

Town of Freedom, NH Safety Manual

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Purpose and Background Information

Every Town of Freedom employee desires and has the right to a workplace free from occupational safety and health hazards. An effective safety program is designed to prevent accidents and illnesses, and is established jointly between employees and management.

Unsafe behaviors, unsafe conditions, and accidents are indicators of a weakness in the risk management process that is in place. A truly effective process provides the framework for safety and concern for self and others to be integrated into the organization like any other function through planning, organization, and leadership. A well-trained, motivated, and team-oriented employee in a safe and healthful environment is more likely to be highly productive and less likely to have an accident.

Maintain a Safe and Healthy Workplace. RSA 281: A:64 requires that employers maintain a safe and healthy workplace. What would best be described as a general duty clause, this requirement is an attempt to convey the importance of keeping employees safe on the job. While an essential function of all employers, this requirement helps with the enforcement phase of the Statute.

Documentation and Reporting. Employers are required to report any workplace deaths and serious Injuries. Death of any person in the workplace must be reported by the employer to the NHDOL within 8 hours of the occurrence. Serious injury of any person in the workplace (amputation, loss or fracture of any body part, head injury or internal injury that necessitates immediate hospitalization) must be reported by the employer to the NHDOL within 24 hours. These reports must be made electronically or telephonically, and must identify the cause and location of the incident, the place where the injured person is receiving medical care, and any other relevant information as requested. A prompt determination must be made on whether the incident is reportable and employer representative must interact cooperatively with the NHDOL. Specific questions about whether incident is reportable and how the employer reports should be directed to the employer's legal counsel.

Responsibilities

All Town of Freedom department heads and employees shall be fully responsible for implementing the provisions of this process within their respective jurisdictions. The responsibilities listed are minimum guidelines, and should not be construed to limit individual initiative to create and implement more comprehensive procedures to control losses and enhance workplace safety.

I. Board of Selectmen and Department Heads

A. Officially adopt the program.

B. Demonstrate overall support, direction, and commitment. Actively participate in the process whenever possible.

C. Clearly communicate with all members of the organization. Emphasize that the program is a joint effort among all parties. Active, motivated participation by each individual is critical to the program's success.

D. Ensure that required resources are available when necessary. Resources may include, but not be limited to, the following:



1. Funding - safety equipment; personal protective equipment; training courses and materials.
2. Personnel - outside experts; Risk Management Services consultants; inter-departmental liaisons.



3. Time - review and respond to inspection/recommendation/ investigation reports; participate in training programs.
4. Support - encourage acceptance by everyone.
5. Other, as needed.



E. Respond, in writing, to recommendations made by the Joint Loss Management Committee. **(See Exhibit G for a sample feedback form.)**



F. Provide training for members of the Joint Loss Management Committee in workplace hazard identification and accident/ injury investigation adequate to carry out the committee's responsibilities.

G. Ensure that sub-contractors follow all appropriate safety and health standards.

(SEE EXHIBIT A – TOWN OF FREEDOM STATEMENT OF SAFETY POLICY)

II. Supervisory Personnel

Supervisors are leaders, whether first line or departmental, and they play an essential role in the success of the process. They have the authority and share the responsibility for several aspects, including the following:

- A. Ensure that all employees within their area of responsibility understand and comply with the process and observe all work rules.
- B. Ensure that all employees within their area of responsibility also understand all personnel policies and procedures, and disciplinary consequences as they relate to the safety process. (See Exhibit C for sample personnel policies).
- C. Exhibit leadership, provide guidance and set the tone for safe behavior.
- D. Educate employees within their area of responsibility in the correct methods for performing each task, the nature of the hazards involved, the necessary precautions to be taken, and the use of appropriate protective and emergency equipment.
- E. Be actively concerned for the safety and health of their staff. Leaders are accountable for the positive, successful performance of their team, as well as accidents, incidents, and near-misses which occur.
- F. Regularly meet with staff to discuss plans and ideas to bring about additional loss prevention measures. A review of accidents and near misses which may have occurred as well as positive actions can also be conducted at this time.
- G. In conjunction with the joint loss management committee, schedule and/or conduct workplace inspections and investigations to identify and correct unsafe equipment, conditions, or actions.
- H. Include an evaluation of an employee's safety behavior in each formal performance appraisal. An employee's safety behavior record may highlight both specific performance adequacies and inadequacies.

III. Employees

As members of the organization, employees are expected to exhibit safe behaviors at all times and are required, as a condition of employment, to exercise active concern in the course of their work to prevent injuries to themselves and to their fellow workers.

Employees shall:

- A. Create and maintain a safe working environment in all aspects of employment.

- B. Exhibit active concern for fellow employees and the workplace.
- C. Take immediate action to correct unsafe acts and conditions, and apprise the supervisor of actions taken.
- D. Understand and observe all personnel and work rules, policies, and procedures.
- E. Wear required personal protective equipment, including seat belts.
- F. Operate only machines and equipment that they have been formally trained to operate.
- G. Follow all accident reporting procedures.

(SEE EXHIBIT B – TOWN OF FREEDOM SEAT BELT POLICY)

Handling Injuries Accident Reporting and Investigation

A workers' compensation injury is defined as an accidental injury or death arising out of and in the course of employment and all occupational diseases arising out of and in the course of employment. There are specific State requirements for reporting these injuries which are summarized in this section.

Naturally, the first action to be taken when an accident occurs is to ensure that proper medical treatment is provided. Delaying medical assistance can be detrimental.

I. Handling Emergencies

Judgment is a key factor in the handling of an emergency. Everyone is expected to exercise sound judgment based upon circumstances. The following is a list of guidelines to follow. If there is any question or doubt about the seriousness of an emergency, call for help!

- A. Know how to summon aid and/or initiate evacuation procedures. Post proper phone numbers, know the location of phones, etc.
- B. Ensure that the appropriate emergency service (medical, fire, police, rescue) is notified and that clear directions to the location are provided;
- C. Ensure that first aid and emergency care is provided;
- D. Ensure that action is taken to prevent additional injuries (secure the scene);
- E. Notify the supervisor when practical;
- F. Follow reporting and investigation procedures.

II. Accident Reporting

- A. All accidents and incidents (near misses) are to be reported immediately to the employee's immediate supervisor.
- B. The immediate supervisor will complete the appropriate accident investigation forms following the guidelines in Part III, Accident/Incident Investigation.
- C. The immediate supervisor will be responsible for ensuring that sufficient information is gathered to accurately complete the Employer's First Report of Injury or Occupational Disease (Form 8-WC).
- D. The First Report of Injury Form (8-WC) will be completed and processed within five calendar days. The immediate supervisor will also complete any other required forms.
- E. Injuries requiring only first aid must also be reported following these guidelines.

III. Accident/Incident Investigation

The immediate supervisor, in conjunction with the joint loss management committee or other designated individual(s), shall investigate all accidents and incidents (near-misses) which occur within their area of responsibility. The purpose is to determine what happened, why it happened, and most importantly, how to prevent its recurrence. An accident investigation report should be completed if the accident is serious in nature, or had the potential to cause serious injury.

(SEE EXHIBIT H – ACCIDENT / INCIDENT INVESTIGATION REPORT)

Guidelines For Conducting Investigations:

- A. Investigate and secure the scene as soon as possible after the accident/incident noting the environment, conditions, location of equipment, physical objects, and witnesses. Make notes, draw sketches, and photograph as needed.
- B. Interview witnesses soon after the accident so that the facts will be accurate. Be certain that they understand that no blame is being cast - you are simply trying to gather facts to prevent a recurrence.
- C. Interview the victim *when the timing is right*. Be sensitive to his/her physical and emotional condition. Remember, you represent the organization and the venting of anger may be a significant factor.
- D. Make objective recommendations to prevent similar occurrences. Terms such as "employee was careless" have no place in a factual report.

Safety Inspections

All Town of Freedom employees have the responsibility to note physical and operational hazards and conditions in the workplace. As outlined in the Responsibilities section, they also are expected to take action to correct these observed conditions and actions.

In addition to this continual vigilance by employees, the joint loss management committee is responsible for conducting periodic inspections and reporting any findings, with suggested control measures, to the person most able to take action on the recommendations.

I. Frequency:



- A. Inspections of the work area, processes, and equipment are to be conducted regularly, but at a minimum, annually.
- B. All employees are expected to constantly be alert for unsafe acts and conditions, and take necessary corrective action.

II. Guidelines for Correcting Unsatisfactory Conditions:

- A. First and foremost, take the necessary action to prevent an injury! (Remove the tool from service; post a warning sign, etc.)
- B. Take appropriate steps to permanently correct the hazard. Report all action taken to the appropriate people.
- C. If you are not able to correct the problem, take steps to prevent an injury from occurring. Then, report the problem and your recommended solution to the person who can make corrections.

III. Record Keeping Guidelines

- A. Document the inspection! At a minimum, record:
 - 1. Inspection date;
 - 2. Name of person(s) who conducted the inspection;
 - 3. Location/piece of equipment inspected;
 - 4. List of findings, both positive and negative;
 - 5. Any action taken;
 - 6. List of recommendations for further action.
- B. File the inspection reports with the minutes of the Joint Loss Management Committee meetings.

(SEE EXHIBIT F FOR TOWN OF FREEDOM SAFETY INSPECTION REPORT)

Education and Training

Effective education and training of employees will be provided. We understand that a well trained, healthy, fit employee is not only productive, but is also less likely to get hurt. Specific safety training will be provided, along with the training which allows each of us to perform our duties as effectively as possible.

Employees may be asked to complete a form which indicates completion and understanding of training that is provided.

I. Types of Training

A. Introductory

All new or transferred employees will receive training that will help them to understand their responsibilities in the workplace, especially relating to safety and health. They will also be provided with a copy of any appropriate work rules for their position.

B. Specific/On the Job

Employees will be instructed in the proper method of performing each job, the hazards associated with it, the required personal protective equipment, and any necessary emergency procedures. This will be done as required by work rules, when changes in the job occur, or whenever deemed necessary.

C. Follow-up

Follow-up training serves several purposes, and will be provided. Primarily, it serves as an effective means of reinforcing positive, safe work methods and habits. In addition, it can be used to reintroduce employees who have been out of work for an extended period of time back into the work routine.

II. Recordkeeping

For all training that is provided the following information will be maintained in compliance with applicable laws:

- A. Brief description of the topic
- B. Date of training
- C. Name and affiliation of instructor
- D. List of attendees

- E. Forms indicating completion and understanding of the training.

Exhibit A

Statement of Safety Policy

The Town of Freedom values the health, welfare, and safety of every employee and intends to provide a safe and healthful workplace. Accidents cause untold suffering and financial loss to our employees and their families.

In pledging its full support of the safety process, the Board of Selectmen recognizes certain obligations:

1. That prevention of accidents and protection of all resources are guiding principles.
2. That all operational decisions affecting safety must receive the same consideration as those affecting production or quality.
3. That safe working conditions and methods are of prime importance and take precedence over shortcuts and “quick fixes.”
4. That the Town of Freedom will comply with all safety laws and regulations.
5. That feedback will be welcomed from all employees.
6. That all employees will follow all safety rules, take no unnecessary chances, use all safety guards and equipment, and make safety an integral part of their lives.

As an employee of the Town of Freedom, you have a responsibility to yourself, your family, your co-workers, and the community to understand and follow our safety process. We must be alert in detecting and taking steps to remedy potentially hazardous conditions. Above all, we must exercise concern for others to help ensure everyone’s safety, well-being, and productivity.

Your efforts will make the difference!

Board of Selectmen Chair

Selectmen

Selectmen

Date

Exhibit B

Town of Freedom Seat Belt Policy

RATIONALE:

1. Your welfare and safety is a consideration at all times.
2. The use of seat belts in all motorized vehicles has proven to be an important factor in both preventing, and reducing the severity of, personal injury in the event of vehicle accidents. This is especially true when the vehicle is equipped with airbags (SRS), or rollover protective systems (ROPS).
3. The New Hampshire Workers' Compensation statute, RSA 281-A, requires the use of appropriate personal protective equipment. Seat belts are considered to be personal protective equipment; therefore, the Town of Freedom is charged under state law to require their use while on Town of Freedom business.

POLICY:

All Town of Freedom employees are required to wear seat belts while operating or riding in any vehicle while on Town of Freedom business. This applies to Town of Freedom vehicles, personally owned vehicles, as well the vehicles of others, regardless of the presence of any supplemental restraint system (airbags).

In addition, passengers in vehicles operated by Town of Freedom staff while on Town of Freedom business are required to wear seat belts.

This requirement shall not apply in the case of vehicles in which the manufacturer has not installed seat belts.

Town of Freedom employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.

DISCIPLINE:

Employees found to be violating this policy may be subject to discipline as outlined in the Town of Freedom Personnel Rules and Policies.

Exhibit C

Town of Freedom Personnel Policies

Discipline Policy Rationale

Employers are required to promulgate safety policy and disciplinary procedures to deal with those employees who fail to comply with a safety program. Implicit in these requirements is the expectation that the safety program and disciplinary procedures will be enforced. We fully expect to have problems develop around disciplining employees for safety violations. Some issues we anticipate are:

1. Employee accusations of unfair/unequal enforcement.
2. Employee accusations of no enforcement.
3. Using your disciplinary actions to cast a poor light on your personnel practices.
4. Employees trying to get revenge on supervisors or co-workers.
5. Impugning the character and integrity of the employer by casting a poor light on the employer's supervisory practices and / or personalities.
6. The use of information about your personnel practices at Department of Labor hearings to try to portray the employer as only giving little credence to safety issues.

The employer must remember that an unenforced rule is no rule at all, and that silence implies consent, so you must be prepared to actively and fairly enforce the rules.

The keys to an effective disciplinary procedure are as follows:

- * The employee must know the rules and the consequences for violating them.
- * The rules must be enforced.
- * The enforcement cannot be arbitrary and capricious.

A progressive disciplinary process insures that the rights and obligations of the employer and employee are guarded.

In 1982, the NH Supreme Court defined these processes in the Appeal of Byron Miller (122 NH 933). The case involved an appeal of the denial of unemployment compensation benefits because of employee misconduct, and in large part was the result of violations of safety rules. The court wrote:

Miller began working for Prevue Products in 1979 and on at least three occasions received reprimands and suspensions for various reasons relating to safety-procedure infractions (emphasis added). The fourth incident leading to his discharge occurred when he allegedly jumped off a loading dock despite orders not to do so.

An unemployment compensation system is predicated upon benefits being paid to those who become unemployed through no fault of their own. No compensation is to be paid to one who is terminated because of "misconduct connected with his work." Isolated and inadvertent instances of unsatisfactory conduct are not sufficient for a finding of "misconduct," but recurring careless or negligent acts are enough to constitute misconduct. Safety in the workplace is not only a legal requirement but a sound social policy for employer and employee alike (emphasis added).

Mr. Miller's employers had a progressive disciplinary process in place. He had been warned and suspended before being terminated for jumping off the loading dock. The employee was told that his conduct violated company policies and was told of the consequences of continued violations (i.e. further disciplinary action which, in this case, included a suspension and ultimately, discharge). The court has repeatedly found that a safe workplace is a reasonable rule.

The employer, in all cases of alleged misconduct, must conduct a thorough and fair investigation before administering discipline. In addition, the employer must use discipline in a fair and consistent fashion. Simply stated, the employer must implement the discipline for every employee and the penalty must reasonably be related to the seriousness of the proven offense and the employee's record. It is essential that the employer maintain accurate records of each instance where discipline is administered, and not let the employee talk the employer out of administering the penalty.

A fair process requires that the employer inform the employee of the precise nature of the offense and any verbal or written warning tells the employee the consequences of further violations. A fair process also allows the employee to present his/her version of events and any evidence or mitigating circumstances.

Discipline Policy

It is the Town of Freedom's policy to place as few restraints on personal conduct as possible. We are justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and sense of responsibility. Each employee is expected to act in an appropriate manner. However, for the protection of our property, business interests, and other employees, we have established certain rules of conduct. Violations of any rule cannot be ignored.

These rules are published for your information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. It is only fair that you should be familiar with those rules the organization considers to be important. It is also fair that you be apprised of the procedures to be used should any disciplinary action be required. We believe in using a process that is fair to all, yet maintains employee responsibility.

For these reasons we use a progressive discipline model for handling disciplinary/performance issues. This model is designed to bring deficiencies to the attention of the employee in as non-confrontational a manner as possible.

Department Heads and/or Supervisors are responsible for counseling employees as problems occur regarding adherence to the policies, procedures and rules of the organization and work unit.

Discipline Procedures

The following establishes this organization's disciplinary process. Discipline may be initiated at any step of the process depending on the seriousness of the offense. In all cases, the rule, policy or procedure that was violated will be reviewed with the employee to reinforce the behavior expected.

A. **VERBAL WARNING** - Any infraction of the rules, policies, or procedures will warrant a verbal warning from the employee's immediate supervisor. In giving the warning the supervisor must inform the employee of the specific nature of the violation, remedial actions, and the consequences of further violations which may include but not be limited to a written warning, suspension and / or discharge. **(See Exhibit G for a sample verbal warning note.)**

B. **WRITTEN WARNING** - Any subsequent or serious violation of the rules, policies, or procedures of the organization may result in a written warning. A written warning is a more serious form of discipline and is specifically designed to alert the employee as to the seriousness of his/her deficiencies and potential action for further violation of the policies, procedures and rules. The employee will be asked to sign the warning to acknowledge receipt and understanding of the contents. **(See Exhibit G for a sample written warning form.)**

C. **SUSPENSION** - Any subsequent or serious violation of the rules, policies, or procedures of the organization may result in the suspension of the employee. The authority, e.g. department head may suspend the employee for up to three (3) working days without pay. Suspensions of a longer duration must be approved by top management Council, Selectmen, Manager, Superintendent, etc. **(See Exhibit G for sample notice of suspension form.)**

D. **TERMINATION** - Employees may be terminated from employment for a single serious violation of the rules, policies, or procedures, and/or for repeated violations of the rules, policies, or procedures. The employee shall be advised in writing of the recommendation to terminate. The authority, e.g. Board of Selectmen shall take action regarding the recommendation within fourteen (14) calendar days of its receipt.

In the case of Written Warning, Suspension or Termination the employee will be given the opportunity to explain his/her actions prior to the imposition of the discipline.

An employee need not have been suspended for any previous violations before being terminated.

Exhibit D

Joint Loss Management Committee Guidelines

I. Purpose and Intent

Joint Loss Management Committees are not just another layer of forced bureaucracy. Their purpose is to bring workers and management together in a non-adversarial, cooperative effort to promote workplace safety. They have the potential to significantly improve workplace safety and productivity, enhance employee relations, morale and health, and provide significant financial savings in Workers' Compensation.

The Primex³ Risk Management Services Department continues to advocate the establishment of joint loss management committees. These guidelines may help to answer some of the inevitable questions associated with forming and operating a joint loss management committee. The variables that impact each employer's decisions are too numerous to allow "ironclad" information to be presented.

During the decision making process, consider the following points:

* Intent. What is your intent? Are you trying to incorporate something into your safety process that will positively impact the health and safety of the employees? If so, you are probably on the right track.

* Effectiveness. Will what you are contemplating doing work? If so, further consider it. If not, find something that will work. This is one area where the result may be more important than the process used to achieve it.

The 1994 Workers' Compensation reform legislation introduced the term "joint loss management committee" into our vocabulary. The purpose was to have a more descriptive name for what is intended to be a more balanced, comprehensive version of a safety committee. For many Primex³ members, the existing safety committee may be able to be transformed into a joint loss management committee.

II. Organization of Committee

A. Size

Employers with 20 or fewer employees need a minimum of 2 members, while employers with more than 20 employees need a minimum of 4 members.

The size and structure of the committee will be impacted by the overall size of the organization and the services provided. The committee should be sized so that all members can be active, and special sub-committees can be appointed, if needed.

B. Membership and Structure:

1. Committees are required to have equal numbers of employer and employee representatives. (See the applicable definitions in the rules which start on page 3.10)

2. Employee representatives shall be selected by the employees according to the following guidelines:

a. Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;

b. Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group or unrepresented employees shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group;

3. Committee members must be representative of the major work activities of the employer.

“Major work activities” is open to interpretation, but the easiest delineation would appear to be by department. However, work activities could easily cross departmental lines. For example, one representative of the administrative support activities (computer input, filing, etc.) can probably represent the interests of all employees involved in those operations.

4. Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate of pay for all time spent on such activities;

5. The committee is required to elect a chairperson. The position of chairperson must be rotated between employee and employer representatives.

The law does not address the length of the term that the committee chair can or should serve. Therefore, the rotation between employee and employer representatives must only occur when the chairperson changes.

Our recommendation is that the chairperson change every two years. That gives someone a chance to “learn the ropes” and have an impact prior to the expiration of their term, yet also allows that required rotation to occur.

C. Sample Agenda

1. Call to order.

2. Roll call by secretary.

3. Introduce any visitors, if allowed.

4. Read minutes of previous meetings.
5. Review any new rules or regulations issued since last meeting, and/or any correspondence received.
6. Address any unfinished business.
7. Review any noted safe practices, behaviors, or ideas.
8. Review all personal and property accidents and “near misses” and define preventive measures to be taken.
9. Discuss safety inspections and recommendations to be submitted to the employer.
10. Bring up new business. Include any outside programs of interest.
11. Adjourn the meeting. Indicate date, time, and location of next meeting.

III. Duties and Responsibilities

A. General

1. Meet at least quarterly.
2. Be strong advocates for the promotion of safety values, procedures, policies, and programs at all levels.
3. Develop and disseminate to all employees a committee policy statement.
4. Maintain clearly established goals and objectives of the committee, and disseminate them to all employees.
5. Review workplace accident and injury data to help establish the committee’s goals and objectives.
6. Provide an open forum for free discussion of both accident problems and preventive measures.
7. Establish specific safety programs which include, but are not limited to, the following:
 - a. Designation, by name and title, of a person who shall be knowledgeable of site specific safety requirements and be accountable for their implementation and adherence;
 - b. Provisions for health and safety inspections at least annually for hazard identification purposes;
 - c. Performance of audits at least annually regarding the inspection findings;

- d. Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
- e. Written response, by the employer, to recommendations made by the committee.

(SEE EXHIBIT E FOR A SAMPLE RECOMMENDATION FORM)

8. During the inspections, discover unsafe conditions and practices, and determine their remedies.
9. Instruct those in an affected work area how to recognize, control and eliminate unsafe conditions and practices.
10. Ensure that the required training and familiarization is provided for all employees so they may perform their work in a safe and healthy manner.
11. Assist with the identification of temporary, alternate tasks.

B. Recordkeeping

1. Minutes of all committee meetings must be kept.
2. As the committee is a functioning body of and for all employees, the minutes of each meeting must be made available to all employees.
3. Format of minutes should be decided by the committee. Minutes should be constructed so that they are of benefit to all employees but should be sensitive to issues that may have been discussed during the meeting.

IV. Tips Offered By Those With Experience

A. Management

1. Personally accept responsibility for and be concerned with their own health and safety, as well as their employees'.
2. Recognize and commend safe, healthy behavior.
3. Fully support and commit to the safety and health process.
4. Fund the joint loss management committee in the budget to enhance the credibility of the process and committee.
5. Approve and issue written, comprehensive general safety and health policies, programs and procedures and ensure that acceptance and enforcement is equal in all departments.
6. Make safety performance a part of the performance appraisal system.

B. Supervisors

1. Personally accept responsibility for and be concerned with their own health and safety, and their employees’.
2. Clearly define and promote safety and health responsibilities and behaviors.
3. Jointly conduct worksite inspections, employee training, and department safety meetings, if any.
4. Recognize and commend safe, healthy behavior.
5. Consistently enforce rules and regulations.

C. Employees

1. Personally accept responsibility for and be concerned with their own, and their co-workers’, health and safety.
2. Feel free to note safety and health problems and take the initiative to correct them.
3. Support the concept and activities of the loss management process.
4. Recognize and commend safe, healthy behavior.

D. Committee

1. Involve the entire workforce including part-time and temporary employees. Listen to and welcome input from everyone.
2. Schedule regular meetings. If the schedule varies, communicate the reason.
3. Recognize limitations in authority and qualifications and know when to request assistance. Avoid becoming focused on superficial problems - this will cripple the committee and destroy its credibility.
4. Make recommendations to management for improvements to the safety and health process. Be prepared to present and justify these recommendations.
5. Act immediately on any reported unsafe condition(s). Never blame inadequate staffing or financial shortages or unavailability as the reason for not effecting corrective action.
6. Ensure that member replacements occur at intervals as defined in the policy. Encourage employees to serve on the committee. Stagnation can result with the same people serving on the committee.
7. Promptly publish meeting minutes and communicate findings to employees.

Every entity, workplace, and employee is unique. This has to be recognized by everyone involved. “Off-the-shelf” programs, policies and procedures, and “quick-fix” solutions will not be effective in the long term.

Compliance

The New Hampshire Department of Labor, through their Safety Office, has responsibility and authority for determining compliance with these provisions of the Workers' Compensation Statute. If you have questions regarding compliance, call their office at (603) 271-6850 or 271-7822.

Instructions for Using Recommendations Form

1. The Workers' Compensation statute requires the employer to respond to recommendations made by the joint loss management committee. A verbal response that is recorded in the committee's official minutes qualifies as a response.
2. The committee presents their recommendations to the appropriate parties on this form. Additional sheets can be used for sketches, additional supporting material, etc.
3. The employer representative responsible for acting on the recommendations provides written responses, and returns the form to the committee chair.

Guidelines

- * Keep the recommendations concise and action oriented. Begin them with action words (e.g. install, remove, repair, etc.)
- * Word the recommendation in such a way that it will be clear whether or not it has been completed.
- * Don't make this an exercise in paperwork. This form is purposely designed to be short. Don't create extra work.
- * Once completed, the form should be kept as a record of action taken. Keeping it with the committee minutes makes sense.
- * The committee can take responsibility for following up on uncompleted recommendations. If a target date six months hence is established, some means to revisit the issue should be established so that six months later, completion of the recommendation can be determined.

Exhibit E

Joint Loss Management Committee Recommendations

Committee: _____ Meeting date: _____ Date: _____

Rec. Number	Committee Recommendations
----------------	---------------------------

Rec. Target Number	Employer Responses	Date
-----------------------	--------------------	------

Employer Representative: _____ Date: _____

Return responses to Committee Chair

Use additional sheets as needed

Page ____ of ____

EXHIBIT F

Town of Freedom, NH Safety Inspection Report

1. Date of Inspection:
2. Person(s) Conducting Inspection:
3. Location / Piece of Equipment Inspected:
4. Inspection Findings (Use Reverse if Necessary):

5. Action Taken:
6. Recommendations / Plan of Action (Use Reverse if Necessary):

File: Freedom Safety Officer, JLMSC

EXHIBIT G

Sample Disciplinary Forms

Verbal Warning Note

I gave a verbal warning to

on this date for violating

The above named employee was advised that any further violations of this or other rules could result in further disciplinary action.

Name _____

Date _____

Written Warning

To:

From:

Date:

Subject: Written Warning

You are hereby given a written warning as called for in the Personnel Rules & Regulations and Department Work Rules for

which is a violation of the following rules and regulations:

You are expected to improve your compliance with these rules and regulations forthwith.

Any further violations may result in further, and possibly more severe, disciplinary action that may include, but may not be limited to, suspension and/or discharge.

Supervisor's Signature

I acknowledge receipt of the above. I certify that it was discussed with me. I do not necessarily agree with the above.

Employee's Signature

Date

Notice of Suspension

To:

From:

Date:

Subject: Notice of Suspension

You are hereby notified that you are suspended for _____ days with/without pay effective _____ . This action is the result of your violation of

in that you

This behavior does not comply with the standards of performance expected of you as an employee.

Supervisor's Signature

I hereby acknowledge receipt of the above. I certify that it was discussed with me.

Employee's Signature

Date

New Hampshire's Workers' Compensation Statute (Excerpts)

281-A: 61

Reports of the Commissioner

I. The commissioner shall make a report to the governor, by October 1 of each odd-numbered year, showing the work done during the preceding 2 fiscal years. The report shall include a properly classified statement of department expenses, statistical information relating to the number and character of industrial accidents during such 2 years and such other information and recommendations as the commissioner deems pertinent. The report shall be printed as part of the commissioner's biennial report.

II. The commissioner shall make a workplace safety and injury report, which shall be submitted with the report required under paragraph I, to the governor and the legislature. The report shall provide statistical information pertaining to the nature, character and severity of industrial accidents, injuries, and illnesses in New Hampshire and information pertaining to the department's and employers' efforts in the area of safety promotion and accident prevention. The statistical information related to workplace injuries shall be compiled from data gathered directly by the department through the required injury reports filed by employers. This report shall include, but not be limited to, the types and frequency of reported injuries; a breakdown and analysis of the types and size of industries, and the job classifications from which such injuries have been reported; the average length of disability; a report of employer compliance with RSA 281-A:64; the annual listing of best and worst performers as prepared by the commissioner under the provisions of RSA 281-A:64; a report of all departmental activities required under RSA 281-A:65; specific recommendations for improved workplace safety promotion and injury prevention,; and any other such information and recommendations pertaining to workplace injuries and injury prevention as the commissioner deems appropriate. The report shall also include the same information for certified managed care programs and shall include information relative to the number of employees and the number of hearings of claimants participating in each certified managed care program.

281-A: 64

Safety Provisions; Administrative Penalty

I. Every employer shall provide employees with safe employment. Safe employment includes, but is not limited to, furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees.

II. All employers with 10 or more employees shall prepare, with the assistance of the commissioner, a current written safety program. The programs shall be filed annually with the commissioner on January 1. Employer programs shall, in addition to the specific rules and

regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

III. Every employer of 5 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

VIII. Except upon a finding of exceptional mitigating circumstances meriting a lesser penalty, the commissioner shall assess an administrative penalty of \$1,000 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be forwarded to the state treasurer for deposit in the special fund called the workers' compensation safety inspection fund established in Paragraph IX.

281-A: 64-b
Manager of Safety, Training, and
Injury Prevention

There is created within the department of labor the classified full-time position of manager of safety, training, and injury prevention who shall be under the direction of the labor commissioner. The position shall be at labor grade 24. The manager shall be responsible for mandatory workplace safety programs and for the development of effective multi-media workplace safety programs which shall be available to all employers.

22 New Positions.

The commissioner of labor is hereby authorized to establish the following additional permanent positions in addition to the position created under RSA 281-A:64-b: 3 workplace safety inspectors at labor grade 21 and a staff support person at labor grade 10.

NEW HAMPSHIRE SAFETY STATUTES, RULES AND REGULATIONS

In order for all employees to understand their responsibilities for safety and health, it is very important that applicable statutes, rules and standards be implemented and communicated to employees.

PUBLIC SECTOR

- Lab 1400 rules, Administrative Rules for Safety and Health
- Lab 600 rules, Safety Programs
- RSA 277, Safety & Health of Employees
- RSA 277-A, Employees Right to Know
- RSA 281-A:64, Safety Provisions

Enforcement agency: New Hampshire Department of Labor (NH DOL)

Areas in which the public employers should develop an effective safety and health program can be found in the Lab 1400 rules. Examples:

- Accident Reporting Requirements- (Lab 1403.04)
- Machine Guarding- (Lab 1403.36)
- Personal Protective Equipment- (Lab 1403.43)

WORKPLACE VIOLENCE

Workplace violence can strike anywhere, anytime, and no one is immune. Employees must be able to recognize the high risk behaviors.

“No single strategy for preventing occupational violence will ever fit all workplaces. Employers and workers should develop and pursue the mix of actions most appropriate for the specific circumstances”. NIOSH Director Linda Rosentock, M.D., M.P.H.

WHO IS AT RISK OF WORKPLACE VIOLENCE?

Factors that may increase the risk of violence for some workers are: exchanging money with the public, working alone or in isolated areas, and working after hours in the evening.

HOW TO REDUCE THE RISK:

1. Assessing the workplace, identify methods for reducing the risk.

- Implement **engineering controls, administrative controls** and **training** the employees to recognize dangerous situations.
- **Engineering Controls:** prudent cash-handling polices such as physical separation of workers from customers, good lighting, security devices, and any other controls to discourage would-be assailants.
- **Administrative controls:** Establish policies and work practices aimed at maintaining a safe working environment which covers all workers, clients, visitors and anyone else who can come in contact with employees.
- **Training** employees to anticipate, recognize and respond to conflict and potential violence in the workplace

2. Public Sector: Town Offices

- A. Clerk’s counter should be at a height even to customer.
- B. Physical barrier separating customers and clerks with sliding window panels, banking windows, interior double hung windows, and wide counter space between customer and clerk.
- C. No swinging doors to allow intruders behind the work environment.
- D. Proper lighting in hallways, and parking lots.

EXHIBIT H



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