

CHAPTER 3
ACCOUNTABILITY
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CHAPTER 3

ACCOUNTABILITY

1. PURPOSE. This chapter addresses commanders' accountability for safe work environments and for the safe performance of the employees in their command. Commanders are responsible for the implementation of an occupational safety program; review of crashes and injuries and determination of preventability; scheduling of periodic safety inspections; quarterly preparation of the CHP 113, Injury and Crash Report; use of private vehicles on official business; and the use of safety equipment.

2. ACCOUNTABILITY.

a. Command Accountability. Each command level shall be held accountable for the safe performance of required work tasks within that command. Attainment of established occupational safety goals will be used as one element in the annual performance appraisal of commanders.

b. Training of Managers and Supervisors. Managers and supervisors are the primary safety instructors for this Department. They shall receive general training from the Office of Risk Management (ORM), Occupational Safety Unit (OSU), to familiarize themselves with the safety and health hazards to which personnel may be exposed. Specific training will be available as needed from appropriate resources, including Offices of Primary Interest, vendors, and/or specialists in specific safety professions. Managers and supervisors are responsible for ensuring employees receive information and general and specific training on safety and health issues pertaining to their job assignments.

c. Annual Appraisal—Managers and Supervisors. The safety performance of their respective units shall be an element in the annual performance appraisal of managers and supervisors.

d. Annual Appraisal—Personal Safety. Employees have a responsibility to follow safe work practices and procedures while performing job assignments. The safety performance of each employee shall be included in their annual performance appraisal.

e. Measurements of Safety Performance. Commanders shall incorporate systems to measure the effectiveness of injury, illness, and crash prevention activities.

3. OCCUPATIONAL SAFETY GOALS.

a. Occupational Safety Goals Setting. While the goal of the Department's occupational safety program is **zero** preventable deaths, injuries, illnesses, and vehicle crashes, Occupational Safety Goal (Goal) numbers have been developed to provide Divisions/Executive Offices with a realistic projection based upon previous trends. The overall objective of the occupational safety program is to achieve a reduction in injuries (including deaths), illnesses, crashes, and accidental discharges from the previous year. The Goal for preventable deaths and accidental firearm discharges is zero for the Department, Divisions, and individual commands.

(1) The Goals will be considered "Below" if the "Actual Number" is less than the projection, "At" if the Actual Number is the same as the projection, and "Above" if the Actual Number is higher than the projection.

(2) By October 1 each year, OSU will provide Goal projections to the Executive Offices and Divisions by Management Memorandum. Each safety category will have an individual Goal projection based on a three-year average and reduced by five percent. Each Division Occupational Safety Coordinator shall utilize their allocated Goal projections and assign their subordinate Areas or sections Goal projections based on past performance, not to exceed the Division's total Goal projections.

(3) By November 1 each year, Areas, sections, the Academy, commercial vehicle enforcement facilities (CVEF), and communications centers, shall submit action plans to their respective Divisions. Action plans shall be in the occupational safety goals and action plan format established in the Injury and Illness Prevention Program (IIPP).

(4) By December 1 each year, each Executive Office shall submit an action plan to the Office of the Commissioner.

(5) By January 1 each year, each Division shall prepare consolidated action plans and submit them to the appropriate Assistant Commissioner. Divisions will prepare action plans relative to meeting goals.

(6) Upon approval, action plans shall be included as an annex to the command's IIPP and retained for the current year, plus three years.

b. Categories.

(1) Safety Categories. Safety categories will be identified and provided prior to the beginning of the calendar year. Typically, the following categories will apply:

(a) Deaths. The Department is committed to ensuring the safety and welfare of its employees. Incidents resulting in an employee death should be discussed to ensure all employees understand the factors involved and the practices, policies, and equipment available to preclude a recurrence. Statewide employee deaths will be reflected on every CHP 113, including the date of the most recent death.

(b) Preventable deaths.

(c) Accidental discharges of firearms.

(d) Disabling injuries.

(e) Preventable disabling injuries.

(f) Disabling illnesses.

(g) Preventable disabling illnesses.

(h) Recordable crashes.

(i) Preventable crashes.

(j) Aircraft crashes.

(k) Preventable aircraft crashes.

(2) Employee Categories. Employees are classified into two categories. "Uniformed" for all sworn employees and "Nonuniformed" for all non-sworn employees.

(3) Vehicle Categories. Recordable vehicle crashes are broken down into five categories.

(a) Marked Sedan/Patrol Utility Vehicle. This category includes all marked enforcement vehicles (e.g., black and white enforcement sedans, Primary Crash Factor vehicles, black and white enforcement 4x4s, and canine vehicles).

(b) Unmarked Vehicles. This category includes any unmarked vehicles (e.g., commanders' vehicles, undercover vehicles, pool vehicles).

(c) Special Purpose. This category includes any marked or unmarked light or heavy truck or van (e.g., Mobile Road Enforcement trucks, , and Motor Carrier Specialist vans).

(d) Motorcycles. This category includes any marked enforcement motorcycle.

(e) Aircraft. This category includes any marked enforcement aircraft.

(4) Excluded Categories. Separate and specific departmental goals in such categories may be established as deemed desirable by the Departmental Occupational Safety Board (DOSB) and approved by Executive Management.

4. COMMANDER'S ACCOUNTABILITY IN CRASH/INJURY REVIEW.

a. Crash/Injury Review. When an employee is involved in a personal injury, illness, hazardous exposure, or vehicle/aircraft crash, the commander shall ensure an adequate review is conducted so corrective measures may be identified and implemented.

b. CHP 442, Individual Accident, Injury and Safety Recognition Record, Review. The review process requires an examination of the employee's CHP 442. This will aid in detecting unsafe practices and trends which may require progressive discipline.

c. Determination of Preventability. The commander has the responsibility to determine the preventability of injuries, illnesses, and recordable vehicle crashes, and to implement appropriate corrective measures.

(1) Assignment of preventability may be appealed to the Command Occupational Safety Committee (COSC) for review only. The committee may not change the preventability assignment; but, may ask the commander to consider various factors in a review of the assignment.

(2) If the employee disagrees with the assignment of preventability after the above process, an appeal may be made by the standard grievance procedure of the employee's collective bargaining unit. Non-represented employees may follow grievance procedures as outlined in Highway Patrol Manual (HPM) 9.1, Employee Relations Manual.

d. Commander's Interview. When a crash, injury, illness, or hazardous exposure is determined to have been preventable, the commander shall personally conduct an interview with the employee to ensure an understanding of the causative factors.

(1) Corrective action shall be taken when an employee does not follow safe or healthy work practices. Corrective action shall be documented in accordance with the command's IIPP (refer to Chapter 4 of this manual).

(2) Repeated poor motorcycle riding practices shall provide a basis for removal of a rider from motorcycle duty in accordance with HPM 70.10, Departmental Motorcycle Manual.

5. RESPONSIBILITY FOR FACILITIES AND EQUIPMENT.

a. Commander's Responsibility. Commanders are responsible for ensuring departmental facilities and equipment are free from hazards and unsafe conditions.

b. Safety Inspections. Each command shall establish an effective system to identify and evaluate unsafe work practices and unhealthy work conditions, and to ensure implementation of timely and effective corrective measures in accordance with the command's IIPP.

(1) Commanders shall schedule semiannual safety inspections of departmental facilities. Safety inspections may be conducted more frequently if commanders determine conditions warrant additional scrutiny.

(2) Inspections are to precede COSC meetings and shall be an agenda item.

(3) The COSC members are to conduct safety inspections designed to reveal compliance or noncompliance with safe work practices and healthy work conditions. Special attention should be given to conditions which need immediate remedial action.

(4) Safety inspections, and any discrepancies identified, shall be documented on the CHP 113A, Safety Inspection Checklist.

(5) When additional investigation is deemed advisable subsequent to scheduled safety inspections, commanders may assign follow-up responsibilities to management or supervisory staff, or to the COSC.

6. CHP 113, INJURY AND CRASH REPORT.

a. Accountability Reporting. Accountability reporting is required quarterly of all commands by submission of the CHP 113.

b. Report Schedule and Routing.

(1) Each Area office, communications center, or CVEF within a field Division office shall prepare a CHP 113 to be submitted to the Division no later than the fifteenth day of the first month following the report period.

(2) Each office or section within a headquarters Division office shall prepare a CHP 113 to be submitted to the Division no later than the fifteenth day of the first month following the report period.

(3) The Executive Offices shall prepare a CHP 113 to be submitted to their respective Commissioner's Office no later than the fifteenth day of the first month following the report period.

(4) Each field Division Occupational Safety Coordinator shall prepare a composite CHP 113 for their respective Division. This report shall be forwarded to OSU no later than the first day of the second month following the report period.

(5) Each headquarters Division Occupational Safety Coordinator shall prepare a composite CHP 113 for their respective Division. This report shall be forwarded to OSU no later than the first day of the second month following the report period.

(6) Each Commissioner's Office Occupational Safety Coordinator shall prepare a composite CHP 113 for injuries and crashes occurring within their respective offices. This report shall be forwarded to OSU no later than the first day of the second month following the report period.

(7) The OSU shall prepare a quarterly and year-end Department composite report of Executive Offices', headquarters Divisions', and field Divisions' CHP 113s for submission to Executive Management and the DOSB. This report shall be forwarded to the DOSB no later than the fifteenth day of the second month following the report period.

c. Completion of CHP 113.

(1) "Date of Last Prev. Disabling Illness," "Date of Last Prev. Disabling injury," "Date of Last Prev. Crash - Auto," and "Date of Last Prev. Crash - MC" should be recorded in the appropriate cells. This alerts commanders of the recency of incidents and can serve as a reminder to recognize units with outstanding safety records in accordance with HPM 150.1, Departmental Awards Manual, Chapter 6, Area/Section-Level Awards.

(2) "Accidental Discharge of A Firearm" is the total of all accidental discharges of on- and off-duty, Department-owned firearms and personal, secondary firearms, as well as contraband or seized firearms for each Division, Area, or section.

(3) "Total Disabling Injuries" and "Total Disabling Illnesses" includes all injuries or illnesses which are documented as "days away from work" injuries

or illnesses on the Cal/OSHA Form 300, Log of Work-Related Injuries and Illnesses, in accordance with HPM 10.7, Injury and Illness Case Management Manual, Chapter 4, California Occupational Safety and Health Act Log.

NOTE: Questionable injuries or illnesses shall not be included until accepted by State Compensation Insurance Fund.

(a) The number of disabling injuries on the CHP 113 shall equal the number of deaths and days away from work injuries on the Cal/OSHA Form 300 (Column 1 plus Column 3, excluding questionable injuries). The number of disabling illnesses on the CHP 113 shall equal the number of deaths and lost time illnesses on the Cal/OSHA Form 300 (Column 8 plus Column 10, excluding questionable illnesses). Injuries or illnesses from prior years are not reported on the current year's CHP 113.

1 An injury is any cut, fracture, sprain, amputation, or other event resulting from a work accident or an exposure involving a single incident in the work environment. Conditions resulting from animal bites, such as insect or snake bites, or from one-time exposure to chemicals, are considered to be injuries.

2 An illness is any abnormal condition or disorder, other than one resulting from a work-related injury, caused by exposure to environmental factors associated with employment. Included are acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, cumulative trauma, stress, or direct contact. (Refer to HPM 10.7, Annex S).

3 Fitness injuries/illnesses are defined as any injury or illness which occurs or is manifested during any of the following:

a Preemployment physical fitness evaluation.

b Physical fitness training at the Academy.

c Evaluation of any employee for physical fitness for the job.

4 An injury or illness which occurs during an employee's temporary assignment shall be charged to the command where the employee is temporarily assigned UNLESS the assignment is for control of civil disturbance.

5 An injury or illness which occurs during a civil disturbance assignment shall be charged to the command where the employee is permanently assigned at the time of the injury or illness.

6 An injury or illness which occurs while the employee is traveling to or from a temporary assignment, shall be charged to the command where the employee is permanently assigned at the time of the injury or illness.

7 An injury or illness which occurs while an employee is temporarily assigned to, and/or under the direct control and supervision of an entity other than the Department, shall be charged to the appropriate Assistant Commissioner.

(4) "Preventable Disabling Injuries" and "Preventable Disabling Illnesses" reflects injuries or illnesses the commander has ruled preventable by employees.

(5) "Total Reportable Crashes" reflects automobile/motorcycle crashes that occurred during the reporting period. A reportable crash is any "damage or injury-causing event in a state vehicle" as defined in HPM 100.86, Risk Management Manual, Chapter 5, Reports of Incidents – State Business Vehicle Collisions. For the purposes of this policy, any vehicle that is used on official state business (e.g., state-owned, privately-owned, commercial rental) will be referred to as a state vehicle.

(a) Crashes which occur to an employee on temporary assignment shall be charged to the command of the temporary assignment UNLESS the assignment is for control of civil disturbance.

(b) Crashes which occur during civil disturbance assignments shall be charged to the command where the employee is permanently assigned at the time of the crash.

(c) Crashes which occur while the employee is traveling to or from a temporary assignment, shall be charged to the command where the employee is permanently assigned at the time of the crash.

(d) Crashes which occur to an employee while temporarily assigned to, and/or under the direct control and supervision of an entity other than the Department, shall be charged to the appropriate Assistant Commissioner.

(e) Crashes which occur during training at other sites, including the Academy, shall be charged to the command where the employee is permanently assigned at the time of the crash.

(6) "Preventable Reportable Crashes" reflects reportable vehicle crashes the commander determined to have been preventable by the driver/rider.

(7) “YTD Goal Status - At, Below, or Above” reflects if the safety category realized a reduction, remained the same, or saw an increase.

(8) The “YTD” or Year to date entries shall reflect total numbers through the respective reporting periods.

7. PRIVATE VEHICLES ON OFFICIAL BUSINESS.

a. Safe Vehicles. Use of private vehicles on official business may be authorized by a commander only if the driver certifies the vehicle is and will be maintained in a safe condition and is covered by insurance. An STD. 261, Authorization to Use Privately Owned Vehicles on State Business, must be on file in the employee’s field folder and updated during the annual performance appraisal process. Additionally, all employees who are frequently (once a month or more) required to drive on official business, shall be trained in defensive driving techniques in accordance with Chapter 8, Defensive Driver Training, of this manual.

b. Safety Equipment Use. Safety equipment, specifically occupant restraints provided in vehicles, shall be used in accordance with General Order 100.40, Use of Occupant Restraints in Vehicles Used for State Business.

8. ACCOUNTABILITY FOR USE OF SAFETY EQUIPMENT.

a. Department Responsibility. Legally and morally, the Department must provide safety equipment as necessary for safe performance of tasks.

b. Manager/Supervisor Responsibility. Legally, each manager/supervisor is held accountable for ensuring that employees receive instruction on the proper use of safety equipment.

c. Employee Responsibility. Legally, each employee is held accountable for the proper use of safety equipment.

d. Special Responsibility–Seat Belts. Body restraints (including lap belts and upper body restraints) are required to be used in all vehicles operated on official business.

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