

Promise to Advise Affidavit

As an employee of the Catasauqua Area School District, you as a transportation employee, are required to report to the district any/all changes pertaining to certain crimes or child abuse as it pertains to Act 34 Criminal History and Act 151 Child Abuse. This information was gathered (is required) initially at your time of employment through your submittal of these clearances to be eligible for employment.

Transportation employees are required to notify The Catasauqua Area School District in a timely manner of any changes for certain crimes or child abuse pursuant to Act 34 Criminal History and Act 151 Child Abuse that may occur after their initial employment. See the list of reportable offenses on the reverse side of this form.

Any employee who fails to report this information to the district in a timely manner is subject to disciplinary actions which may include verbal or written reprimand, suspension, or termination of employment. The Catasauqua Area School District reserves the right to interpret the severity of such infractions in a manner that is appropriate and professional. See the attached procedures/guidelines pertaining to driver standards and employee discipline.

By my signature I indicate that I read the information and understand this requirement.

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Driver Signature

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Date

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Printed Name

## LIST OF REPORTABLE OFFENSES

- A reportable offense enumerated under 24 P.S. §1-111(e) consists of any of the following:
  - (1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
    - Chapter 25 (relating to criminal homicide)
      - Section 2702 (relating to aggravated assault)
      - Section 2709.1 (relating to stalking)
      - Section 2901 (relating to kidnapping)
      - Section 2902 (relating to unlawful restraint)
      - Section 2910 (relating to luring a child into a motor vehicle or structure)
      - Section 3121 (relating to rape)
      - Section 3122.1 (relating to statutory sexual assault)
      - Section 3123 (relating to involuntary deviate sexual intercourse)
      - Section 3124.1 (relating to sexual assault)
      - Section 3124.2 (relating to institutional sexual assault)
      - Section 3125 (relating to aggravated indecent assault)
      - Section 3126 (relating to indecent assault)
      - Section 3127 (relating to indecent exposure)
      - Section 3129 (relating to sexual intercourse with animal)
      - Section 4302 (relating to incest)
      - Section 4303 (relating to concealing death of child)
    - Section 4304 (relating to endangering welfare of children)
    - Section 4305 (relating to dealing in infant children)
    - A felony offense under section 5902(b) (relating to prostitution and related offenses)
    - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
    - Section 6301(a)(1) (relating to corruption of minors)
    - Section 6312 (relating to sexual abuse of children)
    - Section 6318 (relating to unlawful contact with minor)
    - Section 6319 (relating to solicitation of minors to traffic drugs)
    - Section 6320 (relating to sexual exploitation of children)
  - (2) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
  - (3) An offense SIMILAR IN NATURE to those crimes listed above in clauses (1) and (2) under the laws or former laws of:
    - the United States; or
    - one of its territories or possessions; or
    - another state; or
    - the District of Columbia; or
    - the Commonwealth of Puerto Rico; or
    - a foreign nation; or
    - under a former law of this Commonwealth.
- A reportable offense enumerated under 24 P.S. §1-111(f.1) consists of any of the following:
  - (1) An offense graded as a felony offense of the first, second or third degree, other than one of the offenses enumerated under 24 P.S. §1-111(e), if less than (10) ten years has elapsed from the date of expiration of the sentence for the offense.
  - (2) An offense graded as a misdemeanor of the first degree, other than one of the offenses enumerated under 24 P.S. §1-111(e), if less than (5) five years has elapsed from the date of expiration of the sentence for the offense.
  - (3) An offense under 75 Pa. C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) graded as a misdemeanor of the first degree under 75 Pa. C.S. § 3803 (relating to grading), if the person has been previously convicted of such an offense and less than (3) three years has elapsed from the date of expiration of the sentence for the most recent offense.

# **PROCEDURES/GUIDELINES PERTAINING TO DRIVER STANDARDS AND EMPLOYEE DISCIPLINE**

## **DRIVER' S RESPONSIBILITY**

It is the driver's responsibility to notify his/her supervisor of any of the following events within the time frame stated:

1. DUI/DWI Arrest – immediately
2. Moving Violation Conviction – within seven (7) calendar days for conviction on or off the job.
3. Accident – immediately if occurred on job – prior to next shift if off the job.
4. Incident – by the end of the business day.

An employee who fails to notify the district of any of the above occurrences within the time frame indicated will be subject to disciplinary action, which may include termination.

## **SPEEDING VIOLATIONS**

In the event a driver is convicted of a speeding violation in a school vehicle up to 10 mph in excess of the speed limit or less, disciplinary action should be taken as outlined in the Employee Discipline for Moving Violations table (Figure 1). If the conviction for speeding in a school vehicle is more than 10 mph over the legal limit, a more serious penalty may be necessary including suspension or termination regardless of the driver's previous driving record.

## **MOVING VIOLATIONS**

Any conviction of a moving violation while driving any school vehicle may result in disciplinary action as outlined in Figure 1.

**Figure 1**

<b>Violation</b>	<b>Action</b>
One (1) conviction in the last 18 months placed in driver's file	Written warning
Two (2) convictions within 24 months suspension of 3 days	Disciplinary Suspension notice placed in driver's file
Three (3) convictions within 36 months	Termination

It is an objective of this District to be confident that the bus drivers it hires to transport our students are capable of exercising good judgment both on and off the job.

## **DUI/DWI**

DUI/DWI while driving a school vehicle - immediate termination.

DUI/DWI with personal vehicle – immediate suspension without pay pending outcome of trial. If convicted, a one-year suspension without pay or benefits to run concurrently with any state mandated driver license suspension. Upon return to active service the driver will be placed on probation for a period of 9 working days.

Second DUI/DWI conviction - immediate termination.

In the event a driver is involved in a preventable accident with a school district vehicle, the disciplinary action is outlined in Figure 2.

Figure 2

**EMPLOYEE DISCIPLINE FOR PREVENTABLE ACCIDENTS**

<b>Number of Accidents</b>	<b>Action</b>
One (1) preventable accident in the last 36 months	Written warning placed in driver's file Possible termination
Two (2) preventable accidents in the last 36 months	Disciplinary suspension of 3 days Suspension notice placed in driver's file Possible termination
Three (3) preventable accidents in the last 36 months	Termination

Any condition or act which results in physical damage to any district vehicle while on or off district property may be cause for disciplinary action as outlined in Figure 3. An incident is defined as any condition or act that results in physical damage costing less than \$200 for total repairs.

Figure 3

**EMPLOYEE DISCIPLINE FOR PREVENTABLE INCIDENTS**

One (1) preventable incident in the last 18 months	Noted in driver's file and verbally discussed with driver
Two (2) preventable incidents within the last 18 months	Written warning placed in driver's file
Three (3) preventable incidents within the last 36 months	Disciplinary suspension of three (3) days and suspension notice placed in driver's file
Four (4) preventable incidents within the last 18 months	Termination

## **Preemption**

This procedure on driver standards outlines the minimum standards for driver discipline for motor vehicle infractions. This procedure is preempted by any state or local law.

The following general principles must be considered when determining the proper disciplinary action for moving violations, preventable accidents and preventable incidents:

1. These infractions may be combined to show cause for suspension or termination earlier than indicated.
2. More serious accidents/incidents may be cause for suspension or termination earlier than indicated.
3. Moving violations prior to hire, on or off the job, are not exempt.

## **ATTENDANCE**

Attendance (each incident will be treated as a separate offense). Failure to report to work by designated time.

1st Offense	Warning
2nd Offense	Reprimand
3rd Offense	1 day off without pay
4th Offense	3 days off without pay
5th Offense	5 days off without pay
6th Offense	Subject to Discharge

## **Employee Conduct**

### **ALCOHOL**

Employee discipline procedures as outlined in Catasauqua Area School District policy 503.1, Article III, consequences for covered drivers engaging in substance use related conduct, will be initiated and followed.

## **INSUBORDINATION**

Insubordination - failure/refusal to carry out an order given by an authorized supervisor.

1 <sup>st</sup> Offense	Reprimand
2 <sup>nd</sup> Offense	3 days off without pay
3 <sup>rd</sup> Offense	5 days off without pay
4 <sup>th</sup> Offense	Subject to Discharge

