

# NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 810.3

SECTION: OPERATIONS

TITLE: School Vehicle Drivers

ADOPTED:

REVISED:

## **Purpose**

The Joint Operating Committee recognizes that an employee must be fit to operate a school vehicle to ensure the health and safety of students being transported. The Joint Operating Committee also recognizes that an employee impaired by drugs or alcohol who operates school vehicles or transports students poses significant risks to the safety of students and others.

## **Definition**

**School vehicle** means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the center (school). The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children. The term does not include a "school bus" or "commercial motor vehicle."

## **Authority**

The Joint Operating Committee shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles.

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles.

School vehicle drivers shall observe all state and federal laws and Pennsylvania Department of Transportation regulations governing traffic safety and school vehicle operation.

The Joint Operating Committee prohibits school vehicle drivers from texting and from using a handheld mobile telephone or other electronic device while driving a school vehicle except when it is necessary to communicate with law enforcement officials or other emergency services.

## **Delegation of Responsibility**

The Administrative Director or designee shall develop administrative regulations to implement this policy and the requirements of law, which may include the following components:

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1. Establishment of procedures for drug and alcohol testing of school vehicle drivers.
2. Establishment of procedures for obtaining and reviewing each school vehicle driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a vehicle.

The Administrative Director or designee shall provide each driver, upon hire or transfer, with:

1. This policy and any accompanying administrative regulations; and
2. Educational materials related to misuse of alcohol and use of controlled substances.

The Administrative Director or designee shall also provide notice to representatives of employee organizations of the availability of this information.

### Guidelines

School vehicle drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Joint Operating Committee policy and administrative regulations. These requirements are addressed separately in Joint Operating Committee policy 304 for drivers employed by the center (school) and Joint Operating Committee policy 818 for drivers employed by an independent contractor.

Prior to employment and at least once each school year, school vehicle drivers shall submit a copy of a valid driver's license to the Administrative Director or designee.

### Reporting Requirements

School vehicle drivers shall report misconduct in accordance with Joint Operating Committee policy 317 for drivers employed by the center and Joint Operating Committee policy 818 for drivers employed by an independent contractor.

School vehicle drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school vehicle.

School vehicle drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur and/or be careful when driving a motor vehicle or operating machinery."

A school vehicle driver **arrested**, charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in

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Canada, other than parking violations, shall notify the Administrative Director or designee and the contracted carrier in writing before the end of the next business day **following the driver's arrest, charge or receipt of citation**. Notice is required no matter what type of vehicle the driver was driving.

**An employee who has provided timely notification of an arrest, citation or charge shall not be terminated or otherwise disciplined by the center or the contract carrier based solely on the allegations underlying the arrest, citation or charge reported by the employee. Termination or other disciplinary action based on the underlying misconduct maybe taken only where there has been a conviction of the violation, or where there is independent evidence of the underlying misconduct warranting termination or other discipline. This shall not preclude suspension, reassignment or other action pending resolution of the charges reported by the employee, nor disciplinary action up to and including termination for failure to provide timely notice of an arrest, citation or charge.**

A school vehicle driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Administrative Director or designee and the contract carrier in writing of the conviction within **fifteen (15)** days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving.

Any school vehicle driver whose operating privilege is suspended, revoked, canceled or recalled by any state, shall notify the Administrative Director or designee and the contract carrier immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification.

Controlled Substances and Alcohol

*Prohibited Conduct –*

School vehicle drivers shall not use medical marijuana products.

School vehicle drivers shall not ingest hemp products or otherwise use hemp products in a way that may result in absorption of hemp or hemp residue into the body.

A school vehicle driver shall not report for duty, drive, operate or be in the actual physical control of the movement of a school vehicle under the following circumstances:

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol.

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2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.
3. After consuming alcohol or a controlled substance within the previous eight (8) hours.

An exception shall be made for therapeutic use of prescribed controlled substances used by a school vehicle driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school vehicle.

### *Consequences/Discipline –*

The center shall place a school vehicle driver who drives, operates or is in physical control of a school vehicle out of service for thirty (30) days if the school vehicle driver:

1. Has any detectable amount of alcohol in **their** system; or
2. Refuses to take a test to determine **their** alcohol content.

A school vehicle driver who refuses to take a drug or alcohol test required pursuant to Joint Operating Committee policy and administrative regulations has not refused to take a Department of Transportation (DOT)-test.

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action, **up to and including termination**, for a school vehicle driver who violates **applicable law and regulations**, Joint Operating Committee policy or administrative regulations.

### Maintenance of Records

Drug and alcohol test information for school vehicle drivers shall be maintained separate from test information for covered drivers, such information shall be treated as confidential and shall only be released in accordance with law.

Drug and alcohol test information for school vehicle drivers shall not be included on the U.S. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form.

### Acknowledgment of Receipt

Each school vehicle driver shall sign a statement certifying that **they have** received a copy of this policy and its accompanying administrative regulations.

The center shall keep the original signed statement in the school vehicle driver's personnel file and provide a copy to the driver.

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### Training

School vehicle drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other center employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which school vehicle drivers should also receive that training.

### **PSBA Revision 2/21 © 2021 PSBA**

### Legal

75 Pa. C.S.A. 102

Pol 818

75 Pa. C.S.A. 3316

75 Pa. C.S.A. 1606

75 Pa. C.S.A. 6344

75 Pa. C.S.A. 6344.3

24 P.S. 111

24 P.S. 111.1

Pol. 307

Pol. 317

49 CFR 40.13

75 Pa. C.S.A. 1612

75 Pa. C.S.A. 3802

49 CFR 40.191

49 CFR 40.261

24 P.S. 1850.1

Pa. C.S.A. 6301 et seq

75 Pa. C.S.A. 1601 et seq

67 Pa. Code 71.3

49 CFR Part 40

Pol 351