

<p style="text-align: center;"><b>TUCSON UNIFIED</b> SCHOOL DISTRICT</p> <p style="text-align: center;"><b>POLICY REGULATION</b></p>	<p>REGULATION TITLE: Business and Personnel Transportation Services – Use of District Vehicles</p>
	<p>CODE: EEB-R2</p>

### **District Vehicles**

District vehicles may be requested by Governing Board members or District employees for District travel purposes. Vehicles will be assigned on a first-come, first-serve basis; however, preference in the assignments of District vehicles shall be given to travel events which involve the transportation of students.

### **Employees Driving District Vehicles**

No employee shall be assigned a District vehicle on a full-time basis.

District vehicles shall be returned to the district assigned facility at the end of every business day. In the case a district vehicle is taken out of town over night, the vehicle shall be returned to the assigned facility immediately following the return to Tucson. Vehicles are not permitted to be stored or parked at an employee's home.

### **Lending or Renting of Vehicles**

Vehicles owned by the District shall be used by TUSD employees only with a valid driver's license. TUSD vehicles checked out for daily use shall be driven at all times by the individual(s) who accept liability and are present during the check out process. Lending or renting TUSD vehicles is prohibited. The express permission for such use shall be given by the Superintendent or a member of the staff designated by the Superintendent.

### **Traffic and Parking Violations**

The District assumes no liability for any employee cited for, or convicted of, illegally operating or illegally parking any motor vehicle used to conduct District business. The employee shall be personally responsible for any and all expenses, costs, penalties, fines, or other consequences which may result from such citation, conviction or arrest.

### **Accidents/Incidents**

Accidents and incidents are defined in AZ Administrative Code Minimum Standards. TUSD has elected to adopt the same definitions to determine the type of occurrences involving TUSD vehicles, staff, or students.

Accidents are defined as any occurrence with a vehicle that results in any bodily injury or fatality to any person involved, damage to property outside of the vehicle, or damage to the vehicle that affects its integrity.

Incidents are defined as an occurrence with a vehicle that results in no injuries, no property damage outside of the vehicle and minor or no damage to vehicle (as defined in AZ Admin Code Standard R-13-13-108).

Any accident or incident (no matter how minor) in a school vehicle or personal vehicle while on District business (regardless of location) is to be reported immediately to TUSD School Safety. School Safety should respond to all accidents or incidents that involve injury, damage to vehicle or property or involve a non-TUSD party. School Safety will notify the Risk Management Department as soon as possible after the accident has occurred and injuries are stabilized.

### **Reporting Accidents/Incidents**

1. The driver is required to report any accident or incident to the district from the scene.
2. Accidents/Incidents Involving a School Bus:
  - a. The district must notify the Arizona Department of Public Safety after receiving notification of an accident involving a school bus.
  - b. The district and the bus driver must complete the DPS School Bus Accident/Incident Report.
  - c. The district must submit a written verification of a bus accident to DPS within 72 hours of notification.

Employees who fail to report an incident or accident are subject to discipline, up to and including termination.

### **Record Keeping**

The district should retain all accident or incident related documentation for no less than three years after the date of the occurrence, or for a period of two years after the completion of litigation, whichever is longer. Documents for events involving students must be kept until last passenger is 19 years of age.

### **Post-Accident Evaluation**

After an accident has occurred, a detailed evaluation of the accident and the actions taken immediately following should take place. These should include but not limited to the following:

1. determination of the basic cause of the accident;
2. determination of the appropriateness of the actions taken after the accident by district personnel;
3. determination of preventability of accident for TUSD driver(s) involved;

4. determination of routing or student loading or unloading factors involved in the accident;
5. analysis of driver fitness for duty;
6. determination of injury severity;
7. determination of accident costs;
8. identification of lessons learned from the accident; including any necessary policy changes;
9. identification of training needs suggested by the accident;
10. determination of records retention requirements associated with the accident; and,
11. conformity with annual reporting requirements.

### **Post-Accident Substance Testing Standards**

Drug and alcohol tests shall be conducted after an accident as required by the standards listed below. Any driver who appears to be under the influence shall be immediately tested per Federal Regulation 49 CFR 382.307. Reasonable suspicion should be determined by immediate supervisor in conjunction with trained School Safety Officer.

Any driver who refuses testing shall be subject to discipline as outlined in Governing Board Policy GBEC.

Substance abuse testing shall be required if (a) an employee is operating a motor vehicle either belonging to TUSD, while on District business, or while on TUSD property, and (b) any of the following circumstances apply:

1. The driver is involved in an accident resulting in a human fatality, regardless of who is at fault;
2. The driver is involved in an accident and either cited for a traffic violation or criminal offense, or found to be at fault following an internal investigation; or
3. Regardless of any other circumstances, there is reasonable suspicion to believe that the driver was under the influence.

### **Post-Accident/Post-Incident Training and Disciplinary Program**

Vehicular accidents account for a high percentage of serious job-related injuries and are the leading cause of on-the-job fatalities. Furthermore, accidents can result in a significant cost to the district in terms of time, energy, and money. Accordingly, the district developed the following discipline program to help reduce the risk of vehicle accidents.

Progressive discipline and training shall occur if a driver begins to develop a pattern of traffic violations or is found at fault for minor preventable accidents/incidents. Infractions shall be documented and placed in the employee's personnel file in accordance with bargaining unit agreements.

Incidents:

1. *First incident:* letter of direction plus remedial training.
2. *Second incident within 6 months of first incident:* written reprimand, plus repeat of appropriate training.
3. *Second incident 6-12 months from first incident:* letter of direction plus repeat of appropriate training.
4. *Third incident within 12 months of first incident:* written reprimand or suspension without pay, plus repeat of appropriate training.
5. *Fourth incident within 18 months of first incident:* possible discharge. If management considers discharge unnecessary, suspension without pay plus repeat of appropriate training.

NOTE: A previous preventable accident shall be treated as a previous incident for the purpose of determining the number of incidents under this regulation.

**Preventable Accident:**

1. *First preventable accident:* written reprimand plus remedial training.
2. *Second preventable accident within any 24-month period:* written reprimand, plus repeat of appropriate training, plus possible suspension with pay depending on severity of accident.
3. *Third preventable accident within any 36-month period:* written documentation in employee file. The employee will be recommended for discharge from district service.

NOTE: Preventable accidents involving more serious consequences such as bodily injuries may result in more serious disciplinary actions up to and including termination.

**Smoking in District Vehicles**

Smoking or possession of any tobacco product is prohibited, at all times, by any person in any vehicle owned by the District.

Revision: August 22, 2000

Reviewed: July 12, 2011 [Via email from Supt's Ofc to Board]

Revision: To Governing Board via April 10, 2015, Friday Report

Revision: May 15, 2023

Revision: March 7, 2024 (Update to Admin Code reference only)

**Legal Ref:**

**Replaces TUSD EEB-R1 – *Business and Personnel Transportation Services* (July 12, 2011)**

**Cross Ref # EEAEAA – Drug and Alcohol Testing Policy for Commercially Licensed Drivers**

**GBEC – Substance Free Workplace**

EEB-R2 – Business and Personnel Transportation Services – Use of District Vehicles 03-07-2024 (Update to Admin Code reference only)