

# THE HIDDEN COST OF ACCIDENTS



The iceberg that sank the Titanic was hidden below the waterline where the majority of the damage was done. Similarly, the hidden cost of an employee's workplace injury costs as much as seven times the direct cost to the school district.

Workplace safety is extremely cost effective when compared with the direct and indirect cost of a work-related injury.

## GOVERNMENT AGENCY (Cal-OSHA) INSPECTION PROCEDURE

The purpose of this procedure is to inform administrators and site administrators of what to do and how to handle a visit by a government agency, specifically Cal/OSHA. The inspections are usually unannounced and are initiated by an employee complaint.

The inspector or compliance officer should formally identify himself and ask to see the person in charge.

Ask for State photo identification.

Contact the appropriate District personnel (site administrator, superintendent's office, district safety coordinator) and SIPE at 460-0280 x100 immediately.

You may ask the compliance officer to wait in the office a reasonable amount of time until District management arrives. Do not allow the compliance officer walk the facility alone and do not offer to take the compliance officer to a particular destination without District management present.

An opening conference will take place and the compliance officer will tell you why he/she is there. If not stated, ASK.

The destination and duration of the inspection are determined by the officer.

Authorized employees (i.e., designated union representative) may be present during the inspection and conference.

The compliance officer may interview any employee in the area of concern during the inspection.

When questioned, the District management should be brief and to the point with his/her answers, offering no additional information.

If the compliance officer asked to see a location on the site, ask for the specific location.

Take the compliance officer to his destination along the most direct route (avoiding detours that might expand the inspection). The compliance office may point out additional unsafe or unhealthy work conditions during the walk through.

Do not argue with the compliance officer. Do not offer information unless asked. Take notes only.

During the closing conference, the inspector will discuss all unsafe or unhealthy conditions involved and violations which may be cited. Again, do not argue.

Provide any requested written documentation. However, if the compliance officer asks for the hazard communications program, give him only the hazard communications program. Do not offer or give him anything else (such as the entire safety binder) unless he asks for it. Typically, the officer will ask for the Injury and Illness Prevention Plan (IIPP) and/or the OSHA 300 Log. Site administration should know the exact location of the District IIPP and notify the officer that schools are exempt from using the OSHA 300 Log.

If not present, forward any citations or written requests to District management and the district safety coordinator immediately.

The district will have the opportunity to produce all records that show compliance efforts or that will assist Cal/OSHA in determining the time needed for abatement of the hazards. The district also has the right to appeal any citations.

## ***Risk Management & Loss Control Guidelines for Public School Districts***

### **Board Policy**

1. The school board should have a policy and administrative regulation that outline the district's commitment to safety/risk management and identifies specific accountabilities, including all upper administration. This may be in the form of the district's Injury and Illness Prevention Program. (CCR Title 8, Section 3203 (a))
2. The policy should be reviewed annually.
3. The policy should be distributed and communicated to all employees.
4. The administration should review property, liability, auto, and workers' compensation losses at least annually with the board. A loss/claim summary is sufficient.

### **Administration**

1. Administration, management, principals, and supervisors should be held accountable for the safety performance and/or losses of their respective department/employees.
2. Administration and management should demonstrate an active commitment to risk management. This can be accomplished by attendance at safety/in-service meetings, supporting a safety culture, and demonstrating an awareness of safety performance.
3. A budget should be established, or funds made available, to support the safety/risk management program.
4. There should be a formal system used for safety communication, i.e., bulletin boards, films, suggestion boxes, posters, etc. (CCR Title 8, Section 3203 (3))
5. There should be written safe work practices that are communicated to all employees. (CCR Title 8, Section 3203)
6. There should be a formal system to discipline employees who do not follow established safe and healthful work practices. (CCR Title 8, Section 3203 (2))
7. The district should implement the components of SB 198—Injury and Illness Prevention Program. (CCR Title 8, Section 3203)
8. Loss histories and cost analyses should be performed and the information used to mark trends, identify target areas, and to help develop loss prevention strategies and performance goals.
9. There should be written procedures to respond to emergency situations that are current (in compliance with the Standardized Emergency Management System) and communicated to all employees. (CCR Title 19, Division 2, Section 2400) Emergency response drills should be conducted with all staff (beyond the basic drop and cover drill).

### **Employee and Volunteer Management**

1. For prospective employees, there should be a formal, organized employment procedure established that includes: a written application, reference checks, and formal oral interview.
2. Pre-placement physicals should be conducted for certain positions that require increased physical ability such as bus driver, special education aide, maintenance worker, food service worker, warehouse workers, etc. (29 CFR, Part 1630)
3. Job descriptions should outline specific education, experience, and ability requirements. (29 CFR, Part 1630, U.S. EEOC ADA Technical Assistance Manual) Job descriptions should be current and reflect essential job functions pursuant to the Americans with Disabilities Act.
4. Applicants should not be placed in service until fingerprinted and background checks are complete. (Ed Code Section 45125, AB 1612, AB 1610)
5. There should be a formal process for accepting volunteer workers, i.e., reference/referral, fingerprints, driving record, etc. Volunteers should be supervised by a district employee. Volunteers should receive the same level of training as employees who do the same task/job.
6. The district has a board resolution that declares volunteers to be deemed "employees" within the context of workers' compensation coverage. (CA Labor Code 3364.5) All volunteers should sign in and out.
7. All employees should receive training in the hazards specific to their job (when hired, as conditions change, and when hazards are recognized). (CCR Title 8, Section 3203 (7))
8. Employees should be held accountable for their safety performance and should be subject to discipline when safe work practices are violated. (CCR Title 8, Section 3203 (5)) Such violations should be viewed as any other violation of district policy.

### **Student Management**

1. Parents should be notified in advance of field trips and are should be required to sign permission slips.
2. Materials used in art and craft classes should be on the approved list from the Art and Creative Materials Institute. (Ed Code Section 32060)
3. Chemicals used in science classes should be evaluated for safety, age appropriateness and should be purchased in the least amount required for one year's curriculum.
4. Material Safety Data Sheets (MSDS) should be available for all art, craft, and science chemicals. (CCR Title 8, Section 5194 (g))
5. Science experiments/labs should be evaluated and determined to be the least hazardous method of demonstrating the learning objective and are age-appropriate.
6. All art, craft, and science chemicals should be kept in locations inaccessible to students (as per product label requirements).
7. In industrial arts classes, machines should be properly guarded and tools used as intended.
8. Safety should be taught as part of the curriculum in art, craft, science, and industrial arts classes.
9. Students should be required to sign safety contracts, which are also signed by a parent/guardian.
10. Students should be required to pass a written safety exam before operating tools and equipment or before handling chemicals.
11. Playground rules and appropriate behaviors should be taught and reinforced as part of the classroom curriculum. Playground supervisors enforce rules and positive behaviors on the playground.
12. Students should be supervised at all times.
13. There should be a structured policy in place that outlines the parameters for administering medicines to students. (Ed Code Sections 49423, 49480; CAC Title 5, Section 18170)
14. Video cameras or bus monitors should be installed on buses to monitor students when appropriate.
15. There should be a plan that meets the required components of the Comprehensive School Safety Act (which primarily addresses school crime issues). (Ed Code Section 35294)

### **Hazard Identification and Control**

1. Inspections should be conducted on a regular schedule of all facilities, machinery, and equipment. (CCR Title 8, Section 3203 (4))
  - a. Records are kept of all inspections for at least one year.
  - b. There is a system for correcting hazards in a timely manner.
  - c. There is a system for isolating hazards if correction cannot be achieved timely.
  - d. There is a system for isolating immediate hazards.
  - e. There is a system for communicating hazards to employees.
2. A job hazard analysis should be conducted on all jobs that require higher physical demand or have higher risk, i.e., bus driver, maintenance tasks, food service, security, vehicle maintenance, special education employees, etc.
3. Occupational health hazards (noise, air contaminants, and bloodborne pathogens) should be assessed and identified and procedures should be in place for exposure control. (CCR Title 8, Section 3203 (4))
4. The district should have a management plan for asbestos on site that is in compliance with the Asbestos Hazard Emergency Response Act (AHERA). (40 CFR, Part 763)
5. The district should recognize that any school built before 1992 probably contains lead paint and therefore should treat all painted surfaces accordingly. (DHS "Lead Hazards in California Public Elementary Schools and Child Care Facilities")
6. Hazardous materials should be identified and a material safety data sheet should be on file for every product. Products should be evaluated for physical and health hazards to determine that the least hazardous product is used. (CCR Title 8, Section 5194 (h))
7. Employees are notified at least annually of the availability of the material safety data sheets.
8. All primary and secondary containers of substances (cleaners, chemicals, etc.) should be properly labeled to identify contents, including the product name and hazard warning. (CCR Title 8, Section 5194 (f))
9. Personal protective equipment that is appropriate for the task should be supplied by the district; the use of such equipment should be enforced.

### **Facility Management**

1. Preventive maintenance schedules should be in place for district machinery, equipment, bleachers, playground equipment, heating/air-conditioning equipment, and fire sprinkler systems. (CCR Title 8, Section 5142; CCR Title 19, Section 904)
2. Buildings should be protected by central station alarms, particularly those that contain computers, TV/VCRs, equipment, tools, or other items of value.
3. Video cameras should be installed on campus to detect and deter vandals in areas of specific concern or adverse loss history.
4. There should be a strict key control policy that restricts the distribution of the master key to limited personnel only. There should be a master log maintained that identifies all key recipients. District keys should not have recognizable identifiers on them. Personnel and outside contractors should be held accountable for the loss of a key.
5. Flammable liquids should be stored in approved containers and cabinets. (CCR Title 8, Section 5417; CCR Title 19, Section 3.15; UFC 79-81)
6. Good housekeeping practices should be strictly enforced.
7. There should be a structured program for the storage and disposal of hazardous waste. (CCR Title 22, Section 66262.20; H&S Code 25123.3)
8. All underground fuel tanks should meet current regulations for monitoring, containment, etc. (H&S Code 25284, 25292, 25288, 25299)
9. Building and grounds should be maintained in good condition (trees are healthy and pruned properly, lawns are mowed, landscaping is maintained, buildings are free from peeling paint, buildings free from leaking roofs or rain water drainage problems, buildings have no obvious signs of structural problems, overall site looks cared for rather than neglected).
10. Mold growth and indoor air quality issues should be reported and managed properly and rapidly. (EPA, Tools for Schools)
11. There should be a formal pest management policy in place that addresses buildings and grounds, which emphasizes reduced-risk methods. Open food containers in classrooms should be restricted, particularly if pests are a problem. (AB 2260 Healthy Schools Act 2000)
12. Playground equipment and play areas should meet the requirements of the Consumer Product Safety Commission Guidelines for Public Playground Safety. (H&S Code Title 22, Division 4, Chapter 22).

### **Fleet/Vehicle Management**

1. Driving records should be obtained and reviewed for all potential drivers who may drive on district business prior to any driving assignment and a system should be in place to monitor driver license status on an ongoing basis.
2. Employees and/or volunteers who drive their own vehicle on district business must show proof of insurance.
3. All district drivers should receive in-service education regarding safe driving techniques and defensive driving.
4. There should be a formal preventive maintenance schedule for all district vehicles.
5. Records are kept of all vehicle service work.
6. Vehicle accidents should be reviewed to determine cause and to help develop prevention strategies. Drivers who violate motor vehicle rules should be subject to discipline as if violating district policy and appropriate forms should be located in each vehicle regarding accident documentation.
7. There should be a formal policy that prohibits/limits personal use of a district vehicle.
8. Employees who hold a commercial driver's license as a job requirement should be subject to the provisions of the Department of Transportation rules regarding alcohol and controlled substances testing. (49 CFR Parts 382, et. Al; 49 CFR Part 40)

### **Incident Investigation**

1. There should be a formal procedure for investigating incidents. (CCR Title 8, Section 3203 (a)(5))
2. Records are kept of all investigations. Investigations are focused on finding cause, not fault, and providing recommendations or steps to prevent future incidents. Results of investigations are communicated to all affected employees. Investigations identify recommended corrective actions.
3. Supervisors and management should participate in investigations and/or be advised of the results of an investigation.
4. Accidents and loss histories should be reviewed to document trends, causes, repeaters, etc. Near miss incidents should be investigated as if injury or property loss occurred.

### **Injury/Illness Management**

1. Loss information should be evaluated to determine trends, employee repeaters, target areas, claim frequency, claim severity, etc.
2. The district should identify an occupational medical facility to provide medical attention to employees injured on the job.

3. The designated physician should be familiar with district operations and should have current job information that includes the physical requirements of the job.
4. Information regarding the occupational medical facility should be communicated to all employees, i.e., posted, meetings, check staffers, at time of hire, etc.
5. Information regarding methods for reporting injury/illness should be communicated to all employees and supervisors
6. There should be one person (department) responsible for processing and tracking all occupational injury/illness claims.
7. There should be ongoing communication between the insurance administrator/carrier and the district contact person.
8. There should be ongoing communication between the district, supervisor, and injured worker throughout the employee's absence.
9. There should be a formal program in place to return employees injured on the job to temporary light duty tasks during their rehabilitation.
10. The district should promote employee wellness through employee assistance programs, stress management, flu clinics, substance abuse prevention, etc.

#### **Third-Party/Contractor Management**

1. There should be established requirements for all contractors. Contracts should include language for hold harmless and indemnification.
2. The district should specifically designate those individuals with authority to sign contracts on behalf of the district.
3. Certificates of insurance should be required for all contractors/vendors/parties who contract with the district or use district facilities. Certificates of insurance and bonds are validated before contract approval.
4. Memorandums of understanding and/or Facilities Use Agreements should be used as appropriate.
5. Visitor/contractor access to facilities should be strictly controlled and monitored. (Penal Code 627.2, 627.3, 627.6)
6. A contractor's safety record and Cal/OSHA citation history should be taken into consideration prior to awarding a bid or contract.

#### **Abbreviations for Reference Citations**

CAC California Administrative Code  
CCR California Code of Regulations  
CFR Code of Federal Regulations  
DHS California Department of Health Services  
EEOC Equal Employment Opportunity Commission  
Ed Code California Education Code  
H&S Code California Health and Safety Code  
UFC Uniform Fire Code

# Legal/Codes

All CA Laws and Codes:

<http://www.leginfo.ca.gov/calaw.html>

CA Legislative Information (Bills):

<http://www.leginfo.ca.gov/index.html>

Title 8 - Cal/OSHA Standards

<http://www.dir.ca.gov/Samples/Search/query.htm>

San Joaquin Valley Air Pollution Control District

<http://www.valleyair.org/>

EPA - Asbestos Rules

<http://www.epa.gov/asbestos/index.html>

[http://www.epa.gov/asbestos/pubs/asbestos in schools.html](http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html)

<http://www.epa.gov/asbestos/pubs/2003pt763.pdf>

<http://www.epa.gov/asbestos/pubs/40cfr61subpartm.pdf>

EPA - Indoor Air Quality

<http://www.epa.gov/iag/>

CA Lead Laws

<http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx>

Online Training:

<http://www.riskcontrolonline.com>

MSDS's Online:

<http://hazard.com/msds/>

<http://ccinfoweb.ccohs.ca/msds/search.html>

<http://www.msdssearch.com/msdssearch.htm>

<http://www.ehso.com/msds.php>