

NEVADA CITY'S SAFETY PROGRAM

REASON FOR INVESTIGATION

The Grand Jury is concerned as to what policies are in place and the procedures followed that will ensure the safety of Nevada City's employees.

The Nevada City Employee's Safety Orientation Manual states that:

“While recognizing that no job is completely free from risks, no function of the City of Nevada City is so critical as to require a compromise of safety. As employees of the City of Nevada City, we each have the responsibility to protect individuals from injury and City property from loss or damage. As managers and supervisors, we are also responsible for providing a safe and healthful workplace. In order for the City of Nevada City to fulfill its safety goal, we will strive to provide a place of employment free from recognized hazards and with the safest possible working practices. Our safety program has the full support of the City Council of the City of Nevada City.”

BACKGROUND

California Senate Bill (SB) 198 mandates that employers be accountable for the occupational safety and health of their employees. SB 198 was passed and chaptered into the Insurance and Labor Code on October 2, 1989. Beginning July 1, 1991, Labor Code Section 6400 requires every employer to provide “a safe and healthful workplace for his/her employees.” The California Code of Regulations (CCR) requires every California employer to have an effective injury and illness prevention program in writing that must be in accord with Title 8 CCR Section 3203 of the General Industry Safety Orders. The required elements within the regulation provide specific criteria by which Cal-OSHA will evaluate the program. “The regulation contains the elements in a format that requires the designation of a responsible person (or persons) and a system for: (1) communicating with employees on matters concerning safety and health; (2) identifying and evaluating workplace hazards; (3) implement procedures for injury/illness investigation; (4) mitigating hazards; (5) training employees; and (6) maintaining records.”

PROCEDURE FOLLOWED

The Grand Jury interviewed the City Manager and the City Clerk of Nevada City. The Nevada City Employee's Safety Orientation Manual was reviewed, as was Senate Bill 198, and Title 8.

FINDINGS

1. The City Clerk states that the Employee's Safety Orientation Manual, written in 1991, should be revised by the second quarter of 2003.
2. Nevada City receives an annual update of Safety Performance from the Northern California Cities Self Insurance Fund (NCCSIF) in January. This report is posted for one month at the entrance of the City Hall.
3. On average, worker's compensation payments have dropped more than 30% over the last seven years as compared to the average over the previous 20-year period.
4. Nevada City's Risk Management Committee meets monthly. The City Clerk, who also serves as the Safety Coordinator, is the chairperson.
5. City Council members have not been actively involved in the Risk Management Committee for the last three or four years, even though the manual says:

"The City Council of the City of Nevada City shall be ultimately responsible for the loss control efforts of the City of Nevada City."

6. The last employee general safety meeting was held three years ago even though the manual states:

"At least one over-all safety meeting, with all employees present will be conducted each year."

However, police and fire department personnel have monthly safety meetings, swimming pool personnel meet weekly during the summer, and public works personnel have weekly "tail-gate" meetings. Attendance at safety meetings is tracked.

7. New employees are given a safety orientation. They also receive a copy of the safety manual, which they must attest to with their signature to having read and understood.
8. The current manual requires all employees to know how to find, select, and to use a fire extinguisher. The last time this training was given was approximately five years ago.
9. Within 24 hours of an accident, the "Supervisor's Report of Employee's Injury" form is completed and turned in to the City Clerk. An acknowledgment by the employee or a relative, of having received a worker's compensation form, is required. The employee has one year to turn in the claim form.
10. The Safety Coordinator and the City's insurance representatives, on a schedule designed by the insurance representative, inspect City facilities at least once per year.

CONCLUSIONS

1. The effectiveness of Nevada City's Safety Policy seems to be evidenced by the reduction in worker's compensation payments over the last seven years.
2. Although in general the proper emphasis has been placed on safety, there are areas where improvements can be made.
3. The update of the Employee's Safety Orientation Manual is overdue.

RECOMMENDATIONS

1. Update, publish and distribute to all employees the Employee's Safety Orientation Manual during 2003.
2. Ensure that all employees have a signed and dated document in their personnel file to verify that they have read and understood the latest Employee's Safety Orientation Manual.
3. Continue the monthly Risk Management Meetings and ensure that new safety issues and safety performance are communicated to all employees.
4. Increase the involvement of the City Council in the safety program.
5. Ensure that the General Safety Meetings are held annually, in accordance with the Employee's Safety Orientation Manual.
6. Train all employees in the proper use of fire extinguishers, in compliance with the directions given by the Employee's Safety Orientation Manual.

REQUIRED RESPONSES

City Council of Nevada City by September 4, 2003



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June 10, 2003

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Honorable Ersel L. Edwards
Presiding Judge of the Civil Grand Jury
201 Church Street
Nevada City, CA 95959

RE: City Council Response to Grand Jury Report – 2002/2003

Honorable Judge Edwards:

The City Council reviewed the recent release of the 2002 Grand Jury Report concerning the Nevada City's Safety Program along with a staff report from our Administrative Office. Safety of our employees and of our citizens is of the utmost importance to us and we appreciate the Grand Jury's review of our program. While we have always felt the staff does a great job in overseeing the wellbeing of our employees through our Safety Program, it is always good to have "fresh" eyes review the program and its effectiveness. Our response is as follows:

RESPONSE TO FINDINGS:

Finding 1 through 10

We agree with the findings.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1: Update, publish and distribute to all employees the Employee's Safety Orientation Manual during 2003

We have nearly completed the update and the new manual should be available for distribution to the employees in early July 2003.

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Frank Tolson
6-20-03



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Grand Jury Response
2002 Report
June 5, 2003

Recommendation 2: Ensure all employees have a signed and dated document in their personnel file to verify that they have read and understood the latest Employee's Safety Orientation Manual.

Maintaining the document in the individual employee personnel file, rather than the IIPP manual, is a good idea and will be implemented immediately. The new documents will be distributed with the revised manual and will be required to be returned to the City Clerk within ten (10) working days for inclusion in the employee's file.

Recommendation 3: Continue the monthly Risk Management Meetings and ensure that new safety issues and safety performance are communicated to all employees.

The monthly meetings will continue and new safety issues or items of information will continue to be distributed to all employees via their supervisors and/or on paychecks.

Recommendation 4. Increase the involvement of the City Council in the safety program.

The City Council will receive copies of the agenda for the Risk Management Meetings and will be given updates on progress. A Council Liaison to the Committee may be appointed.

Recommendation 5. Ensure that the General Safety Meetings are held annually, in accordance with the Employee's Safety Orientation Manual.

We agree with this recommendation and have already scheduled a meeting for all employees on June 11, 2003. The meeting will be conducted twice to allow all employees to attend and will incorporate ergonomic training and MSDS training into it at the same time.



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Recommendation 6. Train all employees in the proper use of fire extinguishers, in compliance with the directions given by the Employee's Safety Orientation Manual.

We agree with this recommendation and have already given training to the Water Plant Supervisor, the Wastewater Treatment Plant employees and the Department of Public Works. The Administrative Offices employees (including Police Records Clerk) will receive training on June 11, 2003. Police and Fire personnel are already trained.

Staff has indicated that they particularly appreciated the interviews and comments of the Grand Jury members as they conducted their review on this matter. The questions raised and suggestions made were quite valuable and many that were not included in the final report have already been incorporated into our program. As stated previously, we take the safety of our employees and citizens very seriously. We feel we have a good program in place but there is always room for improvement and with the Grand Jury's suggestions our plan will be even better.

Again, we would like to thank you for your concern for Nevada City, the comprehensive review and the valuable suggestions. If you have any questions, please don't hesitate to contact us.

Sincerely,

Kerry Arnett
Mayor