

**RESOLUTION NO. 04-05 - 2016 D**

**A RESOLUTION ADOPTING EMERY COUNTY  
RISK MANAGEMENT PROCEDURES**

WHEREAS, it has been determined that Risk Management Procedures should be adopted by Emery County; and,

WHEREAS, the Emery County Commission has determined it is in the best interest of the County to adopt Risk Management Procedures;

NOW, THEREFORE, BE IT RESOLVED by the Emery County Commission that Emery County adopt an Occupational Safety and Health procedure, a Vehicle/Transportation procedure, and a Workers Compensation procedure as follows:

**OCCUPATIONAL SAFETY AND HEALTH**

**1.0** It is the intent of Emery County to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act as established under federal and Utah State law.

**2.0** The County shall provide all of its employees with a working environment free from recognized hazards that are causing or are likely to cause death or physical harm to employees. Emery County requires that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupational safety and health program as outlined in this policy.

**3.0 GENERAL RESPONSIBILITIES.** Department Heads/Supervisors/Elected

Officials shall be responsible for enforcing regulations and for issuing such rules as may be necessary to safeguard the health and lives of employees. In addition, they shall warn all employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

**3.1** All supervisors and workers are responsible for ensuring clean work areas.

An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of remedies exists to minimize hazards due to toxic dusts, fumes, gases, flying objects, or burns from heat, acids, caustics, or any hazard of a similar nature, the County shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, protective clothing, etc. Provision shall also be made to keep all such equipment in good, sanitary working condition at all times.

**4.0** No employee may remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of County employment. In addition, no employee may interfere with the use of any method or process adopted for the protection of any County employee. Furthermore, no employee may refuse or neglect to follow and obey reasonable orders that are issued for the protection of the health, life, safety, or welfare of employees.

**5.0** In addition to the rules and regulations specified above, the following shall also apply:

A. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of

English might adversely affect their safety, other employees, or the public.

B. Where there is a risk of injury from hair entanglement in moving parts of machinery; employees shall cover or confine their hair to eliminate the hazard.

C. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.

D. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

E. No employee shall carry or possess alcohol or drugs on County property or work sites.

F. No employee shall consume liquor or drugs on County property or work sites.

G. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed.

**6.0 RECORDS AND REPORTS.** Personnel Director shall keep an accurate record of all accidents involving an injury to an employee while on duty, whether or not time is lost from work. Reports shall be filed within 3 days to the Personnel Director. These records shall be available at all reasonable times to the Utah State Industrial Commission or its representatives upon request. Other records will be kept as requested by the Industrial Commission.

**7.0** Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failures, explosions, fires, etc.) that might affect the safety or health of County employees, the supervisor shall notify the Department Head/Elected Official as soon as possible. Such notification must be made whether or not any actual

injuries result from the above occurrences or changes of conditions.

**8.0** All fatal, potentially fatal, and serious accidents shall be reported immediately to the Personnel Director.

## VEHICLES/TRANSPORTATION

**1. GENERAL PROVISIONS.** Vehicle Allowances (This is also covered in the Emery County Policies and Procedures Manual Title 7, Chapter F) Mileage reimbursement shall be at the approved IRS rate.

General. County employees who drive a private vehicle in the normal course of their duties shall receive payment for mileage driven on authorized County business but shall not be paid to cover commuting mileage between an employee's residence and their customary work site.

Call-Out. Employees shall be reimbursed mileage at the IRS standard mileage rate when mileage is incurred for "call-out" time. Mileage shall begin at the employee's residence for any emergency call-out.

**1.1** County vehicles shall only be used for official County business, or when authorized through an Inter-local Agreement for business purposes deemed relevant to the County's interests. Operators of County vehicles will assume full responsibility for safe operation, as well as the safety and welfare of any passengers. Only County employees, approved volunteers and others authorized by Inter-local Agreement may operate County vehicles. All operators of County vehicles shall review and agree to abide by all County rules and regulations relating to vehicle use. All employees driving on County business shall

comply with federal, state and local laws regulating vehicle operation.

1.2 County Vehicle Assignments...(This is also covered in the Emery County Policies and Procedures Manual Title 7, Chapter F) County vehicles may be assigned to employees requiring vehicles of specialized function, for example, emergency vehicles, building inspectors, maintenance personnel, etc. Approval shall be obtained from an Elected Official or Department Head and the County Commission for assignments of vehicles and the designation of which employees are assigned County vehicles. As described in Title 3, Chapter B, the County maintains ownership in all County property, may demand the return of the property, or may assign the property to another employee at its sole discretion. Employees have no right of privacy in County property, and nothing precludes the County from tracking, monitoring, inspecting, or repossessing the same.

Requirements for Assignment.

1. All employees or approved volunteers who drive County vehicles shall have a current Utah driver's license.
2. To assure proper vehicle maintenance, each employee assigned a vehicle will be accountable for its service and repair.

Personal Use Prohibited. Except for incidental, emergency, or for authorized commuting, personal use of any County vehicle is prohibited. This does not apply to any County department; i.e. Law Enforcement or Emergency Management, which has a separate policy, properly established as Departmental Policies, related to the personal use

of vehicles owned or managed by that department.

1. **De minimus Use.** Incidental personal use of a County vehicle is permitted when such use is a de minimus distance from the route of official use of the vehicle and when such use does not adversely affect the vehicle or the public perception of the County.
2. **Emergency Use.** County vehicles may be used for personal use in emergency situations related to serious medical problems or property damage where the user of the County vehicle must respond quickly. Any emergency personal use of a County vehicle must be reported to the user's supervisor within two business days, or as soon as practical, following the emergency use.
3. **Taking Vehicles Home.** Unless authorized by the County Commission, and with the exception of a designated law enforcement vehicle or as noted differently in this policy, no County vehicle may be taken home or used for normal commuting between home and work.
  - a. ***Authorization for Regularly Taking Vehicle Home.*** Authorization to regularly take home a County vehicle may be permitted under certain circumstances. The request must be in writing, approved by the County Commission, and placed in the employee's personnel file. No person may provide authorization to him/herself to take home a County vehicle. Permitted circumstances may include when:
    - I. The user has demonstrated, and continues to demonstrate, a need to respond to an average of five (5) emergency situations or call-outs to

work per month. This must be documented on an "On-Call Form."

This form must be submitted to their supervisor with a copy to the County Commission.

- ii. The user's nature of work requires immediate response to situations that require a vehicle with specific capabilities or specific safety or emergency equipment that cannot reasonably be carried in the user's personal vehicle.
- iii. The user may be called or sent to locations other than where his/her County vehicle is normally parked.

Authorized users under this Section who use the County vehicle to commute to and from work will be assessed \$1.50 each way (\$720.00 per year) for 48 weeks out of the year. This takes into consideration two weeks of vacation and two weeks of holiday time away from work.

- b. *Limited Occasions.* Situations may arise when it is impractical or uneconomical for a user to acquire or return a vehicle the same day of the authorized use due to the time or distance required to do so. Permission may be given in such circumstances for the user to take the vehicle home prior to or immediately following the authorized use.
4. Travel Outside of County. Employees may use a County vehicle outside the County only to the extent they have received prior authorization from an

Elected Official or Department Head.

5. Use Outside of the State. Authorization to use a County vehicle outside the State must be approved by an Elected Official or Department Head and the County Commission in an open public meeting. The request must be documented with the following information and kept in the department personnel file:

- a. The name of the person authorized to use a County vehicle;
- b. The time frame during which the authorization is effective;
- c. The purpose of the use;
- d. Any other terms relevant to the authorization; and,
- e. Signatures of the authorizing Elected Official or Department Head and the County Commissioner assigned to that department.

**2. COMMERCIAL DRIVER LICENSE (CDL).** Employees operating a commercial vehicle must comply with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986.

This federal law governs the operation of the following vehicles:

- A. A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.
- B. A trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds.
- C. A vehicle designed to transport more than 15 persons (including the driver).
- D. Any size vehicle which requires hazardous materials placards.



E. Any size vehicle used as a school bus.

**2.1 Employees operating a commercial vehicle shall:**

- A. Notify their immediate supervisor within 30 days of a conviction for any traffic violation except parking citations.
- B. Notify the Drivers License Division within 30 days if they are convicted in any other state of any traffic violation except parking citations.
- C. Notify their immediate supervisor if their license is suspended, revoked, or canceled, or if they are disqualified from driving.
- D. Not drive without a valid Commercial Driver's License.
- E. Not be allowed to drive if they possess more than one license or if their CDL is suspended or revoked.
- F. Not be allowed to drive if they are subject to an out-of-service order.

**2.2 Costs of CDL.** When it is necessary for employees to renew their CDL, the County shall pay the total amount of the costs for the written test, skills test and for all endorsements required by the County. The County shall also pay the entire cost for required physical examinations. The employee shall undergo the exam at a medical facility determined by the County. In specifying a medical facility, insurance coverage may be taken into consideration by the Department Head/Elected Official. Expenses incurred by the County shall be paid out of department budgets.

**2.3** New employees may be expected to have a valid CDL upon hire and bear the entire cost of obtaining a CDL including medical examination costs. At the discretion of the Department Head/Elected Official, the County may bear the cost of licensing for new employees and employees promoted or placed in positions requiring a CDL. The County may require employees to take the tests for skills and endorsements from a designated County employee trained in giving such tests. The Road Supervisor shall implement and enforce procedures necessary to administer tests.

**3. RECORD KEEPING REQUIREMENTS.** Employees receiving mileage reimbursement using the County's pumps or using a credit or gas card must keep proper and accurate records of miles driven and gas purchased. Mileage reporting forms are available from the Emery County Clerk/Auditor. Other forms of the employee's preference may also be used as long as they provide sufficient information. Requests for reimbursement lacking all of the information required on the sample form will be returned to the Department Head/Elected Official.

**4. METHOD OF PAYMENT.** A Claim, available from the Clerk/Auditor, shall be submitted when reimbursement for mileage expense is requested. All documentation for the period applied for must be attached to the Claim when submitted. Claims shall be submitted to the Clerk/Auditor in accordance with current financial policy procedures.

**5. VERIFICATION OF LICENSE AND INSURANCE.** The County may require employees to periodically provide proof of insurance and proof of current license. The County may also verify license status by checking Motor Vehicle Records (MVR). Employees are responsible for

any traffic citations they receive while operating Emery County or personal vehicles on County business.

**6. SAFE DRIVING PRACTICES.** Employees are required to operate vehicles in a safe manner at all times when on County business. Employees are encouraged to drive in a safe, reasonable, and defensive manner. When operating a vehicle while on County business, employees will maintain their full attention to driving activities. No phase of the job requires more urgent attention than driving in a safe manner when operating a vehicle. Employees shall comply with all traffic regulations, except as authorized for emergency vehicles. Before daily use of a vehicle, drivers shall inspect the vehicle for visible damage, inoperable lights, under-inflated tires, or any other noticeable condition, which may create an unsafe situation. Employees and approved volunteers who are expected to drive on County business must complete Defensive Driving Course within twelve (12) months of their hire/appointment date and must repeat the course every five years.

**7. REPORTING ACCIDENTS.** All accidents must be reported immediately to the supervisor and to the Personnel Director. All CDL holders shall comply with federal and state laws regarding the reporting of accidents, citations, or driving convictions and shall immediately report such occurrences to their supervisor.

**8. SEAT BELTS.** Employees operating a County vehicle or private vehicle on County business

shall wear seat belts. All occupants shall wear seat belts when vehicle is being operated. Child restraint devices shall be used in accordance with state law.

**9. DISTRACTED DRIVING.** All employees must avoid driving while distracted. Except for situations involving public safety emergencies, the use of cell phones, computers, PDA's and other similar devices is prohibited while the vehicle is in motion. Employees are encouraged to stop driving and pull off to a safe area to use a cell phone in the vehicle. Employees using a cell phone or other electronic device while driving must continue to operate the vehicle in a safe manner while using the device. Employees found responsible for at-fault driving accidents while using electronic devices shall be presumed to be in violation of this policy.

**10. FATIGUED DRIVING.** Drivers shall not operate a County-owned vehicle or personal vehicle on County business when fatigued. Employees who are too fatigued to drive safely are required to immediately cease vehicle operation and report the situation to the Department Head/Elected Official. Department Head/Elected Official will make a determination regarding the action to be taken. It is the responsibility of employees to report any inability to perform their essential job functions.

**11. SAFE TRAILER USAGE.** Trailers shall be fastened to hitches, and safety chains shall be secured, as required by state law, before moving vehicles. All items to be transported shall be secured.

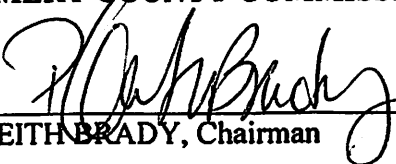
**9.13 UNEMPLOYMENT INSURANCE.** The unemployment insurance program at Workforce Services requires a person to make the declaration that they are physically able to work and would do so if given the appropriate opportunity. Therefore, employees would not be eligible for unemployment insurance if receiving Temporary Total compensation benefits because the doctor believes that the employee is "totally" unable to work. However, when the doctor releases the employee to return to work, the employee may be eligible for unemployment insurance up to the time that the employee is able to find a job. Injured employees must apply for unemployment benefits within the four week period following the day the doctor releases the employee to return to work.

**9.14 DEATH BENEFITS.** When the death of an employee is the result of an on-the-job accident or occupational disease, death benefits will be paid by the Workers' Compensation carrier to the spouse and/or dependents. There is also an allowance for burial costs.


This Resolution shall take effect on April 5<sup>th</sup>, 2016.

DATED this 5<sup>th</sup> day of April, 2016.

**EMERY COUNTY COMMISSION**

  
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KEITH BRADY, Chairman

ATTEST:

  
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BRENDA TUTTLE, Clerk/Auditor