Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 7021

Driver Travel for Activities and Field Trips

Transportation Management- Adopted 3-5-13

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1. Purpose

The purpose of this policy is to define off and on duty time for activity and field trip drivers, establish standardized driver compensation rates for activity and field trips, and implement District guidelines to ensure compliance with state and federal labor law mandates. Further, this policy will provide clear guidance to advisors, coaches, administrators, and school bus drivers with regard to the authorized limits for engagement of drivers on activity and field trips and identify responsibility for the associated additional costs when those limits are exceeded.

2. Policy

The Policy of the Washington County School District is to comply with all relevant Federal Motor Carrier Safety Standards and all relevant Fair Labor Standards Act requirements as they apply to the operation of school bus drivers engaged in activity and field trips.

3. Procedure

3.1. References:

In addition to the following specifically listed regulations, all applicable Federal Motor Carrier Safety Administration (FMCSA) regulations contained in 49 C.F.R. and all applicable Fair Labor Standard's Act (FLSA) Regulations contained in 29 C.F.R. are incorporated into this policy.

29 C.F.R. 778.218 Pay for certain idle hours:

(a) General rules. Payments which are made for occasional periods when the employee is not at work due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, where the payments are in amounts approximately equivalent to the employee's normal earnings for a similar period of time, are not made as compensation for his hours of employment. Therefore, such payments may be excluded from the regular rate of pay under section 7(e)(2) of the Act and, for the same reason, no part of such payments may be credited toward

overtime compensation due under the Act.

49 C.F.R. 395.1, Hours of Service Definitions:

"Driving time" means all time spent at the driving controls of a commercial motor vehicle in operation.

"On-duty time" means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

(1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All driving time as defined in the term driving time;

(4) All time in or on a commercial motor vehicle, **other than**:

(i) Time spent resting in or on a parked vehicle, except as otherwise provided in §397.5 of this subchapter;

(ii) Time spent resting in a sleeper berth; or

(iii) Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth;

(5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;

(7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this subchapter when directed by a motor carrier;

(8) Performing any other work in the capacity, employ, or service of, a motor carrier; and

(9) Performing any compensated work for a person who is not a motor carrier.

49 C.F.R. 395.5, Maximum driving time for passenger-carrying vehicles (As of: Aug 30, 2012)

(a) No motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial motor vehicle, nor shall any such driver drive a passenger-carrying commercial motor vehicle:

(1) More than 10 hours following 8 consecutive hours off duty; or

(2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

(b) No motor carrier shall permit or require a driver of a passenger-carrying commercial motor vehicle to drive, nor shall any driver drive a passenger-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver's services, for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

Utah Administrative Code R909-3

The Standards for Utah School Buses and Operations and Appendix as contained in the 2010 Edition, is incorporated by reference. The Standards for Utah School Buses and Operations is published by the Utah State Office of Education and can be found at http://www.schools.utah.gov/finance/DOCS/Transportation/2010-BusStandards.aspx.

3.2. **"On-duty time"** the definition of on-duty time taken from 49 C.F.R. is incorporated into this policy as referenced above. On-duty time preformed for an employer other than Washington County School District is not compensable.

3.3. **"Compensable time and Hours Worked"** is defined as on-duty time preformed as a service and under the direction and control of the Washington County School District.

3.4. **"Off-duty time"** is defined as any time that is not compensable time. Personal, vacation, sick leave, layover time, idle hours, and any other time where the driver is released from duty is off-duty time. All drivers are released of all responsibility once they reach the destination location such as the event or the hotel. The driver is allowed to leave the bus or use the bus to travel to a closest single reasonable location, within reasonable mileage limits, necessary to use layover time as he or she sees fit. "Reasonable location" depends upon the circumstances in each case but will be evaluated using bus GPS system and the location of other reasonable opportunities in the area. Unreasonable use of the bus is not authorized and may result in disciplinary action. Drivers may remain on the bus or attend an activity or event at their convenience and for their predominate benefit as discussed in the Meal Breaks section. The entire time between the arrival and return to duty time at the departure location is non-compensable and off-duty time.

3.5. **"Meal Breaks:"** All meal breaks of **30 minutes** or more are not compensable time. The driver is free to leave his or her driving responsibility and secure the bus as necessary to be completely relieved from all duties whether active or inactive. The driver is not required to supervise students, answer questions, or perform any other associated responsibility. Drivers may remain on the bus

for meal breaks, voluntarily subjecting themselves to questions or other assumed or “de minimis” responsibility, at their convenience and for their predominate benefit; However, such driver predominate benefit will not constitute compensable time.

3.6. **“On-call Time:”** (Engaged to wait)**:** Drivers are on-duty time whenever an activity advisor requires the driver to stay at an event or other location in order to remain available for work on short notice such that the driver cannot use the time for his or her own pursuit. All on-call time must be verified by the activity advisor. The activity advisor must sign a voucher defining the terms of the request and the restrictions placed on the driver such as beginning and end time and the specific reasons for the required “on-call” duty. The voucher must identify the school or other activity funds necessary to pay the driver wages for the on-call time.

3.7. **“Shuttle Time:”** All trip requests may include one reasonable round trip shuttle per day. Generally, a round trip shuttle is from a hotel to the event. In the case of activities requiring more than one night stay, two round trip shuttle support trips are allowed, one from the hotel to the event and one from the event back to the hotel. Shuttle time is compensable time. All time between shuttle trips is off-duty time. When more shuttle trips are needed the advisor must sign the voucher as described in the On-call section of this policy.

3.8. **“School Administration Responsibility:”** Hotel rooms are provided by the school in order for the driver to get rest and 8 hours off duty, in accordance with FMCSA regulations. School administration must provide training and explain this policy to activity advisors, to include coaches and teachers outlining the conditions under which they are allowed to authorize additional compensable time for on-call and shuttle trips. Additionally, activity advisors must understand and comply with the limitations placed on drivers by FMCSA regulations. For example, drivers will not be allowed to drive more than 10 hours without an 8-hour break. Drivers will not be allowed to work more than 15 hours without an 8-hour break.

3.9. **“Activity Advisor Responsibility:”** The person in charge of the trip must tell the driver when to return and report for duty (pick up time). Compensable time will resume at requested time of return. The driver will not be allowed to resume responsibility more than 10 minutes prior to the requested pick up time or time of return. All time in between is off-duty time. Advisors should request a late check out for the driver’s room if necessary.

3.10. **“Driver Responsibility:”**

3.10.1. Drivers are required to identify any secondary employment for any other employer within 15 days of obtaining such employment. (Reference Appendix II)

3.10.2. Drivers are required to obtain a completed and signed voucher (reference Appendix III), in compliance with this policy, before engaging in any additional compensable time, beyond the authorized time allowed by this policy and the official activity trip form.

3.10.3. Drivers are required to comply with all FMCSA regulations to include the maximum driving time restrictions identified in 49 C.F.R as cited in this policy.

3.10.4. Drivers will be required to log their time and submit a copy of the log when they return from a trip. “Logging hours” explanations are provided in Appendix I of this policy.

3.10.5. Actual trip on-duty time and compensable time must be considered by transportation

personnel prior to issuance of any authorization for a subsequent trip within the same work week or to determine eligibility pursuant to FMCSA regulations and/or district policy.

3.10.6. Drivers must secure their bus anytime he/she is off-duty or the bus is not under driver or activity advisor supervision.

3.11. **"Inconvenience Stipend"** is defined as "pay for idle hours" under the above referenced federal regulation. All such payments are not associated with on-duty time and are not used as a factor in calculating overtime compensation. Drivers will be paid an inconvenience stipend for meals and the inconvenience of being away from home. The following is a breakdown of the stipend by mileage effective at the time this policy was approved. Modifications to this payment schedule may be made without requiring policy change as approved by administration. The current authorized Inconvenience Stipend schedule will be listed on the Bus Driver salary schedule.

3.12. **The Activity Bus Driver Salary Schedule is suspended with the approval of this Policy. The Washington County School District will compensate drivers for hours worked based on the Bus Driver Salary Schedule and the drivers assigned step on that schedule.**

Appendix I - Logging Examples

Appendix II - Agreement

Appendix III - Shuttle Trip Ticket Voucher