

5.15 ACCIDENT REVIEW BOARD (ARB)

A. Purpose

The purpose of this policy is to reduce equipment accidents, accidents which cause bodily injury or damage to citizen's property and employee injuries. An Accident Review Board, may be convened from time to time to review circumstances surrounding an accident, abuse or incidents having a risk endangerment, for the purpose of making a preliminary assessment of cause, policy violations, equipment malfunction, and training needs. Accident, which occurred while a County Vehicle/Equipment was not in motion, will not be subjected to review by an Accident Review Board, unless the stationary County Vehicle was parked in a location, which facilitated the County Vehicle being involved in the accident.

B. Review Board Membership

Each Review Board shall consist of five members appointed by the County Manager and Risk Manager, with consideration given to the specifics of each case. The Risk Manager will act as Chairman for the Board. Employees from any department may be selected to participate on a Board.

The Review Board shall consist of:

- (1) The Risk Manager (or representative)
- (2) Human Resources representative
- (3) Navajo County Sheriff Deputy
- (4) Department Director or designee from the affected department
- (5) An employee representative from affected department

C. Objectives

- A. To determine the cause of the accident or injury and where the responsibility for prevention lies.
- B. To recommend corrective measures, additional training, and modification of equipment or policy to the appropriate Department Director.
- C. To reduce mechanized equipment accidents, abuse and "On-the-Job" personal injury accidents.

D. Review Board Procedures

The Review Board shall be convened by the County Manager and Risk Manager on an as needed basis, to review and verify the factual basis for any report concerning a vehicle/equipment accident. In the case of an accident involving serious personal injury or property damage in excess of \$5,000, a Review Board shall be convened only after consultation with the Arizona Counties Insurance Pool and the County Attorney.

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A Review Board shall generally not conduct formal hearings, but shall review the accident report prepared by law enforcement, together with the employee's response, any written statement from witnesses, the Supervisors Incident Investigation Report and any other documentation that may be provided and prepare a summary report for the Supervising Authority Identifying:

- (a) The cause of the accident or incident;
 - (b) The parties involved;
 - (c) If the County employee was:*
 - i) Accident was preventable
 - ii) Accident was not preventable
- * In some instances, the Accident Review Board may not be able to make a determination of fault or preventability of the accident.
- (d) Whether that fault amounted to a major infraction or a minor infraction
 - (e) The nature of any physical injuries (if any) caused thereby, to the extent then known; and
 - (f) An estimate of economic liability to which the county is exposed.
 - (g) Any policy violations
 - (h) Any training concerns or recommendations
 - (i) Any recommended policy changes

The Review Board may call upon the individual(s) involved to appear before the Review Board to answer questions concerning the event. In addition, the Review Board may request a law enforcement accident investigator to appear to answer questions on a particular accident requiring an expert opinion. For any accident or damage to a County vehicle that the Review Board has made the determination that it was as a result of reckless vehicle conduct, the person responsible will be subject to disciplinary action under the Navajo County Personnel Policy 4.6 and the penalty recommendations outlined in Section 5.16(B).

5.16 RECOMMENDED PENALTIES – DRIVING SO AS TO ENDANGER

In reviewing any report concerning an incident of alleged endangerment involving a County vehicle or a private vehicle operated by a county employee on official business, the Accident Review Board shall determine (A) if the County employee was at fault; and (B) whether that fault amounted to a major infraction or a minor infraction, as defined below. Recommended penalties shall be based upon the significance of the infraction and the number of infractions that preceded it as reported to the Accident Review Board. Any event involving multiple infractions is to be treated as a single violation of the most serious offense committed during that event.

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A. Classes of Infractions

Minor infractions:

- Any civil moving violation of state traffic laws
- Improper use of equipment or vehicle (abuse) resulting in repairs under \$500
- Causing an accident involving vehicle damage under \$1,500 (no injuries)

Major infractions:

- Any criminal moving violation of state traffic laws
- Improper use of equipment or vehicle (abuse) resulting in repairs over \$500
- Causing an accident involving vehicle damage over \$1,500, or involving injury to the employee or to a third party
- Failure to report an accident
- Driving under the influence of alcohol or illegal drugs, or of a prescribed narcotic or over-the-counter medication that impairs ability to operate a vehicle, or is in violation of Navajo County Policy.

B. Table of Recommended Penalties

The below recommendations are provided guidance for the Accident Review Board in determining penalties, however the Accident Review Board is not bound by this table and does not create a precedent. Navajo County reserves the right to enact greater penalties than listed in the table, up to and including termination.

Multiple information or combinations of minor and major infractions should result in an appropriate adjustment in disciplinary action, which is at the discretion of the Accident Review Board. In general two minor violations are equivalent to one major violation when considering the appropriate adjustment.

The Accident Review Board shall recommend the appropriate disciplinary action for any violation of this policy. The Department Director will review with the employee the Accident Review Boards Decision and assign disciplinary action. Below are recommendations for penalties to be used as guidelines for the Accident Review Board in making their determination:

Minor infractions:

- 1st offense – Oral counseling or written reprimand, depending on the severity of the minor infraction, the employee may also be requested to attend a Navajo County approved Defensive Driving Course.
- 2nd offense – Written reprimand; one-day suspension without pay, to be imposed only if the employee commits another infraction within a year, the employee may also be requested to attend a Navajo County

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- approved Defensive Driving Course.
- 3rd offense – Two-day suspension without pay and attend Traffic Survival School or 8-Hourdefensive Driving Training. This training is to be completed within 90 day of the disciplinary action being instated. The employee shall be responsible for scheduling and covering the cost of the training. They shall submit evidence of completion of the course to Risk Management for placement in their Personnel file.
 - 4th offense – Suspension of driving privileges and/or suspension or termination of employment (if employee is required to drive his/her own vehicle, employee must amend insurance on that vehicle to include the county as a named insured)

Major infractions:

- 1st offense – Written reprimand; one-day suspension without pay and attend a Navajo County approved Defensive Driving Course.
- 2nd offense – Two-day suspension without pay and attend Traffic Survival School or 8-Hourdefensive Driver Training. This training is to be completed within 90 day of the disciplinary action being instated. The employee shall be responsible for scheduling and covering the cost of the training. They shall submit evidence of completion of the course to Risk Management for placement in their Personnel file.
- 3rd offense – Suspension of driving privileges and/or suspension or termination of employment (if employee is required to drive his/her own vehicle, employee must amend insurance on that vehicle to include the County as a named insured)

C. Adjudication and Appeal Procedures

For any class of infraction there is a single presumptive penalty, but the Department Director shall make the final determination of penalty imposed. If the Department Director elects not to impose the recommended discipline, the Department Director must state the reasons for the departure. Any decision to actually suspend an employee, revoke, or suspend driving privileges for any reason other than failure to possess a valid driver's license shall constitute a "disciplinary action" and shall be subject to the same notice, response and hearing procedures as are applicable to such actions.

Any penalties imposed notwithstanding, if in the judgment of the County Attorney, Risk Manager or County Manager, there is a continuing risk of endangerment to the safety of others, the County or County property, the County Manager may request that the Board of Supervisors suspend driving privileges to the employee.

5.18 GOOD DRIVER BENEFIT:

1. All employees and volunteers who have been employed by Navajo County for at least 24 months and have maintained a clean accident record for that period.
2. Employees meeting the above criteria who have an accident determined to be “preventable” by the Accident Review Board may use their Good Driver Benefit to eliminate one day of suspension.
3. After a good Driver Benefit has been forfeited or used in lieu of a penalty or the Accident Review Board has found that the accident was preventable, the employee must earn a new Good Driver Benefit.

5.17 SPECIAL CIRCUMSTANCES:

- A. In cases where accidents arise out of snow removal operations, The Public Works Department Director will contact Risk Management and discuss whether or not the accident should be reviewed internally or sent to the Accident Review Board.
- B. Navajo County Sheriff Deputies and Detention Officers that our subject to disciplinary measures have rights guaranteed to them by the Police Office’s Bill of Rights (POBR) as enumerated in state statute. Navajo County Sheriff Deputies and Detention Officers are not subjected to the policies and procedures set forth in the Navajo County Accident Review Board Policy.

5.17 RECORDS

The Risk Manager and Deputy Director of Highways and Fleet will be required to keep retrievable records to track the following:

- a. Accidents
- b. Accident Risk Review Board findings
- c. Vehicle Incident Reports with findings
- d. Driving and Equipment Training and other driving-related loss prevention programs
- e. Vehicle Incident Reports with findings
- f. Vehicle monitor and tracking activities

All completed Summary Reports will be filed with Risk Management and “preventable” accidents will be filed in the employee’s Personnel file.