

SCHOOL BOARD OF ST. LUCIE COUNTY

SAFE DRIVER PLAN FOR BUS DRIVERS

Introduction

The School Board of St. Lucie County wishes to ensure that it provides the safest means of transportation possible for its students and employees, and for this purpose has adopted this Safe Driver Plan, (SDP). Statistics indicate the School Board can significantly reduce the potential for injuries, property damage, and lawsuits by maintaining a Safe Driver Plan. The Plan will prevent the hiring of unqualified applicants and remove an employee from driving a school bus who has attained a poor driving record showing a pattern of unsafe driving habits, violating safety procedures and rules, or reflecting a critical incident. Every employee covered by this Plan is expected to establish and maintain an overall driving record that exemplifies careful driving habits.

Who Is Covered

This Safe Driver Plan covers all employees who operate a District owned/leased bus, hereinafter referred to as a District vehicle, who are required to maintain a Commercial Driver License with an "S" Endorsement as defined by the Florida Department of Highway Safety and Motor Vehicles. The Plan also applies to all applicants for employment in such positions. The Plan applies to both the driving of the District vehicle as well as any other vehicle operated outside of the workplace. One facet of this Plan involves the regular monitoring of the driving record of these employees. Bus Drivers are in safety sensitive positions as described by the Omnibus Transportation Employee Testing Act, (OTETA), and are held to higher standards as described in this Plan.

Applicants for Employment as School Bus Driver

The failure to meet the following criteria and evidence of infractions of the traffic code and driving violation point totals shall deem an applicant for employment with the District unqualified for hire as a school bus driver:

1. Minimum of five (5) years of licensed driving experience as proven by DHSMV record.
2. Maximum of ten (10) points accumulated within the last five (5) years, not to exceed four (4) points in any one (1) year. If applicant has one or more Adjudication Withheld during this time, the maximum number of points is reduced from 10 to 5.
3. No more than two (2) suspensions of driver's license for any reason within the last three years.
4. No more than two (2) Adjudication Withheld or convictions for unlawful speed within the past three (3) years.
5. No more than three (3) Adjudication Withheld for any reason within five (5) years.

6. An Applicant will not be recommended to drive a school bus if they have been convicted of reckless driving during the past ten (10) years or careless driving within the past five (5) years.
7. An applicant will not be recommended to drive a school bus if the applicant has been convicted of leaving the scene of an accident, driving under the influence of alcohol or a controlled substance or driving with an unlawful blood alcohol or breath alcohol level within the last fifteen (15) years or more than once in a lifetime.
8. An applicant must have a valid driver's license when applying for a position as a bus driver.

Training Program

Once approved for employment, all employees covered by the Plan shall be instructed in safe driving techniques during a training program as required by law including annual in-service training.

Remediation

In addition to any disciplinary action that may be implemented in accordance with this Plan, when management deems it appropriate or necessary, an employee covered by this Plan may be required to attend remedial training in any school year. Such training may be provided by the District and may include classroom instruction or behind the wheel in areas where management identifies needed improvement. All training shall be on paid time at the in-service rate of pay.

Administration and Disciplinary Action

This Safe Driver Plan is based on a point system, whereby points are applied to a variety of driving, policy or procedural violations. The accumulation of a certain number of points within a specific time period will result in disciplinary action against an employee. For employees covered by this Plan, it does not matter whether the points were assigned for violations involving a District vehicle or the employee's personal vehicle.

The accumulation of points within the specified time period will result in disciplinary action as indicated below.

Maximum Number of Points	Time Period	Assessment Action
1 point	1 year	Documented Warning
2 points	1 year	Written Reprimand
3 – 4 points	1 year	1 day suspension without pay
5 – 6 points	1 year	3 day suspension without pay
7 – 9 points	1 year	10 day suspension without pay
10 points	1 year	Termination of Employment as Bus Driver
15 points	2 years	Termination of Employment as Bus Driver
20 points	3 years	Termination of Employment as Bus Driver

Points assessed under this Plan will be deleted three (3) years following the date the points were assessed. An employee may elect once within a two year period to take a remediation session from a provider approved by the department at their own expense, and upon presenting a certificate of completion will have a single violation of 3 points or less removed from their record, if completed within 60 calendar days from the date the points were assessed. Any suspension received as a result of points assessed will stand and may not be removed by remediation. This is a separate, optional event from the department mandated remediation following an accident.

Maintenance of Professional License or Certification

Regardless of any other provision of this Safe Driver Plan, any District employee who knowingly operates a school bus with a suspended or revoked driver's license or certification shall be subject to termination of employment.

Administrative and Reporting Responsibilities

It is the responsibility of the employee to report the occurrence of any of the following by the next scheduled employee workday to the Director of Transportation, (Director), or his/her designee:

1. Any accident in which the employee was involved as a driver of a motor vehicle, regardless of the ownership of the vehicle, the location, or if the employee was or was not at fault.
2. Receipt of any traffic citation, excluding parking violations, regardless of vehicle ownership or site of the citation. A copy of the citation must be submitted.
3. Receipt of notification of expiration, suspension or revocation of driver's license. Notification must be made in time to for route coverage along with a copy of the notice.
4. Any and all visible damage to the assigned district vehicle or injury to a passenger, no matter how minor, must be reported immediately during normal working hours or by the following workday.

Failure to report any of the above or making a false or misleading report may be grounds for discipline up to and including termination of employment. A driver may be suspended from driving duties with pay, pending school board action. If he/she is found guilty or does not contest the charges, he/she will be immediately assigned points and administrative action(s) shall begin immediately.

It is the responsibility of the driver's direct supervisor to insure all applicable paper work involving SDP action be forwarded or returned to the Director or his/her designee within five (5) working days of receipt. A driver involved in a single event, but cited for more than one violation will receive SDP points for all citations received. All employees have

the right to appear before the Safe Driver Review Committee when their accident is reviewed. All accidents will be reviewed by the Safe Driver Review Committee. All employees have the right of appeal as defined, in regard to the findings of the Review Committee. Disciplinary action will be held until the Appeal Committee's decision is made.

Safe Driver Accident Review Committee

The Safe Driver Review Committee will be organized to meet monthly as necessary and perform the following duties and responsibilities:

1. Establish a set schedule for the review of all accidents, incidents, and violations.
2. Determine the preventability of all incident and accidents, whether ticketed or not ticketed, following National Safety Council guidelines.
3. Notify the Director of findings and recommendations within five (5) days of meeting.
4. Notify the Director of accumulated points if applicable to disciplinary action.
5. Make recommendations as to accident trends and prevention.
6. Have all voting procedures be by written ballot.
7. Hold all proceedings as confidential.
8. Review the Safe Driver Plan annually and make recommendations for revision.
9. Notify the Director of any Driving Record citations that were not reported by the driver or supervisor.
10. Review written applications for Safe Driver Credits as needed by the Director.

The Safe Driver Accident Review Committee will consist of 10 voting members and one floating seat:

Safety and Training Manager (will serve as chairman)

Fleet Service Manager or designee

One Security Officer

One Risk Management Representative

Two Lead Driver Trainers

Three School Bus Drivers (appointed by the Director every two years)

One Union Representative (appointed by the Union every two years)

One Open Seat for the driver's supervisor from their department or a Human Resources representative, (non-voting except in event of a tie)

The employee will be notified within 15 working days whether points will be assigned and of any potential administrative action. Points assigned will become part of the Safe Driver Plan employee accumulation. A copy of the agenda and minutes of the committee meetings will be provided to the Union.

Point System

The following point assessment is based upon the Florida DHSMV point system. The items below indicate the types of violations and the points typically associated with them. This list is neither complete nor inclusive.

Violation Categories

	<u>Points Assigned</u>	
	<u>District Vehicle</u>	<u>Personal Vehicle</u>
1. Un-cited preventable accident with damage or injury	0-3	N/A
2. Crossing private property to avoid traffic containment device	1	N/A
3. Failure to complete a pre/post trip inspection	1	N/A
4. Speeding 15 miles or less over posted limit	3	2
5. Failure to observe a red light	3	2
6. Failure to observe a stop sign	3	2
7. Failure to observe a traffic instruction sign	3	2
8. Improper lane change	3	2
9. Failure to have vehicle under control	3	2
10. Driving on the wrong side of the road	3	2
11. Improper turning	3	2
12. Failing to yield enter through highway	3	2
13. Failing to yield right of way	3	2
14. Improper backing	3	2
15. Improper passing	3	2
16. Speeding 16 miles or more over the posted limit	4	3
17. Use of personal wireless communications device* (1 st Offense)	4	N/A
18. Careless Driving	5	2
19. Leaving scene of an accident (no injury or property damage)	6	4
20. Use of personal wireless communications device* (2 nd Offense)	6	N/A
21. Improper railroad crossing procedure (no students onboard)	8	N/A
22. Reckless Driving	10	10
23. Driving while intoxicated or unlawful alcohol content	10	10
24. Operating without valid Florida CDL	10	10
25. Leaving scene of an accident (with injury or property damage)	10	10
26. Leaving scene of an accident involving school bus	10	N/A
27. Improper railroad crossing procedure (student(s) onboard)	10	N/A
28. Fleeing or attempting to elude law enforcement	10	10
29. Passing a school bus that is conducting a legal passenger stop	10	10
30. Failing to observe any other established driving law, rule, or regulation. Points to be established between 0-10 using this points schedule as a guide to determine the number of points according to similar severity. This includes failing to report violations as described in the plan.	0-10	0-10

*A "personal wireless communication device" is a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The following devices are examples of wireless communication devices (WCDs): cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), Smartphones, Wi-Fi-enabled or broadband access devices, two-way radios or video broadcasting devices, laptops, electronic readers "e-readers" (e.g., Kindles or similar devices) and other devices that allows a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text, or other information. The mobile radio installed on all District school buses will be the primary communication system for District school bus drivers and the only WCD that may be used while operating the bus. If the mobile bus radio fails, and the driver's responsibility for the safety and health of the students being transported makes it necessary to use a WCD for bus-operating duties, the driver will depart from the roadway, stop the bus in a safe area, and then use the WCD.

If the district has reason to believe an employee recklessly endangered the lives of students and/or others, or has violated any other board policies, district procedures or practices, or state/federal rules or statutes, the District may impose disciplinary action up to and including termination as prescribed by school board policy. For example, there is just cause for immediate termination of a bus driver without progressive discipline when a passenger remains on his/her bus after the scheduled route and/or driving assignment for any reason. However, if a student is injured due to a defensive action on the part of the school bus driver in order to avoid an accident, no points will be assessed because of the injury. It is recognized that students should always be safely seated.

Un-ticketed Driving and Procedural Infractions

When an employee is involved in a traffic infraction or accident while operating a district vehicle and no ticket from a law enforcement agency is issued to any parties involved, and there is property damage in excess of \$150 or bodily injury, the Director of Transportation, or his/her designee, will investigate the accident. This same procedure will apply in the event of any infraction or violation of department procedure as listed in the Driver and Attendant Handbook or other department directives, or violation of a board policy, or a Florida statute or rule as listed in FS K-20 Education Code 1006 and FAC 6A-3 Transportation Administrative Rules.

As part of the investigation, the employee will meet to discuss the violation, infraction or accident and any documentation within ten (10) working days of the infraction. The employee will be provided copies of all documentation and copies of any tapes if the meeting is recorded. An employee may be represented by the Union at such a meeting and, if necessary, at the Safe Driver Review Committee meeting. Based on the outcome of the meeting, if points are warranted, the driver may be assigned points. For property damage of a minor nature, the points will be assessed at the Director's discretion as follows:

Violation	Points
1. At-fault accident driving a district vehicle, involving another vehicle and/or physical property damage of less than \$1000, whether or not students were on board (without citation)	1
2. At-fault accident driving a district vehicle, involving another vehicle and/or physical property damage of more than \$1000, whether or not students were on board (without citation)	3

The employee will be notified within 15 working days of the review meeting whether or not points will be assigned. Points assigned above will become part of the Safe Driver Plan employee accumulation.

Appeals of Points Assigned in Accordance with Safe Driver Plan

Point assignments made by decision of the Safe Driver Accident Review Committee may be appealed by the employee. Appeals may only be made by an employee who attended the Safe Driver Accident Review Committee where his or her case was heard and a decision made. Appeals must be made in writing to the supervisor within 10 working days of the assignment of points. Appeals may only be made for those point assignments where there was no citation issued and where there is reasonable doubt as to whether or not the employee could have avoided the accident. A joint committee comprised of the following will meet with the employee and his/her representative to review the appeal. The committee shall be comprised of the following:

- Director of Transportation or Designee
- The supervisor of the employee filing the appeal
- Driver Trainer/Safety Manager
- Member of the St. Lucie County School Board Security Department
- Three driver representatives selected by the appellant

The Safe Driver Appeal Committee will meet as needed for this purpose. The Transportation Director will serve as Committee Chair. The Safety Manager shall outline the event and recommendation reached by the Review Committee. The driver may then present his/her appeal. In the event that the employee's supervisor, Driver Trainer/Safety manager or Security Representative is not available, then the Director of Transportation may appoint a Designee for the committee. Questions may be asked and discussions ensue, however the driver's previous driving record or employment history may not enter the process. The Appeal Committee will deal exclusively with reassessing the event being appealed. Ballots will be in writing. A tie vote shall benefit the driver with no penalty assessed. The decision of the Appeals Committee will be final.

Annual Notification

Employees are expected to review the Safe Driver Plan at least annually. Each employee will be required to sign a form annually indicating that he/she has read a copy of the Safe Driver Plan. Copies of the Plan will be posted on the District website and union bulletin boards. Printed copies will be provided upon request.

Effective Date: July 11, 2000.

Revised: September 25, 2007, February 14, 2012, May 26, 2015