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POLICY MEMORANDUM NO. 2009-02

To: Port Employees and Users	Subject: Wireless Telephones and Electronic Devices
Effective Date: December 4, 2008	Revision Date:
Approved by:  GLENN A. LEON GUERRERO, General Manager	
All revisions are marked with an asterisk (*)	

- I. **MANDATE:** Public Law 29-22, "An Act to Add a New §3347 to Article 3 of Chapter 3, Title 16 Guam Code Annotated, Relative to Reading, Writing or Sending Electronic Messages While Operating a Motor Vehicle: Prescribing Penalties; and Providing an Effective Date" was signed in law by I Maga'låhen Guåhan on October 24, 2007. The law took into effect on April 24, 2008.
- II. **LEGISLATIVE INTENT:** The safe operation of a motor vehicle requires the minimum of distraction in order to avoid the hazards one encounter on Guam's roadways. The growing popularity of text messaging, e-mail, web browsing, instant messaging and other "smart phone" applications on wireless telephones amongst Guam's youths and adults must not become an additional hazard to the safe operation of vehicles. It was the intent of the I Mina'bente Nuebi Na Liheslaturan Guåhan on the passage of this law to make the reading, writing or sending of electronic messages while operating a motor vehicle a traffic violation.
- III. **DISCUSSION:** Because Port employees and users must traverse on Route 11 and within the Port industrial area to perform their duties, it is the intent of the Port to extend the application of the law within the Port industrial area and to include MP3 players (i-pods) and other electronic devices.
- IV. **PURPOSE:** The Port recognizes that employees are the most valuable asset and important contributors to our continued growth and success. The Port also remains firmly committed to:
 - A. the safety of its employees;
 - B. minimize and/or prevent workplace accidents; and
 - C. provides a safe working environment for its employees.

Wireless telephones (cellular phones) and i-pods brought into the Port workplace by employees can create distractions, potential safety concerns and security risks. With the increasing presence of such electronic devices within the Port facilities, it is necessary to implement a policy regarding its use.

V. **COVERAGE:** This policy shall cover all employees and users within the Port facilities.

VI. **POLICY ON USE OF PERSONAL WIRELESS TELEPHONES AND OTHER ELECTRONIC DEVICES:**

The following policy shall be in effect for the use of cellular phones and other electronic devices in order to promote a safe working environment and to limit the liability of the Port due to the use of cellular phones and electronic devices in non-work related situations. Employees and users may carry personal cellular phones and other electronic devices with them while operating vehicles or cargo handling equipment, but are subject to the following restrictions:

- A. Text messaging, e-mail, web browsing, or instant messaging using a wireless phone should not be used while operating a motorized vehicle while travelling on **Route 11**.
- B. Employees or users wishing to text, e-mail, web browse or instant message while driving on **Route 11** should locate a lawfully designated area to park to safely use your cell phone or similar device.
- C. Text messaging, e-mail, web browsing, instant messaging, answering a call or placing a call on a wireless telephone is prohibited within the **container yard** while operating a motorized vehicle. Employees or users should locate a designated area to safely park to safely use the cell phones.
- D. The term "vehicle" includes golf carts, motorcycles and scooters.
- E. The use of cell phones is **prohibited** when:
 - 1. operating a crane, hoist-powered industrial truck or other cargo handling equipment;
 - 2. one is assigned to perform work against a vessel operations; and
 - 3. in waterfront areas of the Port terminal facility where vessel operations activity is occurring.
- F. Cell phones must be **turned off** when in an area containing flammable/combustible vapors, e.g., fueling stations, oil and propane storage, and flammable and combustible storage areas.

- D. The use of i-pods and other electronic devices hooked up to portable headphones or ear phones are **prohibited** within the Port terminal facility.
- E. Use of cell phones for non-business related purposes must be conducted in a manner to avoid disruptions to others. To ensure effectiveness of meetings and training, employees are asked to place their cell phones on vibrate mode.

VII. POLICY ON PORT OR COMPANY OWNED RADIOS:

An employee or user whose duties require that they be supplied a two-way radio, the following restrictions on its use while on Port premises shall apply:

- A. Two-way radios are not to be used while operating a vehicle, crane, hoist-powered industrial truck or other cargo handling equipment.
- B. Two-way radios are not to be used while engaged in a job task that involves the use of both hands or the full attention of the individual. Examples of job tasks are: operating crane or ship gears, line handling, rigging, signaling, etc.
- C. Should the use of such radio is required; he should locate a lawfully designated area to safely use the radio. Unless in emergency mode (with activated lights and/or siren) responding to the threat of life and property will radio communication be used, but with due diligence.

VIII. VIOLATIONS:

- A. Authorized Port Police personnel may issue traffic violations of those individuals who violate this policy while on Route 11.
- B. Within the Port terminal facility, Port Police personnel is authorized to issue in-house citations without monetary penalty but may recommend to the General Manager that individual(s) who have been found to continue to violate such policy be removed and/or banned from the premises. Such recommendation will depend on the severity and frequency of the violation combined.
- C. Appropriate disciplinary action may be taken against those employees found to be violating this policy by management.

RESPONSIBILITIES:

- A. It shall be the responsibility of the division heads to ensure that this policy is communicated to each employee upon initial employment. A receipt from the employee acknowledging that he has read and understood the policy shall be filed in the employee's personnel jacket located in the Human Resources Division.
- B. It shall be the responsibility of the Safety Administrator to include this procedure in the Safety/Security briefing for users.
- C. It shall be the responsibility of the users to ensure that their employees are aware of this policy.

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ACKNOWLEDGEMENT OF RECEIPT
Of Policy Memorandum 2009-02
Subject: Wireless Telephones and Electronic Devices

I, _____, acknowledge receipt of this policy and
have read and understood its contents.

Print Name:	Date:
Signature of Employee:	
Signature of Witness:	Date: