



**Motor Carrier Factors Attachment #3
Driving Out Harm Policy**

Chattanooga, TN

HWY17MH009

(9 pages)

Employee Qualifications

Driving Out Harm Global Safety Standard 1, 2, 3 – COMPETENCE & FITNESS

Version	Date	Description	Approved By
1.0	May 1, 2016	Approved by VP, Safety	[REDACTED]

Standard Operating Procedure – Employee Qualifications

1. Purpose

The purpose of the Employee Qualifications standard operating procedure is to identify minimum qualification requirements for each respective position.

2. Responsible Parties

Vice President – Safety / Area Safety Directors / Corporate Human Resources are responsible for:

- Oversight, periodic review, revision and approval of the standard; and
- Enforcing compliance with Employee Qualification standards.

Chief Operating Officers, Vice Presidents of Operations, Region Managers and Area General Managers are responsible for:

- Enforcing compliance with Employee Qualification standards.

General Managers, Safety Training Supervisors / Managers of Safety and Training / Designated Local Staff are responsible for:

- Ensuring compliance with the Employee Qualification standards in their entirety.

Employees are responsible for:

- Obtaining and maintaining the appropriate license, endorsements and other state and local requirements, complying with any license restrictions;
- Obtaining and maintaining their required medical certification

3. Procedure

US Background Check Guidelines

Criminal Background (all positions)

Criminal background checks are obtained and reviewed to ensure compliance with applicable state and federal laws. Each applicant will be individually reviewed and will not be denied employment based solely on the grounds of a conviction or guilty plea for a criminal offense. The type of offense, the date of the offense, and the relevance of the criminal conviction/guilty plea to the position applied for may be considered in the employment decision.

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Criminal background checks should be run on every applicant **before** starting work.

Eligible

- Charges with a disposition of not guilty, nolle prosequere, waived by clerk, dismissed or expunged
- No record, clear record or no convictions

Ineligible

- One or more convictions (felony and/or misdemeanor) in the last 10 years involving violence, weapons, controlled substances, sex crimes or burglary*

**In California only, convictions for marijuana-related offenses more than two years old will not count against an applicant's record.*

Subject to Review by Area Safety & HR

The following should be forwarded to the Area Safety and HR representatives for review prior to a hire:

- Convictions (felony and/or misdemeanor) more than 10 years old involving violence, weapons, controlled substances, sex crimes or burglary
- Felony convictions less than 10 years old that do not involve the crimes mentioned above
- Any pattern of misdemeanor convictions-The relationship of the conviction to the job being sought, as well as the dates, frequency, and severity should be taken into consideration
- Charges with a pending disposition

If further review is necessary to make a hiring decision, the information should be forwarded to the area COO and VP of Safety for final decision.

Individual state laws must be taken into consideration when applying the company and district policies for criminal background checks. Where a state specifically prohibits a component of the policy, state law must be followed.

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Employees are required to report any arrest and/or convictions to their manager within 24 hours of the arrest and/or convictions. Employees who are convicted of the following offenses may be subject to termination of employment depending on the type of the offense and the relevance of the criminal conviction/guilty plea to the position held:

- Felony convictions.
- Convictions for sexual offenses of any nature.
- Convictions for drug possession use, trafficking, or manufacturing.
- Convictions for assault or battery, including domestic abuse.
- Pattern of misdemeanor convictions.

Education Verification (all positions other than drivers and monitors)

Education is verified before an offer of employment is extended, and only for the highest level of education attended or completed.

Eligible

- All information verified with no discrepancies*
- Minor discrepancy in dates attended
- Minor Discrepancy in major

Ineligible

- Major discrepancies between what is verified and claimed on application
- Didn't complete but reported as completed**
- Significant discrepancy in major course of study

*If the education institution cannot verify but does not deny attendance, adjudication will fall in favor of the candidate.

**Candidate should be given opportunity to produce own records to prove attendance or completion.

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Employment Verification

Employment is verified before an offer of employment is extended. Verification is limited to previous three (3) years of employment or three (3) previous employers, whichever is less.

Eligible

- All information verified with no discrepancies*
- Minor discrepancy in dates of employment or title
- Company no longer exists, records cannot be verified

Ineligible

- Significant discrepancy in dates
- Significant discrepancy in title or responsibility

If NELLC can verify employment based on information provided from a share-shift start-up then the verification does not need to be run through the background check vendor.

Motor Vehicle Records (all positions which may be required to drive a company vehicle)

Each state mandates the standards for a school bus driver's driving record. National Express, however, sets higher standards which must be met by each applicant.

- **No driver/mechanic applicant is eligible for employment with National Express if there is a driving while intoxicated (DWI) or driving under the influence (DUI) conviction on their record anytime in the past 10 years.**
- No homicide, manslaughter, or assault arising out of the operation of a motor vehicle.
- No more than two moving violations within the past 36 months (moving violations do not include financial responsibility citations).
- Preventable Accidents-Applicants for driving/mechanic positions may not have more than one accident within the past 36 months in which they were determined to be at fault.
- No major violations within the past 36 months. Major violations include but are not limited to the following:
 - Failure to stop at the scene of an accident (hit and run),
 - Driving while license is suspended or revoked,
 - Reckless driving,
 - Possession of opened container of alcoholic beverages,
 - Speed contest, drag racing, or attempting to elude an officer of the law,
 - For Drivers-Speeding tickets for driving more than 15 miles per hour over the posted limit.
 - **For Mechanics**-Speeding ticket for driving more than 25 miles per hour over the posted limits.

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Moving Violations in Company Vehicles

Any moving violation incurred by any driver while operating a company owned or leased vehicle will be reviewed jointly by the driver's manager and Area Director of Safety. Moving violations in a company vehicle that meet the major violation definition as listed above in the MVR standards will result in immediate termination. All other violations will result in progressive disciplinary action up to including termination. A driver who is arrested for DWI/DUI is to be placed on Deferred Leave pending the outcome of the charge. A DWI/DUI conviction while operating a company owned or leased vehicle will result in immediate termination.

Compliance Audit Procedures and Corrective Steps

All company hires will be reviewed to ensure required background checks and assessments have been performed satisfactorily to meet company standards. Company policy dictates that background checks, drug screens and position specific assessments are satisfactorily conducted **prior** to the start of work. If it is determined that a hire does not meet company standards the following steps will be taken.

- HR, Area Director of Safety, General Manager and Safety Trainer or Safety Supervisor become aware of non-compliance
- HR and the Area Director of Safety will work with the GM and CSC safety personnel to ensure new hire is brought within compliance or terminated
- Patterns of non-compliance will be addressed by the SVP of Safety and HR and the VP of Operations

Screening Checklist

Screening completed by CSC safety department:

Drivers	Motor Vehicle Records – HireRight Criminal Check – HireRight Drug Screen – HireRight ESI – General Dynamics
Monitors	Criminal Check – HireRight Drug Screen – HireRight

Screening completed by corporate recruiting department:

Maintenance	Motor Vehicle Records – HireRight Criminal Check – HireRight Drug Screen – HireRight
Staff	Criminal Check – HireRight Drug Screen – HireRight

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MEDICAL EXAMINATIONS

Pre-employment medical examinations are required to establish the employee's fitness to perform the job for which he or she has applied, and will include the administration of a drug test in accordance with company policy.

NOTE: Refer to the Drug and Alcohol Standard Operating Procedure for specifics on drug testing administration and procedures.

New Hires and Rehires

A new employee, or rehired employee whose break in service is more than 30 days, must successfully complete a pre-employment medical examination and drug test at a company authorized clinic prior to his or her start date.

Exceptions

A rehired employee whose break in service is 30 days or less, and who has an unexpired medical examination certificate, is not subject to a pre-employment medical examination, but must take a drug test in accordance with company policy.

Periodic Medical Examinations

Drivers must undergo periodic physical examinations as required by contract and state law. Non-driving safety-sensitive employees (mechanics and bus monitors) must complete periodic physicals at the same interval as drivers.

Other Reasons for Medical Examinations and/or Testing

Employees may be required to have a fitness-for-duty examination or submit to drug and alcohol testing on other occasions, such as when they are involved in a Company motor vehicle accident (MVA), an employee work-related injury, or a preventable third-party injury; or in a case of reasonable suspicion; or when selected through the Company's random selection program; or prior to returning to work from a leave of absence of thirty days or more.

Examinations or testing may be required by federal or state laws and regulations, district requirements or Company policy.

DOT Guidelines

All employees who operate a company vehicle will be expected to follow these DOT guidelines:

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- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age.
- Speak and read English well enough to converse with the general public, understand highway traffic and signals, respond to official questions, and be able to make legible entries on reports and records.
- Be able to drive the vehicle safely.
- Have only one valid commercial motor vehicle operator's license or an appropriate license as required by contract or law.
- Provide a list of all motor vehicle violations or a signed statement that driver has not been convicted of any motor vehicle violations during the past 12 months.
- Pass a driver's road test or equivalent.
- Complete an application for employment.
- Possess a valid medical certificate.

Driver Qualifications

The following are qualifications for employment as a driver with National Express LLC:

- Be at least 21 years of age.
- Possess an MVR (driving record abstract) acceptable to the company.
- Be properly licensed to operate a school bus in the state of employment.
- Complete a company application for employment including previous employment references that are acceptable to the company.
- Pass a pre-employment drug test and physical examination.
- Satisfactorily complete the Employee Safety Inventory (ESI).
- Satisfactorily complete and document the National Express LLC Training Program and any applicable state training requirements.
- Pass a criminal background check, which may include fingerprinting.
- Satisfactorily complete a BTW evaluation by designated evaluators.

Bus Monitor Qualifications

The following are qualifications for employment as a bus monitor with National Express LLC:

- Be at least 18 years of age.
- Complete a company application for employment including previous employment references that are acceptable to the company.
- Pass a pre-employment drug test and physical examination.
- Satisfactorily complete and document the National Express LLC Training Program and any applicable state training requirements.
- Pass a criminal background check, which may include fingerprinting.
- Satisfactorily demonstrate job competency through an in-bus evaluation by designated evaluators.

Mechanic Qualifications

The following are qualifications for employment as a mechanic with National Express LLC:

- Be at least 21 years of age.
- Possess an MVR (driving record abstract) acceptable to the company.

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- Be properly licensed to operate a school bus in the state of employment, P endorsement only.
- Complete a company application for employment including previous employment references that are acceptable to the company.
- Pass a pre-employment drug test and physical examination.
- Satisfactorily complete and document the National Express LLC Training Program and any applicable state training requirements.
- Pass a criminal background check, which may include fingerprinting.
- Satisfactorily complete a BTW evaluation by designated evaluators.

Staff Qualifications

The following are qualifications for employment as staff with National Express LLC:

- Be at least 18 years of age.
- Complete a company application for employment including previous employment references that are acceptable to the company.
- Pass a pre-employment drug test.
- Satisfactorily complete and document any applicable National Express LLC Training including DOT Reasonable Suspicion Training.
- Pass a criminal background check.
- Satisfactorily demonstrate job competency throughout the year.

4. *References*

[Drug and Alcohol Policy – Appendix A](#)

[ESI Appeal Policy – Appendix I](#)

[DOT Driver Qualifications](#)