

<b>HEALTH &amp; SAFETY OPERATIONAL GUIDELINE</b>			
<b>Title:</b>	HOURS OF SERVICE – VEHICLE OPERATORS		
<b>Section:</b>	Personal Safety Duties	<b>Number:</b>	012-004
<b>Subsection:</b>		<b>Effective Date:</b>	January 1, 2008

**Preamble:**

O. Reg. 555/06 made under the *Highway Traffic Act* prescribes hours of service for a driver of a commercial motor vehicle. In particular, it defines duty status time, limits on-duty time and provides for exemptions (s. 3(1), paras. 4 and 4.1)

**Purpose:**

The Operations Division has implemented an electronic database to track employee hours of service to ensure an employee does not exceed 70 hours of on-duty time in the chosen seven-day cycle. A "day" begins 00:00 and ends at 23:59.

The intent of this guideline is to ensure regulatory compliance and to attempt to meet the requirements of our adopted levels of service. The scope and level of service delivery components of the Operations Division have been implemented to address the municipality's inherent responsibility for the protection of the public, property and the environment.

This document is intended as a guide. It is understood that our service delivery levels regularly require the deployment of employees outside the normal work schedule. Each employee deployment will be event specific. "Event" includes a situation or impending situation that poses a danger to life, property or the environment.

**Scope:**

Factors affecting employee deployments include:

1. *Nature of the event*
2. *Imminent danger to people, property or environment*
3. *Time of day*
4. *Level of service expectations*
5. *Employee availability – logged hours*

These factors are described below.

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1. *Nature of the event:*

Events include, but are not limited to, the following:

- Winter control – road patrols, sanding, plowing
- Wet weather event – surface flooding, sanitary sewer surcharging
- Water main break
- Sanitary sewer main break
- Wind storm – downed trees, powerlines or other installations
- Significant power outages

2. *Imminent danger to life, property or environment:*

- The deployment of employees to deal with each event will be event specific.
- The event needs assessment and degree of risk will be the responsibility of the acting manager/supervisor.

3. *Time of day*

- If the exemption is used, a regularly scheduled 10 hour shift should not be extended more than six hours such that total on-duty time equals 16 hours.
- A minimum 8 hour off-duty rest period will follow the extended shift described above.
- Length of permitted duty time on a call-in may be influenced by time of day and previous on-duty time. For example, if a call-in is required after the close of a regular shift at 11:00 pm, the duty supervisor will assess the need to address the event while remaining aware of logging employee on-duty time in preparation of ensuring appropriate off-duty time once the event has been managed.

4. *Level of service expectations*

- Adopted winter control plans describe service delivery expectations for each class of the road network including sidewalks.
- Water main and sanitary sewer events will be addressed based on the level of danger to life, property and the environment and to ensure continuity of access to essential services.

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5. *Employee availability – logged hours*

After hours call-ins will take in to consideration:

- Off-duty time period
- Previous day on-duty hours
- Scheduled shift commitment for remaining week/cycle

**Protocol:**

The Duty Supervisor will be primarily responsible for assessing each event and determining employees and equipment that may be required to address the event.

The Operations Manager, Utilities Manager and the Roads and Drainage Supervisor will provide consultation as may be required in determining event specific needs.

The Duty Supervisor will:

1. Document the particulars of the event that led to the decision to apply the exemption.
2. Maintain a log of event start and stop times and duration
3. Retain each employee's completed on-duty log.
4. Declare a "return to compliance" with the hours of work requirements
5. Advise employees of mandatory rest period prior to the next on-duty period

**In Summary:**

Management and supervisory staff (Duty Supervisors) are tasked with ensuring operations comply with the regulation and this guideline. In addition, every employee has been trained and has a legal responsibility to document and advise the respective supervisor of total hours logged and any and all conditions that impact the safe operation of a municipal vehicle.

Premature termination of a scheduled shift may be warranted if employee fatigue would compromise the safe operation of a vehicle, regardless of hours of service.

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Management of each deployment of employees/equipment will be event specific. The exemptions in s. 3(1), paras. 4 and 4.1 of O.Reg. 555/06 will **not** be utilized as blanket exemptions to all events.

In the event of any extension to an on-duty schedule, a mandatory total of 10 hours of off-duty time will be provided each day, notwithstanding any use of an exemption.

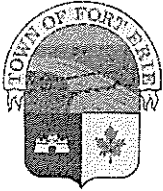
The terms and conditions contained herein will govern employee deployments in ensuring adequate off-duty rest periods are provided.

An employee providing service delivery outside regularly scheduled shifts may be provided paid time off for a portion or all of a normal duty schedule to facilitate the required off-duty rest periods.

**THIS GUIDELINE TAKES EFFECT IMMEDIATELY AND REMAINS IN EFFECT UNTIL REPLACED BY A NEW GUIDELINE OR SUPERSEDED BY LEGISLATION/REGULATION**

  
 \_\_\_\_\_  
 Employer Co-Chair, JHSC

  
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 Worker Co-Chair, JHSC



# Operational Plan

## Hours of Service Event Log

<b>Date:</b>		<b>Duty Supervisor:</b>					
<b>Time:</b>			Print				
Signature							
<b>Event Type:</b>							
<b>Event / Situation Assessment</b>							
<b>Staff / Equipment Deployment Required</b>		Yes	No	<b>Manager / Supervisor Consultation Required</b>		Yes	No
<b>On-duty Start Time:</b>				<b>On-duty End Time:</b>			
<b>Staff Instructed to Maintain On-duty Log</b>		Yes	No	<b>Staff On-duty Logs Retained to File</b>		Yes	No
<b>Event Running Log Notes</b>							
<b>Event / Situation Resolved:</b>		<b>Date:</b>		<b>Time:</b>			
<b>Staff Advised of Mandatory Rest Period Prior to Returning to On-duty Shift Schedules</b>				Yes	No		

## DAILY REQUIREMENTS

### Designation of driver's day

4. (1) The operator shall designate the hour at which the driver's day starts if it does not start at midnight and shall notify the driver of the designation. O. Reg. 555/06, s. 4 (1).

(2) The designation shall apply for the duration of the driver's cycle. O. Reg. 555/06, s. 4 (2).

### Daily driving time

5. (1) After a driver has accumulated 13 hours of driving time in a day, the driver shall not drive again on the same day. O. Reg. 555/06, s. 5 (1).

(2) After a driver has accumulated 14 hours of on-duty time in a day, the driver shall not drive again on the same day. O. Reg. 555/06, s. 5 (2).

### Daily off-duty time

6. (1) A driver shall take at least 10 hours of off-duty time in a day. O. Reg. 555/06, s. 6 (1).

(2) Off-duty time under subsection (1) that is in addition to the mandatory eight consecutive hours of off-duty time required by section 9 may be distributed throughout the day in blocks of no less than 30 minutes each. O. Reg. 555/06, s. 6 (2).

(3) The off-duty time referred to in subsection (2) shall be at least two hours and may be added to the mandatory eight consecutive hours of off-duty time but cannot form part of it. O. Reg. 555/06, s. 6 (3).

### Deferral of off-duty time

7. A driver may split the off-duty time required by section 6 over any two consecutive days by deferring a maximum of two hours of the daily off-duty time from the first day to the second day and increasing the total of the driving and on-duty times in the first day by not more than two hours if,

- (a) the deferred off-duty time does not form part of the mandatory period of eight consecutive hours of off-duty time required by section 9;
- (b) before the end of the second day, the driver takes a consecutive period of off-duty time consisting of the eight consecutive hours required by section 9 plus the off-duty time deferred from the first day;
- (c) the total off-duty time taken in the two days is at least 20 hours;
- (d) the total driving time in the two days does not exceed 26 hours;
- (e) the total on-duty time in the two days does not exceed 28 hours;
- (f) the driver is not splitting off-duty time under section 11 at any time during the two days; and
- (g) an entry is made in the "Remarks" section of the daily log or on the record required by subsection 18 (3) clearly indicating the day from which the off-duty time has been deferred and the day to which it was deferred. O. Reg. 555/06, s. 7.

### Mandatory off-duty time

9. (1) After a driver has accumulated 13 hours of driving time from the end of the most recent period of eight or more consecutive hours of off-duty time, the driver shall not drive again unless he or she takes at least eight consecutive hours of off-duty time. O. Reg. 555/06, s. 9 (1).

(2) After a driver has accumulated 14 hours of on-duty time from the end of the most recent period of eight or more consecutive hours of off-duty time, the driver shall not drive again unless he or she takes at least eight consecutive hours of off-duty time. O. Reg. 555/06, s. 9 (2).

(3) After 16 hours have elapsed from the end of the most recent period of eight or more consecutive hours of off-duty time, the driver shall not drive again unless he or she takes at least eight consecutive hours of off-duty time. O. Reg. 555/06, s. 9 (3).

**Exemptions from Regulation 555/06**

3. (1) Subject to subsection (3), a driver and operator are exempt from this Regulation while the driver is driving a commercial motor vehicle of a type and in the circumstances described in any of the following paragraphs:

4. A vehicle engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.
- 4.1 A vehicle operated by or on behalf of a municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

(3) A driver's on-duty time and off-duty time, within the meaning of this Regulation, when he or she is exempt from this Regulation under subsection (1) shall nonetheless be included in the calculations of a driver's hours of off-duty and on-duty time for the purposes of complying with this Regulation on the days when the driver is not exempt under subsection (1). O. Reg. 555/06, s. 3 (3).