

Transportation concerns when schools reopen

Transportation issues are a primary concern as districts develop plans for reopening schools. It is crucial for local union leaders representing School-Related Professionals to have a seat at the table as employers consider a wide variety of transportation issues. To help develop guidance to local unions and field staff, NYSUT assembled a transportation staff focus group in May with about a dozen bus drivers and bus monitors/aides from around the state. This document summarizes the focus group discussion, as well as suggestions for how to address several of the concerns. As always, local union leaders should consult with their NYSUT labor relations specialist for questions and advice.

The guidelines surrounding COVID-19 health and safety continue to evolve as more science-based evidence is discovered. NYSUT locals are encouraged to stay up to date with the latest information by visiting nysut.org/coronavirus.



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OVERVIEW

Prior to the pandemic, New York State already was experiencing a school bus driver shortage. This likely was due to several factors, including low wages and employers seeking to hire more school bus drivers for fewer hours (providing a benefits savings). A more recent factor is a new particularly arduous and capricious CDL testing system, which resulted in drivers taking the test up to six times prior to passing (This was the impetus for the SRP-spearheaded resolution to the 2019 NYSUT Representative Assembly “School Bus Drivers and the DMV CDL.”) Additionally, employers report that it is more difficult to find bus monitors and aides. Many drivers are in their second career, which often puts them in the over 60 age range and at higher risk for COVID-19. We expect that this will result in even more staffing issues.

COVID-19 has exacerbated the inequities in our public school system and how resources are allocated. Access to appropriate PPE, disinfecting supplies and appropriate training likely will follow the same pattern. NYSUT’s Health and Safety Department has produced many helpful publications concerning protocols and best practices for cleaning and disinfection. The links to these are at the end of this document.



Key Findings

Note: This report assumes that when schools reopen students will need transportation to and from school and current social distancing and face covering requirements will be in place.

- There is an opportunity for transportation professionals to be allies in the employers’ evolving reopening plans. Utilizing transportation professionals in this way will benefit school districts and other employers, students, unit members and the community at large. The local should advocate for bus drivers and monitors to be included in the reopening planning committees and the employers’ health and safety committees to ensure that transportation best practices are created and modified as more information becomes available in the battle against COVID-19.
- And, as outlined below, there is an additional opportunity to help inform the parents/guardians and communities at large on modeling the appropriate hygiene and social distancing behaviors. Always, when we engage with the community, we should connect the core values of our local unions with the health and safety of staff and the children we serve.
- Many of the decisions concerning reopening will depend on the size of the school district or employer, the number of students and number of schools, as well as the geographic density of the population. Additionally, it’s important to note employers typically hold transportation employees’ training sessions in late August, just prior to the start of school. Discussions with leaders about potential issues concerning transportation and reopening should occur prior to that.
- In general, when social distancing is applied to passengers on buses, employers will likely need to decide how to accommodate fewer students on each bus and optimize space (For example, siblings and people living in the same household can ride without social distancing.) Whether that is staggering the start and finish time of the school day, students of all ages from the same area picked up at same time (without regard to school), or a 12-day schedule or every other day schedule, there may be drastic changes that impact the number of bus runs and, therefore, the transportation professionals that NYSUT represents. Each employer will have specific and detailed issues to consider when creating their reopening plans.

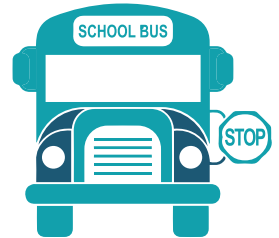
- ✓ In addition, between the bus runs, the buses need to be disinfected per Centers for Disease Control (CDC) standards. This will impact the bus schedules and may add additional duties to our members' job descriptions. Proper training will need to be provided to transportation staff if they are to clean and disinfect buses and work schedules may change as a result of the added duties. NYSUT Labor Relations Specialists (LRSs) will be prepared to negotiate MOAs to accommodate all the changes and/or additions to current collective bargaining agreement language.

Key issues

There are certain issues that we anticipate will cause concern and need detailed discussion between the locals and employers. These issues are discussed below.

AT THE BUS STOP

There are multiple issues concerning safety at bus stops. Current law requires districts to provide transportation to most students. Unless those laws change, bus stops could be crowded.



Suggestions:

- Locals should talk with the employer about whether COVID-19 screening should be required at bus stops and/or when students get on the bus, who should perform the screening and what should happen if a student does not pass the screening.
- Local union representatives may wish to talk to the employer about creating a plan for the students who do not pass the bus stop screening to be safely dismissed to their parent/guardians.
- The New York State Education Department says students may be excluded from school if they exhibit symptoms of COVID-19, and we assume this includes school bus travel. nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-first-guidance-3-9-20.pdf

SOCIAL DISTANCING CONCERNS

Employers will need to figure out how to get students to school while social distancing. There are several sizes of school buses available.

Locals should speak with the employer about creating seating arrangements. Such arrangements may involve putting one student per seat with the next student sitting behind, but diagonally on the opposite side to the bus and continuing in a zig-zag pattern to the end of the bus.

There are legitimate and serious concerns about student compliance with social distancing requirements. Of course, younger students will have a harder time complying with these rules. There must be clear communication with parents concerning the requirements and the potential consequences for failing to adhere to them.



Suggestions:

- Consider assigning each child a seat and ensure that social distancing is practiced wherever possible. A diagram of the school bus could be sent home with the child's designated spot clearly marked so that the child and the parents can familiarize themselves with the concept.
- Parents also should be aware that if their child does not adhere to proper safety protocol, s/he may be unable to ride the bus.
- NYSUT encourages our locals to advocate for school districts to have an aide or monitor on every bus when school reopens. School bus drivers must focus on driving safely and cannot be expected to enforce safety rules, including social distancing, and drive at the same time.



Educating the community could include:

- o An advertising campaign, including social media, to educate parents and get parental buy-in on the importance of children adhering to social distancing.
- o Colorful, small posters that illustrate salient points (seating, social distancing, face masks) that can be posted on the school bus, in the hallways and in classrooms and cafeterias as constant reminders for students to be good citizens.
- o Having monitors and drivers positively reinforce correct behavior.
- o Employers could produce a video about proper behavior on the bus, send it to parents, and require that they check a box to affirm they have viewed it with their child.

Senate Bill S5172A (Kennedy) “An act to amend the vehicle and traffic law, in relation to requiring a school bus attendant on all school buses” is currently being considered. The bill requires a school bus attendant on all school buses transporting students in kindergarten through sixth grade to or from school or from any school-related activity. While this bill has not passed the Legislature, the requirements in the legislation may provide a blueprint to encourage employers to hire more bus aides, even for a short time.

DRIVER SAFETY CONCERNS ABOUT VENTILATION

Regulation 720.4 (U) of the New York State Department of Transportation Bus & Passenger Vehicle Regulations, reads: “VENTILATION. The vehicle body shall be equipped with a suitably controlled ventilating system capable of distributing an adequate supply of fresh air throughout the passenger section under normal operating conditions without the opening of windows except in extremely warm weather.”



School bus drivers express concern over what is “adequate” considering new information about the length of time particulates of a virus, such as COVID-19, may be suspended in the air. The previous work on air quality and school buses was limited to the exhausted fumes emitted from diesel buses. While school bus windows may be opened in the temperate months, during inclement weather and in winter, they will likely need to be closed.

Suggestion:

- Locals should ask employers to review how well the ventilation systems are working on each bus. The systems must allow for providing as much fresh air as possible.

PPE, FACE COVERINGS & DISINFECTING BUSES

School bus drivers are concerned about meeting Department of Transportation requirements to safely operate a school bus while wearing extensive PPE. A school bus driver has up to seven mirrors to attend to while navigating the bus and, if no aide is present, the driver must also monitor student behavior. In May 2020, the Federal Motor Carrier Safety Administration began delivering masks to commercial drivers, but to date, the DOT has not issued regulations concerning what types of PPE are safe to utilize while operating a bus.



Employers also must take action to ensure the students on the buses have appropriate face coverings. As with COVID screening discussed above, it may be that students will not be able to board the bus without a face covering. Monitors or aides will have to enforce rules ensuring that students wear their face coverings at all times.

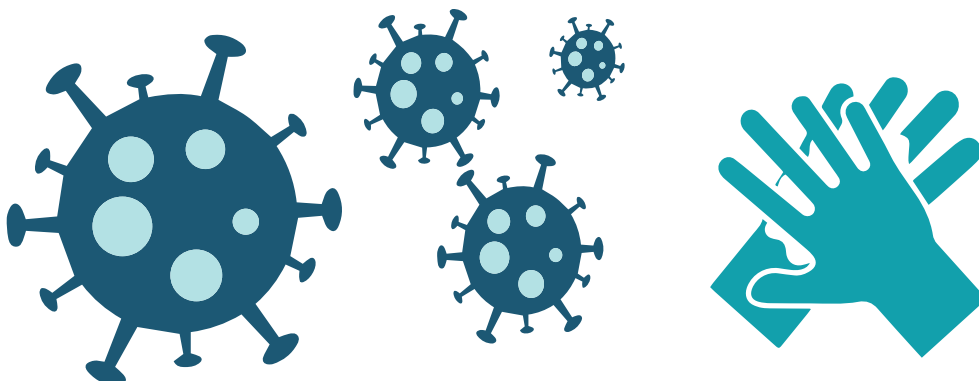
Transportation professionals also may be required to clean buses between runs. School buses must be equipped with appropriate disinfecting solutions, and members must be trained on proper techniques for thoroughly cleaning buses. Additional time should be factored into schedules to allow for disinfecting and cleaning.



Suggestions:

- Working with staff and the union, employers should follow the latest health and safety guidance on the appropriate use of face coverings and the PPE that will keep a driver and monitors safe, without compromising their ability to do their jobs.
- School bus drivers must be able to concentrate on safely driving the school bus. That's why NYSUT believes that there should be a monitor or aide on every school bus.
- Employers should equip every bus with masks and other appropriate PPE, sanitizer, and necessary disinfecting and cleaning supplies. Members must be trained on proper usage and storage of PPE and cleaning supplies.

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THIRD-PARTY CONTRACTS

In cases where employers contract with outside vendors to provide buses, it may be more difficult to ensure the vehicle is cleaned and disinfected properly between runs. Locals may wish to discuss any concerns surrounding cleaning and sanitizing of buses with the employer.

Suggestions:

- You have a right to a safe working environment. Employers should speak with their vendors to determine what type of cleaning regiments the vendors currently have in place and should renegotiate contracts to require disinfecting and cleaning as per CDC guidelines. Employers should immediately address any concerns about vendors failing to properly clean and disinfect the buses.
- Consider asking the employer for information about how the vendor cleans and disinfects the vehicles and how these methods meet or exceed CDC guidelines.

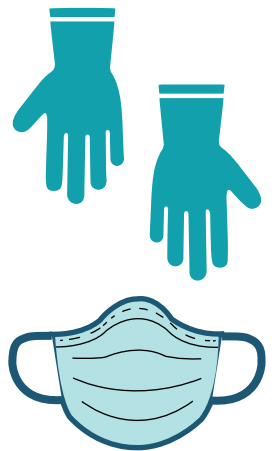
STUDENTS WITH SPECIAL NEEDS

Students with disabilities likely will continue to require hands-on care. The professional working with the student may need to touch the student or his/her wheelchair. Gloves or other appropriate PPE must be provided when our members are required to come into close contact with students.

On the smallest transportation vehicles, social distancing may be impossible. Enhanced PPE for those transportation professionals should be considered.

Suggestions:

- Employers should provide appropriate PPE for every member when required.
- Employers should consider holding meetings with parents of students with special needs to discuss any new protocols for necessary handling of the student on the bus. Best practice would be to include a union leader or rep in these meetings where practical.



BARGAINING UNIT CONCERNS

School bus drivers and monitors/attendants may be requested/required to work out of title (i.e. performing custodial or cleaner functions) without benefit of additional compensation. These transportation professionals may also be doing the work that security personnel usually do by encouraging students to comply with school standards, etc. without benefit of appropriate training or compensation.

Suggestions:

- There must be an open line of communication between the membership and local leaders so that leaders are aware of all new directives from administration concerning required job duties and any changes to current terms and conditions of employment. Members should know that failure to report changes in job duties or terms of conditions of employment to their union leadership in a timely fashion can cause the union to forfeit the right to challenge the changes. Further, such a failure can result in the new conditions becoming permanent not only for the immediately impacted member, but also for all members of the bargaining unit.

- Members should be told to comply with directives to avoid insubordination charges and potential discipline. If a member believes that the directive puts their safety at risk, or that they were asked to perform an illegal act, they should immediately contact the union. Leaders should immediately speak with their LRS and address directives to perform out-of-title work, new job requirements and/or duties, and all other changes to the collective bargaining agreements.
- Locals should consider negotiating MOAs to address added work, additional compensation, changes to work schedules, bidding requirements, and all other issues that are impacted by the transportation reopening plans.
- Locals also should ensure that the employer properly trains union members on how to use PPE, how to disinfect buses, what to do in the event that a student is showing symptoms of COVID-19, and all new rules and regulations concerning safety, health, and interactions with students.

TRANSPORTATION PROFESSIONALS

The school bus drivers and monitors/attendants who transport students to and from school have many professional requirements, including ongoing training, as part of their jobs. The Pupil Transportation Safety Institute’s annual publication, “New York State Laws and Regs for School Bus Drivers, Monitors and Attendants” is a rich resource for transportation professionals. For more information, visit stnonline.com.

Resources

NYSUT Coronavirus toolkit:

nysut.org/coronavirus

NYSUT’s Health and Safety guidelines: nysut.org/Health-and-Safety

What Bus Transit Operators Need to Know About COVID-19:

cdc.gov/coronavirus/2019-ncov/community/organizations/bus-transit-operator.html

Bus Cleaning:

aft.org/sites/default/files/covid19_info_buscleaning.pdf

