

The Port of Virginia Terminal Safety Infraction Policy

The purpose of this Terminal Safety Infraction Policy (“TSIP”) is to encourage operational excellence and compliance with health and safety rules on all terminals owned or leased by the Virginia Port Authority (“VPA”) (the “Terminals”). The guiding principle for this TSIP will be to educate offenders. Penalties for health and safety rule infractions will be issued with the primary purpose of modifying behavior. The TSIP is described below.

1. Terminal Audit

A terminal health and safety audit (“Audit”) will be conducted by Virginia International Terminals (VIT’s) Health and Safety Department at all terminals on a quarterly basis. This Audit will measure terminal conditions, compliance with federal regulations, and compliance with operational procedures.

2. Health and Safety Excellence Panel

A joint VPA and VIT Health and Safety Excellence Panel (“Panel”) will convene as needed to review Audit results, determine enforcement priorities, determine the tempo of enforcement, and adopt and revise health and safety rules and procedures, as necessary. The Panel will be chaired by the VIT Vice President of Health and Safety and include the VPA Chief Information Officer, VIT Vice President of Multi-use Terminal Operations, VIT Vice President of Container Terminal Operations, VPA Chief of Police, VPA Vice President of Sustainability and Process Excellence, VPA Vice President of Communications, VPA Director of Maritime Incident Response Team, VPA Vice President of Contracts and Risk Management, VIT Vice President of Maintenance, and VIT Vice President of Terminal Services, or their director level representatives. The Panel will make its decisions by majority vote, with a quorum being five members, and with ties decided by the VIT COO.

3. Publishing of Health and Safety Rules

The enforcement of health and safety rules requires that proper notice of the rules be given to users of the Terminals.

- a. When any health and safety rule citation is issued, a copy of the rules will be provided to the offender
- b. Each motor carrier will receive a copy of the health and safety rules from VPA security when registering for new or updated credentials to access the Terminals and will be required to agree to abide by the rules via the VPA Police Department registration form, as well as to publish the rules to each of its employees who may access the Terminals.
- c. Stevedores, vendors, contractors, and licensees will be required to attend a health, safety, security, and environment orientation conducted by the VIT Health and Safety Department prior to receiving new or updated credentials to access the Terminals. During this orientation, a copy of the TSIP rules will be distributed and reviewed. Each stevedore, vendor, contractor, and licensee will be required to publish the rules to each of its employees and

- contractors who may access the Terminals and acknowledge agreement to abide by the rules via the VPA Police Department registration form.
- d. All VPA and VIT employees are required to attend a health, safety, security, and environment orientation prior to receiving new or updated credentials to access the Terminals. During this orientation, a copy of the health and safety rules will be distributed and reviewed. Each employee will be required to agree to abide by the rules and acknowledge this via the VPA Police Department registration form.
 - e. The TSIP rules will be posted on the Port of Virginia web site.
 - f. VIT and VPA purchase orders will refer to “Terms and Conditions” that state the requirement to comply with the health and safety rules.
 - g. A copy of the health and safety rules will be provided by VIT to each International Longshoremen’s Association (“ILA”) Hampton Roads Local for publication to all individuals represented by the Local.
 - h. A copy of the health and safety rules will be provided by the VPA to each VPA employee and by VIT to each VIT employee who is not represented by the ILA.

4. Observation of a Health and Safety Rule Violation

Health and safety rule citations may be issued only by Enforcement Officers, who will consist of qualified members of the VPA Police and the VIT Health and Safety (H&S) staff or their designated representatives. All users of the Terminals are subject to the rules and are subject to citation and enforcement action. When an individual is found in non-compliance with a health and safety rule, the individual will be directed to correct his or her deficiency, given a copy of the rules, and issued a citation. In lieu of a citation, an Enforcement Officer may issue a verbal corrective warning, taking into account the totality of the circumstances, including, but not limited to, the person’s offense history, severity of the offense, and the person’s cooperation and contrition. Anyone may notify an Enforcement Officer of a TSIP rule infraction and request enforcement. An Enforcement Officer will accomplish the enforcement response unless actively engaged in a higher priority matter.

5. Health and Safety Citation Training

In order to be a qualified Enforcement Officer, an individual must attend and successfully complete the H&S Manager/Supervisor Training as well as TSIP Enforcement Officer Certification Training. H&S Manager/Supervisor Training will last approximately one-half day and provide individuals with training in terminal hazards, operational standards, health and safety rules, control measures, the audit process, and response procedures. TSIP Enforcement Officer Certification Training will focus on the specific content of each TSIP rule as well as how to interact with all terminal populations to ensure that a standard health and safety message is delivered. The training will include the procedure to issue recognition of excellence citations and citations of non-compliance, how to address questions regarding potential penalties, and procedures for disengaging from an offender and notifying the VPA Police if the offender either refuses to correct his behavior or attempts to verbally or physically intimidate a member of the Enforcement Officer. The content of this training will be developed in a joint effort between the VIT Vice President of Health and Safety and the VPA Police.

The VPA Chief of Police will develop standards to incorporate into the VPA Police Department Policies and Procedures Manual that address patrol procedures for safety violations.

6. TSIP Citation Routing

The TSIP citation will consist of two copies. The original will be retained by the Enforcement Officer and the copy will be issued to the individual. The original will be routed for entry into the health and safety infraction tracking database. Once the infraction has been entered, the offender's employer, if any, will be notified by e-mail to ensure the employer is informed and will assist with correcting future discrepancies by its employees. This administrative function will be accomplished by the VIT Health and Safety Staff.

7. Penalties

The standard penalties for failure to comply with the health and safety rules are listed below. All infractions within the 24 month period preceding the current infraction will be considered when imposing the appropriate penalty. The offender's employer, if any, will be notified of the infraction via e-mail pending the implementation of a penalty or the requirement to attend remedial training for a 2nd infraction or face suspension, and the option to attend a mitigation meeting for 3rd or subsequent infractions.

- 1st Infraction in 24 months - Written Warning
- 2nd Infraction in 24 months - Remedial Training or 14 Day Suspension from the Terminals
- 3rd Infraction in 24 months - 30 Day Suspension from the Terminals
- 4th Infraction in 24 months - 90 Day Suspension from the Terminals
- 5th Infraction in 24 months - 180 Day Suspension from the Terminals

In the case of a negligent, reckless, or an intentionally unsafe act that endangers a person or property, an individual's access to VPA property may be suspended or revoked by the VPA Chief of Police without proceeding according to the graduated penalties outlined above.

NOTE: The penalties in this section and mitigation in Section 8 will not apply to VIT employees represented by the ILA. A TSIP infraction committed by a VIT employee represented by the ILA will be considered to be "insubordination" within the meaning of the "Prohibited Activities and Discipline" section of the employee's collective bargaining agreement, section 23c. This includes any TSIP violation on Port of Virginia property, regardless of employment status. When observing a TSIP violation, all certified TSIP writers are required to use the TSIP process.

- 1st Infraction – The TSIP is not referred to the employer for application to the CBA.
- 2nd Infraction - Remedial Training is offered and attended within 30 days or the TSIP is referred to the employer for application to the CBA.

- 3rd and subsequent infractions are referred to the employer for application to the CBA. Per CBA timeline, infractions will be removed after three years from the date of occurrence.

The penalty imposed by VIT for the infraction, the procedure associated with imposing the penalty, and any mitigation of the penalty will be as set forth in the collective bargaining agreement, including the “Prohibited Activities and Discipline” section of the collective bargaining agreement. This also applies to companies that employ ILA members, while present on VIT operated terminals, pursuant to current license agreements.

NOTE: In order to comply with the Employee Policies and Procedures Manual to which VPA, VIT and HRCPII employees are subject, the penalties in this section and mitigation in Section 8 of this TSIP policy are modified pursuant to paragraph 11 as listed below.

- 1st Infraction in 24 months - TSIP Written Warning
- 2nd Infraction in 24 months - Remedial Training not later than one month after manager receives the letter of notification that employee received a citation.
- 3rd Infraction in 24 months - Progressive discipline at the “Warning” level according to respective VPA/VIT/HRCPII policy guidance.
- 4th Infraction in 24 months - Progressive discipline at the “Reprimand” level according to respective VPA/VIT/HRCPII policy guidance.
- 5th Infraction in 24 months - Termination.

8. Penalty Mitigation

The suspension for a 2nd infraction within 24 months will be automatically reduced to zero days if the offender attends and successfully completes a Port of Virginia TSIP remedial training session conducted by the VIT Health and Safety Department, within 30 days of receiving a citation, at his or her own cost. This training is intended to be not more than 90 minutes and will require the individual to pass a written test with an 85% score. Following this training, a subsequent citation would be considered a third citation.

If an offender seeks mitigation of a third or subsequent infraction penalty, they may request a meeting with a “Mitigation Panel” that consists of at least three members of the Health and Safety Excellence Panel listed in paragraph 2. The Mitigation Panel may, in its discretion, reduce or modify the penalty for good cause shown.

9. Implementation of Port Access Suspension

Upon suspension, the VPA Police will suspend access to all VPA properties. The offender’s employer will be prohibited from assigning any task to the offender at any of the Terminals during the suspension period. Individuals who attempt to violate the suspension notice will be referred to the VPA Chief of Police for enforcement of a breach of security for using an invalid credential to enter a VPA facility.

10. Release of Port Access Suspension

Once the suspension period is concluded, the VPA Police will rescind the Stop Order and reactivate the TWIC credential.

11. Authority to Make Changes

The authority to make administrative changes to this Process is delegated to VIT's COO.

REVISION HISTORY

- 1.1 Coordination: Shawn Tibbetts, COO (VIT)
James Bibbs, CHRO (VPA)
Travis Hill, Vice President of Container Terminals (VIT)
Peter Trocchiano, Vice President of Multi-Use Terminals (VIT)
Eric Casey, Vice President, Maintenance (VIT)
Chris Harrell, Vice President, Contracts and Risk Management (VPA)
James Noel, General Counsel (VPA)
Michael Brewer, Colonel, Chief of Police (VPA)
Vance Griffin, Director, Terminal Services (VIT)
Bill Burkett, Director, Maritime Incident Response Team (VPA)
Ronald Babski, Director, Health & Safety (VIT)
James Ford, CP&O
William Parker, CERES

- 1.2 Approval: John Reinhart, Executive Director (VPA)
- 1.3 Original: August 19, 2015
- 1.4 Revised: April 19, 2016
- 1.5 Revised: June 7, 2018