

CITY OF OAKLAND
AGENDA REPORT

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TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: January 25, 2005

RE: **Informational Report on the Public Works Agency Risk Management Activities**

SUMMARY

This report discusses the Public Works Agency's (PWA) risk management activities. These activities include efforts to improve work safety, reduce workers' compensation claims, and decrease liability exposure to the City. PWA works closely with the City Attorney's Office, City's Risk Management Division and the Workers' Compensation third-party administrator to effectively implement these activities. Specifically, this report provides information on the following activities:

Improving Safety

- Safety Incentive Plan, Rewards and Recognition Program
- Trainings
- Fleet Safety Program / Accident Review Committee
- Health and Safety Newsletter
- PWA Health and Wellness Fair
- PWA Safety Committee
- Building and Site Inspections

Reducing Workers' Compensation Claims

- Transitional Duty Program
- Workers' Compensation Review Committee

Decreasing Liability Exposure

- Sewer Root Foaming
- Replacement/Repair of Storm Water Inlet Grates
- Street and Sidewalk Liability Reduction
- Tree Liability Reduction

FISCAL IMPACT

This is an informational report and as such, it does not have any fiscal impact. Funding that supports the activities discussed in this report are included as part of PWA's FY 2004-05 adopted budget.

Item: _____
Finance & Management Committee
January 25, 2005

BACKGROUND

Currently, PWA has 886 employees (821 full-time and 65 part-time). The authorized FTE (full-time equivalent) is 843.

Effective July 1, 2004, 167 FTE associated with the parks and tree maintenance functions were transferred to PWA. PWA may be the most diverse organization in terms of services provided ranging from engineering design of sewers and traffic signals to park planning to tree pruning to sewer maintenance. Over half of the employees work in the field – in areas and with equipment that are more susceptible to occurrences of work injury.

PWA has been performing various risk management activities over the years. Many of these activities were disjointed and reactive to issues as they arose. Starting in FY 2003-05, as part of the budget process, PWA defined the Safety, Liability, and Compliance Program. The program is intended to manage risk more comprehensively and proactively, specifically with respect to safety and workers' compensation activities. For example, the Workers' Compensation Benefits Coordinator serves as a member of the PWA Safety Committee to better coordinate and share knowledge of workers' compensation issues with the safety efforts discussed at the committee among supervisors.

DISCUSSION

Improving Safety

The Injury Illness and Prevention Program (IIPP), required by Labor Code Section 6401.7 and Section 3202 of Title#8, California Code of Regulations (General Industry Safety Orders), largely governs PWA's safety efforts. The IIPP is a document that delineates management, supervisory, and employee responsibilities relative to safe work habits and conditions.

Managers and supervisors play vital roles in the success of the program and are responsible for safe work practices, safety training, educational materials, communicating the program, and maintaining employee safety records. All PWA employees are responsible for complying with the program's rules and regulations and continuously practicing safety while performing their duties. Employee failure to adhere to the program can result in disciplinary action up to and including termination.

PWA works closely with the City Attorney's Office and Risk Management Division in improving workplace safety. This year, the Risk Management Division contracted with Dr. Michael Mendoza, Safety Consultant, to assist PWA in strengthening current safety activities.

PWA believes there is no PWA activity that is important enough to risk the safety and health of PWA employees and citizens. To that end, PWA requires a performance objective called "Safety Conduct" in each employee's annual performance plan. The objective states that the employee will,

Adhere to the IIPP and Codes of Safe Practices, maintaining a high profile on safe office and work site practices. This includes the use of equipment, staffing locations, and practices in the public domain.

Safety Incentive Plan, Rewards and Recognition Program:

PWA is currently implementing the Safety Incentive Plan, Rewards and Recognition Program, with funding supported by the Risk Management Division. The program is a work in progress and is designed to reward safe work practices toward the prevention of financial loss to the City. The current safety objectives are as follows:

- Promote and instill a “Safe & Accident Free” environment in our everyday work activities.
- Ensure that every employee returns home every day.
- Support managers and supervisors in implementing the Rewards and Recognition Program, and to promote a positive safety culture.
- Provide adequate employee safety training programs through safety training resources.
- Control of equipment, tools, and jobsite hazards.
- Reduce PWA’s Self-Insured Workers’ Compensation losses.
- Reduce PWA’s liability exposures and losses for its General Liability Program.
- Reduce PWA’s Construction Liability and associated exposures and losses.
- Improve and maintain our Safety Performance Record at acceptable levels.

The program includes criteria for which an employee can be rewarded for safe behavior. Employees can receive rewards for one-time, as well as continuous safe behavior. Continuous safe behavior garners more significant rewards than one-time safe behavior.

Trainings:

Cal/OSHA Mandated Safety Trainings: Cal/OSHA (State of California / Division of Occupational Safety and Health) requires specialized and updated training for specific classifications. Attachment A provides information on the type and frequency of training required.

Tailgate or Safety Meetings: PWA requires its supervisory employees to provide safety training to their direct reports on a monthly basis. Field staff supervisors provide safety training bi-weekly at Tailgate Sessions. These safety sessions are used to review safe work habits and may emphasize safety precautions following an injury or accident. PWA Administration provides monthly topics and materials for these sessions.

Drug Free Workplace Training: Because of PWA’s commitment to provide a safe workplace for its employees and to promote employee health, PWA began a comprehensive Drug Free Workplace training. Employees at every level of the organization are currently being trained on the consequences of unauthorized drug use in accordance with City policy.

Many of the Cal/OSHA required trainings are offered through the City's Annual Safety Academy and/or provided through Citywide Training. Managers and supervisors may also request training that is not offered through the safety academy. A continuing challenge in the implementation of training activities is maintaining up-to-date training materials and record keeping.

Fleet Safety Program / Accident Review Committee:

In accordance with City of Oakland, Administrative Instruction 587, Vehicle Accident Procedures and Accident Review Process, all employees who drive must adhere to the City's Fleet Safety Program. Specifically, when employees are involved in preventable accidents, they may be disciplined and required to attend training. To that end, PWA holds monthly Accident Review Committee meetings comprised of three supervisors, the Training and Public Service Administrator, Risk Management Division and the Safety Consultant who review vehicle and equipment accidents involving motorized equipment and operators. The primary objectives of the program are to:

1. Improve the driving safety of City-owned vehicles,
2. Identify problem drivers, unsafe conditions, and pursue remedial steps to reduce damage to vehicles,
3. Establish the responsibility of each vehicle accident.

Employees who have been involved in accidents and disagree on the preventability of the accident are invited to attend the meeting with their union representative to discuss the accident.

It should also be noted that employees who drive any vehicle on City business are required to complete a City-sponsored Defensive Driver Training every three years.

Health and Safety Newsletter:

Published quarterly, the PWA newsletter serves as an educational and communication tool. It offers information and tips on safe work habits and the importance of healthy living. The newsletter provides a cost efficient way to educate 100 percent of the employees in health and safety.

PWA Health and Wellness Fair:

In conjunction with the Risk Management Division, Concentra (City physician), and JT2, PWA conducts a separate health and wellness fair focusing on employees based out of the City's satellite offices. Held at 7101 Edgewater Drive, the fair provides a convenient opportunity for field staff to learn about health and wellness issues. Health screenings at the fair include body fat testing, blood typing, cholesterol testing, audiometric testing, a comprehensive blood profile, back evaluation, metabolism testing, vision screening, Tetanus shots, Hepatitis B Vaccine and more.

PWA Safety Committee:

The PWA Safety Committee is a 17-member body comprised of 14 PWA supervisors, two members of the Risk Management Division and the Safety Consultant, Dr. Mendoza. The

committee meets monthly and is charged with communicating the safety program, reviewing accidents, recommending training, etc. The committee serves as liaison between PWA employees, management and Risk Management. The Committee works closely with Dr. Mendoza to deliver the Injury Illness & Prevention Program components and to oversee the Safety Incentive Program.

Building and Site Inspections:

The Safety Consultant conducts building inspections of all PWA staff-occupied buildings.

Building inspections include an inspection of the following:

- Department and section operations and work procedures (through observation)
- Workplace safety (e.g., slip, trip, and fall hazards, ergonomics, industrial hygiene, etc.)
- Ability for employees to evacuate the building in the event of an emergency
- Life safety features (e.g., number of exits, exit signs, means of egress, etc.)
- Fire Safety features (e.g., housekeeping practices, special hazards, etc.)
- Sprinkler system maintenance and upkeep
- Portable fire extinguishers (e.g., service, maintenance, and inspection of)
- Other pertinent safety issues based on the occupancy of the building.

The results of Safety Consultant's building inspections include recommendations to mitigate and/or reduce hazards that may lead to worker injuries, illnesses and/or property losses. Safety inspections are scheduled to occur annually. Additionally, Dr. Mendoza is developing Emergency Action and Fire Prevention Plans for each PWA work site.

Reducing Workers' Compensation Claims

The Workers' Compensation program includes managing PWA work-related injuries, administering the Transitional Duty Program, identifying injury trends, and recommending site-specific training. The primary goals of the program include:

- Timely filing and processing of claims
- Effective implementation of the Transitional Duty Program
- Timely and effective training for supervisors
- Proactively identifying workers' compensation injuries that may require additional safety trainings

In January 2004, PWA appointed a full-time Workers Compensation Benefits Coordinator in order to be more proactive in reducing workers' compensation claims.

Currently, the Coordinator monitors daily workers' compensation activities and serves as the onsite liaison with employees, Risk Management, Concentra (City physician) and JT2 (Third Party Administrator), and the Equal Opportunity Division (EOPD). It is common that all these parties participate in addressing a variety of simple and complex workers' compensation issues.

In part attributable to the staff resource committed to the day-to-day oversight of the program, PWA has been able to maintain a low incidence of claims relative to the number of PWA employees (886) and the type of work performed by most PWA employees.

Table 2 below illustrates the number claims filed each year since 2000-01. There has been a significant decrease in claims between 2003-04 and 2002-03. These numbers do not include the 167 positions transferred from the Office of Parks and Recreation.

Table 2: Number of Workers' Compensation Claims

	2003-04	2002-03	2001-02	2000-01
Total FTE	652.42	691	691	653.68
Total Claims	103	166	168	175
Percent Change from Previous Year	(37.95%)	(1.19%)	(4.00%)	

In July 2004, 167 FTE associated with parks maintenance and tree services were transferred to the PWA. Transferred employees included park maintenance and tree staff, gardeners, groundskeepers, and custodians. A number of those transferred employees had existing workers' compensation claims that require further evaluation and a specific plan of action to ensure resolution. Long-term claims need to be evaluated on a case-by-case basis. PWA is currently conducting more in-depth analysis on each of the claims and working diligently with the City Attorney's Office and Risk Management Division toward getting them resolved.

PWA also conducted trainings for all transferred managers and supervisors to communicate expectations under the Workers' Compensation Program, as well as their responsibilities as managers and supervisors. The trainings included details on how claims are managed, and the parameters of the Transitional Duty Program. PWA Administration continues to work closely with these new staff members to address questions as they arise.

Transitional Duty Program:

PWA's Transitional Duty Program began in 2000 and has been very successful in returning employees to the worksite within a very short period of time. The Transitional Duty Program now also exists Citywide. This innovative program returns injured employees who are unable to perform their regular work assignments to a transitional work status until they are able to resume their regular duties. The program identifies injury trends and makes recommendations for temporary assignments.

The program's goal is to return injured employees to a PWA worksite as quickly as possible in a limited capacity until they are fully released to perform all of their regular work activities. The program places an injured employee in temporary positions with assignments that do not strain their existing medical condition and yet allow them to continue to work. Studies have shown that employees who are returned to the worksite in such programs recover quicker and are able to

transition more smoothly back into their regular assignments, particularly for those who have been out for an extended period of time.

The existing program has been successful based on several measures. The program has returned injured employees to work, reduced the lost days taken off by employees as a result of injuries, and lowered costs to the City as evidenced by the figures provided by JT2, the Third Party Administrator, shown in Table 4 below.

Table 4: Transitional Duty Program Results by Year

Year	Number of Employees Returned	Number of Days on Transitional Duty	Dollars Saved
2003-04	54	2,239	\$247,665
2002-03	50	1,802	\$175,258
2001-02	51	Data not available	Data not available

How the program works...

When a physician places an injured employee on modified duty, the Workers' Compensation Benefit Coordinator reviews the medical restrictions and makes a determination on where an injured employee can be placed that matches the restrictions. It is PWA's practice to attempt to place the injured employee in his/her regular assigned department, if possible. The employee, the regular supervisor, and the transitional supervisor then meet with the Workers' Compensation Benefits Coordinator, who explains the program. The employee signs an Agreement and is then released to report to the new assignment.

The Workers' Compensation Benefits Coordinator, along with the temporary direct supervisor, closely monitors any changes in medical condition that may trigger a change or a release from assignment. Employees are assigned to a transitional duty assignment for up to ninety days; and longer, if their medical condition indicates improvement. The Workers' Compensation Benefit Coordinator, in consultation with JT2, monitors the timeline for all employees participating in the program.

Trainings

PWA is committed to ongoing training for all new supervisors and employees on the program mechanics and the necessity of timely submittals of injured claims. Trainings include refresher courses for existing supervisors and managers and update meetings as regulations change. Additionally, we have provided trainings to the park maintenance and tree services staff that transitioned into PWA in July.

Workers' Compensation Review:

PWA holds regular monthly meetings for managers and support personnel concerning all Workers' Compensation claims. A critical component to these meetings is the Risk Management staff and the City's Third Party Administrator, JT2, who attend the meetings so that they can provide information and expertise on claims management. The meetings include in depth discussions of injuries, transitional duty assignments, and new claims. These monthly meetings also provide an opportunity for managers and staff to discuss the management of more problematic claims.

Decreasing Liability Exposure

In 2003-04, the City's sewers/storm drains, streets, sidewalks, and trees were the most common categories within PWA (and Parks and Recreation) that caused liability payouts. Although most of PWA's operations fall within these categories, PWA has implemented specific activities aimed at decreasing the City's exposure to liability.

Sanitary Sewer Root Foaming Program:

As authorized by Council in December 2004, PWA will continue the successful Root Foaming Program. The program prevents the need for major repairs to sewer lines that are damaged by tree roots. In doing so, the program helps reduce sanitary sewer overflows, as well as workers' compensation claims due to injuries that result from tree root removal.

PWA maintains approximately 300,000 feet of sanitary sewer lines throughout the City that are located in easements where access is limited, and where there are many trees. These lines are highly susceptible to root intrusion, which causes blockages and can lead to sanitary sewer overflows if left untreated. The traditional method of removing roots requires hand rodding with a hole saw to cut off the roots in the pipe. To accomplish this work, maintenance crews must hike into heavily vegetated areas on steep hillsides, canyons, and along creeks to locate sewer manholes. These conditions create a safety hazard for employees because they are exposed to insect bites, poison oak, and bodily injury. In addition, some manholes are not accessible due to the overgrowth and rough terrain. Inside the manhole, hand rodding is performed to cut roots that have entered into the sanitary sewer line. In order to minimize sewer overflows and damage to sanitary sewer lines, hand rodding must be performed every three months. Simply cutting roots encourages faster growth and is therefore ineffective.

Tree root intrusion accelerates sewer line deterioration, which results in more lines that need to be replaced before their scheduled time. The life expectancy of a sewer line containing tree roots is reduced from 50 to 20 years. This creates the need to replace pipes at a significantly greater cost; and if they are not replaced, increases the City's risk of a failed pipe. The Root Foaming Program uses root control agents that kill root growth and inhibit root re-growth without permanently damaging the vegetation producing the roots. Root foaming keeps roots out of the treated sanitary sewer line for a period of two years. Since 2002, the City has applied Root Foaming on 60,000 feet of sewer lines. To date, the City has not experienced any blockages or backups from the treated lines.

Replacement/Repair of Storm Water Inlet Grates:

On June 15, 2004, the City Council approved the acceptance and appropriation of a Hazardous Elimination System (HES) grant in the amount of \$360,000. The grant also required a \$40,000 match, which was committed from Measure B – ACTIA pass-through funds. The total of \$400,000 is being used to replace and/or repair storm water inlet grates on City streets that have slots parallel to the direction of travel with bicycle-proof grates.

The City has many storm water inlet grate slots parallel to the direction of travel that are wide enough apart to catch a bicycle tire. Non-compliant grates pose a safety risk to bicyclists. The City's Bicycle Master Plan calls for addressing this safety and liability exposure issue. Prior to the availability of the draft Storm Drain Master Plan, the City relied on the East Bay Bicycle Coalition, other citizen reports, and City maintenance staff to identify the location of non-compliant grates. As part of the draft Storm Drain Master Plan, all inlets within the City were inspected to identify those that are non-compliant. To date, approximately 1,000 out of 10,000 inlets have been identified as non-compliant. Approximately 250 of these grates require concrete work and reconstruction to accommodate bicycle-proof grates. The work began in July 2004 and is expected to be completed in October 2005.

Streets and Sidewalks Liability Reduction Efforts:

Potholes and damaged sidewalks pose a safety risk and liability exposure. With respect to addressing potholes, staff places highest priority on repairing potholes identified as having caused a pedestrian trip and fall or vehicle damage. High priority is also placed on potholes identified as being located within a crosswalk because these potholes pose a higher safety risk to pedestrians than those that exist on other parts of a street.

With respect to sidewalks, staff estimates that there is \$130 million of sidewalk repair required throughout the City. About \$100 million of this amount is associated with tree-damaged sidewalks. Efforts to reduce the City's liability exposure include the implementation of a Citywide Sidewalk/Tree Survey (targeted for completion in January 2006). Having a comprehensive inventory of the existing sidewalk damage will assist staff in prioritizing repair work.

PWA is piloting the Rubberized Sidewalk Program. The use of rubberized materials for repair of sidewalks, instead of concrete, will enable crews to access and trim fast-growing roots of certain trees without having to break and replace the concrete. The program targets high foot traffic locations, starting with school sites.

In addition, PWA is consulting with other municipalities to learn of common and/or innovative and effective measures taken by other municipalities toward decreasing liability exposure of damaged sidewalks. Once this research is complete, staff will share the results with the City Council.

Inspections

Recently, PWA consolidated all inspection activities within the City's right-of-ways. The consolidation is intended to better manage the City's liability exposure with respect to sewers,

streets (utilities and telecommunications), and sidewalks. Inspectors conduct site inspections to assess the condition of right-of-way sites. If the cause of an unsafe condition is the City's responsibility, they issue notices to repair to our internal maintenance staff. If the cause of an unsafe condition is the responsibility of a private property owner, they issue notices to repair to those owners and follow-up on corrective actions.

Tree Liability Reduction:

Dead, decayed, and diseased trees pose a liability to the City. PWA Tree Services Section places significant emphasis on the Hazardous Tree Abatement program with the direct intent of improving tree conditions and minimizing the liability exposure to the City. The program includes identifying and removing dead, decayed, and diseased trees in the City's right-of-ways, as well as limb pruning to reduce structural weakness or establish proper limb structure. Currently, most of the problem trees are identified through community calls and are concentrated in the tree-dense hill areas. Once the Citywide Sidewalk/Tree Survey is completed, staff will have better information as to the condition of those trees located within the City's sidewalks and be able to better prioritize work using this information.

SUSTAINABLE OPPORTUNITIES

Accepting this informational report does not present any economic, environmental, or social equity opportunities.

DISABILITY AND SENIOR CITIZEN ACCESS

Accepting this informational report does not impact specific disability and senior citizen access concerns.

RECOMMENDATION OR ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Committee accept this informational report.

Respectfully submitted,



RAUL GODINEZ H
Public Works Agency Director

Prepared by:
Stephanie Hom, Agency Administrator

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

**Cal-OSHA
Mandated Safety Training**

Course Title	Frequency	Departments	Trainer or Consultant	Program Cost
Illness Injury Prevention Program	At Hire and as needed	All	Supervisor	None
Emergency Fire Prevention (Fire)	At Hire and as needed	All	Supervisor	None
Hazard Communication	At Hire and as needed	I&O, F&E and D&C*	City Staff	None
Personal Protective Equipment	At Hire and as needed	I&O, F&E and D&C*	Supervisor	None
HAZWOPER Awareness Level - initial	At hire	I&O, F&E and D&C*	City Staff/Consultant	Negotiable
HAZWOPER Awareness Level – annual refresher	Annual	I&O, F&E and D&C*	City Staff/Consultant	Negotiable
HAZWOPER Operations Level – initial (8 hours)	At hire	I&O, F&E and D&C*	City Staff/Consultant	Negotiable
HAZWOPER Operations Level – annual refresher	Annual	I&O, F&E and D&C*	City Staff/Consultant	Negotiable
Portable Fire Extinguisher	At Hire and as needed	Mechanics/Welders	City Staff	None
Driver Safety (4 hour within 2 mos. of hire)	At Hire			
4-hour Auto/Pick-up (6 mos. after hire)	Tri-Annual		City Staff	None
4-hour Straight Truck (6 mos. after hire)	As needed	I&O, F&E and D&C*	Consultant	Negotiable
8-hour Remedial (accidents)				
DOT Drug & Alcohol Testing Class A & B Licenses (AI 577)	At Hire Promotion	I&O, F&E and D&C*	R&R/ER	None
Confine Space Safety (Three-day class)	At Hire and as needed	I&O, F&E and D&C*	Consultant	Negotiable
Confine Space Safety (One-day Refresher)	Annual	I&O, F&E and D&C*	Consultant	Negotiable
Control of Hazardous Energy (Lock Out/Tag Out)	At Hire and as needed	I&O, F&E and D&C*	Supervisor	None
Brake Repair of Asbestos Linings	At Hire and as needed	I&O, F&E and D&C*	Supervisor/ Consultant	(May not need)
Elevating Work Platforms	At Hire and as needed	I&O, F&E and D&C*	Consultant	None
Servicing Multi-Piece Rim Wheels	At Hire and as needed	I&O and F&E	Supervisor/ Consultant	Negotiable

Notes.

- * I&O = Infrastructure & Operations
- F&E = Facilities & Environment
- D&C = Design & Construction

Course Title	Frequency	Departments	Trainer or Consultant	Program Cost
Traffic Control/Flagging	At Hire As needed	I&O, F&E and D&C*	Supervisors/ Leads/ Consultant	Negotiable
Welding, Cutting, Brazing – Fire Prevention and Protection	At Hire As needed	I&O and F&E*	Supervisor	None
Trench/Excavation Competent Person	At Hire As Needed	I&O and F&E*	Consultant	Negotiable
Cranes, Derricks, & Other Hoisting Equipment	At Hire Tri-Annual	I&O, F&E and D&C*	Consultant – Safety Academy	Negotiable
Bloodborne Pathogens (Hide & Seek)	At Hire and as Needed	All	Consultant	None
Sitting Safe	At Hire and Tri-Annual	All	Consultant	None
Respiratory Protection (case by case basis)	Annual	I&O, F&E and D&C*	Consultant	None
Earth Quake Safety	Annual	All	City Staff	None
SEMS	At Hire and as needed	All	City Staff	None
Field Ergonomics	At hire and as needed	I&O, F&E and D&C*	Consultant	None
CPR/First Aid	At Hire Bi-Annual	All	City Staff/Consultant	
Fork Lift	Classroom Annually	I&O, F&E and D&C*	Consultant – Safety Academy	None
Supervisors Fundamentals	One Time	All Supervisors	Consultant – Safety Academy	None
Floor Wardens (Life Safety Team Members)	Quarterly	All	City Staff/Consultant	None
IAQ – Mold	As needed	I&O, F&E and D&C*		Negotiable
Ladders Safety Training	As needed	I&O, F&E and D&C*	Consultant	Negotiable
Scaffolding	As needed	I&O, F&E and D&C*	Consultant	Negotiable
Fall Protection	As needed	I&O, F&E and D&C*	City Staff - Consultant	Negotiable

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