

Cobb County Safety Review Board Policy

PURPOSE

The purpose of the Safety Review Boards is to be proactive in promoting safety awareness with regards to the public, County employees and County property. In addition to promoting safety awareness, two Safety Review Boards will review motor vehicle accidents and other occurrences: the Departmental Safety Review Board (DSRB) and Executive Safety Review Board (ESRB).

The Safety Review Boards shall identify and evaluate departmental safety practices, recommend safety policies, and oversee compliance of safety practices. The Review Boards may review on-the-job related accidents, occurrences, losses and trends to determine causation, preventability, and to report findings and recommendations. With respect to preventable motor vehicle accidents and or/ other occurrences, unless otherwise specified, the Department/Agency Head will be responsible for determining and administering appropriate preventative and/or disciplinary action, if any.

As resources, the policy includes the following appendices: Categories of Contributing Factors, the Minimum Disciplinary Guidelines, and a DSRB Waiver Form.

DEFINITIONS/TERMINOLOGY:

Motor Vehicle Accident – is any occurrence involving a motor vehicle, unless such vehicle is properly parked. This definition specifically includes non-collision occurrences and collisions wherein contact is made with an individual or inanimate object (e.g., contact with a vehicle, curb, sign, tree). This definition includes occurrences in which no damage is observed at the time of the Motor Vehicle Accident.

Preventable Loss – is any occurrence in which the employee failed to do everything he or she reasonably could have done to prevent or avoid the Motor Vehicle Accident or other occurrence. (A determination of whether a loss is preventable is the function of the Safety Review Boards. However, such a determination is NOT to be a determination of whether an individual was “at fault” or “negligent” in causing the Motor Vehicle Accident or other occurrence.) **NO DETERMINATION OF NEGLIGENCE, APPORTIONMENT OF FAULT, OR VIOLATION OF LAW IS TO BE MADE BY THE SAFETY REVIEW BOARDS OR INFERRED FROM THEIR FINDINGS.**

Vehicle – is any vehicle owned, operated or leased by the County. Vehicles and equipment include:

1. Any on road licensed vehicle;
2. Motor graders;
3. Dozers;
4. Loaders;
5. Mowing machines; and

6. Other motorized vehicles.

Vehicle Loss – is any occurrence, driving or non-driving, in which a County owned, operated or leased vehicle is involved in a collision and/or sustains damage. (NOTE: Under this definition, damage to property and/or personal injury need not have occurred.)

Property Loss – is any damage to County owned equipment, buildings, structures, improvements or any other County owned asset. This does not include damage to vehicles.

General Liability – is any non-driving occurrence involving a County employee or situation that results in a loss to any person, other than a County employee, or to property.

Workers' Compensation – is any occurrence in which an employee is injured in the course of his/her employment.

DEPARTMENTAL SAFETY REVIEW BOARD (DSRB)

All departments with fifty (50) or more full-time employees must have a DSRB unless given an exemption by Risk Management to be part of the combined DSRB. If the department has fewer than fifty (50) full-time employees, the department will become part of the combined DSRB unless otherwise agreed to by Risk Management. The DSRB shall report directly to the Department/Agency Head.

A. Membership

Members of the DSRB will be appointed by the Department/Agency Head and subject to the approval of the County Manager. The DSRB will consist of a minimum of three (3) voting members from the department and/or involved departments and one (1) member from Risk Management. The DSRB shall be comprised of an odd number of voting members. The DSRB should consist of:

- (1) At least one middle manager, one front line supervisor or crew chief and one staff level employee. Unless otherwise designated by the Agency/Department Head, the management-level employee whose classification is highest shall be the Chairperson.
- (2) One Risk Management representative. This position is an advisory, non-voting position, but the representative shall participate in all aspects of review, other than voting.

Each member of the review board, including the Chairperson, shall have one vote per case. In the event of a tie, when one or more members are absent at the time of the hearing, the matter should be rescheduled to be heard by the DSRB when all members are present.

B. Terms of Service.

Members of the DSRB shall serve two-year terms. The terms shall be alternating so that no more than half of the review board is replaced in any given year. If a new DSRB is created, half of the DSRB's members will serve an initial one-year first term. The other half will serve a normal two-year term on the DSRB to enable alternating terms.

C. Losses Subject to DSRB Review

The DSRB should review the following:

- (1) Any departmental safety concerns or loss trends and make appropriate safety-related recommendations;
- (2) Any vehicle losses, including driving and non-driving losses, where the incurred loss is up to \$15,000 for a light duty vehicle (a light duty vehicle is a private passenger vehicle designed to carry eight (8) people or less and with a value of less than \$30,000, incurred losses of up to \$25,000 for medium duty vehicles (a medium duty vehicle is a vehicle with a combined weight of less than 26,000 lbs and a value up to \$70,000; incurred losses up to \$35,000 for heavy duty vehicles (a heavy duty vehicle is a vehicle with a combined weight over 26,000 lbs and with a value greater than \$70,000; and
- (3) Any preliminary preventable loss forwarded by Risk Management.

In addition to losses involving vehicles, the DSRB may review the following categories of losses or incidents:

- (1) General Liability;
- (2) Property;
- (3) Workers' Compensation accidents for trends or patterns of losses;
- (4) Injuries or incidents involving inmates for trends or patterns of losses;
- (5) Any at-risk behaviors or hazardous situations/incidents;
- (6) Cases where other at-fault non-driving personnel are involved;
- (7) Any occurrences recommended for review by Risk Management;
- (8) Any other property losses deemed appropriate by the DSRB.

The DSRB should review all non-driving preventable losses and all property losses over \$500 within their department. The DSRB should review any property loss involving an employee with two (2) or more property losses in any twelve (12) month period.

D. DSRB Meetings & Process for Review

1. Scheduling of Meetings

Departmental Safety Review Boards should meet once a month or as often as necessary. As a general rule, losses involving County vehicles should be heard within thirty (30) days from the date of loss. The time to review a case may be extended to sixty (60) days

with the approval of Risk Management. In extenuating circumstances, the time for review may be extended beyond sixty (60) days, provided that notification is made to Risk Management, which shall report to the County Manager. The failure to hear a case within the time frames prescribed shall not negate the need for a hearing and/or appropriate disciplinary/corrective action. If there are no vehicle losses, the DSRB should meet at least once a quarter to review departmental safety issues.

2. Preliminary Opinions

The Risk Management Division will provide a preliminary opinion as to the preventability or non-preventability of all losses involving County vehicles, equipment, property or injuries to employees, inmates and/or the public. Risk Management's opinion will be based upon information supplied by the Department on the loss form (RM-3). A form titled "Preliminary Evaluation" will be forwarded to the Department Safety Review Board Chairperson containing Risk Management's preliminary opinion.

3. Role of Chairperson

The Chairperson of the DSRB will provide relevant background and/or other information for the Board's consideration. The Chairperson of the DSRB will provide a copy of police and other departmental documents, as well as any recordings, diagrams, photographs or other evidence, to members of the DSRB. The Chairperson will also coordinate the appearance of witnesses, experts or supervisors at the hearing.

4. Evidence Subject to Review

The review board process may include review and consideration of the following:

- (a) The departmental vehicle accident investigation report (RM-3 form), which should have been completed and sent to Risk Management within 24 hours of the accident;
- (b) The police report;
- (c) Any internal departmental reports that pertain to the loss;
- (d) All monetary damage documentation;
- (e) Interview of the employee to hear his/her side of the loss;
- (f) Testimony and interview of any witnesses, experts or supervisor; and
- (g) Review of any audio/video recording, diagrams, photographs and any other evidence.

5. Role of DSRB & Involved Employee(s)

The Departmental Safety Review Board (DSRB) will review and investigate Motor Vehicle Accidents and other occurrences to determine if the employee's actions contributed to the loss and whether the losses were preventable. Employees involved in the loss will attend the hearings and may be accompanied by their supervisors. (In cases involving County vehicles, the employee's supervisor must attend the hearing if

requested to do so by the DSRB or Risk Management.) The DSRB will hear the case, determine the facts of the loss, make determinations as to whether the employee's actions contributed to the loss and preventability, and prepare any safety recommendations and/or considerations for the Agency/Department Head. If the loss is deemed preventable, the DSRB will submit its findings to the Agency/Department Head, who will be responsible for implementing appropriate corrective and/or disciplinary action. With respect to preventable vehicle losses, discipline should be taken consistent with the Minimum Disciplinary Guidelines.

E. Review of DSRB Findings

Should the findings of the DSRB differ from the evaluation of a loss by Risk Management after the hearing, the loss shall be heard by the Executive Safety Review Board (ESRB).

F. Appeals

If an employee wishes to appeal the findings of the DSRB, the employee must provide a written appeal to Risk Management within ten (10) calendar days of the DSRB hearing. Appeals for all employees will be heard by the ESRB. **An employee may appeal the decision of the DSRB as to preventability, but may not appeal a decision as to the appropriate disciplinary and/or corrective action to be implemented.**

G. Guidelines for Discipline

When a Motor Vehicle Accident is determined to be a preventable loss, the Agency/Department Head shall use the Minimum Disciplinary Guidelines as the minimum discipline for the employee and may consider other relevant factors, including the employee's five-year loss information in reaching a decision as to appropriate discipline and/or corrective measures. There are no guidelines for discipline/corrective action for non-vehicle losses; action for such losses is at the discretion of the Department/Agency Head.

Where the Department/Agency believes that divergence from the minimum disciplinary guidelines is appropriate in light of the totality of the circumstances and in order to implement appropriate and consistent disciplinary action and/or corrective measures, the Department/Agency Head may:

- (a) Increase discipline as appropriate and/or implement other corrective measures without further approval; or
- (b) Where the Department/Agency Head disagrees with the proposed minimum disciplinary action and believes it appropriate to reduce the level of discipline and to impose different disciplinary and/or corrective action, the Department/Agency shall document the reasons for disagreeing with the proposed minimum disciplinary action and propose alternate discipline and/or

corrective action to the County Manager. If the County Manager agrees with the recommended change in disciplinary and/or corrective action, then the Department/Agency Head shall be authorized to diverge from the disciplinary guidelines.

In general, disciplinary action should be applied within **30 days** of the Agency/Department Head signing the finding of the ESRB/DSRB. Any deviation from implementing the disciplinary action within this time frame must be submitted to and approved by the County Manager and Human Resources Director.

H. When Waiver Is Permitted

An employee may waive his/her right to the DSRB process regarding a Vehicle Loss if it is the employee's first offense and the offense is a Category A offense, if the employee provides a written statement containing the following:

- 1) A request for a waiver (RM-14) of the review board hearing;
- 2) A description outlining what happened;
- 3) An explanation of the cause of the loss; and
- 4) An explanation of how the loss could have been prevented.

*** The employee should complete the RM-14 form to address items 2, 3, and 4 above.

Any waiver of the review board process must be approved by Risk Management. In the event of waiver, the employee will remain subject to the appropriate discipline per the minimum disciplinary guidelines.

EXECUTIVE SAFETY REVIEW BOARD (ESRB)

A. Membership

Executive Safety Review Board members will be appointed by the County Manager. The ESRB shall consist of a minimum of five (5) voting members. The ESRB shall be comprised of an odd number of voting members. The ESRB will consist of:

- 1) At least four (4) individuals from among the following: Agency Directors, Department Heads, Assistant Directors, Chiefs, etc.
- 2) The County Manager's designee, preferably a member from the private sector.

The Risk Manager and/or a Risk Management designee will serve as an advisory position to the ESRB. This advisory position will not be a voting position.

B. Terms of Service

The ESRB will report directly to the County Manager. Each member will serve a two-year term on the Board. The terms shall be alternating so that no more than half of the review board is replaced in any given year. The ESRB should meet monthly or as often as necessary. Each member of the ESRB shall have one vote per case.

C. Losses Subject to ESRB Review

The ESRB should review any County-wide safety concerns and loss trends. The ESRB should also review the following:

1. Any vehicle losses where the incurred loss exceeds \$15,000 for a light duty vehicle (a light duty vehicle is a private passenger vehicle designed to carry eight (8) people or less and with a value of less than \$30,000, incurred losses of up to \$25,000 for medium duty vehicles (a medium duty vehicle is a vehicle with a combined weight of less than 26,000 lbs and a value up to \$70,000; incurred losses up to \$35,000 for heavy duty vehicles (a heavy duty vehicle is a vehicle with a combined weight over 26,000 lbs and with a value greater than \$70,000;
2. Any loss preliminarily deemed to be preventable, if the employee has had two prior preventable losses within a thirty-six (36) month period;
3. Any loss wherein the opinion of Risk Management differs from the DSRB findings and/or disciplinary recommendation;
4. Any loss wherein an employee allegedly left the scene of an accident or failed to report a loss;
5. Any loss involving two (2) or more occupied County vehicles;
6. Any loss involving high-level managerial employees (e.g., Agency Director, Department Head, Chief, Deputy Chiefs, Assistant Director, Division Manager);
7. Any loss recommended by the County Manager, Agency Head, Department Head or similar position for any non-driving loss, general liability, property, workers' compensation or other losses that exceed \$15,000 in incurred liability to the County.
8. Any loss recommended by Risk Management for review by the ESRB.

D. No Waiver Permitted

No employee may waive an appearance or participation in the review board process for any loss that is recommended for review by the ESRB.

E. ESRB Meetings & Process of Review

1. Scheduling of Meetings

The ESRB will meet monthly or as often as necessary.

2. Role of Risk Manager or Risk Management Designee

The Risk Manager or designee will attend the hearing and provide relevant background and/or other information for the Board's consideration. The Risk Manager or designee

will provide a copy of police and other departmental documents, as well as any recordings, diagrams, photographs or other evidence, to members of the DSRB. The Risk Manager or designee will also coordinate the appearance of witnesses, experts or supervisors at the hearing.

3. Evidence Subject to Review

The review board process may include review and consideration of the following:

- (a) The departmental vehicle accident investigation report (RM-3 form), which should have been completed and sent to Risk Management within 24 hours of the accident;
- (b) The police report;
- (c) Any internal departmental reports that pertain to the loss;
- (d) All monetary damage documentation;
- (e) Interview of the employee to hear his/her side of the loss;
- (f) Testimony and interview of any witnesses, experts or supervisor; and
- (g) Review of any video recording, diagrams, photographs and any other evidence.

4. Role of ESRB & Involved Employee(s)

In hearing cases, the ESRB will determine the facts of the loss, make a determination as to whether the employee's actions contributed to the loss ~~causation~~ and preventability, and prepare any safety recommendations and/or considerations for the Agency/Department Head. Employees involved will attend the hearings and must be accompanied by their supervisor. If the loss is deemed preventable, the ESRB will submit its findings to the Agency/Department Head, who will be responsible for implementing appropriate corrective and/or disciplinary action. With respect to preventable vehicle losses, discipline should be taken consistent with the Minimum Disciplinary Guidelines.

E. Guidelines for Discipline

If the occurrence is deemed to be a preventable loss, the ESRB should consider the Minimum Disciplinary Guidelines and may recommend increasing the discipline for the employee if appropriate. The disciplinary recommendation will be forwarded to the Agency/Department Head or County Manager as appropriate.

1. Decisions by Department/Agency

When a Motor Vehicle Accident or other occurrence is determined to be a preventable loss, the Department/Agency Head may follow the recommendation of the ESRB and/or minimum disciplinary guidelines. However, where the Department/Agency Head disagrees with the recommendation of the ESRB and/or the Minimum Disciplinary Guidelines in light of the totality of circumstances and believes that divergence from the recommendation/guidelines is appropriate in order to implement appropriate and

consistent disciplinary action and/or corrective measures, the Department/Agency Head may:

- (a) Increase discipline as appropriate and implement other corrective measures without further approval; or
- (b) Where the Department/Agency Head disagrees with the proposed minimum disciplinary action and/or recommendation of the ESRB and believes it appropriate to reduce the level of discipline and to impose different disciplinary and/or corrective action, the Department/Agency shall document the reasons for disagreeing with the proposed minimum disciplinary action and propose alternate discipline and/or corrective action to the County Manager. If the County Manager agrees with the recommended change in disciplinary and/or corrective action, then the Department/Agency Head shall be authorized to diverge from the ESRB recommendation and/or minimum disciplinary guidelines.

2. Decisions by County Manager

Disciplinary and/or corrective action for any loss involving high-level managerial employees (e.g., Agency Director, Department Head, Chief, Deputy Chiefs, Assistant Director, Division Manager) will be reviewed and determined by the County Manager who shall consider the minimum disciplinary guidelines and any recommendation of the ESRB and who may consider other relevant factors, including the employee's five-year loss information, in reaching a decision as to appropriate discipline and/or corrective measures in light of the totality of circumstances.

3. Timing of Disciplinary Action

In general, disciplinary action should be applied within **30 days** of the Agency/Department Head signing the finding of the ESRB/DSRB. Any deviation from implementing the disciplinary action must be submitted to and approved by the County Manager and Human Resources Director.

F. Appeals

If Risk Management or the employee wishes to appeal the decision of the ESRB as to preventability, the case may be appealed to the County Manager within ten (10) calendar days of the ESRB hearing. An employee wishing to appeal the decision of the ESRB as to preventability must provide a written appeal to Risk Management, which shall forward the appeal to the County Manager. If Risk Management wishes to appeal the decision of the ESRB, Risk Management shall present the appeal to the County Manager and shall furnish a copy to the employee. The appeal process will involve the appropriate parties meeting with the County Manager and presenting their cases. The County Manager shall evaluate the information presented and render a final decision as to preventability.

Appendix A

CATEGORIES OF CONTRIBUTING FACTORS

This section defines the categories in which different types of vehicle losses will be placed. The following is a list of examples and may not include every factor. Each loss will be reviewed to determine the appropriate category.

Category A:

- Failure to put vehicle in park or set brake
- Misjudge clearance
- Failure to use turn signal / Improper use of turn lane
- Failure to secure load in non-commercial vehicles
- Non-driving damage to a County vehicle or property
- Failure to inspect vehicle
- Driver distracted

Category B:

- Too fast for conditions
- Ran off road
- Improper turn
- Driver lost control
- Improper backing
- Failure to maintain lane
- Following too closely

Category C:

- Speeding
- Improper passing
- Misuse of vehicle
- Failure to yield
- Improper lane change
- Failure to secure load in a commercial vehicle

Category D:

- Hit and run
- Disregarding a stop sign or signal ***
- Other arrestible offenses
- Violation of department or County policy**

** (Does not include causes covered in Categories A, B, C and D)

***Excludes Public Safety vehicles responding to emergency situations/calls

Appendix B

MINIMUM DISCIPLINARY GUIDELINES

To determine the appropriate guideline, first determine how many preventable losses the employee had in the thirty six (36) month period prior to the date of loss and choose the appropriate column. (If the employee is a Police Department employee who was performing patrol duties at the time of the loss and had been continuously performing patrol duties for the 24 months preceding the loss, determine how many preventable losses the employee had in the twenty four (24) month period prior to the date of loss and choose the appropriate column.) Next, identify the category in which the current offense falls in Appendix A. (The classification of prior losses is not relevant to the current offense and minimum disciplinary action.) If a loss type is not listed in the categories listed below, the Risk Management representative will determine which category the loss should be placed in for review board purposes.

Minimum Discipline Guidelines

(FOR PREVENTABLE LOSSES WITHIN A THIRTY-SIX (36) MONTH PERIOD)

(**24 MONTH PERIOD FOR POLICE OFFICER CONTINUOUSLY PERFORMING PATROL DUTIES)

	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th or More Offense</u>
<u>Category A</u>	Verbal warning	Letter of Reprimand & Training 1	1 Day off and Training 2	Suspension, Demotion or Termination
<u>Category B</u>	Letter of Reprimand	1 Day off and Training 1	2 Days off and Training 2	Suspension, Demotion or Termination
<u>Category C</u>	1 Day off	2 Days off and Training 1	3 Days off and Training 2	Suspension, Demotion or Termination
<u>Category D</u>	2 Days off	3 Days off and Training 1	4 Days off and Training 2	Suspension, Demotion or Termination

An employee with three or more offenses within a 36 months period must have their accident reviewed by the ESRB

Training 1 - is 8 hours of remedial training focused on driving and accident prevention.

Training 2 - is 16 hours of remedial training focused on driving and accident prevention.

All discipline should be implemented within 30 days of the Department Manager's signature on the RM-5 form.

Effective 3/1/2013 TBL