



# CITY OF HOUSTON

## Administrative Procedure

Subject: **Employee Safety and Health**

A.P. No:

**2-21 Revised**

Effective Date:

**Upon Approval**

### 1. AUTHORITY

- 1.1 Article VI, Section 7a, City Charter of the City of Houston.

### 2. PURPOSE

2.1 To establish and maintain a safe and healthful workplace for City of Houston (City) employees in accordance with Texas statutes. These laws include, but are not limited to, 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:

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

### 3. STATEMENT OF OBJECTIVES

To provide a safe and healthful workplace for City of Houston employees and to reduce work related injury and illness frequency and severity.

### 4. DEFINITIONS

*Accident Prevention Plan (APP)* – A series of safety initiatives developed by each department from nationally recognized standards of best practice, such as, but are not limited to, Occupational Safety and Health Administration (OSHA), the National Safety Council (NSC), National Institute for Occupational Health (NIOSH), the American National Standards Institute (ANSI), or Centers for Disease Control (CDC).

*Accident* – Any event that generates a medical or indemnity cost regardless of the compensability of the claim to include Motor Vehicle Crash. Property damage may be considered a result of an accident.

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*Catastrophic Event* – When one or more of the following conditions occurs: fatality; amputation; head injury; heart attack; serious electrical shock; multiple fractures; serious burns; stroke; spinal injury; potential media attention; or motor vehicle accidents involving three or more city vehicles.

*Department Safety Staff or HR Safety Liaison* – Department safety personnel or those who have been assigned safety functions.

*Employee* – Any individual employed directly by the City of Houston or a contractor (temporary employee) directly supervised by the City of Houston engaged in the performance of duties for or on behalf of the City.

*HR Risk Management* – The division of HR with oversight responsibilities for City Accident prevention services, workers' compensation administration and compliance with safety related policies, procedures, ordinances and statutes.

*Incident* – 1) Any event that results in an injury, exposure or illness, regardless of the severity, or damage to property or equipment; or 2) a collision between two or more vehicles; or between a City vehicle and a person; or between an object and City vehicle that results in any type of property damage. This includes events where there is a collision or involves a City vehicle with no apparent or visible damage, and where there is damage to public/private property but the property owner does not file a claim.

*Motor Vehicle Crash* – 1) A collision between two or more vehicles; or 2) between a vehicle and a person or an object; or 3) a vehicle rollover; or 4) a vehicle causing personal injury to anyone or any damage to public/private property; or damage to City property.

*Near-Miss* – Any unplanned event that did not result in injury, illness, or damage, but had the potential to do so given a different set of circumstances. Only a fortunate break in the chain of events prevented an injury, fatality or damage; in other words, a miss that was nonetheless very near.

*Repeater* – An Employee who has had three or more work related injuries/accidents in five years.

## 5. SCOPE

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

## 6. RESPONSIBILITIES

6.1 HR Risk Management shall be responsible for general oversight, to include process standardization, and promotion of the Accident prevention activities within departments, and departmental compliance with City safety policies and procedures except where conflicts occur with currently accepted officer safety and training policies, procedures and provisions of Chapter 143 of the Local Government Code. Responsibilities and activities of the division include, but are not limited to:

6.1.1 Assisting all departments including those with their own Department Safety Staff in the development and/or revision of safety policies, procedures, and programs;

6.1.2 Assisting departments with periodic safety audits/assessments of employee activities, facilities, and work sites with associated recommendations, mitigating actions, and follow-up to assess and eliminate/reduce risk;

- 6.1.3 Conducting comprehensive and methodical post-Accident investigations, followed by periodic reviews/analyses of Accident and Motor Vehicle Crash Incident data, to identify trends and subsequent corrective actions for increased prevention;
- 6.1.4 Assisting in the development and/or increase the effectiveness of department or division safety committees;
- 6.1.5 Participating in a sub-committee to review Repeater accidents; and
- 6.1.6 Assisting in conducting general and specific training on safety-related topics and concerns of Employees.

6.2 Citywide Safety Committee (Committee):

6.2.1 The Senior Executive of Risk Management (SE-RM) or designee will chair the Committee, convene all administrative functions and oversee the establishment of the Committee. Future changes to any activities of the Committee, such as its authority or reporting structure, shall be managed by HR.

6.2.2 The voting members of the Committee shall consist of one representative from each department, two representatives appointed by the Houston Organization of Public Employees (HOPE), and chairperson.

Time spent at the Citywide Safety Committee meetings and 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 overtime pay. Committee membership will be limited to full-time, permanent Employees.

6.2.3 Advisors - Attendees and guests may be asked to advise the Committee as needed.

6.2.4 Quorum - The Committee shall consist of no less than ten (10) members to establish a quorum.

6.2.5 The Committee shall be responsible for the following actions in addition to others that may be changed or implemented at a later date:

6.2.5.1 Reviewing, reporting and assessing methods, procedures or processes for safety related activities of each department;

6.2.5.2 Participating in writing, review and support implementation of new/revised APPs;

6.2.5.3 Providing support to departments in finding solutions to identified safety concerns and developing effective programs through supervisor and employee training;

6.2.5.4 Reviewing annual Accident reduction goals and support departments in reaching their goals.

6.3 Department Director - Directors have the responsibility to ensure that their employees' safety and health risks are anticipated, recognized, evaluated, and controlled

consistently to ensure employees are properly protected. Directors shall also be responsible for allocating the resources needed to eliminate accidents and control potential hazards. Responsibilities may include the following:

- 6.3.1 Establishing a working environment that ensures Employees are free to report unsafe conditions and unsafe acts through open means of communications without fear of reprisal;
  - 6.3.2 Implementing appropriate department safety policies programs, procedures and standards to support the policy;
  - 6.3.3 Supporting active participation in safety and health program activities by all Employees;
  - 6.3.4 Ensuring the department's APP is in place and updated;
  - 6.3.5 Ensuring Catastrophic Events are reported to the HR Claims team by contacting the Safety and Workers Compensation Hotline or other means to ensure full assistance in managing the injuries;
  - 6.3.6 Establishing, monitoring, supporting and communicating measurable and achievable Accident prevention goals and objectives;
  - 6.3.7 Establishing a departmental Hazard Communication (HazCom) program;
  - 6.3.8 Requiring and supporting the use of electronic reporting of all departmental accidents and injuries to the appropriate centralized reporting system. This will serve as an avenue for ongoing measurement of the Accident statistics and safety-related practices of departments.
- 6.4 Department Safety Committee (DSC) - Departments shall establish a Department Safety Committee for the purpose of creating and promoting a proactive safety culture in the workplace and reducing on-the-job injuries and illnesses.
- 6.4.1 The DSC shall meet, at a minimum, once per quarter.
  - 6.4.2 Minutes shall be recorded in writing. Minutes should include members attending, members absent, and the disposition of old and new business. The DSC should act as a fact finding body and report to the department director regarding:
    - 6.4.2.1 Identifying departmental hazards, safety training completed, safety issues, safe work practices, recommending education and training (topics), inspecting department's workplace, monitoring of job specific safety training, and maintaining/encouraging proactive safety culture; and
    - 6.4.2.2 Reviewing workplace accidents/injuries/illnesses, and motor vehicle accidents, and providing recommendations to leadership on preventing future losses. At the discretion of the DSC, injured employees and their supervisor may be invited to review the Incident or Accident with the DSC. The employee or supervisor may not be compelled to participate when participation exceeds protections afforded a classified employee under the provisions of Chapter 143 of the Local Government code.
  - 6.4.3 Recommended term of a DSC member is no less than 1 year and no more than

3 years. Departments with multiple divisions may have multiple DSCs.

6.4.4 DSC membership should represent a cross section of Employees within the department and shall include the HR Safety Liaison as a technical consultant within the DSC.

6.4.5 Time spent at the DSC meetings and 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 overtime pay. DSC membership will be limited to full-time, permanent Employees.

6.5 Department Safety Staff or HR Safety Liaison shall be responsible for compliance with this AP. HR Safety Liaisons will consult and assist departments, as needed. The following tasks are included in the scope of these duties:

6.5.1 Developing, auditing and maintaining the department 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:

6.5.1.1 Reestablishing department safety policy and goals every four years, at a minimum.

6.5.1.2 Copies of audits, inspections, and DSC meetings;

6.5.1.3 Safety programs, procedures and guidelines (confined space entry, personal protective equipment (PPE), lock-out/tag-out, etc.);

6.5.1.4 Prescribed safety forms (copies of blank safety forms, mandatory state posters, etc.);

6.5.1.5 A list of facilities and checklists for inspecting those facilities;

6.5.1.6 Accident report log, reporting procedures, and completed Accident report forms outlined in this AP;

6.5.1.7 Training requirements and instructions for receiving training (maintain training records for at least five years, or as otherwise set forth by the City record retention schedule); and

6.5.1.8 Data analysis and trending on audit and inspection findings, Accident statistic information, and training programs.

6.5.2 Developing effective written safety policies, programs and procedures aimed at reducing Incidents and Accident by creating a safe and healthful work environment by:

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

6.5.2.2 Assisting managers, supervisors and Employees in developing safe work practices or guidelines for all operations and maintain copies of associated safety procedures in a central location accessible to each employee; and

6.5.2.3 Assisting departments during a Catastrophic Event.

- 6.5.3 Submitting safety budget recommendations to division and department management including training, PPE acquisition and replacement, books and manuals, and safety equipment.
- 6.5.4 Conducting comprehensive and methodical post-Accident investigations focusing on evaluating the root causes and preventive actions.
- 6.5.5 Ensuring 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 certain Employees:
  - 6.5.5.1 New employee safety training orientation – New hires should receive departmental specific safety training within 30 days of the hire date;
  - 6.5.5.2 Defensive Driving Course – Employees required to conduct City business while utilizing a motor vehicle as defined in A.P. 2-2, Motor Vehicle Assignment and Use; and
  - 6.5.5.3 Haz/Com – Employees identified as defined by H.R. 80-09 and Administrative Procedure 2-14, Purchase, Use, Storage or Disposal of Hazardous Materials or Waste (Revised).
- 6.5.6 Conducting periodic 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 of identification shall be followed up by the Department Safety Staff or HR Safety Liaison until corrected.
- 6.5.7 Developing internal Accident reporting processes. Establish procedures to ensure each Accident is reported and promptly investigated for cause, control and prevention. In addition to completing the workers' compensation forms, accidents shall be investigated by the Department Safety Staff and supervisors. A standardized form shall be used to record the investigation. Maintain Accident reports for five years or as otherwise set forth by the City record retention schedule.
- 6.5.8 Supporting and using the centralized electronic reporting system for all accidents and injuries throughout the department.
- 6.5.9 Establishing the Department Safety Committee.
- 6.5.10 Managing and/or monitoring the department's HazCom Program in accordance with HR 80-09, as revised from time to time.
- 6.6 Supervisors shall be responsible for:
  - 6.6.1 Assisting the Department Safety Staff with developing and implementing safe work practices and Job Safety Analyses or Job Hazard Analyses and review with their employees.
  - 6.6.2 Consistently applying and enforcing existing safety and health rules, methods,

procedures, policies and standards.

- 6.6.3 Providing and replacing PPE and ensuring Employees wear, use, maintain, and are trained in its use.
- 6.6.4 Ensuring new Employees are trained in safety policies, programs and procedures prior to beginning work. Periodically provide training and refresher courses in safety and health methods, procedures and policies to maintain awareness. Supervisors must ensure Employees maintain certifications.
- 6.6.5 Notifying the department director of any Catastrophic Event in accordance with departmental protocol.
- 6.6.6 Immediately investigating the facts and circumstances surrounding accidents to include identification of root causes, preventive actions and completion of mandatory forms, reporting and notifications as necessary for the event.
- 6.6.7 Ensuring all reported Near-miss events, are addressed immediately by supervisor, Department Safety Staff and/or HR Safety Liaison and recorded on the appropriate Near-miss form.
- 6.6.8 Enforcing the department's HazCom Program and HR 80-09.
- 6.6.9 Attending safety and health training and education classes as defined within the department's APP.

6.7 Employees shall be responsible for:

- 6.7.1 Understanding and adhering to all department APP policies, programs, procedures and practices;
- 6.7.2 Using and maintaining PPE and protective clothing when appropriate or required;
- 6.7.3 Immediately reporting accidents, injuries, or Near Misses to the appropriate supervisor and work with supervisors in compiling the facts and circumstances of the work related Accident investigations. Assisting supervisors in determining root causes of accidents and corrective actions to prevent recurrence;
- 6.7.4 Reporting and making suggestions to supervisors or Department Safety Staff regarding unsafe work practices or hazardous conditions;
- 6.7.5 Actively participating in DSC and associated meetings, as requested;
- 6.7.6 Attending mandatory safety and health education and training courses. Seeking opportunities for additional safety and health education and training;
- 6.7.7 Assisting Department Safety Staff in developing safe work practices and Job Safety Analyses or Job Hazard Analyses; and
- 6.7.8 Complying with all safety and health requirements mandated by APPs, department policy/procedure and/or by federal, state or local laws.

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

rights afforded to them by the City Charter and/or the City Code of Ordinances, and/or other applicable regulations, codes, agreements, and standards.

## 7. STANDARDS OF BEST PRACTICE

- 7.1 Safety personnel of the City are expected to use best practices and safety guidelines including 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 (and other appropriate regulations). Any exceptions to these standards, except those standards that conflict with currently accepted officer safety and police training and practices, shall require the written approval of the Director of Human Resources Department (HR). No exceptions shall be permitted except without such written approval. In addition and as a supplement, safety personnel are expected to use available national 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), 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.

## 8. ENFORCEMENT

- 8.1 HR Safety Division is charged with supporting, monitoring and ensuring that departments create and maintain effective APPs with associated DSC plans and programs aimed at preventing workplace injuries. If department plans or programs are found to be ineffective through objective audits, reviews or assessments with credible supporting documentation the department director, HR Director and SE-RM shall be notified by the safety officer conducting the audits. Included in the notice will be recommendations to the department director for improvement of the safety program with a goal of helping to create a safer workplace and further reducing injury and illness in the workplace. Following the audits, HR Risk Management may take a more active role within the department's safety program to ensure improvements are instituted to correct the areas found to be ineffective. The HR Safety Liaison shall then conduct appropriate reviews to ensure the changes have been successful and shall report the results to the HR Director.

## 9. LEGAL REFERENCES

- 9.1 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, potential liability-producing occurrences, or fines.

### 9.1.1 City Policies and Procedures

#### 9.1.1.1 Administrative Procedure 2-2: Motor Vehicle Assignment and Use

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

9.1.2 State References

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

10. CONFLICT AND REPEAL

- 10.1 This Administrative Procedure supersedes Mayor’s Policy No. 105.00, Employee Safety and Health, signed February 14, 1985, which shall be of no further force or effect.