

PETITION FOR RECONSIDERATION

Petition on the behalf of **His Loving Care Home Care LLC**

Case docket number **A-2024-3045516**

1. We are requesting an appeal because our application was denied for failure to establish fitness to operate: non-compliant driver license check policy.
2. Upon comparison of our policy and 52 Pa Code 29.504(a) we found that we are missing the words: *After an initial driver history report for each driver.* Otherwise, we could not find that we have omitted anything else.
3. We have revised our policy to reflect the change (attached) and would appreciate your reconsideration of our application,

HIS LOVING CARE HOME CARE

5A. HIRING STANDARDS FOR DRIVERS

REVISED 3/11/2024.

All Drivers shall be recruited on the basis of merit with minimum eligibility standards. No preference shall be given on the basis of cast, creed, color, race and language.

1. The recruitment system encompasses mandatory criteria for all applicants, which must be followed in letter and spirit for recruitment of a driver in the organization.

2. Driver Recruitment Criteria

Applicants for driver positions shall comply with the following criteria:

1. Applicant must have at least **three years'** driving experience in the type of vehicle required to be driven in the company e.g., articulated, and fixed.
2. The applicant's age should be at least 21 years at the time of recruitment.
3. An applicant's age should not exceed the official retirement age of the company i.e., 65 years.
4. A driver history report from the Department of Transportation and other relevant sources of every state in which the driver has held a motor vehicle operator's license or permit during the preceding three years. *After the initial driver history report for each driver, His Loving Care Home Care will obtain a driver history report at least once every 12 months from the date of the last report.*
5. Must be drug and alcohol free.
6. Complete a criminal background check. His Loving Care Home Care shall conduct or have a third party conduct a criminal history record information from the Pennsylvania State Police and any other state in which the person has resided for the past 12 months and the Pennsylvania State Police Central Repository does not contain information relating to that person. (see 5B. Criminal History background check policy)
7. Other requirements as determined by the hiring manager.

An applicant's driving history from the appropriate agency of every state in which the person has held a motor vehicle operator's license or permit in the past three years. A driving history report shall be obtained every second year following the initial report. The driving history reports shall be retained for a minimum period of two years. A person with more than three moving violations in a 3-year period prior to the check or a major violation in the 3-year period shall not be hired by the company.

Personality

Driver's personality attributes shall be verified through an **Interview / Assessment-Form** at the time of selection. The ideal candidate should be:

1. Someone who has an aptitude for driving.
2. Someone who can provide courteous service to customers.

3. Mature and responsible.
4. Decisive.
5. Capable of working independently, self-reliant, and self-disciplined.
6. Prepared and capable of working on shifts.

Someone who must be aware and determined to practice all safety rules, methods, and procedures.

1. Non-Smokers shall be preferred.
2. No attitude towards drugs.
3. No physical deformity & capable of controlling the vehicle (reaching and operating the controls).
4. Someone with the ability to perceive hazards & able to react rationally in normal and emergency situations.

Health.

A board-certified physician shall conduct a comprehensive **medical examination**. Medical report shall be placed in the personal file of each driver after completion of selection process. Medical examination must ensure following fitness areas:

Vision (eyesight and color blindness).

Any serious illness.

Any neurological or musculoskeletal deficiency which could adversely affect movement and reaction time.

Conditions that could result in sudden collapse such as epilepsy, diabetes and heart attack.

Any history of anxiety or depression.

Use of any medication which could influence driving behavior.

Stress / sleeping disorders, and degree of dependence on sleeping tablets, alcohol, and other measures.

Drug and alcohol testing.

Driving Skills

Practical Driving Test.

Each driver should go through a practical driving examination before recruitment with a current certification. An experienced driver / monitor driver shall provide field orientation and test under typical operating conditions. He will confirm that the applicant is fully competent to drive the type of vehicle he would use on company business. **Appropriate Driving License.** The applicant to be

recruited must have an appropriate valid License for the vehicle to be driven by him. A Photostat copy of license must be placed in his personal file.

Education

(Education Requirement)

1. The preferable level of education for a prospective driver is a high school graduate or higher degree.
2. If an applicant is not meeting the above education standards, then he should be literate and numerate at a level where he is able to:
3. Follow written work instructions.
4. Read maps.
5. Safety bulletins.
6. Fill out trip log.
7. Other forms required to report journey details etc.
8. Complete a defensive-driving course sponsored or endorsed by the national safety council.
9. Complete an approved Passenger-assistance training.
10. Any driver who holds a current, valid EMT-basic, EMT-intermediate, or EMT-paramedic certification from the state board of emergency medical services is deemed qualified.
11. Pass a training course in first aid and CPR offered by the American red cross, the American heart association, the national safety council, medic first aid international, American safety and health institute or other approved institutions.

Induction.

A newly selected driver will be given a Job-Offer letter along with “Extract from Rules & Regulations of the Company” for his guidance. He will be on probation for three months.

Newly hired drivers should be put on the safest and least demanding routes.

There should be a progression from smaller *to larger vehicles* and from rigid to articulated vehicles, supported by continuous progressive training.

During initial short trips, a monitor driver should spend the first three to five days with new driver, identifying any skill gaps, attitude problems and providing the necessary support.

The monitor driver shall continue to record his skill gaps during the probationary period and through coaching, counseling, and other training drills would bridge the gaps in his driving skills. He will then submit his report to the company.

Following a final trip at the end of the probationary period, the monitor driver should recommend whether or not a driver to be rejected or accepted.

Job confirmation letter will be issued to the driver on probation, if Monitor-Driver comments positively about him and there is no other negative report against him.

Conduct

With respect to general conduct, drivers shall:

Follow procedures regarding duty and rest periods.

1. Follow defensive driving principles.
2. Wear a seat belt at all times whilst in a moving vehicle.
3. Work in accordance with all company Rules and to act on the instructions of their supervisor.
4. Keep the vehicle and cab interior clean and tidy.
5. Not place heavy or sharp objects in the cab (or on the top of trailers).
6. Not place product samples or product contaminated material, including gloves, in the cab.
7. Not engage in horseplay or unsafe driving maneuvers.
8. Must not smoke or carry matches, lighters or other source of ignition when carrying flammable products.

Other Important Requirements.

During the selection process in addition to the above-mentioned requirements, the under mentioned elements are also very important and the driver selection shall encompass the following:

1. Driving record (no serious offences and no more than three accidents or violations in the last 5 years).
2. Knowledge and application of defensive driving.
3. Attitude to alcohol and drugs.
4. Understanding of the Highway Code.
5. Awareness of key road safety issues.
6. Successfully pass all required and mandatory trainings

VERIFICATION

I Timothy Hunter, hereby state that the facts above set forth are true and correct (or are true to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. ss 4904 (relating to unsworn falsification to authorities).

(Applicant is not now engaged in intrastate transportation of property or passengers for compensation in this Coomonwealth except as authorized by the Pennsylvania Public Utility Commission certificate or permit, and will not engage in the transportation for which approval herein is sought, unless and until the transportation is authorized by your Honorable Commission.)

Timothy Hunter

Timothy Hunter

Date: 03/11/2024