



September 23, 2011

Mr. Jonothan Walker
President
Amalgamated Transit Union, Local 1287
6320 Manchester Avenue, Suite 46
Kansas City, Missouri 64133

Re: Grievance 2011-MN-13

Dear Jonothan,

You, Thomas Hernandez, Phillip Scherer, Eric Adams, Walt Woodward and I met on Thursday September 22nd to discuss the above mentioned grievance at the third step level.

This grievance pertains to the warning ticket given to Mr. Eric Adams for talking on his cell phone while driving a bus. Although the maintenance department does not currently have a specific rule addressing the use of a cell phone while driving it is our intent to establish a rule that will be consistent with Transportation's rule under Transportation Department Policy Bulletin No. 66-09P established on September 9, 2009. This rule will carry the same progressive steps of discipline.

You and your representatives requested that we consider changing this warning ticket for first offense rule # 44: Violation of Safety Rules and/or Practices to rule # 41 which is: Playing portable radios or television on Authority or Transit Division equipment while in operation unless authorized. In either case the first offense is the same.

I am unwilling to make this change as you've requested, however, taking into consideration Eric's work history, the fact that we put him in the worst possible safety conditions during snow and ice, driving one of the most dangerous pieces of equipment and he has not had any kind of accident while working the west side in the last 4 years deserves some consideration.

My offer is that I would consider changing the warning ticket from first offense rule # 44 to first offense of rule # 45 which is: Failure to observe the following rules of safe Authority vehicle operation. In each case the first offense is the same which carries a warning ticket.

I wish to make it very clear that once we establish the new policy concerning cell phone usage that any employee violating this policy will be subject to the progressive steps of discipline as outlined in the Transportation Bulletin.

If you are not in agreement with these terms and wish to arbitrate please contact Fern Kohler within 5 days upon receipt of this decision.

Respectfully,

A handwritten signature in black ink that reads "Jim Clayton". The signature is written in a cursive, flowing style.

Jim Clayton
Superintendent of Maintenance

Cc: Fern Kohler
Walt Woodward
Grievance File