

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

**1st READING 10/10/2023
2nd READING 11/14/2023**

**BILL NO. 23-26
ORDINANCE NO. 796**

**AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING
THE CITY OF NORMANDY PERSONNEL POLICY MANUAL BY ADDING SECTION
19 – EMPLOYEE SAFETY**

WHEREAS, the Council of the City of Normandy wishes to implement a new Safety Plan in order to provide for the safety and well-being of its employees and residents reduce and mitigate the risk of workplace injury and death; and

WHEREAS, the City Council of the City of Normandy believes it is in the best interest of the City and its residents to amend the Personnel Policy Manual to add a new section regarding employee safety that shall provide the framework and enforcement and incentive mechanisms to implement a participatory and well-tailored safety plan in the various departments of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
NORMANDY, MISSOURI, AS FOLLOWS:**

Section 1 – Adoption of City of Normandy Personnel Policy Manual

The City Council of the City of Normandy hereby amends the City of Normandy Personnel Policy Manual by adding a new section, Section 19 – Employee, attached hereto in Exhibit A.

Furthermore, the Council directs the City Administrator and Department Heads to provide for the creation and promulgation of department safety plans pursuant to Section 19 and the enforcement of the provisions therein.

Section 2 – Repealed

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

Section 3 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 4 – Codification

This Ordinance shall not be codified in the Code of Ordinances of the City of Normandy.

Section 5 – Effective Date

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **14th** day of **November**, 2023.



Honorable Mark Beckmann, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman - City Attorney

SECTION 19 – EMPLOYEE SAFETY

19.1 City of Normandy Municipal Safety Plan

A. Purpose and Structure of Plan – The purpose and goal of the City of Normandy Municipal Safety Plan is to ensure that every employee goes home safe and unharmed to their loved ones after serving the residents of the City of Normandy at their job. The safety plan is designed to instate a culture of safety through well-trained employees that hold one another accountable for instituting safe work practices. The safety program aims to promote active participation of employees in their safety, building up skills and investing in employees through training, and designing policies and procedures so that they are easy to read, use, and follow on a daily basis.

To further this end, the Safety Plan is structured so that it is flexible and well-tailored to the various different departments and duties of employees of the City. Section 19 of the Personnel Manual is intended to be the overall guiding and general safety policy of the City, establishing basic rules, procedures, and expectations for the overall program. This general safety policy is designed to be accompanied by departmental safety policies which are made with the specific job duties and associated occupational risks in mind.

All policies in the plan are written with comprehension and readability in mind. The goal is to have a safety plan that does not sit on a shelf but is used daily by employees through constant review and inculcation of safety practices in employees at every level in the organization. Regular safety meetings and policy reviews, diligent enforcement and auditing, and safety incentives are key focuses of implementation to ensure the success of the program.

B. Department Safety Plans – Due to the diversity of duties of employees across different departments of the City of Normandy and the varying levels of risk for each type of job, this municipal safety plan is designed so that each department has its own safety plan subsidiary to the plan herein established. Department safety plans shall be regularly reviewed and updated by the Department Head with the approval of the City Administrator and an updated version of the plan shall be kept on file with the City Clerk and distributed to all employees within the department.

Each Department Safety Plan shall be well tailored to the needs and occupational risks that the department faces. Each plan shall consist of the following:

- General safety policies for the department
- Policies and procedures include but are not limited to training requirements, personnel protective equipment requirements, and identification of critical risks for key work processes that the department performs.
- Policies and procedures include but are not limited to training requirements, personnel protective equipment requirements, inspection requirements, and identification of critical risks for various tools and equipment that the department uses.

Department Heads shall be responsible for administering their safety plans and shall provide all the necessary personal protective equipment, training, and supervision to make the safety plan a success.

In addition to Department Safety Plans, the City Administrator may establish additional safety plans for special risks or needs including but not limited to an Active Shooter Plan, Severe/Inclement Weather Plan, Fire and Evacuation Plans, and other plans that may be deemed beneficial for the safety and wellbeing of employees. All such plans shall be kept on file with the City Clerk and distributed to all employees of the City.

19.2 General Safety Policies

A. Drug-Free Workplace Policy – The City of Normandy is a drug and alcohol-free workplace. The use of or being under the influence of illegal drugs, marijuana, and/ or alcohol is inconsistent with the behavior expected of employees. The use of illegal drugs, marijuana, and alcohol and misuse of prescribed and over-the-counter drugs subjects employees and residents to unacceptable safety risks that undermine the City's ability to operate safely, effectively, and efficiently.

The use, possession, distribution, or sale of illegal drugs, marijuana, and/ or alcohol, being under the influence of illegal drugs, marijuana, and/ or alcohol, or testing positive for marijuana, alcohol, or any illegal drug including, but not limited to, inactive components or metabolites associated with the use of such drugs is strictly prohibited while on duty, while on City premises or work sites or while operating the City's equipment or vehicles.

Our City participates in post-offer, random, and post-accident drug and alcohol testing. If injured on the job, employees may be expected to participate in a drug and alcohol test immediately following the injury. Any employee testing positive for illegal drugs will have the opportunity to confirm the results of the positive test by having the positive sample retested by a certified laboratory of the employee's choosing and at their own expense.

B. Seat Belt Policy - all employees of the City of Normandy must wear seat belts when operating a City-owned vehicle, or any vehicle on City premises or on City business; and all occupants are to wear seat belts or, where appropriate, child restraints when riding in a City-owned vehicle, or in a personal vehicle being used for City business.

C. Defensive Driving Policy – The following guidelines apply to employees driving city-owned vehicles or personal vehicles while carrying out their job duties. The following shall not apply to police officers who should follow department policy regarding driving. Public works employees should take into consideration additional safety provisions listed in their department policy:

Drivers are required to maintain a safe following distance at all times. Drivers should keep a three-second interval between their vehicle and the vehicle immediately ahead. During slippery road conditions, the distance should be doubled or more.

Drivers must yield the right of way at all traffic signals, emergency vehicles, and signs. Drivers should also be prepared to yield for safety's sake at any time. Pedestrians and bicycles in the roadway always have the right of way.

Drivers must honor posted speed limits. In adverse driving conditions, reduce speed to a safe operating speed that is consistent with the conditions of the road, weather, lighting, and volume of traffic. Tires can hydroplane on wet pavement at speeds as low as 40 mph.

Turn signals must be used to show where the driver is heading while going into traffic and before every turn or lane change.

When passing or changing lanes, the driver shall check the rear-view mirror before pulling back into that lane. When passing or merging into traffic the driver shall check their blind spots.

Drivers should be alert of other vehicles, pedestrians, and bicyclists when approaching intersections. Never speed through an intersection on a caution light. When the traffic light turns green, drivers shall look both ways for oncoming traffic before proceeding.

Drive courteously to avoid confrontations with other drivers. Failure to abide by these rules will result in disciplinary action.

D. Distracted Driving Policy – Employees driving a vehicle in the course of their duties shall keep distracted driving to a minimum. Distracted driving includes, but is not limited to, the use of a cellular phone or other electronic device (not including radios, GPS, or other devices strictly necessary to fulfill job duties) while driving, eating or drinking, or talking with passengers.

Whenever possible, drivers should keep distracted driving to a minimum by completing phone calls while the vehicle is parked or using their phone in a "hands-free" mode via a headset or speaker. The use of a cell phone for personal use while using without "hands-free" technology is strictly prohibited.

While driving, attention to the road and safety should always take precedence over conducting business on the phone.

E. Slips, Trips, and Falls – Slips, trips, and falls are one of the major causes of accidents and can be easily avoided through good housekeeping practices. All employees shall keep all work areas, particularly floors, clean and orderly. Employees have a duty to keep walkways clear of obstructions and report tripping hazards in writing to management. Storage of items should be kept on shelves with a capacity properly rated for the load whenever possible.

G. Lifting - When lifting, bend at the knees, and grasp the load firmly. Then raise the load while keeping your back straight. A team lift must be utilized for loads over 50 lbs.

19.3 Enforcement and Implementation of Safety Plan

A. Safety Meetings– Department Heads shall be responsible for ensuring that employees attend regular safety meetings in which specific safety policies are covered and/or training is conducted. Meetings should encourage employee participation and aim to inculcate key safety policies for work that the employees are currently performing. Supervisors or Department Heads conducting said safety meetings should also encourage employees to report any unsafe working conditions that may exist so that they may be brought to the attention of the Department Head.

In consideration of occupation hazards, Police Officers and employees in the Public Works Department shall be required to have such meetings at least once a week. All other employees are required to have said meeting at least once a month. Additionally, the City Administrator and all Department Heads shall meet at least once a month to discuss recent accidents, review safety policies, and monitor implementation of the program.

Debrief meetings following near misses or accidents shall be required for all employees involved in an accident in an attempt to identify what went wrong and how the accident could be avoided in the future.

Attendance and participation of employees at said meetings shall be well documented. The supervisor or Department Head conducting the meeting should prepare an agenda of which safety policies and or procedures were discussed, who attended the meeting, signatures of those attending, and any notes or key takeaways from the meeting.

B. Safety Training – Department Heads shall be responsible for establishing a regiment of safety training for employees within their department through their respective Department Safety Plan. Training and certification programs shall be established for all equipment and/or work process which pose a significant risk for injury, as required by OSHA regulations, or by law. Department Safety Plans shall also provide for the frequency of retraining or recertification that may be necessary to ensure that employees and operators are up to date on policies and procedures.

In addition to training, Department Heads shall ensure that all employees sign policy acknowledgments for all policies and procedures listed in 19.2 and general departmental policies listed in their Department Safety Plans.

C. Incident Reporting - Any accident, incident, or “near miss,” no matter how slight the injury or damage, should be reported to the employee’s immediate supervisor before the end of an employee’s shift. The immediate supervisor is responsible for taking appropriate follow-up action, including directing medical attention, completing an investigation report, and recommending or implementing appropriate corrective actions.

The City of Normandy may direct medical treatment as allowed by the Missouri Worker’s Compensation statute. Any request for medical treatment should be made to the immediate supervisor. If an employee chooses to seek care on their own without authorization it may be at the employee’s own expense. If an employee receives medical care and after an investigation, the employee’s condition is deemed not work-related

according to the workers compensation statutes, the employee or employee's insurance company will be liable for the medical charges.

Employees should complete accident investigation forms requested by their immediate supervisor and return them promptly. Detailed investigation may include interviews, photographs, training/document reviews, and preparation of a written report for all serious accidents and incidents.

The City of Normandy has developed transitional duties to help employees return to productive work. If an employee is off work for more than one week due to a work-related injury or illness, the employee must contact their immediate supervisor at least once per week to provide updates on the employee's medical status and probable return-to-work date. Transitional duty is a temporary remedy, and the length of time allowed will be decided on a case-by-case basis.

This accident reporting policy has been designed with the employee's best outcome in mind. Failure to follow the City of Normandy's accident reporting policy could result in a written warning, suspension, or dismissal.

D. Auditing and Verification - All documentation for safety meetings, training records, policy acknowledgments, disciplinary action related to safety policies, and all accident, incident, or near-miss reports shall be forwarded to the City Administrator for review to ensure compliance.

Department Heads and supervisors shall be responsible for regular monitoring and auditing employees for compliance with safety policies. If a violation of policy is found the Department Head or supervisor should immediately address any violations of the safety policy with the employee and shall issue proportionate disciplinary action to ensure future compliance. Failure of Department Heads and supervisors to conduct such regular audits shall be grounds for discipline.

E. Safety Disciplinary Policy - The City of Normandy wants its employees to work in a positive, productive atmosphere. However, employees who violate safety rules must be disciplined in order to protect their own safety and the safety of their coworkers. Depending on the severity and frequency of a safety violation, an employee may be:

- immediately discharged
- suspended, or
- given a verbal and/or a written warning

The following disciplinary guidelines classify violations according to their seriousness (Groups A, B, and C), for which certain penalties are suggested. Unsafe conduct by an employee may violate several provisions of the different groups. This list is intended to suggest examples of inappropriate behavior. It is not a comprehensive list of all safety violations for which an employee may be disciplined or discharged.

The following disciplinary policies do not in any way bind the City of Normandy to follow a particular course of conduct. The City in its sole discretion may change these policies at any time. In addition, nothing in the policies changes the at-will nature of employment for non-police officers, the Merit System for police officers, and/or protections provided to police officers under 590.502 or 106.273 of the Revised Statutes of Missouri.

<u>GROUP A</u>	<u>GROUP B</u>	<u>GROUP C</u>
1. Deliberate violation of any security or safety rules of the City or Department of the employee 2. Being intoxicated or under the influence of any controlled substances while at work 3. Deliberate or reckless misconduct that endangers the life or safety of others 4. Possession of alcohol or illegal drugs on the City of Normandy premises 5. Deliberate destruction or damage to the City of Normandy property 6. Deliberate falsification of any documents related to safety or employment matters 7. Fighting or deliberate harmful contact with co-workers	1. Negligence that endangers the safety of others or damages the City of Normandy property. 3. Unintentional safety violations that endanger the safety or health of others 4. Failure to report conditions that one believes to be unsafe 6. Speeding or unsafe operation of any vehicle or equipment 7. Driving any machinery without the required approval 8. Failure to properly record safety information for which one is responsible 9. Improper refusal to obey a supervisor's safety instructions 10. Any belligerent or antagonistic conduct toward co-workers, supervisors, or customers	1. Violation of personal protective equipment policy that does not result in injury to oneself or others 2. Poor housekeeping 3. Failure to participate in group safety meetings 4. Failure to properly and immediately report any accident or injury 5. Failure to properly or immediately report any accident involving the City of Normandy equipment 6. Failure to perform inspections of tools or machinery 7. Failure to report machine or tool deficiencies 8. Failure to learn City or Department safety rules and regulations

The supervisor or Department Head issuing shall have discretion in what disciplinary actions are taken for the above violations. The following list provides a general guide for disciplinary actions for the above violations. All discipline under this policy should be consistent with all other sections of this policy manual and all other departmental policies, ordinances of the City of Normandy, and statutes of the State of Missouri.

Group	1st Offense	2nd Offense	3rd Offense
Group A	Immediate discharge		
Group B	Warning or Suspension	Discharge	
Group C	Warning	Warning or Suspension	Discharge

F. Safety Incentives- All non-probationary employees who complete an entire calendar year without having a lost-time accident shall receive a day of paid leave. Said leave shall be granted immediately after completion of the accident-free calendar year on January 1st. If unused, it shall expire on December 31st at the end of the calendar year.