

**EBBG-R Risk Management**

10/15/20

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) promotes a safety education and accident prevention program for the purpose of providing a high degree of safety for students and employees of the District. The District's program shall be in compliance with the requirements of the Georgia Education Code, State Safety Orders, Life Safety Codes of Georgia, and other local and state rules and regulations concerning safety and fire prevention.

**RULE:****A. GENERAL PROVISIONS:**

1. The District strives to provide a safe environment in the instructional and special activities programs.
2. It is the responsibility of every District administrative head to carry out all safety policies set forth in the Emergency Procedures Manual. This will include the delegation of duties to appropriate staff personnel.
3. The District has other requirements for employees driving District-owned/leased vehicles found in Administrative Rule GARA-R (Employee Health Examination/Driving Record).

**B. ACCIDENTS:**

Employees who operate a District-owned/leased vehicle shall be subject to the following:

**1. DEFINITIONS:**

- a. **Incident** - Any minor occurrence involving a district owned/leased vehicle in which it is determined by the Transportation Department that the driver failed to do everything he/she reasonably could have done to prevent the occurrence, if and that the occurrence:
  - (1) Results in no bodily injuries; and
  - (2) Causes \$1,000 or less monetary damages total to vehicle(s) and/or property.
- b. **Non-Chargeable Incident** - Any minor occurrence involving a District-owned/leased vehicle and/or District property in which it is determined by the Transportation Department designee that the occurrence:
  - (1) Results in no bodily injuries; and
  - (2) Causes non-existent or less than \$1,000 in monetary damages total to vehicle(s) and/or District property.
- c. **Preventable Accident** - Any occurrence involving a District-owned/leased vehicle in which it is determined by the Transportation Department designee that the driver/operator in question failed to do everything he/she reasonably could have done to prevent the occurrence, and that the occurrence:
  - (1) Results in no bodily injuries; and
  - (2) Causes over \$1,000 in monetary damages total to vehicle(s) or other property.
- d. **Non-Preventable Accident** - Any occurrence involving a District-owned/leased vehicle in which it is determined by the Transportation Department designee that the driver/operator in question did everything he/she reasonably could have done to prevent the occurrence.

**2. ADMINISTRATION AND PROCEDURE:**

- a. Any employee who is involved in an accident/incident while operating a District-owned/leased vehicle for any reason shall report the accident/incident to his/her immediate supervisor and dispatch immediately regardless whether any bodily injury or property damage occurred. Should the employee fail to report the accident/incident

as required above, he/she may be suspended without pay or be terminated at the discretion of the Administration and the Board of Education (Board).

- b. Attendance at a prescribed traffic school and/or remedial training administered by the Transportation Department Safety & Training Coordinator and/or designee and/or other corrective measures described in Section 3 below shall be required of employees of the District whose primary function or job requirements include the operation of a District-owned/leased vehicle.
- c. The Transportation Departments shall determine if an accident was an Incident, Non-Chargeable Incident Preventable Accident, or Non-Preventable Accident. Drivers charged with a Preventable Accident will be offered an appeal before the Accident Review Committee consisting of the Safety & Training Coordinator or designee, District Police Department designee, and three (3) employees from the Transportation Department. A representative from Risk Management may be present to assist in presenting the case but is not a voting member. A majority vote by the Accident Review Committee shall be required to reclassify an Incident or Preventable Accident.
- d. Criteria for determining that an accident was an Incident, Non-Chargeable Incident, Preventable Accident, or Non-Preventable Accident may include, but is not limited to, driver's statement, law enforcement records, insurance records, statements of witnesses, video footage, and estimates of damage as may be appropriate.
- e. The Executive Director of Transportation or designee should supervise and coordinate employee compliance with this regulation. Traffic School attendees shall provide proof of attendance at the traffic school as prescribed by the Executive Director of Transportation.
- f. Incidents/Preventable Accidents shall be recorded from date of first occurrence and shall accumulate for purposes of employee discipline from the most recent Incident or Preventable Accident counting back five years.

### 3. **DISCIPLINE:**

- a. An employee who is involved in either an Incident, Preventable Accident, or Non-Preventable accident shall be subject to the following disciplinary action(s):

#### (1) **Incidents:**

- (a) **First Incident** – Documented conference with the Transportation Department to include a Conference Summary.
  - (b) **Second Incident** – Documented conference with the Transportation Department to include Conference Summary. Additional re-training may be recommended.
  - (c) **Third and each Subsequent Incident(s)** – Will be treated as a first Preventable Accident.
- (2) **Non-Chargeable Incident** – will not be included in the progressive discipline unless deemed necessary by the Transportation Department designee due to an accumulation of said incidents or accidents at which time they can be considered and will be subject to the disciplinary actions set forth in B.3.a.(1) above. A Documented Conference with the Transportation Department will be required to include a Conference Summary.

#### (3) **Preventable Accidents:**

- (a) **First Preventable Accident** – A Letter of Warning will be sent on all Preventable Accidents, and employees shall be required to attend the Driver Retraining course prescribed and scheduled by the District Transportation Department on his/her own time.
- (b) **Second Preventable Accident** – A Letter of Direction will be sent and employees shall be required to attend the Driver Retraining course prescribed and scheduled by the District Transportation Department on his/her own time.
- (c) **Third Preventable Accident** – A Letter of Direction will be sent and employees shall be suspended one (1) day without pay. Employees shall be required to ~~and~~ attend the Driver Retraining Course II prescribed and scheduled by the District Transportation Department on his/her own time.

- (d) **Fourth Preventable Accident** - A Letter of Direction will be sent and Employees shall be suspended three (3) days without pay and attend the prescribed Driver Training Module recommended by Transportation.
- (4) **Each subsequent Preventable Accident** - A recommendation will be made to Human Resources for termination of employment.
- b. **The District may substitute and/or add the following corrective measures in lieu of or in addition to the discipline specified in Section 3.a above.**
  - (1) Prescribe a traffic school different from those identified.
  - (2) Suspend with pay until investigation is completed.
  - (3) Suspend without pay.
  - (4) Terminate employment with the school system.
  - (5) Reassign to a non-driving position with the school system.
  - (6) Loss of privilege of driving Board owned/leased vehicles.
  - (7) Invoke any combination of the above.
- c. Employees covered by the Fair Dismissal Act will be accorded their rights under the Fair Dismissal Act prior to any disciplinary action being imposed.

**C. CITATION OF EMPLOYEE FOR TRAFFIC VIOLATION:**

- 1. Any employee who is cited for a traffic violation by a law enforcement agency while operating a District-owned/leased vehicle or while operating a personal vehicle for District purposes for any reason shall report the citation to his/her immediate supervisor and the Employee Relations office as soon as possible, and no later than the beginning of the next business day (Administrative Rule GAGC-R [Employee Ethics]).
- 2. Should the employee fail to report the citation the next business day as required above, he/she may be suspended without pay or be terminated at the discretion of the Administration and the Board of Education (Board).
- 3. Should the employee enter a plea of guilty, a plea of nolo contendere or be adjudicated guilty by a court regarding the traffic violation charge, or there is other evidence available that the employee committed a traffic violation, the employee may be suspended without pay or terminated at the discretion of the Administration and the Board.
- 4. If an employee's primary function job requirements specify a valid driver's license, and he/she enters a plea of nolo contendere or is found guilty of a traffic violation involving the revocation or suspension of the employee's driver's license, even if the violation occurred in a vehicle other than a District owned/leased vehicle, the employee may be terminated. The employee must report the suspension or revocation to his/her supervisor immediately, and in no event later than the next business day following such suspension or revocation.

**D. DRIVING UNDER THE INFLUENCE:**

- 1. District employees who:
  - a. are required to drive a District owned/leased vehicle as part of their job primary function or job requirements, or
  - b. drive a personal vehicle for District purposes,
 must report any charge of driving under the influence of alcohol or drugs (O.C.G.A. § 40-6-391) to his/her immediate supervisor and the Employee Relations office at the beginning of the next working day regardless of whether the conduct which gave rise to the charge occurred in a personal or District owned/leased vehicle.
- 2. District employees who are not required to drive a District owned/leased vehicle as part of their job requirements who receive a citation for driving under the influence while driving a District owned/leased vehicle must report this to his/her immediate supervisor and the Employee Relations office at the beginning of the next business day. The employee may be reassigned to a non-driving position, and/or may lose the privilege of driving a District owned/leased vehicle. Employees who drive District transportation, maintenance, warehouse or purchasing vehicles and who are reassigned into a non-driving position will be paid at the new position's prevailing rate of pay.
- 3. Employees who enter a plea of nolo contendere or are found guilty of driving under the influence of alcohol (DUI) or drugs as prohibited by O.C.G.A. § 40-6-391 while driving a District owned/leased vehicle will be recommended for termination.

**E. SELF-REPORTING:**

Any employee who operates a District vehicle is required to notify his/her immediate supervisor and the Employee Relations office regarding arrests and/or driver's license/traffic citations as outlined in Administrative Rule GAGC-R (Employee Ethics).

**F. COORDINATION:**

Penalties outlined in this Rule are in addition to other remedies available to the Board or District through applicable law or other Administrative Rules and shall be imposed unless the imposition of such penalties would be deemed a violation of state or federal laws or regulations.

Reclassified an Administrative Rule: 9/1/04

Revised: 9/22/05; 9/12/07; 1/9/08; 1/14/11; 1/18/12; 7/19/12

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