



*South Sixth Street*



**SECTION 5: GENERAL SAFETY RULES**

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## **City of Klamath Falls SAFETY POLICY STATEMENT**

*It is the Policy of the City of Klamath Falls to take a proactive approach in protecting the safety and health of our employees. Injuries and property loss from accidents are needless, costly, and preventable. We have established a Safety and Health Program adapted to fundamental safety concepts that will help us prevent injury and loss due to recognized hazards.*

### **Organization/Responsibilities**

In order for the City's safety objectives to be fully realized, it is necessary for each employee and member of management to actively participate in the Safety Program. Everyone shares the responsibility for its implementation and success.

All Safety Regulations are reviewed with employees prior to their first day performing duties on the job. All employees receive, review, and agree to follow the items contained in the City's Employee Handbook. The City Manager, or his designee, shall serve as the Safety Officer.

### **Management Commitment & Responsibility**

Management is committed to, and responsible for, the prevention of accidents and injuries; management is held accountable for all aspects of their span of control. Management provides direction and full support of all safety procedures, job training, and hazard elimination practices. Management must keep fully informed on health and safety areas throughout the City in order to constantly review the effectiveness of our Safety and Health Program.

### **Supervisory Staff**

Supervisors are directly responsible for job training of their employees. This includes instruction/review of proper procedures, work practices and safe methods to accomplish his/her job. Supervisors must enforce City Rules, and take immediate corrective action to eliminate hazard conditions. They will not permit safety to be sacrificed for any reason.

### **Employees**

Each employee, regardless of his/her position with the City, is required to cooperate with all aspects of the Safety and Health Program.

*The safety of our employees is our highest priority.*

---

Jeffrey D. Ball, City Manager

## City of Klamath Falls

### GENERAL SAFETY RULES

#### Definitions:

**Employee:** Any employee, of any classification, of the City of Klamath Falls, including Department Director, Superintendent, Supervisor, Foreman, Staff Member, either exempt or non-exempt.

#### General Rules:

1. A violation of safety policies or posted safety rules will be cause for disciplinary action.
2. Written City safety policies must be followed. In the absence of specific rules, all employees are expected to maintain proper standards of safety, and follow the instructions of their supervisor.
3. Safety recommendations from employees are encouraged. Management will respond with information about action taken or current status of each recommendation.
4. All employees are required to attend safety meetings called by their supervisors.
5. Employees will report all injuries immediately to the person in charge. Injuries not reported before leaving shift may result in any subsequent claim being questioned, thus jeopardizing rights to compensation.
6. Full cooperation in accident investigations is required of all employees.
7. Practical jokes, scuffling, contests of strength, or other horseplay is prohibited.
8. The use of intoxicating liquor or drugs on the job, or reporting to work under the influence of intoxicants, is prohibited.
9. All employees shall correct any unsafe condition or practice, to the extent of their authority.
10. Never use defective tools.
11. Report all defective tools and equipment to your supervisor immediately. **Do not use defective equipment under any circumstances.** Disagreement

between supervisor and employee on this issue must be reported to the Central Safety Committee Chairperson or the Personnel Manager, **prior to use of the equipment.**

12. All work areas must be kept clean. Each employee is responsible for cleaning up any hazards that he or she may create.
13. Only clothing appropriate to the nature of the job may be worn.
14. **Hard hats must be worn while working around equipment or overhead hazards.**
15. **Safety vests (reflective) must be worn while working in and around the public right-of-way and equipment.**
16. An employee shall not work alone in any situation where the work might be considered dangerous. If there is a doubt, consult your supervisor.
17. A worker shall not operate a machine unless a guard or method of guarding is in good working order, in place, and operative.
18. Never remove safety guards from machinery unless it is necessary to perform repair work. When repair work is completed, replace the guards in their proper position.
19. Protective equipment must be worn when required on specific jobs. Any deficiencies in the required protective equipment must be reported to the supervisor immediately.
20. Only authorized persons shall operate machinery or equipment.
21. Eye protection will be worn by workers exposed to flying objects.
22. When a machine is oiled, adjusted, repaired or cleared of jams, the employee doing the work must stop the machine and properly tag and lock out the starting control, unless the machine is equipped so that it prevents the possibility of hazardous contact with moving parts.
23. Trucks will not be loaded or unloaded until drivers comply with specified rules.
24. Smoking must be confined to designated areas. There are no exceptions.
25. Keep out from under suspended loads.

26. Travel only in designated walkways. Running is prohibited in the plant, shop, or warehouse.
27. Material must be stacked where it is not a hazard and where it will not hamper movement of machinery, safety devices, and fire fighting equipment, or block aisles, stairs or exits.
28. Never leave tools or pieces of materials on walkways for others to trip on, or overhead where they may fall onto another worker.
29. Keep water off of switch panels and motors, and keep panel covers in place and closed.
30. When climbing ladders, use both hands to hold on. If it is necessary to move material or tools up a ladder, **Get help!** Ladders should be secured so that they will not slip. If the ladder is to be left standing for some time, it should be lashed in place.
31. Stay out of any area where welding is being done unless your job requires you to be there. If you must be there, never look at the arc unless you are wearing a welder's hood.
32. Safety goggles must be worn when burning, grinding, buffing, using jack hammers, gas welding, working with acid, or any caustic lines, riveting, wire brushing, caulking steel or doing hazardous cleaning of any sort.
33. Always wear safety goggles when using air hoses. Exercise extreme care to protect fellow employees who may be in the vicinity. Never blow air under high pressure against your body or the body of another. Do not use air hoses to remove dust from clothing.
34. All employees are strictly forbidden to ride on forklifts or carriers or any mobile equipment as passengers.
35. When lifting, bend your knees and lift with your legs. Reverse the procedure when putting heavy objects down. Never try to lift excessive loads by yourself. **Get help!**
36. Machinery and equipment shall be kept free of excessive oil and grease.
37. Do not walk across any moving chains or conveyors, or in the pathway of operating equipment.
38. No employee shall use his hand or any portion of his body to reach between hazardous moving parts of a machine for any reason.

39. Always use the correct tool for the job. If you do not know what tool to use, ask your supervisor. No employee shall use a tool or piece of equipment for any purpose for which it is not suited, nor shall he or she abuse the tool or piece of equipment by straining it beyond its safe working load.
40. No employee shall work in an area where overhead hazards exist without assuring that proper safeguards have been taken.
41. Always obey warning signs.
42. No worker shall remove, deface, or destroy any warning/danger signs, or barricade, or interfere with any other form of accident prevention device.
43. No employee shall knowingly violate any City safety policy or rule.
44. No employee shall knowingly violate any safety law or regulation.
45. **If you are ever in doubt about the safeness of a procedure or piece of equipment, consult your supervisor immediately!**

**CITY OF KLAMATH FALLS DRUG FREE WORK PLACE**

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# CITY OF KLAMATH FALLS

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## DRUG FREE WORK PLACE POLICY

### Employee Acknowledgment

I hereby acknowledge that I have read and am aware of, the City of Klamath Falls' **Drug Free Work Place Policy** and agree to abide by the policy. I further acknowledge that I am responsible to read all future policies and changes to policies and rules.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **DRUG FREE WORK PLACE**

The City of Klamath Falls establishes the following Policy regarding drugs and alcohol. It is applicable to all management and non represented employees and those union employees whose representative has not executed a separate agreement with the City.

### **1. Policy**

The City is committed to providing a safe work place for employees and safe and efficient service for our citizens. Consistent with the spirit and intent of this commitment, our goal is one of providing a work environment that is free from the effects of drug and alcohol use.

The City expects its employees to report to work fully capable of performing duties safely and efficiently, free from the effects of drug or alcohol use. Employees should recognize that off-duty substance abuse may impair safety and performance, and that such impairment will not be condoned.

Drug or alcohol dependence is a problem which can be treated effectively if the individual receives professional help. The City of Klamath Falls provides an Employee Assistance Program (EAP) which offers confidential, professional counseling to employees and family members. This program provides a constructive way for employees to address drug or alcohol abuse before it affects job performance and requires disciplinary action. Any employee who experiences personal or work-related problems associated with drug or alcohol use is urged to utilize the Employee Assistance Program. Those who self-admit to EAP programs will not have such admittances used as occurrences under this Policy.

### **2. Prohibited Actions**

To maintain a work place free from the adverse effects of drug and alcohol use, the following actions are prohibited:

- A. Selling, possessing, using, transferring, or purchasing controlled substances on City time, on City property, or when representing the City, will be cause for immediate termination.
  
- B. Convictions for violating a controlled substance law will be cause for immediate termination. The City reserves the right to assess any evidence of violations of controlled substance, or alcohol laws to determine if there is just cause for disciplinary action.

The City further recognizes that if an employee is convicted of a misdemeanor offense, involving drugs or alcohol, the employee may be afforded the opportunity for rehabilitation and a return to work agreement based upon the City's evaluation of the situation.

Note: Discipline for violations involving drugs or alcohol, will be waived if the employee successfully completes a rehabilitation program and return to work agreement (described separately in this policy). However, it should be emphasized that serious misconduct related to being under the influence, such as fighting or willful damage of City property, cannot be excused and will be subject to appropriate disciplinary action regardless of rehabilitation.

- C. Using or being under the influence of alcohol on City time, on City property, or when representing the City, will be cause for discipline which may include termination. For purposes of this policy, employees living in City housing may possess and use alcohol as if the home is their personal property.
- D. Reporting to work under the influence of illegal drugs or alcohol is grounds for disciplinary action up to and including termination.
- E. Operating a City vehicle under the influence of alcohol or illegal drugs, or operating any other vehicle when on City time, under the influence of alcohol or illegal drugs, are grounds for disciplinary action up to and including termination.
- F. Failure to notify the Personnel Department or your supervisor, if you so choose, when taking a prescription drug or nonprescription medication which affects performance is grounds for disciplinary action, depending upon the circumstances. City policy does not require employees to inform their supervisor but they may do so if they choose.

### 3. **Detection**

The City reserves the right to use drug or alcohol detection techniques including:

- A. Chemical dependence assessment by the Employee Assistance Program counselors.
- B. Chemical testing as part of "fitness for work" examination.
- C. Searching City property (desk, work areas, lockers, vehicles, tool boxes, etc.).

**Note:** "Reasonable suspicion" searches of employees and possessions under this policy must be conducted by at least two members of management or appropriate security personnel. The employee shall be present at such searches and shall have the right to request a union representative be present.

#### 4. **Drug And Alcohol Testing**

Testing for drug or alcohol usage may occur as a result of any one or combination of circumstances described below:

- A. Physical symptoms of drug or alcohol use.
- B. Any accident while on City time or business which did, or could have caused, serious personal injury or property damage due to a lack of judgment or violation of City policy.
- C. A violation of a safety or operating procedure reflecting a substantial failure of good judgment for which there is reasonable suspicion that drugs or alcohol may be involved.
- D. Having the odor of alcoholic beverage about an employee's person.
- E. A criminal conviction involving drugs.
- F. Reasonable suspicion of use or possession of illegal drugs while on City time, on City property, or when representing the City.
- G. Erratic change in behavior.
- H. Reasonable suspicion based on an EAP recommendation for treatment.

#### 5. **Reporting Violations**

Because an employee's drug or alcohol-related problems affect everyone's safety and efficiency, employees are urged to notify his/her supervisor or the personnel department when he/she suspects that an employee has violated the drug and alcohol policy or has a substance abuse problem.

#### 6. **Addressing Violations**

The City relies on the close employee-supervisor work relationship to identify

any problems in the work place. Supervisors are responsible for taking appropriate action if any employee is in violation of the City's drug and alcohol policy.

The following steps should be followed if any supervisor observes or receives information that an employee may have violated the City's drug and alcohol policy:

- A. Obtains as much detailed information as possible regarding the suspected violation.
- B. Notifies and consults with the City Attorney or the Personnel Manager to determine subsequent action to be taken.
- C. **Keeps all allegations confidential and discusses them only with members of management who have the need to know by virtue of their positions or responsibility.**
- D. Documents the sequence of events.

If there are grounds to reasonably suspect that a violation of policy has occurred, the employee will be required to take a blood and/or urine test to be administered by the Center for Occupational Health.

It is a supervisor's responsibility to:

- A. Make arrangements for the employee to be taken immediately to the Center for Occupational Health (identified for all City operations in advance).
- B. Contact the EAP professional, explain the circumstances, and arrange an appointment for the employee as soon as possible.
- C. Advise the employee that time off will be with pay, unless the results are positive, in which case time off will be changed to available sick leave or vacation.

The Center for Occupational Health will collect samples for screening purposes. Test results will be confidential and communicated to the EAP professional assigned to meet with the employee.

If the employee refuses to consent to the referral and assessment requirements above, the refusal will be a violation of procedure and cause for immediate termination.

The EAP professional will conduct the evaluation of the employee based on all available information to include test results. If the assessment indicates no

violation of the City's drug and alcohol policy, the employee will be returned to work with no adverse impact on his/her work record, and no loss in pay benefits.

## **7. Return to Work Conditions**

If the totality of the circumstances indicate there has been a violation of the City's drug and alcohol policy, the EAP professional will design an appropriate rehabilitation program to treat the employee. Employees must sign the City's return to work agreement as a condition of continued employment.

Information regarding an employee's participation in counseling and/or treatment programs, (initial assessment, participation, and discharge) will not be entered in the employee's personnel file, nor will such information by itself affect an employee's standing or promotional opportunities. Any memoranda or information sent through City mail regarding an employee's chemical dependency problems should be marked and treated strictly confidential. Supervisors have an obligation to treat such information responsibly and with respect in order to preserve the employee's privacy.

The intent of the City in establishing this procedure is to underscore our commitment to provide all employees a safe work place free from the dangers of substance abuse. All employees are expected to comply with the policy's purpose and intent. Any abuse of the policy will lead to disciplinary action, up to and including discharge. Additions or deletions to this policy will be communicated to employees.

### **LAST CHANCE RETURN TO WORK AGREEMENT**

The City's return to work agreement will be prepared by the City Attorney, and will include the following as a condition of continued employment:

1. Participate in and successfully complete the EAP rehabilitation treatment prescribed as necessary to return to work.
2. An employee will not be permitted to return to work under this agreement until they submit a negative (clean) drug test, to be scheduled at a time and place determined by the EAP counselor.
3. Employee agreement that he/she will be subject to random testing for a twenty-four (24) month period following the return to work.
4. Employee agreement that a second violation of the City's drug and alcohol policy within a twenty-four (24) month period will result in

immediate discharge, and that any future violations may result in termination, depending upon the circumstances.

## **POLICY OVERVIEW**

### **WHY WE HAVE A POLICY ON DRUG AND ALCOHOL ABUSE**

The City is strongly committed to providing a safe, healthy, and efficient work place. That's the "why" behind the City's drug and alcohol abuse policy - to provide a work environment that is free from the effects of such abuse.

**The City expects employees to report for work unimpaired and in condition to perform his/her duties safely and efficiently.** This policy is not intended as an intrusion into employees' private lives; the responsible use of alcohol is an individual's personal decision. However, alcoholism and substance abuse are problems that almost always affect job performance. Under this policy, the City will take steps to address that problem.

The City recognizes that drug or alcohol dependence can be treated effectively with professional help. An important part of the policy is to encourage employees with dependence problems to use the Employee Assistance Program (EAP). The program can help individuals deal with drug or alcohol abuse before job performance is affected and disciplinary action becomes necessary.

### **WHAT THE POLICY COVERS**

The City's drug and alcohol policy prohibits certain activities and provides for disciplinary action. The key points are as follows:

1. Selling, possessing, using, transferring, or purchasing controlled substances on City time, on City property, or when representing the City will be cause for immediate termination.
2. Convictions for violating a controlled substance law will be cause for immediate termination. In some circumstances, the City may afford an employee a last chance opportunity if convicted of minor misdemeanor offenses. The City reserves the right to assess any evidence of violations of controlled substance laws to determine if there is just cause for disciplinary action.
3. Using or being under the influence of alcohol on City time, on City property, or when representing the City may be cause for discipline up to and including termination.
4. Reporting to work under the influence of drugs or alcohol is grounds

for disciplinary action up to and including termination.

5. Operating a City vehicle under the influence of drugs or alcohol, or operating any other vehicle, when on City time, under the influence of drugs or alcohol are grounds for disciplinary action up to and including termination.
6. Failure to notify the Personnel Department when taking a prescription drug or nonprescription medication which affects performance is grounds for disciplinary action, depending upon the circumstances.

### **WHAT THIS POLICY MEANS IN PRACTICE**

#### For All Employees

Supervisors and employees are encouraged to help their co-workers when they have a concern regarding drug or alcohol use by:

- ~ Urging the employee to take advantage of the Employee Assistance Program (EAP).
- ~ Discussing the problem with the shop steward or business representative (if applicable) and asking them for help.
- ~ Reviewing the problem with the supervisor and requesting his/her assistance.
- ~ Discussing the problem with a personnel department representative.

**Employees who voluntarily seek assistance for a drug or alcohol dependency problem before it becomes a formal discipline issue will not be placing his/her job in jeopardy.** Nor will he/she be asked to execute a "Return to Work" agreement as long as all aspects of his/her performance remain acceptable and he/she seeks appropriate rehabilitation.

## ***SUPERVISOR'S PROCEDURES***

### 1. Supervisor Referral/Chemical Testing/Assessment

Employees who have not voluntarily dealt with a drug or alcohol-related problem and whose conduct, performance, or attendance appears to violate this policy will be subject to an assessment of fitness for duty by the City as a condition of continued employment. The following procedures and guidelines should be used in making that assessment.

#### Events That Require the Supervisor to Request a Determination Of "Fitness For Duty"

##### Accidents

Employee involvement in accidents caused by lack of perception, alertness, or manual dexterity, which cause property damage or personal injury, will be grounds for requesting a test for alcohol or controlled substances. This will determine fitness for duty.

##### Observed Behavior

The supervisor is responsible for making an initial assessment as to whether an employee is "fit for duty." Such a determination should be based on the supervisor's **objective** observation of an employee's ability to perform all job duties safely and efficiently, as well as, the employee's conduct and attendance. In making this determination, the supervisor is not "diagnosing" but merely noting "behaviors." In some instances an illness or disease may mimic the symptoms of alcohol or substance abuse. **The City will not tolerate the use of this policy to harass or intimidate employees.**

The "Fitness for Duty" checklist to follow contains guidelines for objective assessment of an employee's behavior.

##### Behaviors and Indications of a Substance Abuse Problem

Following are some of the most commonly observed signs indicating that an employee may not be fit for duty. These signs may be considered for "reasonable suspicion" events which will justify assessment for fitness for duty under this policy. This list is not all inclusive. Supervisors may observe other signs and symptoms similar to these that may prompt a request for a fitness for duty assessment.

##### GENERAL

##### SPECIFIC

- ~ An accident
- ~ Erratic behavior
- ~ Sudden mood swings
- ~ Excessive risk taking
- ~ Frequent tardiness
- ~ Excessive absence (Monday/Friday/Paydays)
- ~ Frequent mistakes
- ~ Lack of energy or strength
- ~ Declining performance
- ~ Poor quality or quantity of work
- ~ Unexplained absences
- ~ Confusion
- ~ Dilated or constricted pupils
- ~ Glassy or reddened eyes
- ~ Flushed face
- ~ Slurred speech
- ~ Apparent odor of alcohol or marijuana on the breath
- ~ Staggering or unsteady gait
- ~ Stumbling or falling; sleeping
- ~ Abusive speech
- ~ Inappropriate laughter or aggressiveness
- ~ Sloppy dress
- ~ Extremely poor grooming

## 2. Procedures To Be Followed By A Supervisor Once It Has Been Determined That A "Fitness For Duty" Assessment Is Necessary.

It is very important that whenever possible, supervisors observing signs that an employee is not fit for duty should ask another supervisor to observe the employee for corroboration of the behavioral characteristics.

The supervisor should:

- A. Remove the employee from the work site where a confidential meeting can occur.
- B. If more than one employee is involved, they should be separated.
- C. The supervisor should explain what has been observed and ask the employee to explain why he/she appears to be physically or mentally unable to perform his/her job.
- D. If alcohol or a controlled substance is present, it should be confiscated, identified, and stored.
- E. The employee should be questioned regarding whether alcohol or a controlled substance has been consumed, and when, how much, and where it was consumed. It is important for the supervisor to do a thorough investigation to be sure that important facts and evidence are not lost.

### Special Issues to Consider

- A. If the employee is in possession of an illegal, controlled substance, call for security (if applicable) or the local police. Don't attempt to search or detain an employee against his/her will.

- B. If the employee is in the bargaining unit, he/she may request a shop steward to be present for the questioning. If such a request is made, it should be granted. If the shop steward is not available, call for another shop steward or call another bargaining unit employee to fill in temporarily. **The employee may indicate who they would like present, however do not delay any longer than necessary.**
- C. NOTICE: The City may search an employee's office, desk, locker, or City vehicle if the City observes conduct in violation of this policy.

If the employee indicates prescription drugs were taken, the supervisor should inquire as to the type of drug, date, and dosage of prescription, the prescribing doctor's name, the amount taken, and the nature of the condition for which prescribed.

Remember, the supervisor is neither diagnosing nor accusing the employee but acting on **observed behavior**. If the employee provides a satisfactory explanation for their behavior, the supervisor should make a further assessment to determine the reason that the employee appeared unfit for duty. Discipline or referral to the EAP, if appropriate, should be initiated per normal procedures.

The employee should be returned to work only after the supervisor has determined that the employee is fit to perform his/her duties in a safe and efficient manner. The supervisor must document all actions thoroughly. If the employee does not provide a satisfactory explanation, the supervisor should proceed with the following chemical testing procedure.

**It is essential that all aspects of this investigation and its outcome be kept confidential** and that only those who "need to know" are involved. This means that no one from the City may discuss test results except as part of his/her duties.

3. The Following Procedure Is Used When The Decision To Conduct A Chemical Test Or Assessment Referral For "Fitness For Duty" Has Been Made.

Chemical Testing Procedure

- A. Once the supervisor has observed and documented suspicious behavior, he/she should consult with his/her immediate supervisor or a designated personnel department representative before informing an employee of the need for a chemical test.
- B. The supervisor will inform the employee that tests must be administered to determine if drugs or alcohol are influencing his/her performance. The supervisor or designee will escort the employee to

the Center for Occupational Health.

- C. The employee will be required to provide a specimen for examination using the approved urine/blood specimen collection kit. He/she will be required to sign a "Chain of Custody" form to ensure integrity of the specimen and a "Release of Information" form. Refusal to cooperate will subject the employee to termination.

The occupational health or a designated personnel department representative should be contacted if questions arise regarding testing procedures or specimen collection facilities.

All specimens will be forwarded for testing to the Merle West Medical Center Laboratory. All positive reasonable cause/post-accident specimens will be forwarded to Oregon Medical Laboratories (OML) in Eugene Oregon for confirmation.

After the specimen is collected, the employee will be relieved from duty and driven home. The employee's status at that point is "suspended pending investigation." Final determination of status will be made following receipt of the test results.

4. The Center for Occupational Health and the confirmation laboratory (OML) will call a designated personnel department representative with the test results within 24-48 hours of receiving the specimen.

#### After the Chemical Test - Meeting with the Employee

The Personnel Department will contact the supervisor with the results.

**If the results of the chemical test are negative** the supervisor will contact the employee to facilitate a return to work.

**If the results of the chemical test are positive**, the personnel department will contact the EAP to obtain an appointment for the employee for a drug and alcohol assessment. The supervisor will contact the employee to direct him/her to the appointment. Failure by the employee to keep the appointment will result in termination. The employee will be given the choice of entering rehabilitation or being terminated.

If the employee decides to seek professional assistance in dealing with the problem, the City and the employee will enter into a "Last Chance Return to Work Agreement."

#### Other Procedures/Further Assessment

In some cases, testing results will be negative or testing not appropriate, yet an apparent fitness for duty problem may still exist. In these cases, the supervisor should conduct further discussion and evaluation to assess the reason for the objectively observed unsatisfactory behavior.

The supervisor should use the normal tools available for employee problem solving including: Counseling, EAP referral, and, if appropriate, formal disciplinary action. While EAP referral outside of the fitness for duty policy is not mandatory, failure to address job performance, conduct, or attendance problems will not be excused.

When issues are resolved and the employee has been judged fit for duty, he/she may return to work. The supervisor must document all actions thoroughly.

Employees observing signs that their supervisor is not fit for duty should report their observations to the next higher level of supervision for resolution or contact personnel to bring the problem to management's attention.

#### Failure of Employee to Cooperate with Testing Procedure

It will be considered insubordination and grounds for termination if the employee:

- A. Refuses to sign the release of information form.
- B. Fails to provide an adequate sample, given reasonable time (as an alternative, employees unable to provide a urine sample will be required to provide a blood sample).
- C. Adulterates or otherwise sabotages the sample.
- D. Refuses to permit a search of his/her office, desk, or locker on City premises.

An employee who commits such insubordination will be given a direct order to cooperate and allowed one hour to reconsider the decision. The employee is to remain under observation during this period of time. If after one hour, the employee still refuses to cooperate, they will be immediately suspended and, following consultation with the city attorney, terminated.

#### Procedural Safeguards

Strict adherence to the following procedure assures that the employee's rights are protected.

- A. The urine sample collection will not be observed directly. The testing procedure is designed to respect employees' rights to privacy.
- B. The sample will be split by the Center for Occupational Health into two containers immediately after receipt. One will be used for chemical testing; the other will be stored for up to one year. In case of a positive finding, the second sample may be forwarded for chemical testing by another City approved laboratory.
- C. The employee will observe and initial the sealing of the sample(s).
- D. A chain of custody form will be used throughout to ensure accountability, integrity, and protection of the employee's rights.

## QUESTIONS AND ANSWERS

- 1. Q. What is the policy's objective? Doesn't it infringe on employees' private lives?**

A. The policy is intended to provide a safe, productive work environment for all employees and to ensure the public's safety.
- 2. Q. What drugs are commonly tested for?**

A. The chemical test screens for the following drug groups:

  - Amphetamines, Methamphetamines (speed, crank)
  - Barbiturates (Phenobarbital, Seconal)
  - Benzodiazepines (valium, librium)
  - Cannabinoid (marijuana, hashish)
  - Cocaine (crack, coke)
  - Methaqualone (quaaludes)
  - Opiates (heroin, morphine, codeine)
  - Propoxyphene (Darvon, Wygesic)
  - Alcohol
- 3. Q. Does the City have the right to tell employees what to do on their own time?**

A. The City has the right to regulate employee behavior off the job when it affects job performance and safety. For example, such use may affect work quality, conduct, attendance, relations with coworkers and customers, and the City's reputation.
- 4. Q. What happens if my license is suspended as a result of a DUII (driving under the influence of intoxicants) citation received on my own time?**

A. If your position requires a valid driver's license, you must obtain an occupational license in order to continue working. For liability reasons, the City will no longer produce letters in support of an occupational license. The City will allow you to use up to one month of leave time while you obtain a occupational license. Employees who do not have enough leave time accrued may request unpaid leave; approval must be obtained from the City Manager.
- 5. Q. If drug and alcohol dependency is considered a disease, why is the City taking a disciplinary approach?**

A. Dependency isn't an excuse for poor performance or violation of the

City's drug and alcohol policy. The City's approach has two aspects: first, to offer treatment and counseling, and second, to provide consistent, fair discipline for possessing, using, or being under the influence of drugs or alcohol at work.

**6. Q. Will I be fired if I am in possession of drugs or alcohol while at work?**

A. Yes. Possession of illegal drugs or alcohol at work will result in termination.

**7. Q. If I voluntarily seek treatment or assistance from the Employee Assistance Program, will I fall under the policy?**

A. No. Employees who act on their own initiative and voluntarily seek treatment are not placed under the scope of the policy solely because they admitted to a problem. Further, the City need not find out the employee was seeking help because the City is not involved at that point, unless the employee volunteers that information to the City.

**8. Q. Can an employee volunteer for treatment through the Employee Assistance Program in place of disciplinary action?**

A. No. The City still encourages employees to seek help, but that isn't a substitute for pending discipline if this policy has been violated and it is City action which brings the employee to the point of seeking treatment.

**9. Q. I think I have a drinking problem. Where is help available?**

A. City of Klamath Falls contracts with the Employee Assistance Program (EAP) to provide effective, confidential help. The program is designed to assess an individual's problem and guide that person to appropriate treatment. The use of the EAP will not in itself jeopardize a person's job.

**10. Q. If I voluntarily obtain help for a drinking problem and must spend time in a treatment facility, will the City hold my job?**

A. Yes. The absence will be treated as an absence for illness under short term disability.

**11. Q. Are certain groups being singled out for testing?**

A. No. All employees are subject to this policy and its provisions.

**12. Q. Does this policy treat the limited use of alcohol differently? Doesn't this create a double standard for management employees?**

A. No. An exception is allowed for business-related functions. For

example, there are social hours following conferences, retirement dinners, and holiday parties. Non-management employees and management employees alike attend such City-sponsored functions, and the exception applies to both groups. The City of Klamath Falls expects responsible use of alcohol at such functions. This does not mean that any employee is exempt from the fitness for duty standard required by this policy.

**13. Q. Does the policy mean that I can't have a beer or glass of wine during lunch?**

A. Yes. Drinking during lunch is not appropriate.

**14. Q. If I'm out of town on business, does the policy on drinking during working hours still apply? Does it apply to everyone conducting business out of town?**

A. Yes. The policy prohibits using or being "under the influence" during work hours.

**15. Q. While driving a City vehicle when working out of town, what if I carry alcohol between a store and a hotel? Is that forbidden by the policy?**

A. Yes.

**16. Q. Suppose I'm contacted and asked to report to work during normal off hours and I believe I cannot come in because I've been drinking alcohol and am impaired. Will there be disciplinary action?**

A. As a general matter, off-duty hours are the employee's own time and discipline would not be imposed. However, continued unavailability for overtime for this reason would obviously be indicative of a problem deserving action by the City.

**17. Q. Aren't there some medications which could show positive results on the drug test?**

A. Some over-the-counter medications can show positive test results because they contain alcohol or amphetamine-like substances. These false positives would, however, be eliminated by the confirmation process.

**18. Q. How accurate and reliable is the test, and what is being done to protect employees from inaccurate test results?**

A. The tests are performed using Enzyme Immunoassay (EIA) methodology.

All positive results are confirmed on a fresh portion of the original sample using the most appropriate method for each particular drug. Confirmation methods used are Thin Layer Chromatography (TLC), Radioimmunoassay (RIA), or Gas Chromatography (GC). If a second positive result occurs, a confirmation test using Gas Chromatography - Mass Spectrometry (GC - MS) is used. Then, positive results will result in a second lab testing the sample for confirmation.

**19. Q. Why must I tell the Personnel Department about prescribed drugs being taken? Isn't that an invasion of privacy?**

A. The Personnel Department needs to know about only those prescribed medications that may impair the employee's ability to perform safety sensitive duties on the job. For example, tranquilizers that may impair an employee's physical or mental reactions may jeopardize the individual as well as coworkers. It will be the Personnel Department's responsibility to determine whether or not the employee can continue to perform in a safe way while under such prescribed medications. If the determination is that the employee cannot, then it may be necessary to reassign or relieve the employee from duty while on that medication. The Personnel Department will notify the supervisor if this situation should arise.

Sensitive issues may be discussed with the Personnel Department in lieu of the supervisor, recognizing that the Personnel Manager may have to make it known if there is a condition that impairs performance. (Note: Employees are not required to inform their supervisor, but may do so if they choose).

**20. Q. Can I be removed from a work assignment for a medical problem?**

A. Yes. In consultation with the appropriate medical professionals, any condition, whether emotional, medical, or related to drugs or alcohol that affects the employee's ability to work safely or productively, could lead to removing the employee from work.

**21. Q. What circumstances could give rise to the City searching my desk, locker, City vehicle, or other City Property?**

A. This could occur when there is actual observed conduct in violation of this policy for which a reasonable suspicion search is appropriate. The employee shall be present and the search will be conducted by at least two members of management or security personnel. The employee has the right to request a union representative be present.

**22. Q. Will supervisors receive training on how to recognize the effects of drugs**

**and alcohol in the work place?**

- A. Yes. Supervisors will receive training on:
1. Identifying and dealing with performance problems.
  2. Recognizing substance abuse signs and symptoms.
  3. Referring employees for assistance.
  4. Administering the drug and alcohol policy.
- 23. Q. How should a supervisor handle borderline cases where he/she thinks the employee may be "unfit for duty" but is not sure?**
- A. No guidelines can cover every situation. Two factors should be kept in mind, however. First, safety is always our primary consideration, and if any doubt exists about an employee's fitness to perform a hazardous task, take the employee off the job. Second, taking an employee for a fitness for duty exam is not a form of discipline. If the lab reports back that the employee had no foreign substances in their system, the employee is simply paid for the time on administrative suspension and comes back.
- 24. Q. Why is it important for a supervisor to accompany an employee to a fitness for duty exam?**
- A. Three reasons: a) In most cases, when an employee is unfit to do their job, the employee is also unfit to drive to or from the doctor; b) it is important that a fitness for duty exam be administered as soon as possible to get an accurate indication of the employee's condition when the employee was on the job (some chemical substances are undetectable within just a few hours of their being taken); c) the supervisor should be present and in control of the situation until the employee is completely on their own time.
- 25. Q. Under this policy, I could be terminated for refusing to be tested for drug or alcohol. Isn't that an invasion of privacy? Don't I have the right to refuse that test?**
- A. Testing for reasonable suspicion has been a generally accepted procedure by the courts. Public safety is at issue in our operations. Also, no test will be required unless there is reason to believe an employee, during work hours, may be unfit for duty as a result of drugs or alcohol. While in reality, an employee can refuse the test, such refusal is a violation of the policy and will result in the employee's termination.
- 26. Q. What happens if I refuse to give a urine specimen?**

- A. Refusal to obey a direct order to submit to a drug and alcohol screen will be considered insubordination. The employee is given one hour to reconsider a decision that may have been made hastily. If after one hour the employee refuses to follow orders, the employee will be terminated.
- 27. Q. Are samples safeguarded against tampering?**
- A. Yes. The sample bottles are sealed with a special tape that will tear if tampered with. The employee witnesses this taping. The samples are then put inside a special box, sealed, and shipped to the testing laboratory. The responsible parties sign for custody of the samples at each transfer point.
- 28. Q. What should a supervisor do if an employee refuses to be driven home?**
- A. We should take all reasonable steps to ensure that someone under the influence does not try to drive. If the employee will not ride with the supervisor, suggest that a co-worker take them. If that doesn't work, try to get a family member to pick them up, or send the employee home in a taxi. If all else fails, call the local police and report the situation to them.
- 29. Q. If I've been tested, may I continue working until the City has proof I was under the influence of drugs or alcohol at work?**
- A. No. An employee believed to be under the influence of drugs or alcohol at work will be removed from work to protect the employee, coworkers, and the public. The result of the chemical test should be available in 24 to 48 hours, but a negative test result does not necessarily mean the employee is fit for duty. An emotional or health problem may be affecting the employee's ability to work safely or productively. All factors would be considered carefully before allowing an employee to return to work.
- 30. Q. After treatment, who may certify that I'm well and can return to work?**
- A. As with any disability, an employee must have proof of wellness before returning to work. If an employee has been off work for treatment related to a drug or alcohol problem, a medical release from the treatment facility or attending physician as to fitness for duty should be required. In some cases, the treatment specialist, with the City's concurrence, will recommend an employee resume work provided the employee enters or continues treatment as an outpatient.
- 31. Q. What is the pay status of an employee who is "suspended pending investigation?"**

A. A suspended employee's pay status will be determined when the test results are obtained and a full investigation of the situation has been made. For terminations, the effective date is usually the date of suspension.

**32. Q. What is a "Return to Work" agreement?**

A. If an employee is removed from work or is in treatment because of a drug or alcohol-related problem, the employee may be given the option of entering into a work performance agreement with the City to return to work. That agreement will clearly state the conditions under which the employee may return to work, including a provision for periodic chemical testing to assure the employee continues to be free from the effects of drug or alcohol abuse. Violation of the terms of this agreement will result in termination.

## ***City of Klamath Falls***

### ***CDL Holders' Drug and Alcohol Testing Policy*** **CONTROLLED SUBSTANCE and ALCOHOL TESTING PROCEDURES**

#### INTRODUCTION

On October 28, 1991, the Omnibus Transportation Employees Testing Act of 1991 was signed into law. This Act requires alcohol and controlled substance abuse testing of employees who have Category "A" or "B" Commercial Driver Licenses (CDL); operation of safety-sensitive equipment. For Klamath Falls, the testing applies to those employees who possess a CDL as required by the employee's job description.

To better understand this law and its implementation, the following topics are discussed:

- I. Definitions
- II. Prohibitions
- III. Tests Required
- IV. Test Procedures
- V. Record Controls
- VI. Refusal to Submit to Testing
- VII. Notification
- VIII. Positive Test Consequences
- IX. Implementation
- X. Training

Attachments (Forms):

- A. Controlled Substance/Alcohol Testing Notification Form
- B. Reasonable Cause Observation Checklist
- C. Federal Drug Testing Custody and Control Form
- D. DOT Breath Alcohol Testing Form
- E. Controlled Substance/Alcohol Testing Information Acknowledgement Form

## I. DEFINITIONS

(From the Federal Register, Part III Department of Transportation, February 15, 1994)

"*Alcohol*" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"*Alcohol concentration (or content)*" means alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

"*Alcohol use*" means consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

"*Breath Alcohol Technician (BAT)*" an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

"*Commerce*" means (1) any trade, traffic transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and (2) trade, traffic, and transportation in the United States which affects trade, traffic and transportation described.

"*Commercial motor vehicle*" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designated to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the hazardous materials Regulations (49 CFR part 172, subpart F).

"*Confirmation Test*" for alcohol testing means a second test following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances, testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.

"*DOT Agency*" means any agency (or operating agency) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing under law or regulation.

"*Driver*" means any person who operates a commercial motor vehicle. This includes but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes any person applying to an employer to drive a commercial vehicle.

"*EBT*" refers to the Evidential Breath Testing device.

"*Employer*" means any person (including the United States, a State, District of Columbia or a political subdivision of a State) who owns or leases a commercial vehicles or assigns persons to operate such a vehicle. The term "employer" includes an employer's agents, officers and representatives.

"*Medical Review Officer (MRO)*" is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

"*Performing*" (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

"*Refuse to submit*" (to an alcohol or controlled substance test) means that a driver: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of requirement for breath testing in accordance with the provision of this part, (2) fails to provide adequate urine for controlled substances testing without valid medical explanation after he or she has received notice of requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

"*Safety-sensitive function*" means any employee required to possess a CDL.

"*Screening test (also known as initial test)*" In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immuno-assay screen to eliminate "negative" urine specimens from further

consideration.

*"Substance Abuse Professional (SAP),"* means a licensed physician (Medical Doctor or Doctor of Osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or additional counselor (certified by National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

## II. PROHIBITIONS

- A. Although alcohol is a legal substance, the FHA rules prohibit an employee from performing safety-sensitive functions under the following circumstances.
1. When the alcohol concentration is 0.04 or greater as indicated by alcohol breath test.
  2. When alcohol is consumed while the employee is on duty.
  3. When alcohol is consumed within four (4) hours prior to beginning work.
  4. Within the eight (8) hours following an accident or until tested.
  5. When the employee is in possession of alcohol while on-duty.
  6. When the employee refuses to submit to a required alcohol test.
- B. Regarding drugs and controlled substances, the FHA rules prohibit an employee from performing safety-sensitive functions under the following circumstances:
1. Whenever the employee is using any illegal drugs.
  2. Whenever the employee is using legally prescribed controlled substance while operating commercial vehicles.
  3. Whenever the employee fails to report any medical use of controlled substances.
  4. When the employee refuses to submit to a required controlled substance test.

Note: No supervisor having actual knowledge that a driver is engaging in the conduct prescribed above shall permit the driver to perform or continue to perform safety-sensitive functions.

## III. TESTS REQUIRED

### A. Pre-employment Testing

1. Requirements: The law states that "prior to the first time a driver performs a safety-sensitive function for the employer, the driver shall undergo testing for controlled substances."

a. Exception.

The driver has participated in a drug testing program within the previous thirty (30) days; and while participating in that program, either tested for controlled substances within the past six (6) months from the date of application with the

employer or participated in a random controlled substance testing program for the previous twelve (12) months; and the employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of any controlled substance abuse for the previous six (6) months.

- b. When the employer waives the pre-employment testing, specific documentation which explains the reasons for the waiver must be prepared.

- B. Post-Accident Testing. An employer must test each surviving driver for alcohol (within 2 hours and not longer than 8 hours after the accident) and controlled substances (within 32 hours) following an accident involving a commercial motor vehicle where there is loss of human life or where a citation for a moving traffic violation is issued. The City Policy requires that the supervisor must provide transportation for, and accompany the employee to, the testing.

Failure to have the tests performed within the stated time periods must be documented, (the reason why the test was not completed) and then placed in the employee's personnel record.

- C. Random Testing. The employer must provide a minimum annual percentage of 25% of the average number of CDL positions for random alcohol testing and 50% for random controlled substance testing. Each employee identified for a specific test will be directed to perform the test at a stated date and time. The identification of employees to be tested will be accomplished by using a random selection process. The "Employee Notification Form" (Attachment A), will be used to notify employees randomly selected for testing.

- D. Reasonable Suspicion Test. An employee must submit to an alcohol or controlled substance test when the employer (supervisor or managerial employee) has a reasonable suspicion of abuse. The City Policy requires that the supervisor must provide transportation for, and accompany the employee to, the testing.

The person initiating "reasonable suspicion" uses a specifically developed checklist to document their suspicion, the "Reasonable Cause Observation Checklist" (Attachment B), and reviews with the Personnel Manager or City Attorney prior to testing or any other action.

- E. Return to Duty Testing. Any employee returning to duty after engaging in conduct in violation of the Act must first undergo a return to duty test.

The results must be negative or the employee will not be allowed to work.

- F. Follow-up Testing. Following a positive test result, the employee shall be subject to a minimum of six unannounced tests during the first twelve months following return to work.

#### IV. TEST PROCEDURES

- A. Alcohol Testing shall be performed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT).

The EBT must comply with the requirement of the Federal Regulation which includes records of the type, model and date of calibration. The documentation for the BAT includes the training and testing of the operator.

- B. Controlled substance testing shall follow the established procedures, ensuring that custody control is exercised. The "5 panel" tests will be performed by Merle West Center For Occupational Health (COH). The specimens will be collected at the Center For Occupational Health, 2621 Crosby Avenue, Klamath Falls, Oregon (**phone 885-4548, 24 hrs/day**).

The actual collection will be performed in a location at the COH that affords both visual and audible privacy. If necessary, a confirmation test will be performed in accordance with the Federal Regulations. When an employee refuses to submit to the test, the employer will be advised and the employee will immediately be informed to not operate any equipment. A blood alcohol test can be administered under certain conditions to satisfy existing requirements and regulations.

- C. Reasonable effort will be expended to ensure that testing results will be kept confidential.

#### V. RECORD CONTROLS

- A. The Federal Regulation details the controls that are to be applied to the records.
- B. Records will be retained on each employee by the City of Klamath Falls. The records will document the training received, the dates of tests, and the test results.
- C. The selection of employees for the tests will be documented to display the random methodology.

#### VI. REFUSAL TO SUBMIT TO TESTING

The City's Drug Free Workplace policy addresses the process for employees who refuse to submit to testing for alcohol or controlled substances and should be referred to in the event of refusal to test for random CDL testing.

- A. No driver shall refuse to submit to any of the following alcohol or controlled substances tests:
  - 1. Post-accident.
  - 2. Random.
  - 3. Reasonable suspicion.
  - 4. Follow-up.
  
- B. The City shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

## VII. NOTIFICATION

- A. In accordance with Federal regulations, the Medical Review Officer (MRO) will review all test results.
  - 1. The MRO will report to the employer using any communications device, but in all instances a signed, written notification will be forwarded within three business days of completion of the MRO's review. The MRO will report to the employer clearly:
    - (a) That the controlled substances test being reported is in accordance with the Federal regulations;
    - (b) The name of the individual for whom the test results are being reported;
    - (c) The type of test indicated on the custody and control form (i.e. random, post-accident, etc.);
    - (d) The date and location of the test collection;
    - (e) The identities of the persons or entities performing the collection, analysis of the specimens, and serving as the MRO for the specific test;
    - (f) The verified results of a controlled substances test, either positive or negative, and if positive, the identity of the controlled substance(s) for which the test was verified positive.
  
  - 2. The MRO will report to the City that he/she has made all

reasonable efforts to contact the driver as provided in §40.33(c) of DOT regulations. The City will, as soon as practicable, request that the driver contact the medical review officer prior to dispatching the driver or within 24 hours, whichever is earlier.

- B. The City will notify employees of the results of a pre-employment controlled substance test if the employee requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion, and post-accident tests for controlled substances if the test results are verified positive. The City will also inform the employee which controlled substance(s) were verified as positive.
- C. The Personnel Manager will make reasonable efforts to contact and request each employee who submitted a specimen, regardless of the employee's employment status, to contact and discuss the results of the controlled substances test with an MRO who has been unable to contact the employee.
- D. The Personnel Manager will immediately notify the MRO that the employee has been notified to contact the MRO within 24 hours.

#### VIII. POSITIVE TEST CONSEQUENCES

The City's Drug Free Workplace policy addresses the process for employees who test positive to an alcohol or controlled substance test and should be referred to in the event of a positive test result through random CDL testing.

##### Alcohol:

- A. If the alcohol test shows an alcohol content below 0.02 then it is considered a negative test. If the alcohol test shows an alcohol content of 0.02 or greater, then the Breath Alcohol Technician (BAT) conducts a second test to determine accuracy and the employee may **not perform safety-sensitive functions** return to work until the second test is negative.
- B. If the second alcohol test shows alcohol content of 0.02 or greater, the employee will not be permitted to return to work until the Substance Abuse Professional (SAP) conducts an evaluation and advises the employee of the resources available to help resolve the problems associated with the misuse of alcohol.

##### Controlled Substances:

- A. If the controlled substance test is positive, the employee will not be

permitted to return to work until: 1) the Substance Abuse Professional (SAP) conducts an evaluation and advises the employee of the resources available to help resolve the problems associated with the misuse of drugs, and 2) the employee submits a negative test result.

An employee's absence, due to attendance in a substance abuse rehabilitation program, will be charged to sick time.

- B. Following the employee returning to work, the employee must comply with the rehabilitation recommendations made by the substance abuse professional. The cost for the evaluation and treatment of an identified alcohol or drug problem will be in accordance with existing City policies. If an employee refuses to be tested, no treatment will be provided by the City.
- C. The employee will submit to unannounced tests during a 60 month period and be tested a minimum of six times in the first twelve months following the return to work.
- D. The Substance Abuse Professional will be any of the counselors at the City's designated Employee Assistance Program, currently Merle West Medical Center "Solutions."

## IX. IMPLEMENTATION

### A. Administration

- 1. The testing program becomes effective on January 1, 1996.
- 2. The testing program will be administered by the Personnel Director.
- 3. The random selection of employees for both the alcohol and controlled substance tests will be performed by the Center For Occupational Health utilizing their computer-based random number generator program.
- 4. The Personnel Director will be notified by COH of each employee selected for controlled substance and/or alcohol testing and will provide each selected employee with the "Employee Notification Form" (Attachment A).
- 5. The selected employees will be required to undergo the designated test at a specific time when notified by the Personnel Department.

6. Each employee will be tested as follows:
  - a. Alcohol tests will be performed by the Center For Occupational Health BAT.

- b. Controlled substances will be collected for testing at the Center For Occupational Health located at 2621 Crosby Avenue, Klamath Falls, Oregon. Collection services are available 24 hours per day. The employee will receive Copy 5 of the "Federal Drug Testing Custody Form" (Attachment C) prepared by the BAT.
- 7. Each employee to be tested for alcohol will be given the U.S. Department of "Transportation Alcohol Testing Form" Attachment D. The BAT retains Copy 1, the employee retains Copy 2, and Copy 3 is returned to the Personnel Department.
- 8. All records associated with the BAT will be retained by the City Personnel Department.
- 9. The records associated with the drug screening tests will be retained at the City Personnel Department.
- 10. The records associated with training programs, the selection of employees for testing, and formal records of the testing program, will be maintained by the Personnel Director.
- B. Alcohol Testing: The BAT, who administers the breath alcohol test, will be a properly trained employee from the Center For Occupational Health.
- C. Controlled Substance Test: The Center For Occupational Health will perform collection of samples; Oregon Medical Laboratory (OML) will perform the controlled substance testing.
- D. Confirmation Testing: The Oregon Medical Laboratory (OML) in Eugene, Oregon will perform confirmation testing of positive samples.
- E. Medical Review Officer: Dr. Ron Springle or Mike Randall of Cascade Transportation Services, in Spokane, Washington, are the designated Medical Review Officers (MROs), and are contracted for this service by the Merle West Center for Occupational Health.

## X. TRAINING

### A. Supervisors

All supervisors of employees who have CDLs will receive sixty (60) minutes of training on the effects of alcohol and how to identify these traits; and a second training session of sixty (60) minutes will be about controlled substances, how these substances affect the body, and how

to identify controlled substance misuse. All supervisors will also be advised of the procedure to be followed to identify and document reasonable suspicion, using the "Reasonable Cause Observation Checklist" (Attachment B).

B. Employees

All employees will receive training regarding the methodology and controls to be used to implement the City's Controlled Substance and Alcohol Testing Program and be provided information as to the effects of alcohol and controlled substances. Each employee will be required to sign the "Controlled Substance/Alcohol Testing Information Acknowledgement" (Attachment E).



REASONABLE CAUSE OBSERVATION CHECKLIST  
(CONFIDENTIAL)

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor(1): \_\_\_\_\_ Phone #: \_\_\_\_\_

Supervisor(2): \_\_\_\_\_ Phone #: \_\_\_\_\_

**A. QUALITY AND QUANTITY OF WORK**

YES	NO	
		1. Refusal to do assigned tasks.
		2. Significant increase in errors.
		3. Repeated errors in spite of increased guidance.
		4. Reduced quantity of work.
		5. Inconsistent, "up and down" quantity or quality of work.
		6. Noticeable change in written or verbal communication.
		7. Behavior that disrupts the work flow.
		8. Procrastination on significant decisions or tasks.
		9. More than usual supervision necessary.
		10. Other: (Please specify)

**B. INTERPERSONAL WORK RELATIONSHIPS**

YES	NO	
		1. Significant change in relations with co-workers, supervisors.
		2. Unpredictable response to supervision.
		3. Frequent or intense arguments.
		4. Verbal abusiveness.
		5. Physical abusiveness.
		6. Persistently withdrawn or less involved with people.
		7. Intentional avoidance of supervisor.
		8. Expressions of frustration or discontent.
		9. Change in frequency or nature of complaints.
		10. Complaints by co-workers or subordinates.
		11. Cynical, "distrustful of human nature" comments.

YES	NO	
		12. Unusual sensitivity to advice or critique of work.
		13. Passive-aggressive attitude or behavior, doing things "behind your back."

### C. GENERAL JOB PERFORMANCE

YES	NO	
		1. Excessive unauthorized absences: ___ in past 12 months.
		2. Excessive authorized absences: ___ in past 12 months.
		3. Excessive use of sick time: ___ in past 12 months.
		4. Frequent Monday/Friday absence or pattern.
		5. Frequent unexplained absences.
		6. Excessive "extension" of breaks or lunch.
		7. Frequently leaves work early: ___ days in past 12 months.
		8. Increased concern about, or actual incidents of, safety offenses involving the employee.
		9. Experiences or job caused accidents.
		10. Major changes in duties or responsibilities.
		11. Interferes with or ignores established procedures.
		12. Inability to follow through on job performance guidance.

### D. PERSONAL MATTERS

YES	NO	
		1. Changes in or unusual personal appearance (dress, hygiene).
		2. Changes in or unusual speech (incoherent, stuttering).
		3. Unusual fears.
		4. Changes in or unusual facial expressions.
		5. Changes in or unusual level of activity; increase/decrease
		6. Changes in or unusual topics of conversation.
		7. Engages in detailed discussions about death, suicide, etc.
		8. Increasingly irritable or tearful.

YES	NO	
		9. Persistently boisterous or rambunctious.
		10. Unpredictable or out-of-context display of emotion.
		11. Memory problems.
		12. Lacks appropriate caution.
		13. Engages in detailed discussions about drugs and/or alcohol.
		14. Has personal relationship problems.
		15. Has received professional assistance for emotional and/or physical problems.
		16. Excessive fatigue.
		17. Secretive or furtive.
		18. Memory problems.
		19. Frequent colds, flu or other illnesses.
		20. Come to work with alcohol on breath.
		21. Demanding, rigid.
		22. Concerns about sexual behavior or sexual harassment.
		23. Unrealistic self-appraisal or grandiose statements.
		24. Temper tantrums or angry outbursts.
		25. Demanding, rigid, inflexible.
		26. Major changes in physical health.
		27. Other: (please specify)

\_\_\_\_\_  
Supervisor(1) Signature


\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor(2) Signature

\_\_\_\_\_  
Date

Sample Form "Federal Drug Testing Custody and Control Form"

**FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM**



**OREGON MEDICAL LABORATORIES**  
 722 E. 11th Ave, P.O. Box 972  
 Eugene, OR 97440-0972  
 (503) 687-2134 1-800-826-3616  
 LABORATORY ACCESSION NO. \_\_\_\_\_

SPECIMEN ID NO. **ID, 139074**

**▶ STEP 1: TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**

A. Employer Name, Address and I.D. No. <b>373000</b> <b>COMPANY</b> _____ Company name _____	B. MRO Name and Address <b>MRO</b> _____ ATTN: <b>DR.</b> _____
C. Donor SSN or Employee I.D. No. _____	
D. Reason for Test; <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Reasonable Suspicion/Cause <input type="checkbox"/> Post Accident <input type="checkbox"/> Return to Duty <input type="checkbox"/> Follow-up <input type="checkbox"/> Other (specify) _____	
E. Tests to be performed: <input type="checkbox"/> THC, Cocaine, PCP, Opiates and Amphetamines <input type="checkbox"/> Only THC and Cocaine <input type="checkbox"/> OTHER (specify) _____	

**▶ STEP 2: TO BE COMPLETED BY COLLECTOR - Specimen temperature must be read within 4 minutes of collection.**

Specimen temperature within range:  Yes, 90° - 100°F / 32° - 38°C  No, Record specimen temperature here \_\_\_\_\_

**▶ STEP 3: TO BE COMPLETED BY COLLECTOR AND DONOR - Collector affixes bottle seal(s) to bottles(s). Collector dates seal(s). Donor initials seal(s).**

**▶ STEP 4: TO BE COMPLETED BY DONOR - Go to copy 4 (pink page); STEP 4**

**▶ STEP 5: TO BE COMPLETED BY COLLECTOR**

COLLECTION SITE LOCATION: _____ Collection Facility <b>NERLE WEST MEDICAL CENTER</b> Address _____ City _____ State _____ Zip _____ Collector's Business Phone No. _____	SPLIT SPECIMEN COLLECTION <input type="checkbox"/> YES <input type="checkbox"/> NO
REMARKS: I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 4 of this form, that it bears the same specimen identification number as that set forth above, and that it has been collected, labeled and sealed as in accordance with applicable Federal requirements.	
(PRINT) Collector's Name (First, MI, Last) _____	Signature of Collector _____ Date (Mo./Day/Yr.) _____ Time _____

**▶ STEP 6: TO BE INITIATED BY THE COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER**

DATE MO. DAY YR.	SPECIMEN RELEASED BY	SPECIMEN RECEIVED BY	PURPOSE OF CHANGE
// /	DONOR - NO SIGNATURE	Signature _____ Name _____	PROVIDE SPECIMEN FOR TESTING
// /	Signature _____ Name _____	Signature _____ Name _____	
// /	Signature _____ Name _____	Signature _____ Name _____	
// /	Signature _____ Name _____	Signature _____ Name _____	

**▶ STEP 7: TO BE COMPLETED BY THE LABORATORY - Specimen Bottle Seal(s) Intact:  YES  NO, Explain in Remarks Below.**

THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE INITIAL TEST AND CONFIRMATORY TEST CUTOFF LEVELS ESTABLISHED BY THE HHS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS

NEGATIVE  POSITIVE, for the following:  CANNABINOIDS as Carboxy-THC  COCAINE METABOLITES as Benzoylcegonine  PHENCYCLIDINE

TEST NOT PERFORMED  OPIATES:  codeine  morphine  AMPHETAMINES:  amphetamine  methamphetamine  OTHER \_\_\_\_\_

REMARKS \_\_\_\_\_

TEST LAB (if different from above) \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

I certify that the specimen identified by the laboratory accession number on this form is the same specimen that bears the specimen identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth are for that specimen.

S.C. ERFURTH, Ph.D. \_\_\_\_\_  
 G.D. BEARDSLEY, M.S. (PRINT) Certifying Scientist's Name (First, MI, Last) \_\_\_\_\_ Signature of Certifying Scientist \_\_\_\_\_ Date (Mo./Day/Yr.) \_\_\_\_\_

**▶ STEP 8: TO BE COMPLETED BY THE MEDICAL REVIEW OFFICER**

I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable federal requirements. My determination/verification is:

Negative  Positive  Test Not Performed  Test Cancelled

REMARKS \_\_\_\_\_

(PRINT) Medical Review Officer's Name (First, MI, Last) \_\_\_\_\_ Signature of Medical Review Officer \_\_\_\_\_ Date (Mo./Day/Yr.) \_\_\_\_\_

**COPY 1 - ORIGINAL - MUST ACCOMPANY SPECIMEN TO LABORATORY**

Sample Form "DOT Breath Alcohol Testing Form"

ExpressPad  
Result Reporting  
Fax 901-794-5218

U.S Department of Transportation (DOT)  
Breath Alcohol Testing Form

ExpressPad  
Customer Service  
1-800-341-1150

[THE INSTRUCTIONS FOR COMPLETING THIS FORM ARE ON THE BACK OF COPY 3]

▶ STEP 1: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN

A. Employee Name \_\_\_\_\_  
(PRINT) (First, Middle, Last)

B. SSN or Employee ID No. \_\_\_\_\_

C. Employer Name, Address, & Telephone No. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
Telephone Number

D. Reason for Test:  Pre-employment  Random  Reasonable Suspicion/Cause  Post-accident  Return to Duty  Follow-up

▶ STEP 2: TO BE COMPLETED BY EMPLOYEE

*I certify that I am about to submit to breath alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on this form is true and correct.*

\_\_\_\_\_  
Signature of Employee      Date: \_\_\_\_\_  
Month Day Year

▶ STEP 3: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN

*I certify that I have conducted breath alcohol testing on the above named individual in accordance with the procedures established in the U.S. Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing devices identified, and that the results are as recorded.*

Screening test: Complete only if the testing device is not designed to print the following.

Test No.	Testing Device Name	Testing Device Serial Number	Time	AM PM	Result

Confirmation test: Confirmation test results **MUST** be affixed to the back of each copy of this form.

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
(PRINT) Breath Alcohol Technician's Name (First, M.I., Last)      \_\_\_\_\_  
Signature of Breath Alcohol Technician      Date: \_\_\_\_\_  
Month Day Year

▶ STEP 4: TO BE COMPLETED BY EMPLOYEE

*I certify that I have submitted to breath alcohol test the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment if the results are 0.02 or greater.*

\_\_\_\_\_  
Signature of Employee      Date: \_\_\_\_\_  
Month Day Year

COPY 1 - ORIGINAL - FORWARD TO THE EMPLOYER

OMB No. 2105-0529  
EXP. DATE 2/28/97

City of Klamath Falls  
CONTROLLED SUBSTANCE/ALCOHOL TESTING  
INFORMATION ACKNOWLEDGEMENT

I, \_\_\_\_\_ (print name) have been issued a copy of the City of Klamath Fall's policy dealing with the implementation of the Controlled Substance and Alcohol Testing Procedures. I understand that this policy reflects the requirements of the Omnibus Transportation Employees Testing Act of 1991 and is applicable to those employees who possess Commercial Driver's Licenses.

I understand that this acknowledgement form will be placed in my personnel file.

\_\_\_\_\_  
Employee Signature

Date

\_\_\_\_\_  
Witness

Date

I was instructed on the City's policy by \_\_\_\_\_  
(Name of Trainer/Supervisor)  
on \_\_\_\_\_  
(Month/Day/Year)

## **LOSS PREVENTION PROGRAM**

This program is adopted to further promote health and safety within City employment and to implement loss prevention services within the City, pursuant to OAR 437, Division 1.

**Loss Prevention Services.** The Human Resources (HR) Division shall make available to each of the City's workplace locations occupational safety and health loss prevention assistance, including, but not limited to, technical assistance, on-site inspections and identification of needed training. Requests for loss prevention services from City departments shall be responded to as follows:

- a. Within thirty (30) days of the request when alleged hazards are not involved;
- b. As soon as possible when an imminent danger is involved; and
- c. As soon as practical when an alleged hazard not presenting an imminent danger is involved.

**Inspections.** The Central Safety Committee (CSC) shall inspect each permanent City workplace pursuant to OAR 437-001-0765, for the purpose of identifying occupational safety and health hazards and items not in compliance with federal or state occupational safety and health laws, rules and standards. A written report of identified hazards and items not in compliance with recommendations shall be furnished to the appropriate Department Director with a copy to the Human Resources Division. The Department Director or his/her designee shall provide a written response within fifteen (15) working days from receipt of the report, which shall be provided to the CSC and the HR Division.

**Investigation And Work Related Accidents.** Copies of all accident investigation reports shall be submitted to the HR Division and forwarded to the CSC. Within thirty (30) days of receipt, the CSC shall review the report. A copy of the CSC's review shall be forwarded to the Department Director and to the HR Division. The CSC may include additional recommendations for corrective action and may conduct additional investigation into the accident.

### **Reporting of On-the-Job Injuries**

Employees are required to inform their supervisor of a workplace injury immediately. Additionally, all incidents, accidents and "near-misses" occurring in the workplace must be reported to the immediate supervisor, even if an injury was not apparent at the time.

In all of the above situations, a Supervisor's Accident or "Near-Miss" Investigation Report must be completed by the immediate supervisor within 24 hours of the incident, regardless of whether the employee sought immediate medical attention. In the cases where the employee received medical attention from a Licensed Health Care Professional due to a workplace injury, an 801 Worker's Compensation Claim form must be completed as soon as feasible following the medical treatment. Please contact Human Resources for assistance with completing 801 forms.

Failure of an employee to report an on-the-job injury may result in disciplinary action.

### **Department Directors Responsibilities**

Department Directors shall have the immediate and direct responsibility for maintaining departmental workplaces, equipment and operations free of occupational safety and health hazards and free of items not in compliance with federal or state occupational safety and health laws, rules and standards, and for departmental compliance with the City's Safety Policies.

In carrying out these responsibilities, Department Directors shall:

1. Implement adequate safety training for departmental employees including initial safety training during orientation of new employees and at least annual safety training for existing employees.
2. Assure that all departmental employees are furnished with required personal protective clothing and equipment in good working order and condition and shall implement a monthly check of such equipment and clothing to assure proper functioning.
3. Implement a program of continuous on-site industrial hygiene and safety evaluations of all departmental workplaces to detect and correct physical and chemical hazards.

**City of Klamath Falls**

**SUPERVISOR'S ACCIDENT or "NEAR-MISS" INVESTIGATION REPORT**

(All incidents must be reported *regardless* of whether the employee received medical attention)

Updated March 2011

**WHAT** type of incident was it? (Check all that apply)  Accident  Employee Injury  Near-Miss

**WHO** was involved in the accident, injury or near-miss?

Name: \_\_\_\_\_ Date Reported: \_\_\_\_\_

Department/Division: \_\_\_\_\_ Job Title: \_\_\_\_\_

Witnesses: \_\_\_\_\_

**WHAT** happened? (This section must be completed in detail; add additional pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_

**WHEN** did accident occur (date/time)? \_\_\_\_\_

**WHERE** - Location? \_\_\_\_\_

Machine/Equipment: \_\_\_\_\_  
(Give full description of machine/equipment including ID# &/ or license plate)

**Was there Property Damage?**  YES  NO If yes, explain below. (Insurance claims must be filed with the City Attorney)

**INFORMATION REGARDING INJURY** (if applicable)

**Area Injured:** (circle) N/A

Face/head	Hand(s)/finger(s)	Leg(s)	Eye(s)
Toe(s)/foot	Arm(s)	Back	Torso
Lungs	Skin	Other _____	

**Type of Injury:** (circle)

Scrape/Cut	Strain/sprain	Burn	Fracture
Bruise	Foreign body		
Other _____			

Death (Fatalities must be reported within 8 hours to OSHA (800) 922-2689)

**Type of Care:**

First Aid?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sent for Medical Treatment?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Overnight in hospital?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

[Overnight hospitalizations must be reported to an OSHA field office within 24 hours of employer notification – Medford 541-776-6030]

801 Form Completed?  YES  NO

**How** did situation develop that led to the accident/incident?

Act		Conditions	
<input type="checkbox"/>	Failure to observe general or departmental safety rule(s)	<input type="checkbox"/>	Unsafe construction or design
<input type="checkbox"/>	Improper procedure	<input type="checkbox"/>	Machine/equipment inadequately guarded
<input type="checkbox"/>	Operating at unsafe speed	<input type="checkbox"/>	Defective tool, equipment or substance
<input type="checkbox"/>	Using unsafe tools or equipment	<input type="checkbox"/>	Unsafe clothing
<input type="checkbox"/>	Horseplay	<input type="checkbox"/>	Hazardous arrangement
<input type="checkbox"/>	Working on moving or dangerous equipment	<input type="checkbox"/>	Improper lighting
<input type="checkbox"/>	Failure to use Personal Protective Equipment	<input type="checkbox"/>	Improper ventilation
<input type="checkbox"/>	Other:		

**Give a detailed account of the situation that led to the accident/incident:**

---



---



---



---



---

Has this type of incident occurred in the past within the division?  YES  NO

If yes, please explain: \_\_\_\_\_

**HOW** can a similar accident/incident be prevented?

---

Was corrective action taken?  YES  NO  Not applicable

If yes, what type of action, when and by whom?

---



---

**OR**  Corrective action is scheduled for \_\_\_\_\_

\_\_\_\_\_  
**Employee Acknowledgement (Signature)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Department Director Signature**

\_\_\_\_\_  
**Date**

Supervisor provides copy to Department Director  
Original to Human Resources; HR provides copy to Central Safety Committee, Streets Division, and Legal, if needed.

**City of Klamath Falls  
CENTRAL SAFETY COMMITTEE  
ACCIDENT or "NEAR-MISS" REVIEW/RECOMMENDATIONS**

Report # \_\_\_\_\_

1. Was sufficient information provided in report? \_\_\_\_\_ Yes \_\_\_\_\_ No  
a. If "No," returned to:

\_\_\_\_\_

b. for more information re:

\_\_\_\_\_

2. Additional, on-site investigation necessary? \_\_\_\_\_ Yes \_\_\_\_\_ No  
a. If "Yes," scheduled for:

\_\_\_\_\_

(Date/Time/Location)

3. Witnesses to be interviewed? \_\_\_\_\_ Yes \_\_\_\_\_ No  
a. If "Yes," scheduled for:

\_\_\_\_\_

(Date/Time/Location)

4. Cause(s) – Accurate and in concurrence? \_\_\_\_\_ Yes \_\_\_\_\_ No

5. Was this incident the fault of the employee? \_\_\_\_\_ Yes \_\_\_\_\_ No

6. Was this fault or a no fault incident, as determined by CSC? \_\_\_\_\_ Fault \_\_\_\_\_ No Fault

\*\*\*\*\*  
To: \_\_\_\_\_ (Supervisor)

The CSC requests additional information and/or makes the following recommendation(s)

\_\_\_\_\_

Please respond to above recommendation to HR by: \_\_\_\_\_

Date

Reviewed by: \_\_\_\_\_

CSC Member

Date

Reviewed by: \_\_\_\_\_

CSC Member

Date

CSC Member Initials:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Forward to Human Resources

\*\*\*\*\*

SECOND REVIEW:

CSC has reviewed and approved the indicated corrective actions on \_\_\_\_\_  
Date

\_\_\_\_\_

CSC Member

**City of Klamath Falls**

**REPORTING POTENTIAL ACCIDENTS and/or HAZARDS**

Department(s) Affected: \_\_\_\_\_

Issue/Problem: (check any that apply)

\_\_\_\_ Recommendation                      \_\_\_\_ Unsafe Working Practice

\_\_\_\_ Hazardous Condition              \_\_\_\_ Lack of Proper Equipment

Description of Problem and Recommendation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee (OPTIONAL)

\_\_\_\_\_  
Date

(Submit this form to a Central Safety Committee member)

-----  
**Central Safety Committee Response:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Safety Committee Chairperson

\_\_\_\_\_  
Date

**City of Klamath Falls**  
**EMPLOYEES EARLY RETURN-TO-WORK PROGRAM**

The City of Klamath Falls is committed to the concept of providing temporary, modified work to occupationally injured City employees, with an ultimate goal of returning the injured employee to regular work. The City's philosophy is that, by keeping the injured employee within the employment environment, we can assist in his/her physical recovery, and reduce the psychological and financial burden that can accompany an injury.

To this end, the City of Klamath Falls has developed the following Early Return-to-Work (ERTW) procedures for all departments and classifications of employee, and will strive to tailor work functions to meet the injured worker's physical limitations whenever possible.

### **Responsibilities**

The injured employee will be responsible for full cooperation with the Personnel Director and the supervisor, providing information concerning all doctor appointments, physical condition, and any other information pertinent to the employee's successful return to employment.

The Department Director will be responsible for cooperation with the Personnel Director in developing and monitoring any ERTW implemented, to ensure an appropriate and safe work environment for employees.

The Personnel Director will be the primary monitor of employee injuries, and will be responsible for implementing and coordinating all Early Return-to-Work Plans.

### **Monitoring the Injured Employee; Defining Light Duty**

It is the policy of the City that the Personnel Director closely monitor every injured employee claim:

1. The Personnel Director will be in contact with the employee, by telephone, as soon after the Notice of Claim (801 form) is received, as is possible and appropriate, in order to determine the employee's condition and well-being. The Personnel Director will continue to be in contact with the injured employee (or appropriate family member), on an on-going basis, not only to monitor the employee's time off from work (in accordance with Workers' Compensation laws), but also to determine the worker's condition, and any needs the City may be able to assist with.

2. The Personnel Director will also be in contact with the injured employee's supervisor, in order to determine that department's needs and any possibilities for a modified or "light duty" assignment for the injured employee.

### **Identifying and Assigning Early Return-to-Work**

As a result of this closely monitored Plan, the Personnel Director will be aware of potential light duty assignments in every department. The Personnel Director has established several generic light duty assignments throughout the City; the job analyses for these assignments are on file in the Personnel Department.

1. When the Personnel Director has determined from the injured employee that he/she is improving, or has improved, enough to return to modified work, the Personnel Manager will contact the attending physician, by letter, to explain the City's Early Return-to-Work Program, and to ask for an outline of the injured worker's limitations.

2. The Personnel Director will then meet with the injured worker's supervisor, or any other department if appropriate, to determine whether or not a modified or light duty assignment exists which may be within the injured employee's qualifications and physical capacities.

3. If a modified or light duty assignment is identified which may be within the injured employee's capabilities, the Personnel Director will, with the assistance of the supervisor, complete a job analysis of the duties. The job analysis is a comprehensive breakdown of the physical requirements of the work.

### **Implementing the Early Return-to-Work Plan**

1. After the supervisor has approved the viability of the job analysis, the Personnel Manager will contact the injured worker for review of the assignment and the physical requirements. The injured employee will indicate on the signature section of the job analysis whether or not they believe the physical demands of the position to be within their capabilities.

2. The Personnel Director will then complete a return-to-work letter to the employee's attending physician, asking for review and approval of the position, based on the job analysis. The attending physician will also be asked to indicate any further modifications necessary to accommodate the worker's ability to perform the job.

3. Once the attending physician has approved the light duty assignment, the injured employee will be notified, by letter or in person, of the availability of the position and the starting date of the assignment. The length of the assignment will be based on the needs of the City, and the status of the employee in regard to his/her injury.

At a minimum, the ERTW will be reviewed by the Personnel Director at the end of each 90 day period, to determine:

- a. The employee's medical status.
- b. Whether or not the position continues to be appropriate for the employee in terms of physical requirements.
- c. Whether or not the duties being performed is bona fide work, consistent with the business needs of the City.

4. Before the employee starts the light/modified job, the supervisor will meet with the employee and carefully review the job, outlining all job duties and the employee's limitations, as set forth by the treating physician. The supervisor will emphasize the need for the employee to perform the job duties within the limitations prescribed by the physician. The supervisor will then obtain the employee's signature on the job offer letter, and on the ERTW Participation Agreement, acknowledging that

he/she has been informed of and fully understands the City's Early Return-to-Work Policy, and agrees to abide by the terms of the Policy.

5. Should the employee refuse to accept the light/modified job offer, the supervisor will report this to the Personnel Director.

6. The supervisor is responsible for monitoring the employee's participation in the light/modified job and keeping track of the hours worked. This information will be submitted to the Personnel Director. Any problems noted with the employee's participation in the light/modified job should be reported immediately to the Personnel Director, who will then discuss the issue with the employee and physician and make any needed modifications.

7. The employee is responsible for providing the supervisor written notice of the physician's recommendations of new restrictions and/or changes to the previously approved light/modified job. The supervisor will provide recommendations of the necessary modifications to the Personnel Director.

8. Any changes to the originally approved light/modified job initiated by the department must be approved by the Personnel Director. The Personnel Director will contact the employee's attending physician to request approval of any recommended changes.

### **Ending the Early Return-to-Work**

The ultimate goal behind an ERTW is to return the worker to his/her regular work or, when necessary and possible, return the employee to another position with the City that is within the injured worker's permanent physical capabilities.

The employee's light/modified assignment will end when the employee is either:

- a. released to regular employment;
- b. the employee has returned to other work which is not considered part of the City's ERTW Program;
- c. the employee has reached maximum medical improvement; or
- d. at such time as the City determines that business needs are not being served by the light/modified work assignment.

*City of Klamath Falls*  
**EARLY RETURN-TO-WORK AGREEMENT**

I hereby acknowledge that I have been informed of and fully understand the attached Early Return-to-Work Policy, and agree to participate in the ERTW Plan as outlined below :

Light-Duty Job Assignment: \_\_\_\_\_

Salary: \_\_\_\_\_

Date of Injury: \_\_\_\_\_

I will cooperate fully with the Personnel Department and my supervisor, providing information concerning all doctor appointments and my physical condition, as related to this injury.

I will perform the duties outlined in the light duty job analysis, and will notify my supervisor immediately of any problems which may arise.

I will not attempt to work beyond my physical limitations, as set forth by my attending physician and/or the light duty job analysis.

I understand that the ERTW Plan will be reviewed, at a minimum, at the end of every 90 day period, as specified in the Policy.

I understand that this Early Return-to-Work Plan will end when I am either:

- a. released to regular employment;
- b. I have returned to other work which is not considered part of the City's ERTW Program;
- c. I have reached maximum medical improvement; or
- d. at such time as the City determines that business needs are not being served by the light/modified work assignment.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Personnel Director

\_\_\_\_\_  
Date

Process with job analysis.

## POLICY ON DRIVING AND VEHICLES

Adopted January 13, 2010  
Amended February 18, 2010

### A: Purpose

Accidents contain many hidden costs. The loss of use of equipment, higher insurance premiums, costs to the department budget for repairs, negative publicity, and particularly, injuries and time loss to valued employees, are just some of those costs.

Because of the necessity to work with ever-increasing financial restraints, self-insured activities, and most importantly, safety issues, the City of Klamath Falls has developed the following Policy on driving, and the use of vehicles:

This policy is intended to protect public health and safety and to minimize the City's liability exposure by establishing procedures for the safe operation of motor vehicles while conducting City business by checking the traffic violation and accident records of job applicants and City employees and by providing disciplinary sanctions for employees who fail to follow these policies.

### B. Policy

- 1. Licenses:** All employees or volunteers whose position descriptions require them to drive, or volunteers who do so, must possess and maintain a valid Oregon driver's license (and a valid Commercial Drivers' License (CDL) for those positions that require a valid CDL). Those employees and volunteers described above, and all persons using City vehicles, are subject to the standards outlined in this Policy.
- 2. Applicants:** Applicants for positions requiring driving must provide/submit a DMV record of driving history to the City's Human Resource office along with their application for employment. In accordance with the provisions of State law (ORS 802.220), the Department of Motor Vehicles will report any violations that have occurred within the three-year period immediately prior to the inquiry. If an applicant currently resides in another state, the applicant will obtain an applicable motor vehicle driving record history covering at least the previous three years and demonstrating the prospective employee has an acceptable driving record as required by this policy.
- 3. Vehicle Inspection:** Drivers shall visually inspect vehicles at the beginning (or as soon as possible) of each shift (or as soon as possible) for vehicles customarily used throughout the shift, or prior to each trip for vehicles only intermittently used by the operator, to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned, all lights in working order, and cleanliness of vehicle inside and out.

At the start of each work week, drivers shall fill out the City's Vehicle Inspection Report. The driver completing the inspection shall also be responsible for assuring that any and all equipment assigned to that vehicle (for example: spare tire, tire jack, emergency flares, fire extinguisher, etc.) is in the vehicle and in

good working order. Written records of any inspections showing maintenance deficiencies shall be immediately forwarded to the Streets Superintendent for scheduling required repairs/maintenance. Inspections that do not note deficiencies shall be maintained at the department level.

**Note:** Departments/divisions with more critical operational concerns may adopt more stringent inspection standards.

4. **Accidents:** All vehicle accidents which occur in City vehicles or on City time shall be reported as required in the General Safety Rules portion of the Employee Handbook.
5. **Safe Driving Practices:** The City expects each driver to drive in a safe and courteous manner. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to reduce the possibility of injuries and property damage. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules. The use of headphones while driving is strictly prohibited.

**Using Cell Phones While Driving** - Employee and volunteers must use common sense when using a cell phone and operating a vehicle. Concentration on driving should be the highest priority. Talking on a cell phone while driving, like adjusting the radio, eating, or writing a note, makes it difficult to concentrate on driving. Therefore, if the content of a call impairs concentration, postpone the call until you can stop. Effective January 1, 2010, ORS 811.507 will, with some exceptions, prohibit the use of cell phones for all drivers, unless the driver is using a "hands-free accessory," as that term is defined in the new statute. This prohibition on cell phone use while driving does not apply: a) to public safety officers while acting in the scope of their employment; to persons operating a motor vehicle while acting in the scope of the person's employment **if** operation of the vehicle is necessary for the person's job; to persons who are summoning emergency help **if** no other person in the vehicle is capable of summoning help; and to other circumstances described in the statute. All employees and volunteers using a cell phone while driving shall comply with the provisions of ORS 811.507.

While hands-free cell phone devices may work for some individuals, the City does not endorse them as a safety device as they do not insulate the driver from becoming distracted by a phone conversation while driving. Employees who are faced with an emergency, such as a traffic accident or car trouble, may find it necessary to make a phone call, in compliance with ORS 811.507, while driving.

6. **Driving Conditions:** Drivers should anticipate changing/deteriorating road conditions during inclement weather, winter conditions, in construction areas, and should adjust their driving/speed to account for the changing conditions. (Please see the Basic Rule, O.R.S. 811.100.)
7. **Employee/Volunteer Drivers:** All incidents/accidents in City vehicles, regardless of severity, must be reported to law enforcement and to the employee's immediate supervisor. It is the driver's responsibility to report any accident involving damage of \$1500 or greater, or injury to person or property,

any traffic citation and any "close call" occurring on the job, whether it occurred in a City vehicle or equipment, or in a personal vehicle to the Department of Motor Vehicles (DMV). Drivers involved in an accident in a City vehicle or equipment must complete the Accident Report Form (insurance form) found in each vehicle and are required to contact law enforcement to respond to the accident scene. Copies of the Accident Report Form are available from a supervisor, Human Resources, or the Human Resources website. Any employee/volunteer involved in an incident/accident during working hours shall immediately be taken, by their supervisor, for drug/alcohol testing for the protection of both the employee/volunteer and the City. Drivers shall also comply with state laws regarding the filing of accident reports. (See ORS 811.720 – 811.740.)

**Supervisor:** It is the supervisor's responsibility to complete a Supervisor's Accident or "Near Miss" Report Form for all incidents/accidents/near miss situations, and to send copies to the City Attorney and Human Resources (for Central Safety Committee review) within 24 – 48 hours of such incidents. If the incident involves damage to City owned vehicles or equipment, then a copy shall also be sent to City Streets Division for maintenance records. If injuries are involved, the necessary forms must be turned in no later than by the very next business day.

8. **Suspension/Revocation:** All employees and volunteers using City vehicles shall report any suspension or revocation of driving privileges to a supervisor or to Human Resources immediately; supervisors are to notify Human Resources immediately of any reported suspensions/revocation. Employees whose licenses have been suspended or revoked will not be allowed to drive City vehicles or equipment on public roadways.

Except as provided in this policy, the City will not become involved in obtaining an occupational or hardship license for any employee or volunteer. The City will allow employees whose position descriptions require them to drive a City vehicle or equipment up to one month of unpaid or vacation leave time (if accrued) to obtain an occupational or hardship license. When an employee has applied for a hardship license, the City of Klamath Falls will provide a letter verifying the days and hours of employment, as required on the Oregon DMV Hardship/ Probationary Permit Application.

9. **Fines:** The City will not be financially responsible for any citations received by an employee or volunteer. All employees and volunteers are responsible for all fines associated with their own traffic violations, whether in a City vehicle or in a personal vehicle (excluding mechanical violations on City vehicles and equipment). In addition, traffic violations and/or accidents while in a City vehicle may be subject to disciplinary action for cause, up to and including termination.
10. **Drugs & Alcohol:** Incidents involving drugs or alcohol issues will be subject to the City's Drug-Free Workplace Policy and/or the CDL Holder's Controlled Substance and Alcohol Testing Procedures described in Section 5 of the Employee Handbook. This Policy will not supersede law or policy pertaining to the driving of heavy vehicles subject to a Commercial Driver's License. In

those cases, the more stringent rules of the State or Federal government will apply.

11. **Personal Vehicles:** All employees who drive City vehicles, or their personal vehicles, as a part of their employment will have their driving records monitored in compliance with the Oregon Department of Motor Vehicles; State of Oregon automated reporting system (A.R.S.). The City will receive notice whenever an infraction is recorded on the individual's state driving record. The Review Criteria for Driving Infractions (below and on the following page) are applied to applicants/new hires, and to current employees. Departments/ Divisions with employees who are required to possess Commercial Driving Licenses (CDL's) are required to verify and monitor the endorsement qualifications to ensure compliance with legal requirements.
12. **Discipline** – Employees who are found to have violated this policy are subject to disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, it shall follow applicable City progressive discipline and due process policies and/or policies outlined in union contracts and the employee handbook.

### **C. Vehicle Safety Review Panel**

1. **Panel:** The Vehicle Safety Review Panel is comprised of the Human Resources Director, two Department Directors, and an ad hoc person appointed by the City Manager per incident/accident. (Every effort shall be made to ensure that the Department Director or immediate supervisor) of the employee involved in the incident/accident is not a part of the review panel.) The Panel is responsible for:
  - a. Reviewing vehicular incidents/accidents and the City's overall driver safety record to determine: if there should be changes in policy or procedure; or if other corrective action (such as training, equipment changes, etc.) should be implemented to enhance the safe operation of City vehicles and/or personal vehicles on City business.
  - b. Reviewing driving records of employees and making recommendations to Department Directors in regard to appropriate corrective action and the length of suspension from driving City vehicles and/or using personal vehicles for City business, as required in section D.4.c of this policy. A driving record that is considered by the Vehicle Safety Committee to be in violation of the intent of this policy may result in a recommendation of loss of the privilege of driving a City vehicle.
  - c. Reviewing all other issues that arise with respect to compliance with this policy, including providing an annual update to Department Directors.
2. **Responsibilities:**

- D. **Accidents and Infractions:** Accidents and offenses by City employees are subject to review under this policy. All driving records and accidents will be

reviewed for the preceding three-year period.

1. **Driving Offenses:** The following driving offenses are subject to review under this policy:

Minor Infractions: Any moving traffic violation not listed as “major.”

Major Offenses: Reckless Driving  
Driving with Suspended/Revoked License  
Driving while Under Influence of Alcohol  
Driving while Under Influence of Narcotics  
Failure to Perform Duties of Driver at the scene of an Accident  
Attempting to Elude an Officer  
Driving Without Insurance  
Suspension or Revocation of Driving Privileges

2. **Accidents:** The following categories of accidents are subject to review under this policy:

Minor Accidents: No Fault or Unexplained Accidents with total property damage under \$1,500

Major Accidents: Single vehicle accident with total property damage over \$1,500; or two or more vehicles with total property damage over \$3,000

3. **Standards for Applicants/New Hires:**

- a. One (1) minor infraction or one (1) minor at fault accident = eligible for employment with signed acknowledgement of City Driving Policy and potential impact on future employment.
- b. Two (2) or more separate minor infractions or minor accidents within a six (6) month period, or one (1) major violation = Not eligible for City employment.
- c. For positions that do not require driving, or only require driving on an infrequent basis, a Department Director shall have the discretion to relax this policy for new hires. An employee hired under this provision shall be required to sign an acknowledgement of City Driving Policy and potential impact on future employment.

4. **Standards for Current Employees for On-The-Job Accidents or Driving Offenses (Infractions occurring to DATE of this policy will not be considered for current employees):**

- a. One (1) minor infraction or one (1) minor at fault accident = written reprimand.
- b. Within a 12 month period: Two (2) separate minor infractions, or two

(2) minor at fault accidents, or a combination of one (1) minor infraction and one (1) minor at fault accident (from separate incidents) = suspension of up to 30 calendar days without pay and referral to EAP and/or Traffic School attendance at employee's expense.

- c. Within a three (3) year period: Three (3) minor moving infractions, or three (3) minor at fault accidents, or a combination of three (3) minor infractions and/or at fault accidents, or one (1) major infraction, or one (1) major "at fault" accident = Employee subject to discipline up to and including demotion or discharge. In addition, employees may be suspended from driving City vehicles and/or their personal vehicle on City business ("City Suspension").
- d. Appropriate corrective action and the term of a City Suspension will be recommended by the Vehicle Review Safety Panel. The appropriate corrective action and the period of the City Suspension will be determined by the employee/driver's supervisor. The recommendation and final determination will be based on the severity of the accident(s), the seriousness of the infraction(s)/offense(s) and the employee's driving record, and will take into consideration any mitigating circumstances including, but not limited to, emergency conditions and weather.

**5. Standards for Current Employees (Off the Job) (Infractions occurring prior to DATE of this policy will not be considered for current employees):**

- a. One (1) minor infraction or one (1) minor at fault accident = No Action
  - b. Within a 12 month period: Any combination of two (2) separate minor infractions, or two (2) minor at fault accidents (from separate incidents) = Reminder Notice sent to employee regarding policy potential for future review.
- and
- c. Within a three (3) year period: A combination of three (3) or more minor moving infractions, and/or three (3) or more minor accidents, or one (1) or more major infractions, or one (1) major "at fault" accident = Review by the employee's supervisor. The supervisor's review may result in mandatory referral to EAP and/or Traffic School attendance at employee's expense.

Adopted and signed this 13<sup>th</sup> day of January, 2010.

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Jeffrey D. Ball, City Manager



## Non-Law Enforcement Safety Policy for Potentially Dangerous Situations

***The City is currently in the process of developing a specific policy regarding “Violence in the Workplace.” In the meantime, the statement below is provided to employees to clarify the City’s expectations in the event of an employee encounter with an angry citizen during the course of their work.***

Due to the customer-service nature of various City departments, employees are occasionally faced with an encounter with a dissatisfied or angry citizen. At times, the encounter may escalate to a situation in which the employee may be placed in a potentially dangerous situation. While it may be possible to neutralize the situation by reasoning with the citizen and calming him/her down, there may be times when the employee’s verbal skills are not enough to bring the confrontation to a conclusion.

Except in the most extreme situations, there is no task that is so important that the City will expect the employee to become involved in physical combat in the performance of their duties. Therefore, the City’s policy is to advise the employee to seek assistance as soon as possible either from a co-worker or supervisor to help subdue the situation.

If the situation develops where there appears to be a real threat of physical violence, the employee needs to back away from the situation and either contact the Police directly or instruct a co-worker or supervisor to contact the Police.

Some front desk locations are equipped with a “panic” button that can be pushed in the most extreme circumstances. Please be aware that the use of a “panic” button will alert the City Police immediately, and the Police *may* respond in a SWAT-type manner.

Nothing in this policy is intended to limit the ability of any City employee to do what may be necessary to protect himself/herself when under physical attack by a citizen.

*City of Klamath Falls*  
**WORKPLACE VIOLENCE POLICY**

**Purpose**

The City of Klamath Falls is committed to providing and maintaining a safe work environment for its employees and the public. It is the policy of the City of Klamath Falls that threats of violence or violent behavior direct or implied, will not be tolerated in the workplace. The workplace is defined as any location where City business is conducted by City employees including vehicles and parking lots.

**Prohibited Behavior**

While in the course and scope of employment, employees of the City of Klamath Falls shall not engage in, encourage or promote acts of harassment, intimidation, violence, threats, coercion, abusive and/or assaultive behavior toward any person.

Employees are prohibited from carrying weapons while engaged in City business or on City property unless:

Carrying a weapon is required by the job classification of the employee and there are specific policies and procedures, which govern the use and/or display of the weapon.

OR

The employee notifies and receives in writing, authorization from the department head to carry a weapon, including legal self-defense weapons such as mace, pepper spray or other chemical agents and stun guns. Employees who are authorized to carry a weapon may be in violation of this policy and may be subject to personal and civil liability and legal prosecution in the event of: accidental discharge or loss of the weapon; inappropriate use, threat of use, or display of the weapon while engaged in City business or on city property.

“Weapons” are defined as firearms, chemical sprays, clubs or batons, knives, and includes any device, tool, chemical agent, or other implement capable of bodily harm if it is used or displayed in such a manner to cause harm or threaten a person with harm.

**Discipline**

Employees found in violation of this policy may be subject to disciplinary action, up to and including dismissal from employment.

## **Types of Violence**

*The three major types of workplace violence as outlined by OR-OSHA are:*

### **Type I**

Involves a violent act by an assailant with no legitimate relationship to the workplace that enters the workplace to commit criminal act, such as robbery.

Employees who have face-to-face contact and exchange money with the public, who work late at night, or who work alone are at greatest risk of a Type I event.

### **Type II**

Involves a violent act or threat of violence by a recipient of service provided by the City, such as a customer or a criminal suspect.

City employees provide a wide range of services to the public and confront individuals who may not be satisfied with the services or disagree with the resolution of the matter. Certain individuals may be emotionally distressed or have a mental disability, which impairs their judgement, and may make threats or commit acts of violence on employees trying to offer their help and assistance or to otherwise perform their job duties. Type II events usually involve assaults on public safety personnel.

### **Type III**

Involves a violent act or threat of violence by a current or former employee or any other person who has some employment related involvement with the City, such as an employee's spouse or significant other, an employee's relative or friend, or another person, other than a recipient of service, who has a dispute with one of our employees/representatives.

## **Responsibilities**

### ***Management/Supervisors***

All management/supervisory staff are responsible for the following:

1. Implementing and enforcing the policy.
2. Ensuring that employees under their direct supervision attend City training.
3. Requiring that incident documentation is accurately provided and reported in a timely manner.
4. Ensuring that the City Manager, City Attorney and Human Resource Manager are immediately notified of any incident.
5. Making all reasonable efforts to maintain a safe and secure workplace.

## ***Employees***

Employees have the responsibility to treat all employees and others with whom they have employment contact respectfully and to avoid behaving in an aggressive or threatening manner. Further, employees are prohibited from threatening violence or taking violent action toward anyone. Each employee has a responsibility to take steps to avoid situations that might create or increase the risk of harm to themselves or others.

Episodes of workplace violence can only be reduced if employees are willing to report threats of violent behavior. Any employee who receives, or learns of any threat or violent act is required to report the incident to his/her supervisor, department director, or the Human Resource Manager as soon as possible. Intimidation, coercion, discrimination or retaliation against anyone that reports or participates in an investigation of workplace violence shall not be tolerated. Such incidences should be reported to the Human Resource Manager immediately.

### **Incident Reporting Requirements**

All threatening comments, actions, or behaviors, direct, implied or actual, shall be reported immediately to department supervision and if necessary, to the appropriate law enforcement and/or emergency medical service agency. If an incident occurs where an instant and immediate action is needed and there is no time to contact a supervisor or wait for public safety officers to arrive, employees should take appropriate measures to protect themselves from harm, pursuant to the law.

Supervisors shall assure the incident is reported immediately to the department director.

The supervisor to whom the incident is reported shall promptly and fully investigate and document the incident including employee name(s), date/time, location, incident description, witness names and statements, description of any unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The supervisor or management shall promptly take such steps as may be appropriate to provide security for threatened persons. Appropriate actions may include:

- Immediately placing an employee alleged to have made threats or engaged in violent behavior on Administrative Leave, and having the person leave the premises, pending investigation;
- Asking any threatening or potentially violent person to leave the site;
- Immediately contacting the City Police Department, if necessary, to assure safety is maintained and removal of the offender from the work site.

After the episode has concluded, the supervisor, when appropriate, shall coordinate counseling through the Employee Assistance Program for any employees involved in the incident.

## **Violence Prevention**

The City provides a list of various types of safeguards and procedures to increase employee awareness and to help prevent situations that may lead to violence.

### ***City Parking Lots***

Parking lots are well used during regular business hours. However, after dark, the parking lot can be an unwelcome situation if the employee does not take certain precautions. If you know that you will be in the office until after sunset, be sure your vehicle is parked at the closest point to the door so that you are not required to walk a long distance across the parking lot. Park in a space that is well lit, near a street light or near a busy part of the street. When arriving or leaving the building, find someone to walk with and use the “buddy system.”

### ***After Hours***

Working after regular business hours at one of the City’s locations is not recommended. However, employees sometimes choose, or are approved by their supervisor, to work in the evenings or on weekends to complete their work. In these cases, it is recommended that the employee make sure someone knows they are at the office. The employee should call a family member or friend when they arrive at the office and again, when they leave. The employee should be certain that all doors are locked and windows are secured. It is also recommended that employees make every effort not to work alone in an office after dark.

### ***Working Alone in the Field***

Whether walking to the bank to make a deposit or reading water meters, employees often find themselves working alone in the field. Under these circumstances, employees need to exercise awareness of their surroundings and caution when conducting City business.

Here are some tips:

- Maintain radio contact with “home base” operations
- Avoid entering areas which you know could be a risk (e.g., isolated neighborhoods, dark alleys, etc.)
- Inform your supervisor that you are working alone
- Avoid suspicious areas or situations where you don’t feel comfortable
- If confronted by a citizen or customer, keep your distance and have an escape route if the situation becomes violent
- Reason with the customer but do not try to argue

### ***Panic or “hold-up” Buttons***

Most front-line, reception areas are equipped with panic buttons for use in case of a robbery or extreme violence. Use with caution -- be discreet when using the button so that the perpetrator is not aware of your action. Be aware that the police **WILL RESPOND IMMEDIATELY** and may use tactical entry techniques to respond due to the unknown nature of the panic call. Remember to stay calm and try not to aggravate the situation.

### **Customer Service**

When faced with an unhappy citizen, employees should try to follow the recommendations from the “Overview of Communication” in this policy. Establish eye contact or use pre-established code words to alert co-workers or supervisor of a situation. During a confrontation, a co-worker or supervisor should make his/her presence known and join the employee to try and resolve the problem. Do not deal with a customer in an isolated or blocked area such as a separate conference room or office; leave yourself a clear exit.

### **Building Security**

City buildings are public areas that are used by a variety of citizens. However, employees are asked to be aware of suspicious behavior of individuals entering the building or wandering around in unauthorized areas. To limit the incidents of unwanted intruders, keep back or side doors closed when not in use. Be sure that the alarm system is properly activated at the end of the business day, and when you are in the building by yourself after business hours. If you encounter a citizen wandering in unauthorized parts of the building, offer assistance but do not isolate yourself with the individual if you feel threatened. Notify a supervisor of his/her presence in the building as soon as possible.

### **Violence in the Workplace - Overview of Communication**

Ways to identify and help reduce customer violence:

1. How the customer is treated upon first contact sets the stage.
2. Don't place yourself above the customer. Show respect. Use “Sir” or Madam.”
3. Clarify what you are saying to him/her to avoid misunderstanding.
4. Use small distractions while looking up information for customer. Make a positive verbal observation, ask a favor, or ask an unrelated question. Ex: “Is it still hot outside?”
5. Present yourself in a positive, confident manner; don't show your vulnerability.
6. Maintain adequate public distance zone of 12 feet or a physical barrier between you and the customer.
7. Assume a non-threatening stance.
8. Downplay your authority.
9. Have the person sit down if it seems appropriate to the situation.
10. Identify preliminary cues of violence such as: Flushed face; Loud Voice; Fixed stare; Shaking/clenched fists; Rapid breathing; Pacing/Rocking; Removal of a hat or sunglasses etc.

*\*A note about diversity*

*If your work involves customers who are unfamiliar with American customs of greeting and speech, you should be aware that cultures vary in terms of what kinds of body language, eye contact, and verbal expressions are socially acceptable.*

*You may also find yourself trying to help someone who struggles with English.*

*Slow your speech down and pronounce all consonants clearly or try using alternate or more simple wording. Refrain from raising your voice or using exaggerated body movements and avoid using slang, jargon, or idioms.*

### **Response to Robbery - A Quick Review**

1. Remain calm-- most robbers do not wish to harm their victims. They are only interested in getting money or property.
2. The calmer you are, the less chance there is of the robber becoming excited or dangerous.
3. Do not argue, fight, surprise or attempt to use weapons against a robber. He/She has already taken a major risk and is usually as frightened as you are.
4. While you should cooperate with the robber, don't volunteer any assistance. Don't give all the money if he/she has only asked for \$10's.
5. Activate silent alarms or other security devices only if you can do it without detection.
6. Watch the robber's hands. If he/she is not wearing gloves, anything he/she touches might leave good fingerprints.
7. Be systematic in your observations. Look the robber over carefully. Mentally note as many details as possible until you can write them down. Compare him/her with yourself - taller, shorter, etc.
8. Notice the type and description of any weapons used. Glance at the weapon only long enough for identification, then look at the robber

### **After the robbery:**

- a. Lock all doors and allow no one in, except the police. Ask any witnesses to remain on the premises until police arrive. Do not touch anything that the robber touched.
- b. Do not discuss what happened with other witnesses. Your own impressions should be kept untainted until you have talked with authorities.
- c. Telephone police immediately. If you act quickly, police might be able to catch the suspect.

City of Klamath Falls  
**WORKPLACE VIOLENCE  
INCIDENT REPORT FORM**

Reporting Department/Division
Name(s) of Employee(s) Involved:
Name(s) or description(s) of others involved:
Name(s) or description(s) of witnesses:
Description of Incident: (date, time, location, circumstances- attach additional pages if necessary)
Describe any injuries or property damage sustained:
Describe actions taken to maintain safety and security of work site:
List responding public safety agencies if any:
A copy of this report was sent to and verbal notification was made to: <input type="checkbox"/> City Attorney    Date/Time: _____ <input type="checkbox"/> Human Resource Manager    Date/Time: _____

**Report By:**  
(print name) \_\_\_\_\_ *Signature* \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_