LENAPE TECHNICAL SCHOOL

SECTION: OPERATIONS

TITLE: SCHOOL VEHICLE DRIVERS

ADOPTED: November 18, 2021

REVISED:

810.4. SCHOOL VEHICLE DRIVERS

1. Purpose	The Joint Operating Committee recognizes that an employee must be fit to operate a school vehicle to ensure the health and safety of student 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 risk to the safety of students and others.
2. 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 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 a "commercial motor vehicle".[1]
3. 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 driver who operate school vehicles.[2] 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 devise while driving a school vehicle except when it is necessary to communicate with law enforcement officials or other emergency services.[3]
4. Delegation of Responsibility	The Administrative Director or appropriate personnel designated by the Administrative Director shall develop administrative regulations to implement this policy and the requirement of law, which may include the following components: 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. [4]

	The Administrative Director or appropriate personnel designated by the Administrative Director 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 appropriate personnel designated by the Administrative Director shall also provide notice to representatives of employee organizations of the availability of this information.
5. 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 818 for drivers employed by an independent contractor.[2][5][6][7][8][9] 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 appropriate personnel designated by the Administrative Director. <u>Reporting Requirements</u> School vehicle drivers shall report misconduct in accordance with Joint Operating Committee policy 317 for drivers employed by the school and Joint Operating Committee policy 818 for drivers employed by an independent contractor.[2][10] 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 Canada, other than parking violations, shall notify the Administrative Director or appropriate personnel designated by the Administrative Director 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 school based solely on allegations underlying the arrest, citation or charge reported by the employee.

Termination or other disciplinary action based on the underlying misconduct may be taken only where there has been conviction 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.[2][10]

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 appropriate personnel designated by the Administrative Director in writing of the conviction with 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 appropriate personnel designated by the Administrative Director immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification.[4]

Controlled Substances and Alcohol

Drug and Alcohol Testing –

The school shall require school vehicle drivers to submit to the following drug and alcohol tests:

1. Pre-employment
2. Post-accident
3. Return-to-work

The drug and alcohol testing program for school vehicle drivers shall be completely separate from the drug and alcohol testing program for covered drivers. The school shall not use the *Federal Drug Testing Custody and Control Form of the Department of Transportation Alcohol Testing Form* in its drug and alcohol testing program for school vehicle drivers.[11]

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.[12]
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.[13]
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 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 school 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:[4][12]

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.[14][15]

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.[2][10]

<u>Maintenance of Records</u>

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.[11]

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.

<u>Acknowledgment of Receipt</u>

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

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

	Training School vehicle drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school 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. Legal References: 1. 75 Pa. C.S.A. 102 2. Pol. 818 3. 75 Pa. C.S.A. 3316 4. 75 Pa. C.S.A. 1606 5. 23 Pa. C.S.A. 6344 6. 23 Pa. C.S.A. 6344.3 7. 24 P.S. 111 8. 24 P.S. 111.1 9. Pol. 304 10. Pol. 317 11. 49 CFR 40.13 12. 75 Pa. C.S.A. 1612 13. 75 Pa. C.S.A. 3802 14. 49 CFR 40.191 15. 49 CFR 40.261 24 P.S. 1850.1 23 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