

RESOLUTION 2005-12

AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 16.D AND SECTION 16.H, CLARIFYING TO WHOM EMPLOYEE VEHICLE ACCIDENTS NEED TO BE REPORTED, CLARIFYING THE POLICY REGARDING USE OF SEAT BELTS, AND ESTABLISHING A WRITTEN POLICY FOR CELL PHONE USAGE

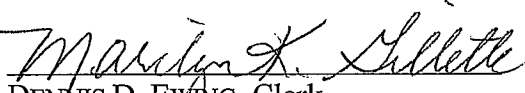
WHEREAS, it is necessary to clarify the procedure for reporting employee accidents as well as seat belt and cell phone usage;


NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Sections 16.D, Accident Review Board, and Section 16.H, Safety Rules, are hereby amended to read as attached hereto. This resolution shall take effect immediately.

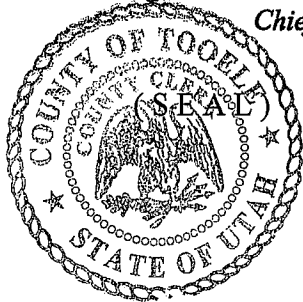
DATED this 13th day of September 2005.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY

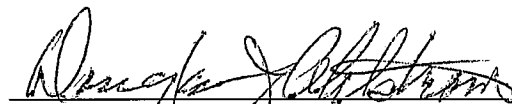

DENNIS D. EWING, Clerk
Marilyn K. Gillette
Chief Deputy Clerk


DENNIS L. ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner Lawrence voted aye
Commissioner Johnson voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

SECTION 16
OCCUPATIONAL SAFETY AND HEALTH

D. ACCIDENT REVIEW BOARD:

1. There is hereby established an accident review board. The board shall consist of one member of the county attorney's office, one member of the sheriff's office, the director of personnel management and the county insurance coordinator. The accident review board shall review each vehicular accident involving county employees and county vehicles, and forward its conclusions and recommendations to the county commission and to the department head of the employee involved in the accident. Other types of accidents may be reviewed by the accident review board upon the request of the department head of the employee involved in the accident.
2. Each accident involving a county vehicle shall be reported to the local police, sheriff, or highway patrol in accordance with state law. The accident shall also be reported immediately to the department head and investigated by the supervisor of the employee involved in the accident. Each employee involved in an accident with a county vehicle shall submit a signed, detailed report to his or her supervisor on forms supplied by the county. The supervisor shall retain a copy of the report for the department files and shall forward the original report to the insurance coordinator. The insurance coordinator will submit the accident for consideration by the accident review board.
3. The accident review board shall evaluate the accident and shall consider any or all of the following information:
 - a. written evidence presented by the driver concerned, the supervisor and the police report of the accident investigation;
 - b. maintenance records of the vehicle or other information available concerning the vehicle both before and after the accident, including estimates of the cost of repair;
 - c. laboratory tests on vehicle parts;
 - d. the driver's past driving record;
 - e. diagrams, photographs, and other evidence; and
 - f. testimony of other drivers and witnesses present.
4. The accident review board shall determine, as far as possible, the cause of the accident and whether the accident was preventable. A preventable accident is defined as an accident in which the driver failed to exercise every reasonable precaution to prevent the accident.

5. The accident review board shall prepare a written report of their findings and recommendations to the department head of the employee involved in the accident to implement corrective action, if indicated. The report shall be delivered to the county commission, to the employee's department head and to the director of personnel management to be placed in the employee's personnel file. A copy of the report shall be given to the employee.
6. In the event the accident review board's findings and recommendations include corrective measures to be taken by the department head, the department head shall implement those corrective measures as soon as practical.
7. If the accident involved the violation of established policies associated with preventing injuries and incurring liability, corrective disciplinary action shall be taken as soon as practical. Appropriate disciplinary actions may include loss of driving privileges, required defensive driving courses, reassignment or termination of employment.
8. In the event the employee disagrees with the findings of the accident review board or with the action taken by the department head, the employee may file an appeal to the county commission. The appeal must be in writing and must be filed with the county commission within 30 days of the date on which the employee is provided with a copy of the report from the accident review board. The county commission may, in considering such an appeal, review only the record of the accident review board or may, in its discretion, allow additional evidence to be submitted for review.

H. SAFETY RULES AND REGULATIONS:

1. An employee may not remove, displace, damage, destroy, or carry away any safety device or safeguard provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person.
2. An employee may not interfere with the use of any method or process adopted for the protection of any employee in his employment or place of employment.
3. An employee may not fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety, and welfare of employees.
4. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understand be available in or speaking of English might adversely affect their safety or that of other employees.
5. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.
6. Loose sleeves, tails, ties, lapels, cuffs, or similar garments that can become entangled in moving machinery shall not be worn where an entanglement hazard exists.

7. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.
8. No employee shall carry liquor into a place of employment except that the place of employment shall be engaged in liquor business and this is a part of the assigned duties.
9. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed except where the employee's working conditions require it.
10. ~~Employees shall wear seat belts while driving or riding in any motor vehicle being used for county business, including private vehicles. For the purposes of this subsection, a motor vehicle is defined by Section 41-6-148.20 of the Utah Code. This subsection does not apply to those circumstances specified in Section 41-6-183 of the Utah Code.~~ Use of seat belts is required of all drivers and passengers in county vehicles and other vehicles being used for county business.
11. Cell phones may be used by drivers of county motor vehicles.