



CITY OF FLAGSTAFF

Policies and Procedures

Administrative Policy No.

<u>Title:</u>	ACCIDENT REVIEW BOARD
<u>Effective:</u>	July 1, 2005
<u>Contact:</u>	Debbie Jo Maust, Risk Manager, 213-3634
	September 19, 2007
<u>Revised:</u>	January 1, 2008
<u>Revision effective:</u>	Debbie Jo Maust, Risk Manager, 213-3634
<u>Revised by:</u>	

I. **PURPOSE**

The purpose of this administrative policy is to reduce equipment accidents, to reduce **accidents which cause bodily injury or damage to citizens' property**, and to reduce employee injuries. The Accident Review Board (ARB) **will review accidents which result in \$1000 or more in damages or any bodily injury**. The Board will determine whether the accident was preventable, using as guidelines the "Transportation Laws of the State of Arizona" and the National Safety Council Defensive Driving Principles. The ARB will also review "On-the-Job" injury accidents.

II. **OBJECTIVES**

- A. To determine the cause of the accident or injury and where the responsibility for prevention lies.
- B. To recommend corrective measures, additional training, and modification of equipment or policy to the appropriate Department Head.
- C. To reduce mechanized equipment accidents and abuse and to reduce "On-the-Job" personal injury accidents.

III. BOARD STRUCTURE

- A. The Accident Review Board is made up of non-supervisory employees who are appointed by their Department Head to serve as a Member. The Board structure is made up from the following departments:
1. Two representative(s) from the Risk Management Division as non-voting Advisors.
 2. Two representatives from the Utilities Department from any division.
 3. Two representatives from the Public Works Department from any division.
 4. One representative from the Police Department.
 5. One representative from the Fire Department.
 6. One representative from the Community Development Department.

IV. BOARD DUTIES

- A. Attend meetings on the last Tuesday of each month at 9 a.m., unless otherwise notified, to review qualifying accidents and injuries. **If unable to attend a regularly scheduled meeting, the Board Member must contact their alternate and make arrangements for that person to attend.** For each accident the Board Members will determine:
1. The cause of the accident.
 2. Determine by a final closed door vote whether accident or injury was “preventable”, “preventable/leniency”, or “not preventable”.
 3. Determine whether “preventable”, “preventable/leniency”, or “not preventable” on the part of the supervisor if applicable.
 4. If applicable, make recommendations for preventative measures or corrective actions to the department.

- B. The Board shall make its decisions based upon whether or not the employee was applying:
1. Their responsibility, as stated by the Transportation Laws of the State of Arizona (all employees who have acquired a drivers license have had contact with this law). Judges' decisions will not be considered as a factor in the Board's deliberations.
 2. Proper departmental procedures while using City vehicles and equipment. Examples are Bluestake policy; confined space entry; proper operating, barricading, shoring and trenching, and lockout procedures; defensive driving techniques; and many others.
 3. Defensive personal safety techniques and proper use of safety equipment. Examples are correct usage of seat belts, vests, hard hats, steel-toed shoes, eye and face protection, gloves, the proper use of tools and equipment, and many others.

V. **MANAGEMENT & EMPLOYEE RESPONSIBILITIES:**

A. Division Head/Supervisor

1. The Division Head/Supervisor is responsible for reviewing with the employee the Board's decision, the assigned disciplinary action, and the Department Head's recommendations on the summary report.
2. The Division Head/Supervisor may recommend a change in the disciplinary action recommendation. **The standard length of time an accident is reflected on an employee's record is two years, which can, therefore, increase the severity of penalties for subsequent accidents.**
3. The Division Head/Supervisor is encouraged to attend the Accident Review Board hearing to offer additional information regarding training and division procedures in order to assist the Board in making their determination.
4. Upon completion of the Division Head's review of the summary with the employee, the summary should be forwarded to the City Manager for final review

B. **Department Head**

1. The Department Head has the option to send any accident to the Board for hearing (injury or vehicular).
2. After the hearing, the Department Head may, after weighing all the factors, authorize a change in the disciplinary action recommendation

C. Risk Manager

1. The Risk Manager is responsible for the qualification and scheduling of accidents and injuries for the Board to review. The Risk Manager shall send notices of the scheduled meeting to the employee, the employee's immediate supervisor, and the Department Head approximately one week prior to the hearing.
2. The Risk Management Division may conduct its own investigation of any accident. The Risk Manager may determine preventability and assign penalties based on the investigation without referring the case to the Accident Review Board, regardless of the damage amount.
3. The Risk Manager has the option to send any accident to the Board for hearing (injury or vehicular).
4. All original completed Summary Reports will be filed in the ARB Notebook and "preventable" accidents will be filed in the employee's 201 file in Personnel.

D. City Manager

The role of the City Manager is the final review of the Accident Review Board's decision and the assigned penalties. **The City Manager may change the findings of the Accident Review Board or the penalty assigned for an accident. The City Manager shall call for a meeting to discuss or review any of the decisions made before signing and returning the summary to the Risk Management Division.**

E. Employee

1. If the employee cannot attend their hearing and wishes to change the calendared date, it is the employee's responsibility to notify the Board in advance of the scheduled hearing date. If no request has been received, the hearing

will proceed as scheduled. In some cases, the employee will not be required to attend the ARB hearing. In any case the employee is not present and the ARB finds against the employee, such findings will be final and not subject to appeal.

2. Each employee appearing before the Board shall be given an opportunity to make a full explanation of the case. The employee also has the right to request that witnesses attend the hearing.
3. Employee Appeals. The employee may appeal the recommended disciplinary action assigned by submitting a written statement to the Department Head outlining the reason the appeal is being made. This appeal should be made **within 15 working days** of the employee-and-supervisor review of the accident summary, or, **within 15 working days of second review of the accident summary, if the City Manager makes any changes to the summary.** The **City Manager's** decision on the appeal shall be final and there shall be no further appeal for any penalties other than suspensions, demotions, or terminations. Tenured classified employees who have completed their probationary period may appeal to the Personnel Board any suspension, demotion, or dismissal per the Personnel Ordinance.

VII. SPECIAL CIRCUMSTANCES:

- A. In cases where Police Officers and Fire Department personnel are involved in accidents while driving under Code 3, (lights and sirens) those accidents shall be reviewed by the Departments. The individual department will complete the ARB accident summary form indicating if the accident was found to be "preventable", "preventable/leniency or "not preventable" and forward this to the ARB advisor for assignment of a penalty. The summary form will then be sent back to the Department to be reviewed by the Department Head and discussed between the supervisor and the employee. Thereafter, the accident summary is forwarded to the City manager for final review.
- B. In cases where accidents arise out of snow removal operations, the ARB Advisor will contact the Department Head and discuss whether or not the accident should be reviewed internally or sent to the Accident Review Board.

ASSIGNMENT OF PENALTIES

- A. PENALTY CODE ASSIGNMENTS may not be revised.
- B. RECOMMENDED DISCIPLINARY ACTIONS may be revised, with the appropriate justification, by the Department Head **and approved by the City Manager**.
- E. In lieu of the penalty for **“A” or “B” First penalty codes**, when it is related to a driving accident, the employee may attend a NATIONAL SAFETY COUNCIL 4-HOUR DEFENSIVE DRIVING COURSE presented by the City and during the employee’s regular hours. In lieu of the penalty for **“C”, “D”, “E”, or “F” Second penalty codes** may attend TRAFFIC SURVIVAL SCHOOL or 8-HOUR DEFENSIVE DRIVING TRAINING. This training is to be done within 90 days of the hearing date. The employee shall be responsible for scheduling the training. They shall submit evidence of completion of the course to the ARB Advisor for placement in their Personnel 201 file.
- F. Forfeiture of one day of accrued vacation time may be exchanged for each day of suspension assessed for any penalty code (see VII. PENALTY CODES), **with the approval of the Department Head. This can apply to penalty codes “A” through “U”** (see Appendix A).
- G. **For first accidents that exceed \$5,000 the Good Driver Benefit (GDB) may not be used to reduce the assigned penalty and the Good Driver Benefit (GDB) will be forfeited. If the second accident is over \$3,000, an “F” second accident will be recorded and four days suspension will apply.**
- H. *As with any policy, this policy will not cover every circumstance that may happen. Assignment of penalties in conjunction with this policy does not preclude the termination of an employee for cause under the personnel ordinance.*

GOOD DRIVER BENEFIT (24 MONTH PERIOD)

- A. **HOW IS IT ACCRUED:**
 - 1. All tenured, tenure eligible, or ATP employees who have been employed by the City of Flagstaff for at least 24 months and have maintained a clean accident record for that period.
- B. **APPLICATION OF THE GOOD DRIVER BENEFIT PROGRAM**

1. Employees meeting the above criteria who have an accident determined to be “preventable” by the ARB for an Accident may use their Good Driver Benefit to eliminate one day of suspension. After a Good Driver Benefit has been forfeited or used in lieu of a penalty or the ARB has found that the accident was preventable, the employee must earn a new Good Driver Benefit.