



CITY OF HOUSTON

ADMINISTRATIVE PROCEDURE

Subject: **Employee Safety and Health**

A.P. No.

2-21

Effective Date:

12/17/2009

1. PURPOSE

To establish and maintain a safe and healthful workplace for City of Houston (City) employees in accordance with Texas statutes. These laws include the general duty clause from the Texas Labor Code, Title 5. Texas Workers' Compensation Act, Chapter 411.103, "Duty of Employer to Provide Safe Workplace," which states, Each employer shall:

- (1) Provide and maintain employment and a place of employment that is safe and healthful for employees;
- (2) Install, maintain, and use methods, processes, devices and safeguards, including methods of sanitation and hygiene, that are necessary to protect the life, health, and safety of the employer's employees; and
- (3) Take all other actions necessary to make the employment and place of employment safe.

2. STATEMENT OF OBJECTIVES

The Mayor and management of the City are committed to providing a safe and healthful work environment for all Employees. All City offices, departments, divisions, and Employees, volunteers, interns, externs, contractors, and community service workers must comply with all safety and health requirements as a condition of employment and/or engagement whether established by management, federal, state, or local law. The objective of this Administrative Procedure (AP) is zero tolerance of unsafe acts and unsafe conditions through the development of effective departmental Accident Prevention Plans (as defined below) and their associated safety management programs. These programs should remove and reduce workplace risks and hazards by continuously improving the facilities and work processes, especially through the identification of critical safe behaviors, observations of workers and workplaces followed by corrective feedback and corrective action tracking, and removal of systemic barriers to safe behaviors.

3. DEFINITIONS

3.1 Accident Prevention Plan (APP) - A series of safety initiatives developed by each City department from nationally recognized standards of best practice, such as the Occupational Safety and Health Administration (OSHA), the National Safety Council (NSC), The American National Standards Institute (ANSI), or Centers for Disease Control (CDC). Departments may call the APP by another title as long as the components are present.

3.2 Accident - Any event that generates a medical or indemnity cost regardless of the compensability of the claim. Property damage may be considered a result of an accident.

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- 3.3 **Catastrophic Event** - when one or more of the following conditions occurs - vehicle accident; fatality; amputation; serious head injury; heart attack; serious electrical shock; employee seriously injured; multiple fractures; serious burns; stroke; spinal injury; potential media attention.
- 3.4 **Department Safety Staff or Safety Liaison** - Department safety personnel or those who have been assigned safety functions.
- 3.5 **Ex-Officio Member** - The primary role of an Ex-Officio Member is to be a resource between the Committee and the administrative office they represent and between the administrative office and the Committee. In addition, the Ex-Officio Member may be able to contribute information or expertise to the Committee. The Ex-Officio Member is not obligated to attend all meetings of the Committee and is not counted in determining if a quorum is present. Ex-Officio Members shall have no voting rights.
- 3.6 **Employee** - All individuals engaged in the performance of duties for or on behalf of the City whether hired, appointed, full or part time, temporary or grant, without limitation as to municipal or classified service.
- 3.7 **Executive Management** - City employees at or above pay grade 29 and any elected officials.
- 3.8 **HR** - Human Resources Department.
- 3.9 **HR Central Safety** - Safety Section of HR Risk Management of the HR Department.
- 3.10 **HR Risk Management** - The division of the HR with oversight responsibilities for City accident prevention services and compliance with related policies, procedures, ordinances and statutes.
- 3.11 **Supervisor** - City employee who supervises one or more employees.
- 3.12 **Tier II** - Any reporting requirements required by Chapter 506, Texas Civil Statutes, Health and Safety Code, Title 6, Subtitle D, Public Employer Community Right-To-Know Act.

4. SCOPE

This AP applies to all City offices, departments, divisions and Employees.

5. RESPONSIBILITIES

This AP assigns responsibilities to certain positions as described below.

- 5.1 **HR** – Through its Risk Management Division, HR shall be responsible for general oversight and promotion of the accident prevention functions within City departments and departmental compliance with City safety policies, procedures and rules. Responsibilities and activities of the division include, but are not limited to:

- 5.1.1 **Client Department Assistance** – Assist all departments, including those with their own safety staff:

- 5.1.1.1 In the development and/or revision of effective safety policies and procedures that outline the safety responsibilities of Employees, Supervisors,

departmental safety staff and Executive Management;

- 5.1.1.2 With completion of periodic safety audits or assessments with associated recommendations and corrective actions;
 - 5.1.1.3 With periodic reviews and analyses of incident data to monitor trends to eliminate and/or reduce workplace risks or risk exposures; and
 - 5.1.1.4 Assisting in conducting general and specific training on safety-related topics and concerns of City employees.
- 5.1.2 **Direct Safety Services** – Provide service to lower risk departments especially those without safety staff, including:
- 5.1.2.1 Assisting in the creation and maintenance of the department’s APP and associated safety policy, procedures, practices or rules;
 - 5.1.2.2 Conducting periodic surveys, inspections and assessments of City facilities and work sites to eliminate workplace risks or risk exposures; and
 - 5.1.2.3 Conducting thorough post-accident investigations to identify root causes and system weaknesses and recommending corrective actions to prevent recurrence as well as investigations and assistance with Catastrophic Events.
- 5.1.3 Interfacing with the claims handling vendor on safety-related concerns identified during the investigation of workers’ compensation claims.
- 5.1.4 Facilitating and/or providing safety training programs as necessary.
- 5.1.5 Coordinating with departments to administer the Hazard Communication (HazCom) program and Tier II reporting in accordance with HR 80-09, City of Houston Hazard Communication Program (HR 80-09).
- 5.1.6 Staying informed about local, state and federal safety regulations, standards of best practice and advising departments of pertinent applications.
- 5.1.7 Attending safety and health training and education classes to improve and maintain proficiency, and to disseminate information to departments.

5.2 Citywide Safety and Health Committee

- 5.2.1 The HR Director, or designee, shall oversee the establishment and maintenance of the Committee. Through published means, the function, membership, rules and activities of the Committee shall be established. Future changes to any activities of the Committee, such as its authority or reporting structure, shall be managed by HR.

Members of the Committee are suggested to be Department Safety Committee (DSC) members that are recommended to the chair of the Committee. Terms of the initial appointees are staggered to provide for one-third of the Committee members being replaced each year. Terms are for three years and members may serve consecutive terms.

- 5.2.2 The Committee shall consist of at least one member of each DSC, two representatives appointed by the Houston Organization of Public Employees (HOPE), and chairperson (HR Director or designee).
- 5.2.3 Chairperson - The HR Director or designee will chair the Committee and convene all administrative functions of the Committee.
- 5.2.4 Ex-Officio Membership – Ex-Officio membership should include:
 - 5.2.4.1 Legal Department Representative; and
 - 5.2.4.2 Others as appointed by the Committee.
- 5.2.5 Committee Safety Service.
 - 5.2.5.1 Time spent at Committee meetings and Committee activities is considered City business and committee attendance will not result in any loss of pay or benefits. It is anticipated that work schedules can be adjusted to avoid Committee service resulting in overtime pay. Committee membership will be limited to full-time, permanent City Employees, and others as identified.
- 5.2.6 The Committee shall perform in an advisory capacity and be responsible for the following actions:
 - 5.2.6.1 Reviewing, reporting and assessing mechanisms for safety related activities of each department;
 - 5.2.6.2 Reviewing and monitoring implementation status of APPs;
 - 5.2.6.3 Reviewing the safety reports from the departments;
 - 5.2.6.4 Review annual accident reduction goals and promote departments to reach such goals;
 - 5.2.6.5 Information and recommendations for safety related initiatives and activities for the Committee to review are to be forwarded from the HR Director;
 - 5.2.6.6 Selection and replacement – recommendations for membership will be submitted through the Committee member’s respective department director or DSC to the HR Director or chair of the Committee; and
 - 5.2.6.7 Advisors – Appropriate members of the Health and Human Services Department, Legal Department, the workers’ compensation third-party Administrator, HR Central Safety and others may be asked to advise the Committee as needed.
- 5.2.7 **Quorum** - The Committee shall consist of no less than ten (10) members for a quorum. The HR Director or designee will coordinate the selection of City employees as detailed below.

5.3 **Department Director** - The Department Directors' core missions may require employees to work at different locations with different degrees of optimal working conditions. Directors have the responsibility to ensure that the employee's safety and health risk are anticipated, recognized, evaluated, and controlled consistently so that employees are properly protected during standard working operations. Directors shall also be responsible for allocating the resources needed to develop and implement an APP that addresses the department's plan to eliminate accidents and control potential hazards which includes the following:

5.3.1 Ensure the department's APP is in place and updated through documented means as outlined in the review and revision component (see Section 5.5.1) of the departmental APP. HR Risk Management will review for compliance and assist in subsequent revisions.

5.3.2 Implement appropriate department safety policies and authorize safety programs, procedures and standards to support the policy.

5.3.3 Support active participation in safety and health program activities by all Employees.

5.3.4 Establish a working environment that ensures Employees are free to recognize and report unsafe conditions and unsafe acts through open means of communications without fear of reprisal.

5.3.5 Establish, monitor and communicate measurable and achievable accident prevention goals and objectives.

5.3.6 Review and/or submit reports for the Committee through HR as directed by the Committee.

5.3.7 Establish a departmental HazCom program in accordance with HR 80-09 (Hazard Communication Program).

5.4 **Department Safety Committee** - Departments shall establish a Safety Committee for the purpose of creating a proactive safety culture in the workplace and reducing on-the-job accidents (injuries and illnesses).

5.4.1 Department directors shall appoint DSC members and designate a chairperson. The names of DSC members shall be forwarded to the HR Director each year by June 30. Terms shall be at the discretion of the department director or designee.

5.4.2 DSC membership should represent a cross section within the department and shall include the HR Central Safety Officer as a technical consultant within the DSC.

5.4.3 Time spent at DSC meetings and DSC committee activities is considered to be normal work time and will not result in any loss of pay or benefits. It is anticipated that work schedules can be adjusted to avoid DSC service resulting in overtime pay. DSC membership will be limited to full-time, permanent City Employees.

5.4.4 DSC Meetings

5.4.4.1 The DSC shall meet periodically at a frequency determined by the DSC, but

not less than four times per year. Minutes shall be recorded in writing. Minutes should include members attending, members absent, disposition of old business and new business. The DSC should act as a fact finding body and report to the department director regarding:

5.4.4.1.1 Identified departmental hazards, safety training, safety issues, safe work practices, recommend education and training (topics), inspecting departments workplace, monitoring of job specific safety training, maintain/encourage proactive safety culture; and

5.4.4.1.2 Reviewing incidents of departmental workplace accidents, injuries and illnesses, and providing leadership to prevent future losses.

5.5 Department Safety Staff or Safety Liaison - Shall be responsible for developing the APP. HR Risk Management will consult and assist departments in this effort.

5.5.1 Monitor and maintain the Department APP using applicable regulations, national or international or industry standards, and best practices as minimal guidelines. Components may vary but should include the following at a minimum:

5.5.1.1 Management;

5.5.1.2 Analysis;

5.5.1.3 Recordkeeping;

5.5.1.4 Training and education;

5.5.1.5 Inspection and audit;

5.5.1.6 Accident investigation; and

5.5.1.7 Review and revision.

5.5.2 Monitor or develop effective written safety policies, programs and procedures aimed at reducing incidents by creating a safe and healthful work environment by:

5.5.2.1 Conducting reviews of routine tasks performed in the department and identify associated hazards;

5.5.2.2 Assisting managers, Supervisors and Employees in developing safe work practices or guidelines for all operations;

5.5.2.3 Maintaining copies of associated safety procedures in a central location accessible to each employee; and

5.5.2.4 Preparing and submitting safety activity reports as directed by the Committee to the department director and/or Executive Management, as delegated by the department director, for review. Forward the report to the HR Risk Management Division.

- 5.5.3 Develop and maintain an APP and files relating to the department’s safety and health programs and issues. At a minimum, this must include, but is not limited to written:
- 5.5.3.1 Department safety policy and goals (signed by current Department Director);
 - 5.5.3.2 Copies of audits, inspections, and DSC meetings;
 - 5.5.3.3 Safety programs, procedures and guidelines (confined space entry, personal protective equipment (PPE), lock-out/tag-out, etc.);
 - 5.5.3.4 Prescribed safety forms (copies of blank safety forms, mandatory State posters, etc.);
 - 5.5.3.5 A list of facilities and checklists for inspecting those facilities;
 - 5.5.3.6 Accident report log, reporting procedures, and completed accident report forms outlined in this AP;
 - 5.5.3.7 Training requirements and instructions for receiving training (maintain training records for at least five years, or otherwise set forth by the City retention schedule) analysis and trend data; and
 - 5.5.3.8 Analysis and Trend Data. This data must be used to identify and adjust trends and needs for component changes. At a minimum, perform analysis on audit and inspection findings, accident reports, and training programs.
- 5.5.4 Submit safety budget recommendations to Executive Management including training, PPE acquisition and replacement, books and manuals, and safety equipment.
- 5.5.5 Ensure job safety training requirements as outlined in the department’s APP and other applicable policies are met. While not inclusive, the following safety training courses are MANDATORY for required City Employees:
- 5.5.5.1 New employee orientation - New hires should receive safety training within 30 days;
 - 5.5.5.2 Defensive driving course – course completion for employees required to conduct City business while utilizing a motor vehicle as defined in A.P. 2-2, Motor Vehicle Assignment and Use; and
 - 5.5.5.3 Hazard Communication – As defined by H.R. 80-09 and Administrative Policy 2-14, Purchase, Use, Storage or Disposal of Hazardous Materials or Waste (Revised).
- 5.5.6 Develop hazard recognition, reporting and control systems. Conduct periodic internal inspections of all department facilities and activities. Establish the frequency of inspections based on incidents and other trend data. Use checklists to ensure a thorough inspection. Document in writing, all identified hazards, unsafe acts and unsafe equipment.

Establish procedures to ensure corrective action is planned and taken. Hazards and conditions that are not abated within 30 days shall be followed until corrected.

- 5.5.7 Develop internal accident reporting processes. Establish procedures to ensure each accident is reported and promptly investigated. In addition to completing the workers' compensation forms, accidents shall be investigated by the Department Safety Staff and/or Supervisors. Always obtain the facts soon after the event from witnesses or others with relevant information. A standardized form shall be used to record the investigation. Maintain accident reports for five years or otherwise set forth by the City retention schedule.
- 5.5.8 Establish the DSC and serve as technical advisor.
- 5.5.9 Manage and/or monitor the department's HazCom Program in accordance with HR 80-09 (Hazard Communication Program).
- 5.5.10 Attend professional safety and health management development conferences. Attend safety and health training and education classes as defined within the department's APP including, but not limited to, the seven components of the APP as listed in section 5.5.1.

5.6 Supervisors - Each Supervisor shall be responsible for:

- 5.6.1 Implementing and monitoring safe work practices as developed by Department Safety Staff.
- 5.6.2 Consistently applying, monitoring and enforcing existing safety and health rules, methods, procedures, policies and standards.
- 5.6.3 Providing and replacing PPE and ensuring Employees wear, use, maintain, and are trained in its use.
- 5.6.4 Ensuring new Employees are trained in safety policies, programs and procedures prior to beginning work. Supervisors must ensure Employees maintain certifications.
- 5.6.5 Periodically providing training and refresher courses in safety and health methods, procedures and policies to maintain awareness.
- 5.6.6 Immediately investigating the facts and circumstances surrounding accidents to include completion of mandatory forms, reporting and notifications as necessary for the event.
- 5.6.7 Reporting a near-miss event to his/her Supervisor, Department Safety Staff and recording on the appropriate near-miss reporting form.
- 5.6.8 Complying with and enforcing the department's HazCom Program and HR 80-09.
- 5.6.9 Attending safety and health training and education classes as defined within the department's plan.

5.7 Employees shall be responsible for:

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- 5.7.1 Understanding and adhering to all department APP policies, programs, procedures and practices.
- 5.7.2 Using and maintaining PPE and protective clothing when appropriate or required.
- 5.7.3 Immediately reporting accidents, injuries, or near misses to the appropriate Supervisor. Cooperating with Supervisors in compiling facts and circumstances for the investigative report. Assisting Supervisors in determining root causes of accidents and corrective actions to prevent recurrence.
- 5.7.4 Reporting and making suggestions to supervisors or safety staff regarding unsafe work practices or hazardous conditions.
- 5.7.5 Actively participating in DSC and meetings, as requested.
- 5.7.6 Attending mandatory safety and health education and training courses. Seeking opportunities for additional safety and health education and training.
- 5.7.7 Assisting Department Safety Staff in developing safe job procedures.
- 5.7.8 Complying with all safety and health requirements mandated by Executive Management and/or by federal, state or local laws.
- 5.7.9 Employees who **willfully violate** this policy or department safety procedures may be subject to disciplinary action appropriate for the offense, up to and including indefinite suspension or termination, in accordance with established departmental policies or procedures. Employees who are disciplined for violations under this AP shall have all authorized rights afforded to them by the City charter and/or the City code of ordinances, and/or other applicable regulations, codes and standards.

6. PROCEDURE

- 6.1 HR Risk Management is charged with monitoring and ensuring that departments create and maintain effective APPs with associated DSC plans and programs. The Committee shall be notified if department plans or programs are found to be ineffective through objective audits, reviews or assessments with credible supporting documentation. Upon approval by the Committee, a notice of such finding may be forwarded to the department director and City administration for further actions. HR Risk Management may take a more active role within the safety program to ensure improvements are instituted to correct the areas found to be ineffective. HR shall then conduct appropriate reviews and analyses to ensure the changes have been effective and shall report the results to the Committee.

APPENDIX

The City is currently subject to the following safety-related regulations and may be cited for administrative penalties and/or civil and criminal prosecution as outlined in each statute. Failure to provide a safe and healthful workplace could result in costly on-the-job injuries, or potential liability-producing occurrences connected with the City activities and functions, or state administrative violations with fines of up to \$5,000 per day and potential referral to the Attorney General of the State of Texas for investigation and/or prosecution.

A. City Policies and Procedures

- ❖ Administrative Procedure 2-2: Motor Vehicle Assignment and Use
- ❖ Administrative Procedure 2-14: Purchase, Use, Storage or Disposal of Hazardous Materials or Waste
- ❖ HR 80-09: Hazard Communication Program
- ❖ City Fire Code (International Fire Code as adopted by the City)
- ❖ Executive Order 1-33: Workability Guidelines

B. Legal References

- ❖ Texas Administrative Code, Title 25, Part 1, Subchapter A
- ❖ Texas Administrative Code, Title 25, Part 1, Subchapter D, Sec. 295.101
- ❖ Texas Administrative Code, Title 25, Part 1, Subchapter H
- ❖ Texas Civil Statutes, Health and Safety Code, Title 6, Subtitle D (at Sec. 502, 506)
- ❖ Texas Civil Statutes, Labor Code, Title 5

C. Standards of Best Practices

Safety personnel of the City are expected to use any or all best practices and safety guidelines including Occupational Safety and Health Administration (OSHA) regulations as minimal guidance in developing the various safety programs that are reasonably necessary for their departmental operations and associated risks. Guidance for use of policies means that the Safety Personnel will follow the standards provided in the most current OSHA regulations (to include other appropriate regulations). Any exceptions to these standards shall require the written approval of the Director of Human Resources Department. No exceptions shall be permitted except without such written approval. In addition and as a supplement, safety personnel are expected to use available national or international standards, such as American National Standards Institute (ANSI), National Fire Protection Association (NFPA), National Institute for Occupational Safety and Health (NIOSH), National Electric Code (NEC), or industry standards of best practice, such as the American Water Works Association, the Chlorine Institute, or the Compressed Gas Association, to develop safety programs. When no regulations or standards exist, safety personnel are encouraged to review comparable industry best practices to develop safety programs.

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