



## Safety and Compliance

It is the Company's policy that its operations be managed to protect the health and safety of our drivers, owner operators, and the communities where we do business. Sound operating practices will be followed to foster a safe working environment. Safety at VMW Express is **EVERYONE's** responsibility. It is obvious that the success of any safety program depends on the cooperation and active support of all. The company, therefore, expects all employees, contractors and agents to follow safe work practices in the interest of their own safety, and the safety of the general public.

It is the responsibility of all drivers including CDL, non-CDL holders and owner operators to ensure compliance with the United States Department of Transportation (USDOT) rules and regulations affecting our business. Specific regulation can be found in the Federal Motor Carrier Safety Regulations (FMCSRs), which will be provided to you.

It is important to note that federal, state or local regulations do not prevent motor carriers from imposing more stringent or additional qualifications, requirements, examinations or certificates. The Company may, with or without notice, do so when necessary.

### A. Policies

VMW Freight Express accepts and adopts as policy, all existing federal, state and local traffic regulations. It is each driver's responsibility to be familiar with the laws and ordinances in the states and localities in which he or she is operating. Below is a listing of the most pertinent parts of the Federal Motor Carrier Safety Regulations. You should familiarize yourself with these publications as soon as possible.

- Part 382 – Controlled Substances and Alcohol Use and Testing
- Part 383 – Commercial Driver's License Standards
- Part 390 – General
- Part 391 – Driver Qualifications
- Part 392 – Driving of Motor Vehicles
- Part 393 – Parts Necessary for Safe Operation
- Part 395 – Hours of Service Regulation
- Part 396 – Inspection, Repair and Maintenance
- Part 397 – Hazardous Materials Rules

### B. Hours of Service

You must have enough hours available to legally complete the trip. Keep log and daily recap current to determine how many hours you have worked over the last seven days. VMW Express is committed to following the Hours of Service Regulations. Department of Transportation regulations require all motor carriers and drivers to follow the Hours of Service Requirements. Our Hours of Service procedures will help avoid DOT penalties.

- **11 Hour Driving Rule:** A driver cannot drive for more than 11 hours following 10 consecutive hours off duty. All time spent at the controls of a commercial motor



vehicle is considered driving time.

- **14 Hour On-Duty Rule:** A driver cannot drive after the 14<sup>th</sup> consecutive hour after coming on duty. After the 14<sup>th</sup> hour, a driver cannot drive again until he or she has 10 consecutive hours of rest. Off-duty time of less than 10 hours does not extend the 14 hour day. A driver may extend the 14 Hour Rule only by using the Sleeper Berth Provision as long as the split sleeper berth time, on either side of the two driving periods, totals 10 hours and one sleeper berth time is at least 8 consecutive hours but less than 9.75 hours and entered on Line 2 (Sleeper Berth) and the other period is at least 2 hours but less than 9.75 hours entered on either Line 1 (Off Duty) or Line 2 or any combination of the two.
- **Short Haul Exemption:** Drivers who return to their home terminal each day may drive beyond the 14<sup>th</sup> consecutive hour after coming on duty, but not beyond the 16<sup>th</sup> hour once per week. To use this exception, the driver must have been released from duty at his or her home terminal for the past five duty tours that he or she worked and he or she must return to the terminal and be released from duty by the 16<sup>th</sup> hour after coming on duty (following 10 consecutive hours off). This exception may be used only once per seven consecutive days, unless the 34 Hour Restart option has been used.
- **70 Hour/8 day Limit:** VMW Freight Express follows the 70 Hour / 8 Day schedule. A driver may not drive after having been on duty for 70 hours in any consecutive 8 days.
- **34 Hour Restart:** A driver may reset his or her 70-Hour clock after 34 consecutive hours off duty.
- **On Duty time:** All time, from the time a driver begins work or is required to be in readiness to work until the time he or she is relieved from work and all work responsibility, is considered on duty time. Work for any entity, regardless of whether the employer is a carrier, is considered on duty time. On duty time includes the following:
  1. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in the sleeper berth.
  2. All time at a plant, terminal or facility of a motor carrier or shipper, or on any public property, waiting to be dispatched unless the driver has been relieved from duty by the motor carrier.
  3. All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
  4. All driving time.
  5. All time loading or unloading a commercial vehicle, supervising or assisting in the loading or unloading, remaining in readiness to operate the commercial motor vehicle or giving or receiving receipts for shipments loaded or unloaded.
  6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
  7. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the alcohol and drug testing requirements.
  8. All time training another driver, or being trained by another driver (unless it



qualifies as driver time).

9. All time being trained in a classroom environment by company personnel.
  10. Performing any other work in the capacity, employ or service of a motor carrier.
  11. Performing any compensated work for a person who is not a motor carrier
- **Multiple Employer Drivers:** Generally, VMW Express will not allow a driver to have multiple employers. In such cases, the driver must provide VMW Express with current on duty hours for all employers at all times.

### C. Log Books and Electronic Logging Devices (ELDs)

VMW Express is strongly committed to full compliance with the current federal Hours of Service Regulations, as well as any additional local regulations that may apply. The Hours of Service Regulations of the Federal Motor Carrier Safety Regulations are contained in part 395 of the FMCSRs.

A major element of individual compliance with the Hours of Service Regulations is regular completion of the Company's specified log form. All drivers are expected to submit accurate daily logs in a timely manner using their electronic logging device or smart phone app. Contact your supervisor for details on getting setup using a ELD. Drivers will be given feedback and/or corrective action will be suggested based on results of log audits. Before submission of logs, drivers are expected to check them for completeness, accuracy and legibility.

- **Form and Manner Violations:** Form and manner violations indicate carelessness on the driver's part. This kind of violation can easily be avoided by checking each log for completeness before submission.

Form and manner violations include:

1. Log Missing: Drivers shall submit a log for each day, except that two or more consecutive off duty days may be on one sheet
  2. Date Missing / Duplicate Logs: Each log must be dated and there must be only one log for each day
  3. Miles Driven Missing: Total actual miles driven in the 24-hour period must be entered
  4. Name of Carrier Missing: VMW Freight Express must be entered
  5. Vehicle / Trailer Numbers Missing: Unit numbers of ALL vehicles operated in the 24-hour period must be listed.
  6. Driver's Signature Missing: The driver must sign his or her full legal name on each daily log.
  7. Driver Name Missing: The driver must enter first name, initial and complete last name of his or her co-driver if operating as a team.
  8. Main Office Address: Enter full city and state abbreviation
  9. Missing Shipping Document: The driver must have a shipping document or trip number entered on each log.
- **Level A Log Violations:** Level A Log Violations, specifically violations of the 11, 14 or



70 hour rules, are more serious than form and manner violations. Hours of Service abuse may contribute to fatigue which jeopardizes the safety of the driver and the general motoring public.

Level A Log violations include:

1. Hours Missing: Drivers must record total hours used at the end of each line of the graph.
2. 11 Hour Rule Violation: After 10 consecutive hours off duty, a driver may not drive more than 11 hours.
3. Over Maximum Average MPH: Drivers must not average over the posted speed limit.
4. Change in Duty Status/Remarks Missing: Enter full city and state abbreviation for each duty status and explain remarks.
5. Stop/Start Location Not the Same: The starting location on a log must be the same as the ending location on the previous shift.
6. 14 Hour Rule Violation: A driver must not drive after being on duty for 14 hours.
7. 70 Hour Rule Violation: Drivers may not drive after being on duty for 70 hours in an 8 consecutive day period.
8. Graph Incomplete: A driver must account for all time on the graph. Drivers must show a complete and continuous line for each 24 hour period. Overlapping of time is not permitted.
9. No Driving Time for Miles Driven: There must be time shown on line 3 when miles are entered.

- **Falsification of a Log:** Falsification of a log shows disregard for VMW Freight Express policy and federal regulations. This type of violation is looked at very seriously by the Company and DOT. Log falsification occurs when the times and locations on a log do not match supporting documentation, such as scale tickets, toll receipts, times noted on shipping documents or fuel receipts.
- **Feedback and Corrective Action:** All violations will be brought to a driver's attention as soon as possible. Notifications will advise drivers of any Level A Log Violations. Each driver's Driver Manager will have record of the violation. The Safety Department will be responsible for reviewing any log violations with the driver. The driver may request, or the Driver Manager can recommend, remedial hours of service logging training at any time.
- **Disciplinary System:** Corrective actions include but are not limited to: hours of service safety training, electronic log device smart phone (ELD) training, formal investigation, deductions in pay, suspension or possible termination.

#### D. Roadside Inspections

Roadside inspections are a fact of life for drivers of commercial motor vehicles. Department of Transportation (DOT) regulations authorize special agents to enter and perform



inspections upon a motor carrier's vehicles in operation. VMW Freight Express expects its drivers to behave in a professional and courteous manner when asked to participate in a roadside inspection. Directions given by the inspection official should be followed. Failure to comply with the procedures set forth below may result in disciplinary action. **Drivers that pass involuntary roadside inspections are eligible for bonuses. (see bonus section).**

- **Roadside Inspection Procedures:** When a driver is approached to undergo a roadside inspection, he or she must immediately pull off to the area designated by the inspection officer. If the driver believes the designated area is unsafe for the driver and/or the inspection officer, the driver shall state his or her concern to the inspection officer in a courteous and professional manner. Once the inspection is underway, the driver shall follow the directions given by the officer and act appropriately.
- **Roadside Inspection Results:** The driver must report the results of the roadside inspection to VMW Freight Express at the conclusion of the inspection via phone call.

The driver must turn in the inspection report to VMW Freight Express with their next trip report, or upon their next arrival at a VMW Freight Express facility, whichever occurs first. All inspection reports should be turned in within 24 hours of the conclusion of the inspection.

If the vehicle or driver is placed "Out of Service", the driver must call in to VMW Freight Express immediately so the Company can notify the customer of any delays that may result. Both the Driver Manager and Safety Department should be alerted of the "Out of Service" situation.

A vehicle that is placed "Out of Service" cannot be operated until all repairs required by the "Out of Service" notice have been completed. A driver may be placed "Out of Service" if the driver does not meet the minimum qualification requirements or has violated the Hours of Service Regulations. A driver placed "Out of Service" must not resume driving until the "Out of Service" condition is rectified. To violate an "Out of Service" order is a direct violation of federal regulation and VMW Freight Express policy. Any driver violating an "Out of Service" order will be terminated and said violation may be posted to their DAC record.

#### E. **Drug and Alcohol Testing**

VMW Express has a zero-tolerance policy toward drug and alcohol abuse. The possession, sale, use and/or consumption of controlled substances, regardless of duty status, is strictly prohibited. Consumption of intoxicating beverages in a VMW Freight Express vehicle or on company premises, or on a commercial motor vehicle is prohibited. VMW Freight Express' drug and alcohol policy calls for testing for use of controlled substances and alcohol under the following circumstances:

- **Random Testing:** On a periodic basis, a number of drivers will be selected at random to be tested for alcohol or drugs.
- **Probable cause testing:** A driver may be tested for involvement in a preventable



accident, or receipt of a verifiable report of violation of VMW Freight Express' drug and alcohol policy. Individuals appearing intoxicated while in VMW Freight Express equipment or on VMW Freight Express property may be subject to probable cause drug/alcohol testing.

- **Post Accident Testing:** A driver will be scheduled for a drug screen with 24 hours and an alcohol test within 8 hours of being involved in a DOT reportable accident. It is the policy of VMW Freight Express that the use, sale, transfer, possession or presence in one's system of any controlled substance (except medically approved and prescribed drugs) by any driver while on company premises, engaged in company business, operating company equipment or while under the authority of VMW Freight Express is strictly prohibited. Disciplinary action will be taken as necessary.
- **Regulatory Requirements:** All drivers who operate a commercial motor vehicle that requires a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.
- **Non-Regulatory Requirements:** The Federal Motor Carrier Safety Regulations set the minimum requirements for testing. VMW Freight Express' policy, in certain instances, may be more stringent.

It is the Company's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations and within the provisions of this policy. The company will retain all records related to testing and the testing process in a secure and confidential manner.

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse or have the presence of alcohol or any other controlled substance in excess of regulation-established threshold levels in their system while on duty. The driver will not use alcohol within 8 hours prior to performing a "safety-sensitive" function as prescribed by the Federal Motor Carrier Safety Administration.

All supervisors are trained in drug and alcohol awareness in accordance with Part 382.603 and must make reasonable efforts to be aware of a driver's condition when he or she is in service of the company. The supervisor must make reasonable suspicion observations to determine if the driver is impaired in some way and be prepared to implement the requirements of this policy if necessary.

Part 382, Subpart B, prohibits any drug use that could affect the performance of safety sensitive functions as prescribed by the Federal Motor Carrier Safety Regulations.

1. Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle (the use of marijuana is prohibited regardless of



state medical laws or regulations). Under federal law, the use of marijuana or any Schedule 1 drug does not have a legitimate medical use in the United States.

2. Testing positive for drugs, or;
3. Refusing to take a required test

VMW Freight Express' policy forbids the use of any controlled substance on company grounds or in company vehicles regardless of duty status.

Any driver using a therapeutic drug must notify the Safety Department regarding the type of drug, dosage and frequency of use. A copy of the prescription must be submitted. He or she may be required to present written evidence from a health care professional describing the effects such medications may have on the driver's ability to perform his or her tasks.

An employee of VMW Freight Express transferring to a driving position is also subject to and must pass a urine drug test as a condition of the transfer.

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

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

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

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test.

Per FMCSA Regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or after the driver is performing a safety sensitive function.

Per FMCSA Regulation, if the driver tests .02 or greater, but less than .04 for alcohol, the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle for at least 24 hours.

VMW Freight Express has a zero tolerance policy for both drugs and alcohol. A positive result of any level of alcohol is grounds for termination. Any positive drug test result meeting FMCSR testing policies is grounds for termination.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the Safety Department will prepare and maintain a record



stating the reasons why the test was not administered within 2 hours.

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

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

A driver awaiting the results of a reasonable suspicion drug test will be suspended from driving.

- **Post-Accident Testing:** Drivers are to notify the Safety Department and the Driver Manager as soon as possible if they are involved in an accident.

According to FMCSA Regulations (Part 382.303), if the accident involved:

1. A fatality;
2. Bodily injury with immediate medical treatment away from the scene *and* the driver received a citation, or;
3. Disabling damage to any motor vehicle requiring tow away *and* the driver received a citation

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

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

A drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease. The Safety Department will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

- **Random Testing:** VMW Express will conduct random testing for all CDL drivers as follows:
  1. VMW Express will use a nationwide driver selection process based on a scientifically valid method, prescribed by FMCSA Regulation.
  2. All random alcohol and drug tests will be unannounced, with each driver





having an equal chance of being tested each time selections are made.

3. The random testing will be spread reasonably throughout the calendar year.
4. A driver may only be tested for alcohol while he or she is performing a safety-sensitive function, just before performing a safety-sensitive function or just after completing a safety-sensitive function.
5. Once notified that he or she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

**F. Driver Vehicle Inspection Report (DVIR)**

In accordance with DOT regulation, the driver of any vehicle with a GVWR of 10,001 pounds or more shall complete a pre-trip and post-trip inspection. These inspections shall be recorded and submitted using their electronic log device or smart phone app or manually submit paper DVIRs should an ELD not be available. Failure to comply with the company vehicle inspection policies, as well as those set forth by the Federal Motor Carrier Safety Regulations may result in disciplinary action including but not limited to termination, recurring safety training, bonus ineligibility, formal investigation, etc.

**G. Vehicle Assignments**

Under no circumstance may a driver operate a vehicle, or be required to operate a vehicle that he or she is not adequately licensed or endorsed to operate.

**H. Accidents and Accident Reporting**

ALL accidents must be reported to VMW Freight Express. In the event of an accident, follow these five steps:

1. Secure the scene. Put out triangles to prevent another accident.
2. Attend to the injured and make them comfortable.
3. Call the police.
4. Document the scene. Write down all other equipment and parties involved.
5. Notify VMW Freight Express before leaving the scene.

**I. Accident Review Procedure:** In the event a driver disagrees with initial determination regarding chargeability, a review board consisting VMW Freight Express Management, the Maintenance Department and the driver in question may be convened to determine whether the accident was chargeable. Every accident shall be considered chargeable unless it is established by investigation and review that there was no action that the driver could have reasonably taken to avoid the accident and that his or her actions in no way contributed to the occurrence of the accident. A chargeable accident is determined by the driver's conduct. If the conduct of a driver directly caused the accident, it is chargeable. This standard is specifically not intended to be a "negligence" standard found in various state's Civil Law.

**J. Chargeable Accident Evaluation:** If an accident is determined to be non-chargeable, it is recorded in the driver's file and no further action is taken. When an accident is determined to be chargeable, the driver will either receive retraining or be terminated. VMW Freight



Express reserves the right to take any action it, in its sole discretion, deems appropriate under the circumstances. In the event that an accident is deemed chargeable, VMW Freight Express, at its sole discretion, may recover, through payroll deduction, our costs to return equipment to its condition prior to the accident. Typically, the company will charge a maximum of \$2,000 (or the current insurance deductible) and will charge the actual repair costs if less.

**K. Workplace injuries**

Employees who have sustained an injury or developed illness as a result of work performed for the company during the course of their workday must report to their supervisor immediately for further instructions. Supervisors will need the following info:

- nature of injury
- exact location injury occurred
- reasons if injury was reported late
- contact info of any witnesses

**L. Failure to Report**

All accidents, regardless of severity, must be reported to the Safety Department immediately. Failure to report any incident may result in the driver's immediate termination or other disciplinary action