

RESOLUTION 2005-16

A RESOLUTION COMBINING PERSONNEL POLICIES AND PROCEDURES SECTIONS 14 AND 16 INTO A NEW SECTION 14, OCCUPATIONAL SAFETY AND HEALTH AND EMPLOYEE ACCIDENTS AND INJURIES; TO REFLECT ACTUAL PROCEDURES AND PRACTICES AS THEY RELATE TO REPORTING ACCIDENTS AND INJURIES; ADDING A NEW PROVISION ESTABLISHING A RETURN TO WORK-TRANSITIONAL DUTY PROGRAM; AND MAKING TECHNICAL CORRECTIONS

WHEREAS, the Tooele County Commission finds it is in the best interest of the county and its employees to combine Section 16, Occupational Safety and Health, of the Personnel Policies and Procedures, and Section 14, Employee Accident and Injury, into a revised Section 14 to reflect actual practices relating to reporting accidents and injuries and to make other technical corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE COUNTY COMMISSION that Personnel Policies and Procedures Sections 14 and 16 are hereby combined into a revised Section 14, Occupational Safety and Health and Employee Accidents and Injuries, to read as attached hereto. The former Section 16 is hereby repealed. This resolution shall take effect immediately.

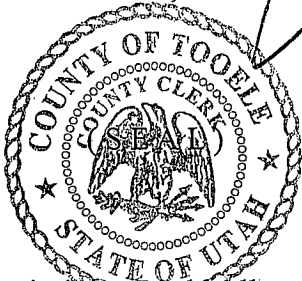
DATED this 22nd day of November 2005.

ATTEST:


DENNIS D. EWING, Clerk

TOOELE COUNTY LEGISLATIVE BODY


DENNIS L. ROCKWELL, Chairman



APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

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

SECTION 14
OCCUPATIONAL SAFETY AND HEALTH AND
EMPLOYEE ACCIDENTS AND INJURIES

- A. OCCUPATIONAL SAFETY AND HEALTH ACTS:** It is the intent of Tooele County to comply with all applicable rules and regulations pertaining to the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. §. 651 et seq., and the Utah Occupational Safety and Health Act, Utah Code Annotated Section 34A-6-101 et seq. Information relative to such Acts can be obtained from:

The Industrial Commission of Utah
160 East 300 South
Salt Lake City, Utah 84110-5800

Phone: (801) 530-6811

- B. HAZARD-FREE WORKPLACE:** Tooele County shall attempt to furnish each of its employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or physical harm. Each employee shall comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Utah Occupational Safety and Health Act.
- C. SAFETY OFFICER/SUPERVISOR RESPONSIBILITY:** Tooele County desires to control loss due to workplace injuries and has appointed the Director of Human Resource Management as the Safety Officer. Each elected official or department head shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, take appropriate action to immediately correct such conditions. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.
- D. 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.
 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 understanding 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. 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.

E. CLEAN WORK AREAS: All supervisors and employees shall insure clean work areas. Excessively littered or dirty work areas constitute a hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of remedies exists to minimize hazards due to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics, or any hazard of a similar nature, the county shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, and certain types of protective clothing. Provision shall also be made to keep all such equipment in good, sanitary working condition at all times.

F. EMPLOYEE ACCIDENTS AND INJURIES:

1. Workers' Compensation Coverage: Tooele County operates under the State of Utah Workers' Compensation Act found at Utah Code Ann. Section 34A-2-101 et seq., which provides that each employee who is injured and the dependents of each employee who is killed, by accident arising out of and in the course of employment, wherever such injury occurred, if the accident was not purposely self-inflicted, shall be paid compensation for loss sustained on account of the injury or death, and such amount for medical, nurse, and hospital services and medicines, and, in case of death, the amount of funeral expenses. The responsibility for compensation and payment of medical, nursing, and hospital services and medicines, and funeral expenses is on the employer and its insurance carrier and not on the employee. The size of the awards and the conditions connected with workers' compensation claims are contained in the State laws covering workers' compensation cases.

2. Reporting Injuries: Any injury occurring on the job must be reported to the supervisor immediately, but no later than the end of the employee's regular shift, and forms prescribed by the Industrial Commission of Utah must be completed and submitted to the Department of Human Resource Management within seven days of the job injury. All necessary forms may be obtained through the Department of Human Resource Management.
3. Record of Accidents: An accurate record shall be kept in the Department of Human Resource Management of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall be available at all reasonable times to the Industrial Commission of Utah or its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
4. Injury Report Procedure: A report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the department head or other designated official to the Department of Human Resource Management who will file the report with the Industrial Commission of Utah, the Workers' Compensation carrier, and the affected employee within seven calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, or fires that might affect the safety or health of county employees or tend to increase the hazards thereof, the department head or other designated authority shall notify the Department of Human Resource Management at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
5. Notification of Serious Injuries: All fatal and potentially fatal and serious accidents shall be reported immediately to the Industrial Commission of Utah.
6. Vehicle Accidents: Each accident involving a county vehicle or a private vehicle being used on county business shall be reported to the local police, sheriff, or highway patrol in accordance with State law. The accident shall also be investigated by the supervisor of the employee involved in the accident. Each employee involved in such an accident 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.
7. Benefits: Every employee is eligible to receive workers' compensation benefits for injuries arising out of or in the course of county employment, subject to the following:
 - a. The first three days of absence shall be taken as sick leave first, or other leave if available.
 - b. The employee shall use sick leave or any other accrued leave, if available, until the workers' compensation benefits begin to be paid. When received, the employee shall pay the workers' compensation benefits to the county for the period of time that the benefits were accruing but were not actually being paid, up until the time that payment of the

benefits began. For periods of benefit of less than 14 days, all sick or other leave days will be restored upon payment of the accrued workers' compensation to the county, except the first three. For periods of benefits longer than 14 days, all sick or other leave days will be restored. The employee shall, at that time, be placed on a leave-without-pay status, and shall retain the workers' compensation benefits. Once benefits begin to be paid, an employee may elect to use up to ten hours of accrued leave per pay period in order to cover elected deductions. If deductions are not covered by this amount, the employee is responsible for the remaining balance. Employees who are on leave-without-pay status due to a job-related injury or illness shall receive all regular benefits at the county's expense at the current rate and contribution. However, benefits shall cease when the individual's status is changed from leave-without-pay to terminated.

- c. Under no circumstances shall an employee receive more income because of an industrial accident than the employee's regular pay check.
- d. In instances where an employee is disabled through the course of employment and is covered by workers' compensation, the employee's right to return to county employment will be governed by the following conditions:
 - i. Within a one year period, an employee in an approved leave status shall be entitled to the previous position held or one with equivalent pay.
 - ii. For an additional year beyond the first granted, the county will attempt to find a vacant position similar in pay to that previously held. The county may require medical evidence upon which to make a judgment.

G. WORKERS' COMPENSATION ACCIDENT REVIEW BOARD:

1. There is hereby established a Workers' Compensation 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 Human Resource Management, and the county insurance coordinator.
2. The review board shall review each on-the-job injury or illness involving county employees and volunteers, keep written minutes of each meeting and forward a copy of the minutes to the workers' compensation loss control manager and send copies of the accident reviews or reports to such carrier. The review board shall also review each vehicular accident involving county employees or 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.
3. The 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 test 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 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 employee failed to exercise every reasonable precaution to prevent the accident.
 5. In the event the 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.
 6. 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.
 7. The accident review board shall prepare a written report of its findings and recommendations to implement corrective action, if indicated. The report shall be delivered to the employee, the county commission, the employee's department head, and the Director of Human Resource Management to be placed in the employee's personnel file.
 8. In the event the employee disagrees with the findings of the 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 review board or when action is taken by the department head. The county commission may, in considering the appeal, review only the record of the review board or may, in its discretion, allow additional evidence to be submitted.

H. RETURN TO WORK – TRANSITIONAL DUTY PROGRAM:

1. This Return To Work – Transitional Duty Program is designed to support employee recovery, protect employee income, reduce workers' compensation costs, and promote employee good will.
2. Employees recovering from a work-related injury or illness who are unable to return to work and fully perform the essential functions of their jobs, with or without reasonable accommodation, may still be able to undertake an alternative, temporary, transitional position with the county until recovery is complete. This transitional position will be carefully

designed to be appropriate for the skills, knowledge, and capabilities of the recovering employee so that the work can be accomplished safely. An employee able to perform transitional duty will work in a temporary transitional duty position until either he or she has the necessary capacity to perform his or her normal position, or until the transitional duty job is terminated.

3. The Return To Work – Transitional Duty Program covers all compensable disabling conditions insured under workers' compensation and is limited to employees with temporary impairments. Transitional duty positions, when available, are always temporary and are assigned for a finite period of time.
4. While the goal of this program is to return all employees to gainful employment as quickly as possible, the workload needs of the county must be considered. As a result, temporary transitional duty work may not always be available to all employees. A transitional duty position may entail doing some of the duties of the injured employee's normal job, or it may involve undertaking a special project or projects previously left unaccomplished by the department. Transitional duty work may also be found outside the employee's own department. At the time of the work-related illness or injury, the Director of Human Resource Management shall contact supervisors for assistance to determine whether an appropriate transitional duty position is possible.
5. After a reported illness or injury resulting in transitional duty, the employee's supervisor or a representative of the Director of Human Resource Management will contact the employee to determine when the employee may be available to return to work, to either full duty in the normal position, or to a new temporary transitional duty position. If the employee is unable to resume the full set of duties, supervisors will first attempt to provide the employee a temporary transitional duty position based on the employee's job skills and capacities at the time of return to work.
6. With appropriate medical documentation indicating an employee is able to perform all temporary transitional duty tasks, a Return to Work – Transitional Duty Agreement will be signed by the employee, supervisor, and Department of Human Resource Management designee, defining the transitional duties and the duration of the agreement based on the operational needs of the institution. The employee needs to communicate to both the supervisor and the Department of Human Resource Management any changes in medical condition, concerns about transitional duty tasks, and other concerns related to the workplace injury or the transitional duty work.