from the vehicle, without comment.
16. Operators of Public transport systems must attend training that includes understanding of and sensitivity to the needs of customers with disabilities. Operators must be knowledgeable about a variety of disabilities and must be trained to proficiency.
17. Operators must permit service animals to board the vehicle with a customer with a disability. The term "service animal" means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
18. Operators must allow customers with disabilities to use all stops that are open to all customers (even if it conflicts with the operator's own best judgment). However, if there is construction or other temporary obstacles at the stop, the Operator may choose an alternative stop.
19. Whenever there is room on board, a person using a wheelchair must be allowed to board. This often means that an Operator will have to ask customers seated in the securement area to move so that the wheelchair can be secured.
20. Priority seating areas and wheelchair securement areas must be labeled. Therefore, it is the responsibility of the Operator to report missing or damaged signs or labels on the vehicle or equipment defect sheet so that they can be replaced or repaired promptly.
21. Customers in wheelchairs must be able to reach the signal for the "next stop" buzzer or bell. Also, customers in wheelchairs must be able to see the visual sign which tells them that the "next stop" has been requested. Operators may still ask customers using wheelchairs where they want to alight (as a safety measure and for convenience of the disabled customer).

## 10.09 Attendance Policy for Operators

Regular on-time attendance is critical for Operators. An Operator is on time if he or

she reports no later than 59 seconds past his or her report time. Failure to report on time may result in the employee losing his or her assignment for that day and may be assigned to any other available work.

#### **Required Notification of Absence**

Operators must notify their manager at least two hours before their sign-on time to advise of his or her absence. Notification time may vary and be set by the location. Failure to follow this procedure will result in the employee being charged with an attendance occurrence.

NOTE: First Transit reserves the right to develop more stringent attendance standards for employees who have reoccurring problems with attendance.

#### **Exchange of Duty**

Employees may not exchange or trade duties or assignments without written authorization from a manager.

#### **Returning From an Unscheduled Absence**

Operators returning from an unscheduled absence must notify their manager in person or by telephone before 2:00 PM the day before resuming duty to assure an available shift. Report-in time may vary and be set by the location. Employees who fail to inform their manager of their return to duty date may not be allowed to work, if their schedule has been reassigned.

### **10.10 Required Notifications**

Employees are required to notify their manager of any of the following events within the time frame stated. Failure to do so will subject the employee to disciplinary action up to and including discharge. (See also 7.03 and 11.01 for additional information.)

#### **Alcohol-Related Traffic Citation or Arrest**

If an employee is arrested and formally charged with Driving While Intoxicated (DWI) or Driving Under the Influence (DUI), or is found to have excessive blood alcohol content (0.02 BAC or higher), the employee must provide notification of the event to the Company prior to the employee's next work shift. If the situation stems from an on-the-job occurrence the employee must report the situation to his or her manager immediately.

An Operator or Safety Sensitive Employee formally charged with any driving violation relating to drugs or alcohol will be placed on administrative suspension without pay until the case is resolved. A conviction (for purposes of this procedure, includes a finding of guilty by a judge or jury, a plea of *nolo contendere*, no contest, or plea of guilty) will result in discharge for a first occurrence. If the matter is reduced with no finding of guilt, the Company will evaluate the matter at the time.

#### **Moving Violations**

Employees have a duty to report to management all traffic citations and convictions (except parking violations) received before the start of the next work shift. Citations received while driving a Company vehicle must be reported immediately.

The Federal Motor Carrier Safety Regulations (FMCSR), Sections 49 CFR 383.31 (a), (b), (c), and 383.33, specify notifications. (NOTE: First Transit rules are highlighted in **bold type**.)

- You must notify your employer if your license is suspended, revoked, or canceled or if you are disqualified from operating a CMV. Do this before the end of the business day following the day you receive notice of the action. **First Transit requires notification before your next work shift.**
- You must notify your employer of all traffic convictions. This includes those in your private automobile as well as a commercial vehicle. Notification must be in writing within thirty days of the conviction. **First Transit requires notification of all citations and convictions before your next work shift.**
- Under CDL requirements you must notify your State's Department of License or Department of Motor Vehicles of all out-of-State traffic convictions. Notification must be in writing within 30 days of the conviction. **First Transit requires notification of all citations and convictions before your next work shift.**

The FMCSR in Section 49 CFR 383.51 defines the types of Moving Violations that may jeopardize an employee's CDL. The first classification is "**Major Offenses**" while operating a CMV or non-CMV that result in a one-year or lifetime disqualification from CDL driving. **For First Transit, an employee with one of these offenses will be discharged.** These include:

- Being under the influence of alcohol as prescribed by State law.
- Being under the influence of a controlled substance.
- Having a blood alcohol concentration of 0.04 BAC or greater while operating a CMV.
- Refusing to take a drug or alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in the FMCSR. (Section 1.02 defines refusals)
- Leaving the scene of an accident.
- Using the vehicle to commit a felony, other than a felony described in the last bullet below.
- Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.
- Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.
- Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance (lifetime disqualification).

The FMCSR further defines "**Serious Traffic Violations**" (while operating a CMV or while operating a non-CMV if the conviction results in the revocation, cancellation, or suspension of the holder's license or non-CMV driving privileges) that, for the second violation of any combination of offenses listed below within a three-year period, will result in disqualification from CDL driving for 60 days. **First Transit issues a Final Written Warning for the first violation and Discharge for the second violation.**

These include:

- Speeding excessively, involving any speed of 15 miles per hour or more above the posted speed limit.
- Driving recklessly, as defined by State or local law or regulation including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property.
- Making improper or erratic traffic lane changes.
- Following the vehicle ahead too closely.
- Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident.
- Driving a CMV without obtaining a CDL.
- Driving a CMV without a CDL in the driver's possession.
- Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

The FMCSR does not specifically address other lesser levels of moving violations. However, in order to maintain the highest standards of safety for our passengers, our employees, and the general public, First Transit holds its employees accountable for all moving violations, including those defined by the FMCSR as "Major" and "Serious." (NOTE: A more comprehensive list of infractions for all employees is in Section 11.)

### 10.11 Discipline for Traffic Violations and Preventable Accidents

NOTE: Any combination of the violations below that qualifies as "two in 12-months" or "three in 36-months" will result in the appropriate discipline level. For example, one moving violation and one preventable within a rolling 12-month period would result in discharge, or two moving violations and one preventable within 36 months will result in discharge. Moving violations that occurred prior to the employee's employment date are not exempt from this policy.

#### Major Offenses

One violation

#### Action

Discharge

#### Serious Violations

One violation

#### Action

Written warning

Two violations within any 36-month period

Discharge

#### Moving Violations

One violation

#### Action

Written warning

Two violations within any 36-month period

Three-day Suspension

Three violations within any 36-month period

Discharge

Two violations within any 12-month period

Discharge



**Preventable Vehicle Accidents****Action**

One preventable accident

Written warning

Two preventable accidents within  
any 36-month period.

Five-day Suspension

Three preventable accidents within  
any 36-month period

Discharge

Two preventable accidents within  
any 12-month period

Discharge

**Accidents**

Any collision that occurs while an Operator is on duty must be reported and will be investigated by Safety to determine preventability or non-preventability. The goal of the investigation is to improve safety and prevent future collisions. Preventability decisions may be appealed to the location's Accident Review Committee (see Section 7.07).

Safety violations that are "more serious" may be cause for discharge for the first occurrence. Some examples include:

- Rollaway vehicle due to failure to properly secure a vehicle.
- Rear-end collision.
- Failure to properly secure wheelchairs or other mobility devices.
- Striking a Pedestrian.
- Hitting an object or another vehicle when moving a vehicle in reverse. On the street the operator must first call in before backing; if at a Company location the operator must "get out and look" (GOAL) and seek assistance as appropriate.
- Running a red light or stop sign, or entering a railroad crossing when the lights are flashing or the crossing arm is down or descending.
- Failure to perform proper lock out/tag out procedures, or ignoring or removing a lock, tag, or signage without specific authorization.
- Cell phone use while operating a passenger vehicle.
- Smoking in hazardous areas.
- Violation of any safety rule or practice, or violation of operating rule or procedures that could put an employee or others in imminent danger or could result in bodily injury or damage to Company property.

## Section 11

# Performance Code – Unacceptable Behaviors



### 11.01 Class 1 Infractions – Dischargeable Offenses

Employees are expected to conform to common and accepted standards of behavior and performance, as well as written rules. However, this Handbook is not intended to provide rigid discipline guidelines on management or the employee when discipline is warranted. The employee's record and the seriousness of the violation are also factors in the penalty assessed. Listed below are some of the Most Serious Offenses and Unacceptable Behaviors that will result in disciplinary action including discharge for the first offense. This list is not all-inclusive, and may change at any time. Expectations and infractions for Operators and Safety Sensitive employees are discussed in more detail in Sections 10.10 and 10.11. If employees have any questions regarding Company policies or procedures they should speak to their manager.

#### **Convictions and Imprisonment** – Conviction of:

- Any felony.
- Offense where the employee is sentenced to a term of imprisonment or correctional detention.
- DUI or DWI.
- Other criminal convictions (felony or misdemeanor) involving child abuse, neglect or endangerment; related in any way to possession, manufacture, cultivation, use or distribution of illegal substances; allowing Company locations to be used for the purpose of the commission of these offenses or having unlawful possession of associated paraphernalia; unlawful use or possession of any offensive weapon or other article capable of being converted to or used as such a weapon; act of violence against the person or serious criminal damage to property; any false report of a crime or incident; the obstruction of justice or assisting an offender to evade arrest or prosecution; the provision of false information, the assumption of a false identity or other false representation; any

offense of a sexual or indecent nature including the unlawful possession of publications and images, the downloading of such images or the managing and accessing of any website containing unlawful sexual content; and any offense involving the unlicensed possession of, alteration to, sale or disposal of any firearm.

Conspiracy or incitement to commit the above offenses will be processed as per the full offense. Attempts to commit the above offenses will be processed as per the full offense. Suspended prison sentences will be treated as a sentence of imprisonment.

**Safety** – Some safety violations are of such a serious nature that discharge is appropriate for the first offense. Some examples include:

- Rollaway vehicles due to failure to properly secure a vehicle.
- Rear-end collision.
- Failure to properly secure wheelchairs or other mobility devices.
- Striking a Pedestrian.
- Hitting an object or another vehicle when moving a vehicle in reverse. On the street the operator must first call in before backing; if at a Company location the operator must "get out and look" (GOAL) and seek assistance as appropriate.
- Running a red light or stop sign, or entering a railroad crossing when the lights are flashing or the crossing arm is down or descending.
- Failure to perform proper lock out/tag out procedures, or ignoring or removing a lock, tag, or signage without specific authorization.
- Cell phone use while operating a Company vehicle.
- Smoking in hazardous areas.
- Violation of any safety rule or practice, or violation of operating rule or procedures that could put an employee or others in imminent danger or could result in bodily injury or damage to Company property.

#### **Drugs and Alcohol**

- Any violation of the First Transit Drug & Alcohol Policy.
- Possession, consumption, distribution, purchase, or sale of alcohol or controlled substances, or drug paraphernalia while at a Company location or in a Company vehicle, while on duty, or while representing the Company.
- Use of alcohol or controlled substances, absent a valid prescription, while at a Company location, in a Company vehicle, while on duty, or while representing the Company.
- Entering Company property or working on behalf of First Transit while under the influence of either drugs or alcohol.
- Refusal to take a drug or alcohol test. (See Section 1.02 for a description of items considered Refusals.)

#### **Dishonesty**

- Falsification of any records, such as employment applications, medical forms, workers' compensation claims, work orders, parts requests, or giving false testimony or witness.
- Falsification of time card or time record; punching or recording another employee's time card or record; permitting another employee to punch one's own time card or record one's time on a time sheet, or in any way tampering with your own or another person's time card or time record.

- Moonlighting or working at another job, without permission, while on leave of absence from the Company or that adversely impacts Hours of Service regulations.

#### **Stealing / Theft**

- Stealing from the Company, other employees, passengers or customers, regardless of the amount.
- Unauthorized removal of property of the Company, client, another employee or customer without permission.
- Failure to account for Company or system funds that may come into an employee's possession.
- Obtaining fuel, parts, maintenance, or repairs for employee vehicles from any Company operating location or its employees while those employees are on duty.
- Conducting activities not related to work during work time, or using Company property for activities not related to work anytime.

#### **Unauthorized use or removal of Company / Client Property or Vehicle**

- Misuse of Company or client property or unauthorized removal of Company or client records, documents, equipment, communication systems, tools, supplies, or confidential information of any nature.
- Failure to comply with email, Internet use, virus protection, data security and software or license compliance.
- Unauthorized use of any Company vehicle.

#### **Violence / Fighting / Threats**

- Possession of weapons, firearms, or explosives at a Company location or in a Company vehicle.
- Terrorist threats or acts of terrorism against the Company, client, passengers, other employees or the general public.
- Fighting, violence, threats, harassment, intimidation, horseplay, and other disruptive behavior in the workplace including oral or written statements, gestures, or expressions that convey a direct or indirect threat of physical or emotional harm.

#### **Harassment**

- Sexual Harassment, as well as oral or written expressions, or physical or psychological harassment due to race, color, religion, sex, national origin, disability, age, sexual orientation, gender identification, or any other protected characteristic under State or Federal law or Company policy.
- Sexual or other unlawful or unwelcome advances.

#### **Insubordination**

- Insubordination including improper conduct toward a supervisor or manager or refusal or failure to perform any job or work assignment given by a supervisor or manager.
- Refusing to work split shifts, split weeks, or overtime without reasons acceptable to the manager.
- Instigating, counseling others or taking part in an unlawful work stoppage or slowdown.

### **Security**

- Violation of Company security procedures.
- Giving your Company ID, pass, badge or other Company identification to another person or using another person's Company ID, pass, badge or other Company identification to enter Company locations or restricted areas.

### **Duty to Report**

- Failure to immediately report by radio or telephone any accident, incident, or unsafe act, no matter how slight, that may, or may not have, resulted in property damage or bodily injury, incurred while driving a Company vehicle.
- Failure to immediately report any charge, arrest, indictment, or conviction for any felony or any sexually-related offense.
- Failure to immediately report any citation or conviction of a moving traffic violation incurred while driving a Company vehicle.
- Failure to immediately report any citation or conviction of driving under the influence (DUI or DWI), reckless driving, or hit-and-run driving whether on or off the job, in any and all vehicles.
- Failure to report, before the next work shift, any moving traffic violations, or citations received for accidents, in any and all vehicles.
- Failure to immediately report any incident in which the employee is involved, either on-duty or off-duty, that may affect the employee's license or fitness to perform Company duties and responsibilities. (If off duty, before the next work shift.)
- Failure to report any charge, arrest, indictment, incarceration, or conviction for any felony or misdemeanor, or sexually-related offense.

### **Illegal, Immoral, or Indecent Behavior**

- Illegal, Immoral, or Indecent conduct on or off the job.
- Relieving the "call of nature" on or near Company property or equipment, or in any public place other than a restroom.

### **Sleeping on the Job**

- Sleeping, dozing, or giving the appearance of sleeping, during on-duty work time.

### **Destruction of Property**

- Damage or destruction of Company assets, Company property (especially computers), client, or another employee's personal property.

### **Disloyalty**

- Making false, vicious, or malicious statements concerning the Company or its services, a client, or another employee.
- Participation in outside activities that are detrimental to the Company's image or reputation, or where a conflict of interest exists.
- Conducting oneself during non-working hours in such a manner that the conduct would be detrimental to the interest or reputation of the Company.



**Violation of Confidentiality or Privacy**

- Unauthorized disclosure of business secrets or confidential information.

**Failure to Report Back (without notification)**

- Failure to return to work on the date scheduled for return to work from a leave of absence.

**Leaving Bus or Passengers**

- Leaving a bus unattended and unsecured.
- Leaving a bus unattended with a passenger.
- Leaving a mobility-impaired or limited-capacity (physical or mental) passenger at a destination unattended.

**Failure to Follow Sleeping Child Rules**

- Leaving a bus with a sleeping child on board.

**11.02 Class 2 Infractions**

These infractions are considered serious violations of the First Transit performance code. Almost without exception, they are willful occurrences or incidents under complete control of the employee. Engaging in any of the conduct or activity below will subject an employee to suspension and final warning for the first offense in a rolling 12-month period. Two safety-related violations in 12 months or three in 36 months will result in discharge.

**Reporting for Duty / Absenteeism**

- Reporting sick under false or questionable circumstances.
- Exchanging work assignments (trade) without proper authority.
- Failure to remain at assigned duty until properly relieved or excused.
- Excessive absenteeism, tardiness, starting work late after on the clock, or a pattern of unexcused absences.
- Reporting for work in an unfit condition.
- Leaving the job or regular workplace during work hours for any reason without authorization or notification. Operators in service must contact Dispatch to arrange for nonscheduled breaks.

**Personal Conduct**

- Discourteous or inappropriate attitude or behavior to passengers, other employees, or members of the public. Disorderly conduct during working hours.
- Profane or abusive language where the language used is uncivil, insulting, contemptuous, vicious, or malicious.
- Gambling in the workplace.

**Personal Protective Equipment (PPE) and High Visibility Apparel**

- Failure to comply with the PPE directives.
- Failure to wear a High Visibility Safety Vest, Reflective Safety Vest, or Company issued High Visibility Uniform Shirt according to Company rules.

**Work Rules / Insubordination**

- Violation of vehicle operating regulations.
- Failure to observe safety, sanitation, or disciplinary policies of the client or Company, or laws and regulations of local, State, or federal governments.
- Failure to comply with the Company's Risk Assessment policy.
- Working in excess of an employee's regularly scheduled hours without advance approval of the Company.
- Failure to operate a Company vehicle according to assigned route or timetable
- Failure to work as directed.
- Failure of any Operator, Safety Sensitive Employee or employee required to be licensed for driving, to renew and maintain a valid, appropriate driver's license with required endorsements and a medical certificate for driving a Company vehicle.
- Using personal equipment to photograph or tape record passengers.
- Improper use of Company or client telephones, computers or other equipment.
- Failure to wait for connections or passing up passengers.

**Security**

- Being present at a Company location while not performing authorized services or without express permission.
- Attempting to enter, entering or assisting any person to enter or attempt to enter a Company location or restricted areas without proper authority.

**11.03 Class 3 Infractions**

These infractions are considered secondary violations of the First Transit performance code. An intelligent and conscientious observance of all rules and regulations is necessary to deserve and maintain the support of the public and build a good record. Although these occurrences or incidents are under control of the employee, the first offense in a rolling 12-month period may result in a written warning, the second a final warning and a third offense may lead to discharge. For safety violations, a rolling 36-month period is used.

**Noncompliance with Information Reporting Policies**

- Failure to report defective equipment.
- Failure to report a safety hazard.
- Failure to submit an accident report by the end of the shift.
- Failure to procure necessary information for the report or submitting an inaccurate or incomplete accident report.

**Selling Goods or Services, and Soliciting and Distribution of Literature**

- Selling or offering for sale any goods or services to other employees, patrons, or visitors to a Company location or Company vehicle, except on the authorized bulletin board in the employee lounge area.
- Soliciting other employees for any purpose or distributing literature to them while you are on duty and working. During nonworking time employees may not solicit other employees who are working or distribute literature to them. Distribution of material in work areas is prohibited at all times.



- Posting, circulating or distributing written or printed material without authorization from the manager.

#### **Work Rules**

- Failure to adhere to the Company Reverse Parking policy for Company vehicles and personal vehicles.
- Use of a Company-owned radio or cell phone for non-Company business.
- Smoking or using smokeless tobacco while riding in or driving a Company vehicle, or outside the designated smoking area.
- Failure of any Operator to have in his or her possession a valid, appropriate driver's license with required endorsements and a medical certificate while driving a Company vehicle.
- Failure to give satisfactory information to passengers.

### **11.04 Class 4 Infractions**

These infractions are considered lesser violations of the First Transit performance code that may result in disciplinary action depending on the circumstances or repeated violations. The first and second offense in a rolling 12-month period may result in a written warning, the third a final warning and a fourth offense may lead to discharge. For safety violations, a rolling 36-month period is used.

#### **Uniforms and Personal Appearance**

- Failure to comply with the dress code, uniform policy, cleanliness, personal hygiene, personal grooming habits, or other requirements established by the client or Company.
- Reporting for duty in an improper uniform, presenting an untidy, unkept or dirty appearance of person or uniform, or improperly displaying uniform articles, Company emblem, or authorized pins and badges.

#### **Work Rules and Employee Performance**

- Parking a personal vehicle in a restricted area at a Company location.
- Neglect of job duties and responsibilities, or lack of application or effort on the job.
- Poor work habits including loafing, wasting time, loitering, or excessive visiting.
- Incompetence or failure to meet reasonable standards of efficiency or effectiveness.

#### **Administrative**

- Failure to provide First Transit with a current address or telephone number.
- Failure to inform First Transit of changes in status of dependents for insurance coverage.
- Littering the employee lounge area or restrooms.
- Failure to read notices and bulletins and not making an effort to stay informed.

### **11.05 Disciplinary Actions and Personal Conduct**

Whenever an employee is subject to discipline, the employee's work record, including violations occurring in the relevant time period, is reviewed before determining penalty.

Penalties for violations of multiple rules of the same class, occurring during the same time period, will be addressed at the discretion of management.

#### Equivalencies for Same Class of Infraction

Class of Infraction	Discharge	Suspension	Written Warning
1	1st Offense	-----	-----
2	2nd Offense*	1st Offense	-----
3	3rd Offense*	2nd Offense*	1st Offense
4	4th Offense*	3rd Offense*	1st & 2nd Offense*

\*Within 12 months of first offense, 36 months for safety

#### Multiple Written Warnings or Suspensions

The previous section relates to repeated occurrences of the same class of infractions. This section outlines appropriate discipline when an employee receives a multiple number of written warnings or suspensions for different classes of infractions.

- Written Warning
  - o Third written warning within 12 months – An infraction that would result in a third written warning within 12 months will result in a suspension from work and a final written warning.
  - o Fourth written warning within 12 months – An infraction that would result in a fourth written warning within 12 months will be cause to discharge the employee.
- Suspensions
  - o Second suspension – An employee receiving a second suspension within 12 months for different infractions will receive a final written warning stating that future suspensions, for any reason, will be cause to discharge the employee.
  - o Third suspension – A third suspension within 12 months for different infractions issued to an employee will be cause to discharge the employee.



## First Aid

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# Stroke Warning Signs

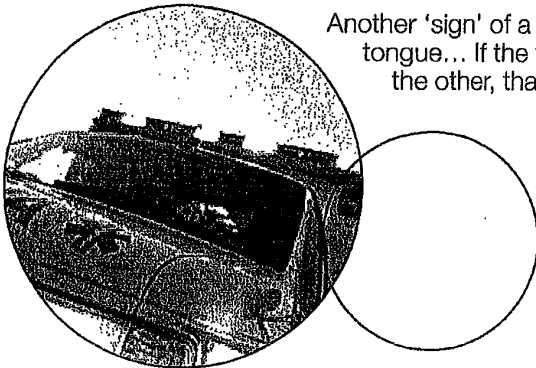
The American Stroke Association says these are the warning signs of Stroke:

- Sudden numbness or weakness of the face, arm or leg, especially on one side of the body.
- Sudden confusion, trouble speaking or understanding.
- Sudden trouble seeing in one or both eyes.
- Sudden trouble walking, dizziness, loss of balance or coordination.
- Sudden, severe headache with no known cause.

A stroke victim may suffer severe brain damage if not quickly recognized and treated. Neurologists may be able to reverse the effects of a stroke if the person can get medical care within three hours.

A stroke may be recognized by asking three simple questions:

- **S** – Ask the individual to **SMILE**.
- **T** – Ask the person to **TALK**, to **SPEAK A SIMPLE SENTENCE**.  
(Coherently: "It is sunny out today.")
- **R** – Ask the individual to **RAISE BOTH ARMS**.



Another 'sign' of a stroke: Ask the person to stick out their tongue... If the tongue is crooked, if it goes to one side or the other, that is also an indication of a stroke.

**If you see or have any of the listed symptoms, immediately  
call 9-1-1**

**and describe the symptoms to the dispatcher.**

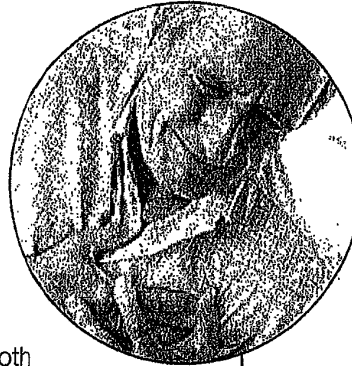
## First Aid

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# Heart Attack Warning Signs

Signs, per the American Heart Association, that can mean a heart attack is happening:

- **Chest Discomfort.** Most heart attacks involve discomfort in the center of the chest that lasts more than a few minutes, or that goes away and comes back. It can feel like uncomfortable pressure, squeezing, fullness or pain.
- **Discomfort in other areas of the upper body.** Symptoms can include pain or discomfort in one or both arms, the back, neck, jaw or stomach.
- **Shortness of breath** with or without chest discomfort.
- **Other signs** may include breaking out in a cold sweat, nausea or lightheadedness.



**If you see or have any of the listed symptoms, immediately call 9-1-1**

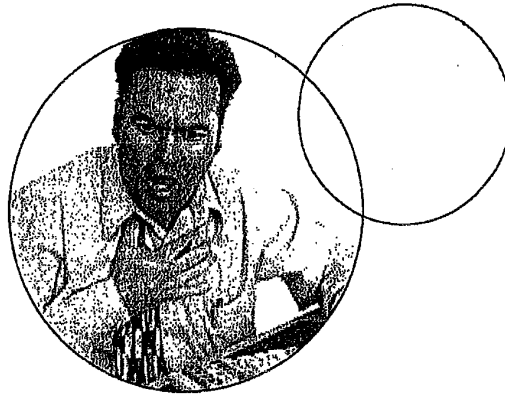
**After you call 9-1-1** it may also be beneficial to give the person aspirin, or take it yourself if you are experiencing the symptoms.

In any case seek immediate help!

## First Aid

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# Choking



**Choking can become serious if you don't act quickly, and knowing what to do is vital.** Most choking involves food that falls to the back of the throat resulting in a muscular spasm (gagging). This results in the person trying to cough and breathe.

If the airway becomes blocked by a large piece of food or some other object, the person will find it difficult to speak or breathe.

### How to treat choking:

- Start by encouraging the person to cough. Do this in a reassuring manner and try not to panic.
- If this doesn't work, get the person to lean forward, support their chest with one hand and with the other, give them up to five blows on the back, between the shoulder blades. It's important that these blows are quite firm because you're attempting to create a vibration in the chest, which will hopefully move the object. Some people are concerned about hurting the person but the risk of doing this is very slim. Back blows sometimes don't work is because they have not been delivered with enough force.
- After you have given the five back blows, check inside the mouth in case the object has come up into the mouth and you haven't noticed or the person has not been able to tell you.
- If the five back blows don't work, try a procedure known as the abdominal thrust or Heimlich maneuver.

### How to do abdominal thrusts (Heimlich maneuver):

- Stand behind the person who is choking.
- Put your arms around their stomach.
- Make a fist and grab your fist with your other hand.
- Position the fist on the abdomen, just above the navel.
- Pull inward and upward up to five times.
- Again check in the mouth to see if the object has become dislodged.

**If the obstruction does not clear after three cycles  
of back blows and abdominal thrusts,  
call 9-1-1**

**If at any stage the person becomes unconscious, you must start CPR.**

Source: Red Cross First Aid Training

## Notes

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. A small dark speck is visible near the top left corner.

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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. A small dark speck is visible near the top left corner.





## EMPLOYEE HANDBOOK ACKNOWLEDGMENT

This is to acknowledge that I have received a copy of the **First Transit Employee Handbook** and understand that it contains important information on the Company's general policies and on my privileges and obligations as an employee. **I acknowledge that I am expected to read, understand and adhere to the Company policies and will familiarize myself with the material in the Employee Handbook.**

I understand that the Company may change, rescind, or add to any policies, programs or procedures described in the Employee Handbook from time to time at its sole and absolute discretion with or without prior notice.

**I understand that employment with First Transit is considered to be "At-Will" employment (except for employees covered by a Collective Bargaining Agreement).** As such, I understand that my employment with the Company is not for a specified term and is at the mutual consent of myself and the Company. Accordingly, either I or the Company may terminate that employment relationship "at-will," with or without cause, at any time, with or without notice.

If the terms and conditions of my employment are covered by a Collective Bargaining Agreement, any term or condition contained in the Collective Bargaining Agreement supersedes the terms and conditions contained in this Employee Handbook, in the event that they conflict.

I further understand that only the President of First Transit has the authority to modify the at-will nature of the employment relationship and may do so only in a written agreement executed by the President and the employee.

**Name (Please Print):**

---

**Location:**

---

**Position:**

---

**Signature:**

---

**Date:**

---

*(This form is to remain in the Employee Handbook for your reference.)*

0002-00076



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**Location:**

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**Position:**

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**Signature:**

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**Date:**

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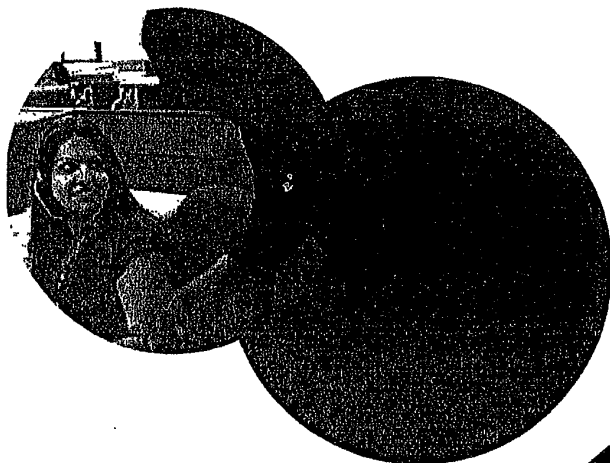
*(This form is to be signed, removed, and included in your personnel file.)*

0002-00077

0002-00078

## Useful Contact Information

<b>Benefits (Group Associates)</b> - Website	1.866.813.4778 <a href="http://www.groupassociates.com">www.groupassociates.com</a>
<b>Corporate Headquarters</b>	1.866.244.6383 1.513.241.2200
<b>Customer Services</b> - Email	1.866.263.4513 <a href="mailto:customerservices@firstgroup.com">customerservices@firstgroup.com</a>
<b>Direct Deposit Emergency Stop</b>	1.513.419.3308
<b>Employee Assistance Program</b>	1.800.323.0751
<b>Ethics and Compliance Hotline</b> - Email	1.877.322.5534 <a href="mailto:hotline@firstgroup.com">hotline@firstgroup.com</a>
<b>FirstGroup America Website</b>	<a href="http://www.firstgroupamerica.com">www.firstgroupamerica.com</a>
<b>Freedom of Association Independent Monitor:</b> - Phone - Fax	<b>William Gould IV</b> 1.650.617.3424 1.650.617.3201
<b>Human Resources --</b> <b>Main</b> <b>East</b> <b>Central</b> <b>West</b> <b>Transit Management Services</b>	 1.513.684.8730 1.607.398.3121 1.513.362.4512 1.626.625.8368 1.513.419.3269
<b>Legal Department</b>	1.513.419.8693
<b>Media Inquiries</b> - Email	1.513.362.4600 <a href="mailto:fgacommunications@firstgroup.com">fgacommunications@firstgroup.com</a>
<b>Payroll Department</b>	1.513.419.3241
<b>Safety and Security --</b> <b>Main</b> <b>East</b> <b>Central</b> <b>West</b>	 1.513.419.3301 1.814.483.0858 1.301.343.1214 1.213.494.6579
<b>Short/Long Term Disability (The Hartford)</b>	1.800.445.9057
<b>Verify Employment or Income (TALX)</b> - Website	1.800.367.2884 <a href="http://www.theworknumber.com">www.theworknumber.com</a>
<b>401(K) - Wells Fargo</b> - Website	1.888.245.9798 <a href="http://www.wellsfargo.com">www.wellsfargo.com</a>



**First**  **Transit**

600 Vine Street  
Suite 1400  
Cincinnati, OH 45202

**1.866.244.6383**

[www.firstgroupamerica.com](http://www.firstgroupamerica.com)

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0002-00080



## **PLAINTIFFS' TRIAL EXHIBIT 3**

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

## VOLUNTARY STATEMENT

Event #

110729-1082

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	DEAD BODY	Date Occurred	7/29/11	Time Occurred	820
Location of Occurrence	STRIPS VALLEY VIEW CATBUS #11796	Section/Beat	US	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	

Your Name (Last / First / Middle)		Date of Birth	Social Security #
FARIALES, JAY RIVERA			
Race	Sex	Height	Weight
ASIAN	M	5'11"	220
Hair	Eyes	Work Sched. (Hours)	(Days Off)
BLACK	BROWN		
Residence Address: (Number & Street)		Bldg./Apt.#	City
2291 W. ARIZONA RIDGE PKWY		2207	HENDERSON
State		Zip Code	
NV		89052	
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#	City
State		Zip Code	
Best place to contact you during the day		Best time to contact you during the day	
HOME		9-12	
Can You Identify the Suspect?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## DETAILS

I DROPPED OFF MY OTHER CLIENT (PARA KINCH) AT 1801, AND ON MY WAY TO DROP OFF HARVEY CHERN. KOFF HE WAS TALKING TO ME THEN I NOTICED HE STOPPED TALKING, I TRIED TALKING + HIM, HE WASNT RESPONDING. I LOOKED AT THE MIRROR ISLAND HIM BRIEFING FROM HIS SEAT. I CHECKED ON HIM THEN, PROCESSED MY THOUGHTS ON WHAT'S GOING ON THEN I NOTICED SOMETHING IS NOT RIGHT AND MOVE TO THE CORNER AND CALLED MY DISPATCH SUPERVISOR + CALL 911 RIGHT AWAY. THEN I TRIED TO TALK TO HIM TO RESPOND, THEN 911 CAME.

The Use and Dissemination of this Record is Regulated by Law. Secondary Dissemination of any kind is Prohibited and could subject the offender to Criminal and Civil Liability.

This Information Released To:

By: S100802 Date: 8-13-12  
Las Vegas Metro Police Dept.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) STRIPS VALLEY VIEW AND STRIPS ON THE 29th DAY OF JULY AT 800-829 PM, 2011.

Witness/Officer:

Witness/Officer:  
LVMPD 88 (REV. 6-08)

A. BETA  
(PRINTED)

PR 0724

SIGNATURE OF PERSON MAKING STATEMENT

0003-00009



## **PLAINTIFFS' TRIAL EXHIBIT 7**