

Kern County Administrative Policy and Procedures Manual

CHAPTER 12

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## CHAPTER 12

## ACCIDENT PREVENTION AND REPORTING

1201. General Statement. It is the policy of the Board of Supervisors to provide a safe and healthful work environment and to promote an accident free work place through training and accident prevention programs. Department heads will furnish safety devices and promote practices that protect the health and safety of employees.

1202. County Safety Committee. This Committee reviews the County Safety Program, evaluates safety education and training needs, and recommends policies and procedures. The Committee will meet at least quarterly. The composition of the Committee is as follows:

- a. The Risk Manager is the permanent chairman.
- b. The Loss Prevention Specialist is a permanent member.
- c. One member and alternate appointed by each department head.
- d. One representative from each recognized employee organization

1203. Department Responsibilities. Each department must designate a Department Safety Officer, form a Department Safety Committee, and develop department specific safety and accident prevention programs.

.1 *Department Safety Officer.* The Department Safety Officer implements new safety measures, develops safety and accident prevention training programs, reviews supervisors' reports of accidents, coordinates accident investigations with the Loss Prevention Specialist, performs safety inspections, and keeps minutes of department safety meetings.

.2 *Department Safety Committee.* The Department Safety Committee reviews and analyzes accident experience, evaluates the effectiveness of the department safety program, assesses the need for employee and supervisor training, establishes and monitors a department self-inspection program, and, if requested, assists with accident investigations. Committee meetings are to be held quarterly. Meeting minutes are retained by the department for three years.

.3 *Department Safety Meetings.* Employee safety meetings must be conducted at least quarterly, and at least every 10 days for those employees involved in construction or facility maintenance. Employee attendance records and meeting minutes must be retained by the department for three years. A copy of the minutes shall be sent to the Loss Prevention Specialist.

1204. Loss Prevention Specialist. The Loss Prevention Specialist directs the County Safety Program, develops Countywide training programs, and assists departments with specialized safety and accident prevention programs and in complying with OSHA and other State and federal requirements.

1205. Safety Rules. New employees will receive a Safety Rules handbook at the New Employee Orientation. It is the department head's responsibility to ensure that all employees are aware of work site safety practices and requirements. (Rev. 07/09)

.1 *Pesticide Safety Regulations.* The Agricultural Commissioner is the County's designated pesticide authority and will assist departments with training needs.

.2 *Training Records.* Employees who handle pesticides must be provided with protective clothing and receive appropriate training. Departments must keep a permanent records of each employee's training, recording the date, type of training, instructor's name, and the job for which employee is being trained. The employee must sign the training record.

.3 *Emergency Medical Care.* Departments with employees that use or may be exposed to pesticides must have an ongoing arrangement for emergency medical care and must post the name, address, and telephone number of the physician or clinic providing this care.

.4 *Inspections.* Departments' pesticide equipment, protective clothing, training records, safety procedures, and storage or mixing facilities are subject to inspection by the State Department of Food and Agriculture, the County Health Department, and the County Agricultural Commissioner.

.5 *Hazardous Substances Regulations.* A hazardous substance is defined as any chemical, biological agent, (bacteria, virus, fungus, etc.) or ionizing and non-ionizing radiation, which is explosive, flammable, poisonous, corrosive, oxidizing, irritating or otherwise harmful because it is likely to cause injury. Exposure is defined as any situation arising from work operation where an employee may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous substance.

.6 *Material Lists and Safety Data Sheets (SDS).* Departments must maintain a list of hazardous substances used or stored in department facilities. A SDS must be obtained for all hazardous substances and employee training must be provided as to their use and purpose. SDSs are provided by the manufacturer or distributor and are to be requested at the time of purchase. Rev. 06/19)

.7 *Employee Rights.* The Hazardous Substances Information and Training Act requires that employees be informed of their right to receive information, and to have their physician and union receive information, regarding hazardous substances to which they may be exposed. Employees also have the right against discharge or other discrimination if any right provided in the Act is exercised.

.8 *Hazardous Substance Exposure Report.* Exposure incidences shall be recorded by completing a "Hazardous Substance Exposure Report," (Adm. 580 1020 84-1 (R.1-84)), in triplicate. The original is retained by the department for 30 years (per 8 CAC 3024), the yellow copy is for the department safety officer, and the affected employee receives the pink copy. General Industry Safety Order 3204 (CAL/OSHA) provides employees and their designated representatives, and the OSHA have the right to access these reports.

1206. Accident Reporting – General. Timely reporting of all accidents is essential for the legal protection of the County and its employees. A Supervisor's Investigation Report [https://www.kerncounty.com/rm/Forms/wc\\_supRpt.pdf](https://www.kerncounty.com/rm/Forms/wc_supRpt.pdf) must be prepared for each non-vehicular accident involving an employee, whether or not an injury occurred. The report is prepared by the employee's immediate supervisor within 24 hours, or on the first working day following a weekend or holiday if the accident occurred during that period. The accident report must be accompanied by an injury report, if appropriate. (Rev. 06/19)

1207. Vehicular Accident Reporting. An employee involved in a moving vehicular accident while performing duties of his/her position will adhere to the following:

.1 *Accident Scene Procedure.* Do not admit any responsibility for the accident to anyone. Immediately notify the appropriate law enforcement agency for an official investigation at the scene. Notify the Risk Management Division if the accident resulted in major property damage, serious personal injury, or death.

Record all pertinent information on [https://www.kerncounty.com/rm/GL/Vehicle\\_Accident\\_Report.pdf](https://www.kerncounty.com/rm/GL/Vehicle_Accident_Report.pdf) form. The Garage Division must have these forms available in Garage vehicles; the department head has this responsibility for department maintained vehicles. Provide the other party(s) involved with your name, address, driver's license number, and the name and address of your employer. (Rev. 06/19)

If a County vehicle is disabled, obtain towing instructions from the department responsible for the vehicle.

.2 *Procedure After Accident.* Report accidents involving County-owned vehicles to the Risk Management Division within 24 hours, excepting weekends and holidays. Prepare the form titled Motor Vehicle Accident Report (Adm. Form #15), submit original and three copies to the Risk Management Division, and retain one file copy. The department head or his/her designee must sign and date the form.

.3 *Classification of Accidents.* Following receipt of the findings of the investigating police or patrol agency in whose jurisdiction the accident occurred, the Loss Prevention Specialist will inform the department head of the accident classification. (Rev. 07/05)

.3.1 *Avoidable.* Accidents are classified as avoidable if the driver did not operate the vehicle in a prudent and reasonable manner to prevent the accident, regardless of any legal rights that the driver may be entitled to under the Vehicle Code or other laws. Excessive speed, improper turning and passing, following too closely, failure to yield the right-of-way, speeding, and driving under the influence of alcohol or drugs are some of the accident causes that are considered avoidable under normal conditions. Avoidable accidents caused by employee carelessness or negligence will result in disciplinary action as contained in Chapter 1. (Rev. 07/05)

.3.2 *Unavoidable.* Accidents are classified as unavoidable if the driver exercised good judgment, used every reasonable means to avoid the accident, used safe driving practices, and no violation of law or improper use of the vehicle was involved. Accidents caused by mechanical failure will be classified as unavoidable unless the driver knew of the defect prior to operating the vehicle.

.3.3 *Unknown.* Where responsibility for the accident cannot be determined, a rare circumstance.

1208. Industrial Injury Reporting. An industrial injury is defined as personal bodily harm to an employee, no matter how minor, who is on duty at the time of injury. When an industrial injury is reported, the injured employee should be given form DWC-1, Employees Claim for Workers' Compensation Benefits, within 24 hours of the reported injury <https://www.kerncounty.com/rm/Forms/ClaimForm2010.pdf> (Rev. 06/19)

.1 *Fatal Injury.* When an injury or accident results in an employee's death, the department head, or his/her designee, shall immediately notify the Coroner, County Administrative Officer, and the Risk Management Division. Under no circumstances shall any statement or information concerning the employee's death be given to the news media or the general public without the approval of the Risk Management Division.

The department head, or his/her designee, shall notify the employee's next-of-kin, unless the Coroner has jurisdiction over the body. In this event, the Coroner will notify the next-of-kin.

Fatal injuries must be reported to Risk Management Division on the Employer's Report of Occupational Injury or Illness, Form 5020 <http://www.co.kern.ca.us/rm/Forms/Form5020.pdf>. The department must report the fatal injury to the California Division of Industrial Safety (Cal-OSHA) within 8 hours of knowledge of the incident. Also, please contact the County's Loss Prevention Specialist (Rev. 01/14)

.2 *Serious Injury.* A serious injury is defined by Cal-OSHA as: any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.  
(Rev. 01/14)

Serious injuries shall immediately be reported to the Risk Management Division. The department head or his/her designee shall notify a hospitalized employee's next-of-kin if the employee is unable to.

Injuries requiring hospital emergency room treatment or the services of a physician must be reported on the Employer's Report of Occupational Injury or Illness, (Form 5020) <https://www.kerncounty.com/rm/Forms/Form5020.pdf> within 24 hours. Submit the original and two copies to the Risk Management Division, and retain one copy for the department file. (Rev. 06/19)

.3 *Minor Injury.* A minor injury is defined as an industrial injury, which requires first aid treatment only. Submit the original to the Risk Management Division within 48 hours, weekends and holidays excepted. The file copy is retained by the department. Cal-OSHA defines first aid as : Using a nonprescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

2. Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
3. Cleaning, flushing or soaking wounds on the surface of the skin;
4. Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are considered medical treatment);
5. Using hot or cold therapy;
6. Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
7. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.);
8. Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
9. Using eye patches;
10. Removing foreign bodies from the eye using only irrigation or a cotton swab;
11. Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
12. Using finger guards;
13. Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
14. Drinking fluids for relief of heat stress.

(Rev. 01/14)

1209. Non-Employee Injury Reporting. Injuries to members of the general public occurring in or on County property, or by County equipment (except motor vehicles) must be reported to the Risk Management Division as soon as practical. Employees involved are not to admit responsibility. The non-employee can file a claim using the General Liability claim form. <https://www.kerncounty.com/rm/GL/glclaim.pdf> (Rev. 06/19)

The department head must investigate the incident and send a written report to the Risk Management Division containing at least the following information: 1) name, address, telephone number, age and sex and disposition of the injured person; 2) an explanation of where and how the accident or incident occurred; and 3) names and addresses of witnesses.

1210. Serious Unusual Incident Reporting. Any serious incident that involves, or could involve, the health, safety, or welfare of employees and members of the general public, or causes or could cause serious or extensive damage to County-owned or leased buildings and facilities, must be reported to the Loss Prevention Specialist immediately, preferably by the department head, or his/her designee. The report should be made in the following format.

- a. Name, title and department of caller
- b. Description of occurrence
- c. Time, date, and location of occurrence
- d. Injuries to or illnesses of employees and members of the public

- e. Property damage
- f. Actions taken by the department, i.e., notification of law enforcement agency, fire department, administration of first aid, request for ambulance, evacuation of building, instructions to employees, etc.
- g. Opinion of potential safety and health hazards to individuals or damage to facilities

.1 *Loss Prevention Specialist Responsibilities.* The Loss Prevention Specialist will coordinate the activities of the departments and key personnel involved in the investigation, initiate corrective actions, and coordinate the preparation of necessary reports. The final report shall be sent to County Counsel, County Administrative Officer and the Board of Supervisors.

.2 *Department Head Responsibilities.* Department heads are responsible for establishing internal reporting procedures, and providing needed resources and assistance in connection with the management, investigation, corrective actions, and necessary follow-up activities. Departments must maintain a complete file of calls, messages, correspondence, assignments, investigations, corrective actions, and reports in connection with each incident.

**Risk Management Policy**  
**Approved March 25, 2008 by the**  
**Kern County Board of Supervisors**

**General**

This policy applies to all “pure risks” – those that can cause losses but with no possible profit, e.g., fire, liability, workers’ compensation, and other property risks – direct or indirect.

It does not apply to “dynamic” or “speculative” risks where the outcome can be either a profit or a loss. This is currently referred to as “Enterprise Risk Management” – a notion not part of this policy. Moreover, this policy does not apply to assumed costs of employee benefits.

The purpose of this policy is to encourage County departments to take steps intended to reduce the County’s “total cost of risk”, a concept described later in this policy statement.

The Risk Management Division of County Counsel has responsibility for leading, directing, coordinating, and monitoring all risk management processes including but not limited to:

- Risk identification and measurement
- Risk reduction and control
- Risk transfer other than insurance (e.g., contracts with vendors, contractors, consultants, etc.)
- Risk assumption
- Risk transfer through insurance.

These risk management processes include:

- Claims adjusting
- Insurance broker selection
- Total cost of risk (TCOR) calculation
- Goals to reduce TCOR
- Allocation of TCOR charges to County departments
- Disability management compliance in collaboration with the Personnel Department

Each County department head shall be responsible for conducting operations in accordance with its standards and statutory requirements – integrating each of the above risk management processes under guidance and counsel of the Risk Management

Division. Such policies shall also include posting and publication of the following charts and graphs:

- Liability and workers' compensation claim *frequency and severity* overall for the County as well as by department – for each year of the preceding five years.
- Liability and workers' compensation claim *causes* overall for the County as well as by department – for each year of the preceding five years.
- The same claim data on a quarterly basis for the current fiscal year.

The County Loss Prevention Specialist shall be responsible for staying informed of County plans and programs with risk reduction and risk elimination implications – and for proper safeguards and systems to protect employees and the public. The County Loss Prevention Specialist reports to the County Risk Manager.

The County Counsel's office shall be responsible for review of all contracts in which risks are assumed or transferred to others. However, contract provisions involving insurance requirements, subrogation rights, and other risk management provisions shall be referred to the Risk Manager for review prior to execution of the contract – unless urgency of the situation makes it impossible to do so.

### **Specific**

The County's long-term risk management strategy is:

- The County of Kern recognizes its responsibility to manage risk to better achieve the County's mission, vision, values, strategic goals, and operational objectives. It supports a systems approach to managing risk through application of proven risk management principles and practices. Such principles and practices are fact-based and metrics-based with accountability and performance measured within each County department.

Kern County's long-term risk management strategic goals are to:

- Integrate risk management into the culture of each County department.
- Manage risk in accordance with current best practices.
- Anticipate and respond to changing social, environmental, and legislative requirements.
- Prevent injury, death, damage, and other losses.
- Reduce the County's "total cost of risk".
- Raise awareness of the need for sound risk management practices by all employees and related parties.
- Help create and implement departmental "business continuity plans" to keep departments operational after a disaster.

To accomplish the preceding strategic goals, the County shall:

- Establish clear roles, responsibilities, and reporting relationships for risk management.
- Provide opportunities for cross-functional learning of risk management principles and practices within County departments.
- Provide a framework for allocating resources to identified priority (high-risk) departments.
- Reinforce the importance of effective risk management as part of everyday work through training for all employees.
- Incorporate risk management considerations into County planning – and into department director’s / head’s performance evaluations.
- Monitor the effectiveness of risk management strategies on an on-going basis with appropriate metrics.

The risk management process includes these steps described in greater detail than indicated above:

- Risk Identification and Measurement of property risks shall be an on-going process to up-date values at risk and to report new real and personal property as it is acquired by County departments. The same is true of new operations – especially where new liability risks are created.
- Risk Elimination of operations – or high-risk operations outsourced to others – should be considered seriously before acceptance.
- Risk Reduction for risks not eliminated should be in the form of safety, security, fire prevention, driver selection, and other measures under guidance and counsel of the Risk Management Department. Such counsel should be available for new construction projects, facility alteration or improvement, new drivers hired, and on-going safety practices.
- Risk Transfer through contracts shall require County Counsel’s and Risk Management’s review and approval before execution.
- Risk Assumption begins where risk control and risk transfer measures stop. The County’s high deductibles and self-insured retentions impose increased importance on risk control and risk transfer; however, risks not transferred are funded from operating budgets of County departments. This is accomplished by proper allocation of such costs, including administration, to individual departments. The levels of risk assumption (through deductibles, non-insurance, and self-insured retentions) shall be determined from time to time by the Risk Manager with documentation in writing to the County Council.
- Risk Transfer – Insurance is the final step in the risk management process. It requires the purchase of “excess insurance” (with very high self-insured retentions

or policy deductibles), selection of brokers, insurance carriers, pooling opportunities, and extensive analysis of insurance policy terms and conditions. Claim processing, adjusting, and claim management can be conducted internally or outsourced to others. The Risk Manager is responsible for conduct of each element of this particular process.

The cooperation of all County departments is required for risk identification and measurement as well as for implementation of risk control measures and referral of contracts for review.

Total Cost of Risk (TCOR) is defined as the total of:

- Uninsured losses paid
- Deductibles / Self-insured retentions paid
- Safety costs incurred
- Security costs incurred
- Legal defense costs incurred for claims
- Legal costs incurred for drafting risk transfer clauses
- Administrative costs incurred
- Insurance premiums paid.

### **Communication**

The Risk Manager and Loss Prevention Specialist must be continually aware of all County operations as they relate to risk. Each (or their representatives) shall make regular visits to high-risk departments. All departments shall be responsible for reporting new property values, disposal of assets, and significant changes in operations to the Risk Manager.