

Department of Transportation

Just Cause Standards for Bus Attendants and Bus Operators

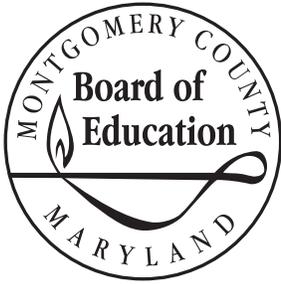


ROCKVILLE, MARYLAND



Customer Delight

Revised 03/18



VISION

We inspire learning by providing the greatest public education to each and every student.

MISSION

Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

CORE PURPOSE

Prepare all students to thrive in their future.

CORE VALUES

*Learning
Relationships
Respect
Excellence
Equity*

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850 Hungerford Drive
Rockville, Maryland 20850
www.montgomeryschoolsmd.org

Just Cause Standards for Bus Attendants and Bus Operators

Introduction

It is the goal of the Department of Transportation to provide the highest level of safety and quality of services at all times. The Department's *Customer Delight* Program is aimed at respecting the safety, rights, comfort, and needs of all of its Customers including students, parents, school administrators, the motoring public, and all employees of the Department. This document, "*Just Cause Standards for Bus Attendants and Bus Operators*" (JCSBABO) has been developed to support the goals of the department and the school system, to provide a world-class transportation system.

Montgomery County Public Schools has implemented a *Supporting Services Professional Growth System* (SSPGS) for all employees as part of the strategic plan, *Our Call to Action: Pursuit of Excellence*, particularly the focus on building the capacity of staff to work efficiently and effectively with clear expectations and professionalism in achieving the school system's goal of providing the best educational opportunities for all students. The standards and outcomes noted in this document are set forth to provide each employee with a full understanding of expectations, allow for the growth of the individual, and provide a fair and transparent system for managing infractions.

The Core Competencies and Performance Criteria of the SSPGS outline the performance expectations for all employees. The criteria are broken down into seven categories.

- 1.) Commitment to Students
- 2.) Knowledge of Job
- 3.) Professionalism
- 4.) Interpersonal
- 5.) Communications
- 6.) Organization
- 7.) Problem Solving

(Please refer to the *Supporting Services Professional Growth System Handbook* for details). Noted in parentheses after each item on the list of infractions throughout this document, is the number of the category/categories related to that item.

Department of Transportation employees are expected to act in a professional and responsible manner at all times. Each employee is responsible for adhering to all motor vehicle safety rules and laws; to follow policies and regulations of the school system; and to exemplify the highest level of

personal and professional behavior that parents, students, fellow employees, and the citizens of Montgomery County expect and deserve.

The Department of Transportation provides the needed introduction to these rules, laws and policies through appropriate training and written documents; such as the *Code of Maryland Regulations* (COMAR 13.A.06.07), MCPS Policies and Regulations, Motor Vehicle Law and other documents as they apply. Employees are encouraged to ask questions when needed, be familiar with all expectations, and be committed to supporting them in every way reasonable.

The design of the JCSBABO is intended to afford every employee the opportunity to learn from mistakes and gain a better understanding of expectations and rules/laws governing the operation of school vehicles. Progressive discipline is the basis for the design of the outcomes for infractions. Fairness in dealing with employees is at the heart of this document. To foster a fair process for managing infractions, the following steps of action are outlined in a progressive disciplinary system:

Education: Advise the employee of prohibited actions and the consequences of such actions. (This document serves as one example of educational media).

Investigation: The supervisor will conduct a fair and objective investigation that produces sufficient evidence of proof of guilt before action is taken.

Right to Representation: The employee has a right to a union representative during an investigative meeting or any meeting where questioning or providing of a statement may lead to disciplinary action. The employee will be asked to sign a document indicating the employee received notice of disciplinary action. Signing of the document indicates the employee's participation in the discussion and does not imply the employee agrees with the actions taken. Discussions that conclude with employee refusal to sign a record of conference or other document will be documented with the signature of an independent witness attesting to the employee's participation in the meeting.

Issuing Penalty: The supervisor will assess the merits of each case on an individual basis and issue penalties with reason and fairness. Supervisors will include in their evaluation the seriousness of the offense; circumstances of the offense; employee years of service, disciplinary history, performance; work history; and the impact of the offense on MCPS public image. (A union representative does not participate at a meeting when the purpose of the meeting is only to issue the actual discipline and no other questioning or investigation activity takes place).

Category 1- Minor Offenses

Range of Outcomes = record of conference – one day suspension without pay.

Multiple infractions in this category or across categories will lead to more serious disciplinary outcomes that may go beyond this range.

1. Failure to maintain professional appearance (3).
(e.g.: tube tops, short shorts, muscle shirts, offensive language on clothing, no ID badge)
2. Failure to submit reports on time (6).
(e.g.: manifest, left/right directions for midday routes)
3. Improper parking of buses or personal vehicle (2).
(e.g.: no parking zones, fire lines, unauthorized location on depot)
4. Two-way radio misuse as referenced in established guidelines/protocol (2, 5).
5. Failure to follow DOT Idling Guidelines (2, 3).
6. Allowing unauthorized animals on board MCPS buses (1).
(e.g.: bringing your pet on the bus)
7. Improper use of warning lights when not loading or unloading (1, 2).
(e.g.: use of 8-light warning system to stop traffic while turning around)
8. Failure to maintain the cleanliness of MCPS equipment (1, 3).
(e.g.: not sweeping your bus, not cleaning dirty car seats).
9. Reporting late for duty (3).
(e.g.: being late for first stop, attendant not being ready for depot departure)

Note: If any of the above results in a serious accident (physical injury, fatality or significant property damage), the employee may be terminated.

Category 2 - Mid-Level Offenses

Range of Outcomes = written warning – 5 day suspension without pay.

Multiple infractions in this category or across categories will lead to more serious disciplinary outcomes that may go beyond this range.

1. Failure to properly follow accident procedures (2).
(e.g.: moving bus from accident scene without authorization)
2. Failure to properly maintain bus attendant book (6).

3. Failure to properly maintain bus operator pre-trip book (6).
4. Failure to maintain proper bus fluid levels (2).
5. Failure to report route changes to immediate supervisor (5).
(e.g.: students not attending, no students at stop)
6. Failure to follow DOT route sheet (2, 3).
(e.g.: making unauthorized stops)
7. Sleeping on the bus while children are on board (1).
8. Failure to report inappropriate student conduct on the bus (5, 7).
(e.g.: not writing discipline slips for repeated misbehavior)
9. Failure to obey field trip regulations (2).
(e.g.: giving trip to co-worker instead of returning it to field trip office)
10. Failure to attend mandatory meetings without authorization (3).
(e.g.: EXPO, cluster meetings, retraining)
11. Failure to report mechanical problems and/or defects to the shop for repair (1, 5).
(e.g.: not reporting any defect that should be noticed on a proper pre-trip or post-trip)
12. Refueling with students on board (1, 2).
13. Abusive or demeaning language directed at another person (student or adult) (4, 5).
14. Discourteous or inappropriate conduct unbecoming an MCPS employee (3, 4).
(e.g.: arguing with supervisor or school staff)
15. Failure to follow leave guidelines and procedures (2).
(e.g.: not submitting a leave slip and physician's form when required to do so)
16. Failure to follow MCPS tobacco-free policy (2).
(e.g.: smoking on bus, depot or school property)
17. Unauthorized use of or unauthorized person on an MCPS bus (2).
(e.g.: taking bus to unauthorized location, such as MCT Credit Union, personal use of bus, bringing your own children on your route without supervisor's permission)
18. Absence beyond available leave or unnecessary absence (see attendance section) (3).
19. Failure to perform assigned practice/dry run (2,7).

Note: If any of the above results in a serious accident (physical injury, fatality or significant property damage), the employee may be terminated.

Category 3 - Major Offenses

Range of Outcomes = written reprimand – termination.

1. Operating with the front door open with or without passengers/students on board (1, 2).
2. Leaving the bus unattended with engine running except on MCPS DOT depots (1, 2).
3. Missed shift without notification – no call, no show (1).
(e.g.: missing shift without notifying supervisor or dispatcher of absence by leave lot time)
4. Failure to notify MCPS of any condition which may affect continued certification (2, 5).
(e.g.: not notifying supervisor of points received on driving record, not notifying supervisor of injected insulin usage)
5. Failure to appropriately address student conduct and safety issues on the bus (1, 7).
(e.g.: allowing a fight on the bus to continue without taking any action)
6. Unauthorized use of personal electronic equipment (1, 2).
7. Failure to properly use seat belt and shoulder harness (2, 3).
8. Use of cell phone while driving/operating bus (1, 3).
(e.g.: talking on wireless phone while driving down the road or stopped at intersection/bus stop, includes use of headsets and Direct Connect or similar features)
9. Speeding, reckless or unsafe driving, or other traffic violations while driving the bus (1, 3).
(e.g.: ticket issued by officer, reckless driving observed by supervisor)
10. Speed or red light camera violation (1, 3).
11. Failure to stop for the red warning lights of another bus (1, 2).
12. Failure to perform a proper pre-trip or post-trip inspection (1, 2).
13. Leaving student on a field trip without depot approval (1).
(e.g.: leaving a late returning student in DC without supervisor's approval)
14. Failure to properly use warning lights when loading or unloading students (1, 2).
(e.g.: loading or discharging students without using 8-light warning system, except in school driveways or official safe loading zones)
15. Leaving bus unattended when students are on board including loading/unloading (1, 2).
(e.g.: talking with a group of other attendants/operators while students load at school)

16. Failure to follow proper railroad crossing procedures outside of Montgomery County or Spur line within Montgomery County (1, 2).
(e.g.: not stopping before crossing tracks)
17. Asking for/demanding that students be released from school early (1).
18. Insubordination (3)

Critical Offenses

Range of Outcomes = 30 day suspension without pay (possible loss of route/hours) – termination.

1. Leaving a student on the bus unattended as a result of failing to perform a proper post-trip inspection (bus attendant and bus operator) (1, 2).
2. Crossing a mainline railroad track in Montgomery County unless directed by a law enforcement officer (1, 2).
3. Failure to discharge a student to the care of an adult when required (1, 2).
4. Putting a student off the bus at an inappropriate location (1, 2).
5. Fighting (physical) on DOT/MCPS property, and/or while on duty (3, 4, 5, 7).
6. Endangering students (1,3,7).

Fatal Offenses

Range of Outcomes = 60 day suspension without pay - termination

1. Failure to report an accident (2).
2. Tampering with any safety equipment (1).
3. Positive post-accident or refusal to take any type of drug or alcohol test (1, 3).
4. Knowingly falsifying any official Department of Transportation document or providing false statements during an investigation (3, 5).
(e.g.: sick leave slips, doctor's notes, compensation forms, pay sheets, etc.)

Note: Per COMAR regulations and related federal law, bus operators testing positive for drugs or alcohol on any type of test or failing to report an accident shall be permanently disqualified from driving a school bus.

Accidents

COMAR says the following about accidents:

A bus operator who has two preventable accidents involving appreciable damage or personal injury in any 24-month period may not be permitted to continue operating a school vehicle unless the supervisor of transportation places a letter in the bus operator's personnel file documenting good and sufficient reasons for continued employment. If the individual's employment as a bus operator is not continued, the individual may not be reemployed to operate a school vehicle for a period of 5 years.

A bus operator who has more than two preventable accidents involving appreciable damage or personal injury in any 24-month period is permanently disqualified from operating a school vehicle in Maryland.

Definitions

Appreciable damage – property damage in excess of \$1500

Supervisor of transportation – department director or his/her designee

If you are concerned about the risk of disqualification from another accident, or have other concerns about these regulations, talk to your supervisor or depot manager. You may be able to protect your driving career by temporarily transferring to a non-driving position. This may or may not be possible without a voluntary demotion. The staff at your depot can help you work with Human Resources to explore all options.

For all preventable accident/incidents, the operator will attend a mandatory skills improvement class.

Attendance

Parents, students and schools count on timely arrival and departure times. When bus attendants or operators are absent or late for work and substitute coverage must be arranged, service is degraded. While the DOT respects the right of its employees to recover from illness, absences beyond available leave and unnecessary absences must be eliminated. Therefore, disciplinary measures will be applied after an employee has used all his/her authorized leave (including approved Family and Medical Leave Act) and sick leave bank benefits, or where a pattern of leave abuse has been documented. Documented absences for hospital stays, convalescence after hospital stay related illnesses/injuries, and continued medical treatments for such illnesses/injuries will not incur discipline. In addition, being sent home, after reporting to work, because your supervisor believes you are too sick to drive, will not incur discipline for that day. Similarly, being unable to drive due to a physical impairment (example being in a cast) is out of the control of the bus operator and will not incur discipline.

Absence without available leave or unnecessary absence is a Category 2 offense.

Factors for Consideration

The following list of factors will guide managers and supervisors when they issue discipline from within a range of possible outcomes:

- Years of service
- Disciplinary history
- Employee performance history
- Severity of infraction
- Severity of infraction outcome
- Impact of infraction on MCPS public image
- Other relevant factors

Only when there is an unusual combination of these factors will the disciplinary outcome applied be at either end of a range of outcomes. There is one exception to this principle – the normal outcome of a fatal offense will be termination.

TMW:rl

REVISED 7/30/08

M C P S N O N D I S C R I M I N A T I O N S T A T E M E N T

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. Some examples of discrimination include acts of hate, violence, insensitivity, harassment, bullying, disrespect, or retaliation. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities.

For inquiries or complaints about discrimination against MCPS staff *	For inquiries or complaints about discrimination against MCPS students *
<p>Office of Employee Engagement and Labor Relations Department of Compliance and Investigations 850 Hungerford Drive, Room 55 Rockville, MD 20850 240-740-2888 OCOO-EmployeeEngagement@mcpsmd.org</p>	<p>Office of School Administration Office of School Administration Compliance Unit 850 Hungerford Drive, Room 162 Rockville, MD 20850 301-279-3444 OSSI-SchoolAdministration@mcpsmd.org</p>

**Inquiries, complaints, or requests for accommodations for students with disabilities also may be directed to the supervisor of the Office of Special Education, Resolution and Compliance Unit, at 301-517-5864. Inquiries regarding accommodations or modifications for staff may be directed to the Office of Employee Engagement and Labor Relations, Department of Compliance and Investigations, at 240-740-2888. In addition, discrimination complaints may be filed with other agencies, such as: the U.S. Equal Employment Opportunity Commission, Baltimore Field Office, City Crescent Bldg., 10 S. Howard Street, Third Floor, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); or U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Dept. of Education Bldg., 400 Maryland Avenue, SW, Washington, DC 20202-1100, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Department of Public Information and Web Services at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) or Interpreting_Services@mcpsmd.org. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.



ROCKVILLE, MARYLAND

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