

TOWN OF THREE RIVERS

**Wireless Communication Device Use Policy**

Policy Number: TRHR-7

Date of Approval: June 13, 2022

Approved By: Town Council

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**Policy Statement**

To provide a healthy and safe work environment, the Town of Three Rivers requires all its employees to adhere to this Wireless Communication Device Use directive and, as is the case with any Employer policy and directive, non-compliance will be treated as an infraction of the Employer's rules and will be subject to progressive discipline.

**Scope**

This policy applies to all Town of Three Rivers employees operating Corporation vehicles and all employees operating personal vehicles for Corporation business in keeping with Section 291.1 of the Province of Prince Edward Island Highway Traffic Act.

All Town of Three Rivers' employees are prohibited from using hand-held or hands-free devices while operating Town owned vehicles and/or equipment. In the event an employee receives a call while operating Town vehicles and/or equipment they must pull over to the side of the road safely and securely stop before taking the call. In the event the call is on a hand-held device, the vehicle should be shut off before taking or returning the call. If the call is on a hands-free device, ensure the vehicle is securely parked before taking or returning the call.

Discipline will be consistent, uniform and objective. The imposition of discipline will be carried out by those supervisors and managers with delegated disciplinary authority and in keeping with the principle of due process. No employee shall be disciplined except for just cause.

**Definitions**

*Condonation*: Implied pardon of an offense by treating the offender as if it had not been committed. It is vital that the employer responds to and addresses all allegations of misconduct in a fair and consistent manner. Failure to address alleged violations mitigates the employer's imposition of discipline.

*Documentation:* During the investigative process, it is important to note facts in writing so that any discipline which may follow can later be substantiated if necessary. (“If the violation was not documented, the act did not occur.”)

*Due Process:* The idea that laws and legal proceedings must be fair. An employee must be made aware of any allegations of misconduct (Using a hands-free wireless communication device while driving) and be given an opportunity to provide their ‘side of the story’.

*Hands-free Device:* Any Bluetooth earpiece or vehicle manufacturer installed dashboard system.

*Hand-held Device:* Any hand-held device with the ability to receive and/or transmit voice, text, or data messages without a cable connection (including, but not limited to cellular phones, radio phones/walkie talkies, telephone pagers or any similar device).

*Motor Vehicle:* For the purpose of these guidelines, means any motor vehicle owned by the Town of Three Rivers or any personal motor vehicle operated for Town of Three Rivers business.

## **Procedures**

Follow-up by Managers or their designate on all allegations or complaints of operating wireless communication devices while operating motor vehicles as an employee on Town business.

Review applicable Town of Three Rivers’ timeline requirements for the imposition of discipline.

Interview the employee as soon as possible. The Chief Administrative Officer (CAO) or designate is available to assist if necessary.

Fully investigate the matter and document all facts before coming to a decision.

If the employee is found to have committed the infraction, check their personnel file to see if there is prior related discipline.

Consult with the CAO or designate and the Department Manager before imposing the appropriate level of progressive discipline.

Prepare the disciplinary letter and hand deliver to the employee. The letter must state that if the employee fails to comply with this directive, further progressive discipline should be expected.

The system of progressive discipline should be followed while also considering the severity of the infraction and the related language contained within the Towns' Corrective Discipline Policy.

A copy of any disciplinary letter and all background documentation is to be filed in the employee's personnel file.

## **Disciplinary Action**

Employees using hand-held or hands-free electronic devices while operating motor vehicles on Town business shall be disciplined in the following manner:

- First Offence - A one day's suspension without pay and another caution that the next violation will result in progressive discipline up to and including dismissal.
- Second Offence - A lengthy suspension or dismissal.
- Third Offence – dismissal.

Note: A factor which must be considered is the severity of the infraction and the period of time that has elapsed since the prior infraction. As one of the primary objectives of discipline is correction, a long period of 'compliance' is a mitigating factor as far as previous infractions are concerned. Severity can cause steps in the discipline process to be skipped.

**Any associated motor vehicle infraction fines associated with this offence shall not be paid by the Town of Three Rivers and that fine shall be the responsibility of that employee to pay.**