

**EBBG-R Risk Management**

12/5/24

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) promotes a safety education and accident prevention program to provide a high degree of safety for its students and employees. The District's program shall comply 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 for instructional and special activities programs.
2. Every District administrative head is responsible for implementing all safety policies set forth in the Emergency Procedures Manual, including delegating duties to appropriate staff personnel.
3. The District has other requirements for employees driving District-owned/leased vehicles, which are found in Administrative Rule GARA-R (Employee Health Examination/Driving Record) and Administrative Rule GCRA(1)-R (Drug Screening).

**B. ACCIDENTS:**

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

**1. DEFINITIONS:**

- a. **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 \$100 in total monetary damages (to vehicle(s) and/or District property).
- b. **Preventable Accident** - Any occurrence involving a District-owned/leased vehicle in which the Transportation Department designee determines that the driver/operator failed to do everything he/she reasonably could have done to prevent the occurrence.
- c. **Non-Preventable Accident** - Any occurrence involving a District-owned/leased vehicle in which the Transportation Department designee determines 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 immediately report the accident/incident to his/her supervisor and dispatch regardless of 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 or remedial training administered by the Transportation Department Safety & Training Coordinator or designee shall be required of employees of the District whose primary function or job requirements include the operation of a District-owned/leased vehicle and who are involved in an accident/incident while operating a District-owned/leased vehicle. Other corrective measures described in Section 3 below may also be required.

- c. The Transportation Department, in conjunction with a representative from Risk Management shall determine if an accident was a Non-Chargeable Incident Preventable Accident, or Non-Preventable Accident. District employees charged with a Preventable Accident will be offered an appeal before the Accident Review Committee consisting of the Safety & Training Coordinator or designee, a designee from the District Police Department, and three (3) employees from the Transportation Department. A The Director of Transportation or designee, or a representative from Risk Management may be present to facilitate the review hearing but is not a voting member. A majority vote by the Accident Review Committee shall be required to reclassify a Preventable Accident to a Non-Preventable Accident.
- d. Criteria for determining that an accident was a Non-Chargeable Incident, Preventable Accident, or Non-Preventable Accident may include, but is not limited to, employee's statement, law enforcement records, insurance records, statements of witnesses, video footage, and estimates of damage, as may be appropriate.
- e. The Senior 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 Senior Executive Director of Transportation.
- f. For the progressive discipline outlined in this Rule, Non-Chargeable Incidents and Preventable Accidents will be recorded for five years starting from the first occurrence. When the Non-Chargeable Incident, Non-Preventable Accident, or Preventable Accident date reaches five years and one day, it will be removed from the employee's record. Progressive discipline will be rolled back one level should there be a future Non-Chargeable or Preventable Accident within the relevant five-year period.

3. **DISCIPLINE:**

- a. An employee who is involved in either Non-Chargeable Incident or a Preventable Accident shall be subject to the following disciplinary action(s):
  - (1) **Non-Chargeable Incident** – A Non-Chargeable Incident will not be included in the progressive discipline unless deemed necessary by the Director of Transportation or designee due to an accumulation of said incidents or accidents the incident(s) can be considered and may be subject to disciplinary actions. A Documented Conference with the Transportation Department will be required to include a Conference Summary.
  - (2) **Preventable Accidents:**
    - (a) **First Preventable Accident** – The supervisor will issue a Letter of Warning for all Preventable Accidents, and the employees shall be required to attend the Driver Retraining course prescribed and scheduled by the District Transportation Department on his/her own time. The District maintains the right to impose further discipline, as appropriate, for any First Preventable Accident that is egregious or severe, or, in the District's sole discretion, warrants further discipline.
    - (b) **Second Preventable Accident** – The supervisor will issue a Letter of Direction and the employees shall be required to attend the Driver Retraining course prescribed and scheduled by the District Transportation Department on his/her own time. The District maintains the right to impose further discipline, as appropriate, for any Second Preventable Accident that is egregious or severe, or, in the District's sole discretion, warrants further discipline.
    - (c) **Third Preventable Accident** – The employee accident file will be referred to Employee Relations for disciplinary review and a Letter of Direction will be issued. The employee shall be suspended, including one (1) day without pay and shall be required to attend the Driver Retraining Course II prescribed and scheduled by the District Transportation Department on his/her own time. The District maintains the right to impose further discipline, as appropriate, for any Third Preventable Accident that is egregious or severe, or, in the District's sole discretion, warrants further discipline.
    - (d) **Fourth Preventable Accident** - The employee accident file will be referred to Employee Relations for disciplinary review and a Letter of Direction will be issued. The employee shall be suspended three (3) days without pay and shall be attend the Driver Training Module scheduled by Transportation on his/her

own time. The District maintains the right to impose further discipline, as appropriate, for any Third Preventable Accident that is egregious or severe, or, in the District's sole discretion, warrants further discipline.

- (3) **Fifth Preventable Accident** - A recommendation shall be made to Human Resources for further discipline, up to and including termination of employment.
- b. The District may substitute the following corrective measures in lieu of or in addition to the discipline specified in Section 3 above based on the severity of the occurrence.
  - (1) Prescribe a traffic school different from those.
  - (2) Suspension without pay.
  - (3) Termination of employment with the school system.
  - (4) Reassignment to a non-driving position with the District.
  - (5) Loss of driving privileges of Board owned/leased vehicles.
  - (6) Invoke any combination of the above.
- c. Employees with any due process rights under policy or state law will be afforded their rights in accordance with law and policy.

**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. If the employee fails to report the citation the next business day as required above, he/she may be disciplined, including a suspension without pay or termination 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 beginning of 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 - no later than 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.
3. Employees who enter a plea of nolo contendere or are found guilty of driving under the influence 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 are required to notify ~~his~~her their 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. Penalties shall be imposed unless the imposition of such penalties would be deemed a violation of state or federal laws or regulations.

Revision Timeline\*:

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

Revised and recoded: 8/23/12 (Previously coded as Administrative Rule EI)

Revised: 7/31/14; 4/22/16; 10/15/20; 2/5/24

*\*Administrative Rules and Board Policies are reviewed on a regular basis. Dates indicate when revisions were made, not the dates of document review.*

Division: Human Resources