

Handbook Bargaining

Dear. _____

The employee handbook contains many rules which are ambiguous and uncertain. Each rule is a mandatory subject of bargaining. In order to understand how these rules are applied and to determine their meaning, we are asking that you provide the following information. Except where stated, please provide the information for the period _____ to present. Wherever we use the word discipline we mean termination, suspension, written or oral warning, counseling or any other form of discipline. Except where indicated the information is sought for all of the company [or bargaining unit]

1 In the foreword Employer retains the right to terminate and modify the handbook. In order to determine the frequency and reasons for such changes, provide a copy of all prior editions or variations of the handbook. If there have been changes please provide the date of any such change, the reason for the change and provide a copy of any changes.

2 In Part III the company states that it is an equal opportunity employer. It also provides a mechanism for complaints of alleged denials of equal opportunity. We would like to know how well those procedures have worked. Please describe each complaint which has been lodged or made through the procedure, the date of the complaint, the nature of the complaint, the name of the person providing the complaint and what action was taken by the company in response to the complaint. If a log of complaints is maintained please provide a copy of such log.

3 If there have been complaints of harassment of any kind, please provide the same information mentioned in 2 above.

4 Part V purports to be an attendance policy. It indicates that excessive absenteeism will result in discipline. Please provide a copy of the attendance records of all employees who have been subject to any discipline under the attendance policy. Please describe the nature of the discipline imposed and the reasons why it was imposed. Please define what is meant by "excessive absenteeism."

5. In part V the company states that it is subject to rules imposed on those who do business with the federal government. Please provide a copy of all contracts or other evidence that Employer does business with the federal government or is otherwise subject to those rules.

6. Please provide the same information with respect to the Department of Defense as is requested in paragraph 5.

7. With respect to your drug policy, please provide a current list of all drugs which are illegal or controlled and are thus subject to that policy.

8. Please provide a list of all employees who have been subject to the drug and alcohol policy. By subject we mean have suffered any discipline or action as a result of the policy. For each such person, provide the person's name, work location, the nature of the drug or alcohol involved, the manner in which it was used, the nature of the test used by Employer, the discipline which was imposed; if discharge was not imposed, the reason discharge was not invoked, and the reason discipline was imposed. If any employee was found to have used drugs or alcohol and was in violation of the policy but was not disciplined, please provide the name of the employee, the nature of the use of alcohol or drugs, the alcohol or drug involved and the reason why no discipline was invoked.
9. Please provide the names of all employees tested, the dates of the tests and the results of the test. Tell whether the test was random, post-accident, reasonable suspicion or whatever category as listed on page 7 of the handbook. If the employee was subject to reasonable suspicion or post-accident testing, describe the nature of the suspicion and the accident which triggered the test.
10. Who is the current medical review officer, what are his qualifications, what is he paid and what is his phone number? If any employee has been requested to contact him within the last three years, please provide the employee's name, and the reason why the employee was requested to contact the MRO.
11. Please provide a list of all laboratories or medical providers who have tested or are authorized to test. Please provide the providers address and the name of a contact person.
12. Provide a copy of any company documents used to interpret, implement or administer the drug and alcohol policy.
13. Please describe all forms of rehabilitation assistance provided to employees under "Employee Assistance."
14. Please provide copies of all documents which are posted or which explain Employer's Family and Medical Leave Act policy.
15. Please provide a list of all those who have taken Family and Medical Leave act, the dates they have taken such leave and the reason for the leave.
16. Provide a list of those employees who have requested Family and Medical Leave but have been denied it, the dates for which they requested it and the reasons it was denied.
17. Please describe what is meant by "appropriate attire" for those classifications represented in the bargaining unit. Please describe all attire which is not appropriate.
18. Please describe what is meant by "personal hygiene."
19. Please list all employees who have been disciplined, required or asked to take any action in order to comply with the appearance policy. For each person give the employee's name, the date the person was disciplined or requested to take some action, the reason for management's action, and the nature of the conduct by the employee which was affected by the policy.
20. Please describe all incidents of clothing which has been offensive by display of profanity or slogans.
21. Please describe every incident where employees have been subject to a search or monitoring under Part IX of the Handbook. For each incident provide the employee's name who was involved, the reason for the search or monitoring and the results of the search or

monitoring. If discipline or action was taken as a result of the search or monitoring, describe the nature of that search or monitoring.

22 Please describe the smoking policy for each service center.

23 Please identify the anti-trust laws which prohibit employees working in the classifications represented by the union from working for competitors.

24 For each bargaining unit employee describe his/her work station as referred to under IX(D).

25 Please describe those situations where Employer believes that tests as defined in IX(A)(4) are prohibited by law. Please list all incidents where Employer considered testing employees but decided not to because of this provision. For each incident provide the name of the employee who was considered for testing, the supervisors involved, the reason the company considered testing and the reason the test was not performed.

26 Please list all incidents where employees have been disciplined for any violation of Part X of the Handbook. For each incident give the employees name, the service center involved, the nature of the conduct or incident and the nature of the discipline imposed.

27 Please all incidents of abusive or threatening language within the meaning of Part X (12). For each incident describe the language used, the employee or employees involved and the action taken by Employer.

28 Please describe every incident of "disorderly, offensive, immoral or improper" conduct within the meaning of Part X (15). For each incident give the employees name, the service center involved, the nature of the conduct or incident and the nature of the discipline imposed if any was imposed and if no discipline was imposed explain why no discipline was imposed.

29 Please provide copies of all safety regulations or procedures mentioned in Part X (19).

30 Please describe every incident of "unsanitary condition[s]" within the meaning of Part X(20). For each incident give the employees name, the service center involved, the nature of the conduct or incident and the nature of the discipline imposed if any was imposed and if no discipline was imposed explain why no discipline was imposed.

31 Please provide copies of all corrective action forms.

32 Please describe every incident of "dishonesty" within the meaning of Part X(24). For each incident give the employees name, the service center involved, the nature of the conduct or incident and the nature of the discipline imposed if any was imposed and if no discipline was imposed explain why no discipline was imposed.

33 Please provide blank copies of all forms utilized by Employer (apparently labeled OTC 1 etc.)

34 Please provide copies of all OTC 158 forms.

35 Please describe all serious illnesses or injuries within the meaning of Part XIII(A)(5) which have disqualified drivers from driving until released. Please described all such injuries or illnesses which have resulted in drivers not being released to drive.

36 Please provide a list of all authorized shops and service stations as defined in Part XIII(A)(8).

37 Please list all unauthorized routes and roads as referred to in Part XIII(A)(12).

38 Please list all authorized roads and routes as referred to in Part XIII(A) (12).

39 Describe all physical requirements set by the company as defined in Part XIII(A)(13).

40 Provide a list of all drugs referred to in Part XIII(B)(3).

- 41 Please provide a copy of the safety rules and regulations referred to in Part XIII(B)(6).
- 42 Identify all incidents where drivers have operated vehicles "too fast for the conditions for the road or weather" within the meaning of Part XIII(B)(16). Identify each driver involved, the date of the incident, the location and reason why Employer claims the vehicle was operated "too fast.."
- 43 Describe all incidents which have occurred where a driver has had to offer an explanation within the meaning of Part XIII(B)(17). Describe the nature of the explanation given, the name of the driver, the date, the service center involved, the reason the driver was required to give an explanation.
- 44 Identify each driver who has notified Employer within the meaning of Part XIII(D)(2). Provide the name of the driver, the service center involved and the action taken by Employer.
- 45 Please provide the names and addresses of all meal and/or coffee stops "with bad reputations" within the meaning of Part XIII(B)(20). Identify each driver who has stopped at such an establishment including the name of the establishment and the date the driver stopped at the establishment. Describe any action taken by Employer.
- 46 Please list all "serious traffic violations" within the meaning of Part XIII(D)(3).
- 47 List all drivers who have been disqualified under Part XIII(D)(3). Give each driver's name, the reason for the disqualification, the period of disqualification. Provide copies of all documents concerning said disqualification.
48. Provide a list of all controlled substances within the meaning of Part XIII(D)(3).
- 49 Provide a list of all Federal Regulations within the meaning of Part XIII(D).

- 50 Provide a list of all qualifications or requirements imposed or maintained by Employer in excess of those required by Parts 390-97. Provide a copy of all examinations in excess of those required by the same rules. See Part XIII(D).

- 51 Provide a list of all drivers who have reported citations under Part XIII(E) including the driver's name, service center, date of report of citations and the nature of the citation.
- 52 Provide a list of all employees who have been disciplined or terminated under Part XIII(E) including the employee's name, service center, date of discipline, nature of discipline.
- 53 Provide a list and or description of all company speed limits as referred to in Part XIII (F)(1).
- 54 Provide copies of all "observation report write ups" as referred to in Part XIII(F)(3). Provide all such write ups whether or note they refer to speeding.
- 55 Identify all drivers who have been suspended, disciplined or who have violated Part XIII(F)(5). Provide the driver's name, nature of violation, location of violation, service center and action taken by Employer. Describe mitigating factors if any. Provide copies of all documents which mention or relate to any such action by Employer.
- 56 Provide the names of all drivers who have violated Part XIII(G). Provide the name of each such driver, the service center involved and the action taken by Employer. Describe mitigating factors if any. Provide copies of all documents which mention or relate to any such action by Employer.
- 57 Provide copies of all driver logs for the service center represented by the union.

- 58 Provide copies of all fly sheets for the service center represented by the union.
- 59 Please provide a copy of the Department of Transportation interpretations referred to in Part XIII(H)(4).
- 60 Provide copies of all OTC Form 86 for the service center represented by the union.
- 61 Give the names of all drivers who have falsified his/her logs, the service center involved and the action taken by Employer.
- 62 Provide copies of all vehicle conditions reports for the service center represented by the union.
- 63 Give the names of all drivers who have had radar detectors, the service center involved and the action taken by Employer.
- 64 Please list all equipment authorized by Employer See Part XIII(I)(13).
- 65 Please list all FCC regulations referred to in Part XIII(I)(13).
- 66 Please list all tire fires providing date, driver's name, location and action if any taken against driver.
- 67 Define or describe the laws referred to in Part XIII(I)(16).
- 68 Provide a copy of the DOT hours-of-service regulations referred to in Part XIII(J)(5), (7) and (8).

- 69 Provide a list of all driver's who have not had a current physical. See Part XIII(J)(9). Provide the name of the driver, the service center involved and the action if any taken by Employer.

- 70 Provide copies all reports or documents concerning any accidents involving any drivers.

- 71 Provide a copy of any log or documents maintained by the Central Dispatch concerning any accidents.
- 72 List all accidents which have been deemed "serious" within the meaning of Part XIII(L)(1). Provide the name of the driver, the service center involved, the date of the accident and the nature of the accident. Provide copies of all documents involving such accidents.
- 73 Provide copies of all code sheets regarding all accidents. See part XIII(L)(2). Provide a copy of any manual or document which describes how to code accidents.
- 74 Provide copies of all files maintained by the accident review committee for all drivers.
- 75 Provide copies of all documents relating to the driver appeal policy. Included in this request are copies all appeals, minutes, notes or documents reviewed or generated by the review committee. Provide a list of all drivers who have appealed to such a committee, the dates of the appeal, the date the committee met, the results of the committee's ruling and a copy of the decision of the committee. Provide the names of the review committee members in each case.
- 76 Provide copies of all safety bulletins and reminders. See Part XIII(N).

- 77 Describe Employer's definition of "high-value loads".
- 78 List all materials which are hazardous within the meaning of "hazardous materials" on page 35.
- 79 Please provide a copy of all logs maintained by Central Dispatch.

80 Provide a copy of all equipment citations received in the State of California.

76 Provide copies of all "Courtesy Notices" as noted in Part XIII(O).

77 Provide a list of employees who have made any false claim under any benefit plan, wage plan, workers compensation system or any other circumstances. For each such false claim, provide the employee's name, the date of the false claim, the nature of the claim and the action taken by Employer.

If there are any parts of the Handbook which are not enforced or have been rescinded advise us.

Please provide us copies of all earlier drafts and versions of the Handbook (without any limitation as to time). This is needed to determine the manner in which it is amended, the nature of amendments and to generally understand how it is developed.

This information request is being made because we would like to understand and bargain over your Handbook. The request is not complete and we expect that as negotiations continue we will find other information which will be needed and we will make appropriate requests. If there is information regarding the handbook for which we have not asked and which you think would be helpful to us, please provide it. If there is any other information which explains, concerns or mentions the Handbook or the material contained in it, please provide it to us.

We expect that you will provide this information in 10 days. To the extent that you gather some of this information but not all of it, please provide it as you gather it. Do not wait until you have all of it gathered together.

This request is not designed to be burdensome. It is designed to request information directly relevant to your handbook. It is an extensive Handbook with many rules and policies. This of course requires that we try to be thorough in understanding the Handbook.

We look forward to your prompt response and continued negotiations toward a contract.

Sincerely,