



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): SAFE WORKPLACE & WORKERS' COMPENSATION

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): OCTOBER 1, 2022, OCTOBER 24, 2023, MARCH 22, 2024, JUNE 3, 2024

SAFE WORKPLACE & WORKERS' COMPENSATION

Safety Policy

The City strives to provide a safe and healthy place for team members to work and to protect team members from job-related injuries. The actions of each Department Director, Division Manager/Supervisor and team member should reflect a commitment to safety. All team members are expected to take an active role in promoting workplace safety by reporting unsafe work conditions. Support from management is one of the crucial elements of a Comprehensive Safety & Risk Management Program. Accidents can be costly to both the team member and the City and reduces available funding for City operations and programs.

Additionally, team members are required to report all accidents/incidents to help management identify and correct underlying causes of accidents, and thereby prevent similar accidents. Accident reporting is also required to verify that injuries in the course and scope of employment qualify for compensation under the Workers' Compensation system. If a team member is injured on the job, they may be eligible for benefits under Workers' Compensation that may cover the cost of the medical treatment for the injury. Workers' Compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job.

Workers' Compensation

Roles & Responsibilities

- A. Team member responsibilities.** Team members are responsible for exercising good judgement in preventing accidents and for observing safety rules when performing job duties. Team members are required to:
 1. Report all accidents/incidents to their supervisor, however minor they may be, as soon as possible but no later than the next business day. This ensures a prompt investigation is performed to prevent similar accident/incidents from occurring. Reports submitted thirty or more days after the date of injury will not be accepted.
 2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible.
 3. Attend scheduled safety meetings and activities.
 4. Complete required safety training, when applicable.



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5. Advise their Manager/Supervisor or Department Director if they are taking physician-prescribed medication that may adversely affect their ability to perform their job functions.
- B. Team members shall not alter, repair, or in any way change, add to, or remove any parts or accessories of any City owned or leased property without the permission of the Department Director and the City department officially charged with maintenance of the property (such as Information Technology for computers, Fleet Division for City vehicles, etc). This includes buildings, office equipment, machines, clothing, tools, and other equipment.
- C. Team members who operate vehicles or equipment in the course and scope of employment with the City will be instructed, where applicable, in the use of that equipment.

Claims Management – Team Member Responsibilities:

- i. Notify your supervisor within 24 hours of any accidental on-the-job injury, occupational illness or disease and submit the first report of injury within 48 hours to Human Resources.
- ii. Maintain communication with both your immediate supervisor as well as the HR & Risk Management Coordinator. Failure to maintain contact will be viewed as an unwillingness to cooperate and addressed through corrective action.
- iii. Attend all medical appointments and obtain a "Work Status Report" (DWC-73) from the physician after each office visit. A copy of the DWC-73 must be provided to the HR & Risk Management Coordinator within 24 hours of each appointment. Changes to appointments should be communicated to the HR & Risk Management Coordinator.
 1. Only the designated medical providers opinion, and those the designated medical provider appoints, will be accepted for workers' compensation claims.
- iv. Paid leave for medical appointments should be limited to 2 hours per day, unless documentation provided by the employee indicates the duration of the appointment(s) was longer.
- v. Team members engaged in outside employment and receiving Temporary Income Benefits (TIB's), must report their outside employment wages to TML and the HR & Risk Management Coordinator. Additional outside employment requests will be denied while a team member is losing time or on modified duty for a work-related injury. It is the team members responsibility to ensure any current secondary employment involvement is halted during lost time, and they are abiding by medical restrictions while on modified duty.



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- vi. Follow-up appointments should be scheduled during regular, working hours when possible. Follow-up appointments after hours should be communicated with their Supervisor and the HR & Risk Management Coordinator. Transportation to appointments is ultimately the team members responsibility.

Supervisor Responsibilities - It is the responsibility of all City supervisors to adhere to occupational safety and health programs, accident reporting, and supervisory investigation responsibilities.

Supervisors are required to:

1. Report accidents/incidents to the Human Resources Department using current City accident/incident reporting forms. Supervisors have 48 hours from the time the team member notifies them of the accident/incident to complete their initial investigation and submit all required forms.
2. Train staff under their supervision and ensure staff understands how to accomplish their work assignments in a safe manner. Provide follow up and/or remedial trainings as needed.
3. Ensure that scheduled, periodic inspections of workplaces are conducted to identify, evaluate, and correct workplace hazards, sanitation deficiencies, security concerns, and unsafe work practices. All unsafe findings shall be documented, and corrective actions outlined and implemented for all deficiencies.
4. Ensure adequate personal protection equipment (PPE) is available and enforce its use as required.
5. Ensure team members complete post-accident screenings as required.
6. Complete and submit the supervisor first report of injury within 48 hours of the team member reporting the incident or injury and send to the HR & Risk Management Coordinator.
7. Notify the HR & Risk Management Coordinator on a timely basis of any changes in the injured team members work status.

Director Responsibilities – It is the responsibility of all City Directors to report accidents/incidents causing injury to a team member and/or significant damage to City equipment/vehicles/property within 48 hours of the team member reporting the incident or injury to their direct supervisor in City Management.

Claims Management - Modified Duty:

- The submission of a Work Status Report (DWC-73) by the team member will allow the HR & Risk Management Coordinator to determine if a Modified Work Assignment is



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available. The City will make a good faith effort to place an eligible team member in a Modified Work Assignment; however, the City is not obligated to place a team member in a Modified Work Assignment or create a Modified Work Assignment. A Modified Duty Assignment may not be in the team members home department. A team member who is qualified to work a Modified Duty Assignment but declines to do so will forfeit their workers' compensation benefits.

- If a Modified Work Assignment is available, the HR & Risk Management Coordinator will extend a Bona Fide Offer to the team member which must be signed prior to the team member reporting to their assignment
- It will be at the department's discretion to have a team member on modified duty drive a City fleet vehicle, as long as compliance with medical restrictions are not violated and there is an appropriate operational need. Uniformed Civil Service personnel will be prohibited from driving a marked City fleet vehicle while on modified duty; unless their restrictions allow them to continue to perform their typical response in the line of duty or the necessary duties assigned to them.
- Supervisors in conjunction with team members on Modified Duty have a responsibility to adhere to the restrictions set forth by their doctor(s). Any action perceived as violating medical restrictions will be subject to disciplinary action in addition to forfeit of any workers' compensation benefits.
- Team members on Modified Duty may be asked to provide workout clearance from their treating and/or specialist doctor(s) and sign a gym release before pursuing/continuing workouts at City facilities. Any membership fees for a City facility are the responsibility of the team member. Workouts are to take place outside of working hours.
- Modified Work Assignments are temporary in nature and shall not exceed twelve (12) weeks in length barring no extenuating circumstances. Requests for extensions are considered by the Human Resources Director on a case-by-case basis.
- Upon exhaustion of a Modified Duty Assignment (12 weeks), team members who have a disability as determined by the ADA will enter into the interactive process to determine if another position within the organization is available, for which they are qualified.

Claims Management - Wage Continuation:

- The City provides eligible team members who sustain an injury in the course and scope of employment wage continuation for a limited period of time to prevent loss of income.
- Each full-time team member [with the exception of team members covered by Civil



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Service] will be granted a total of eight [8] weeks or three hundred twenty [320] hours of injury leave per calendar year. Injury leave hours will not carry over. Injury leave shall commence on the first day the team member is unable to return to work. Injury leave shall be paid at the regular rate of pay and does not count toward the computation of overtime. A team member who is injured after giving notice of retirement or resignation, or after receiving notice of termination or layoff, shall not receive injury leave beyond the date of their retirement, resignation, termination or layoff effective date.

- In those cases where the team member is eligible for FMLA and Workers' Compensation (WC), these benefits shall run concurrently. The City will require the team member to use injury and accrued paid leave (e.g. vacation, sick, etc.) before taking unpaid leave. This coordination shall occur when a team member sustains a serious work-related injury resulting in an overnight stay in a medical care facility or misses more than three (3) workdays (in excess of 4 hours a day) due to a compensable work-related injury.
- Part-time regular, part-time, and seasonal employees with a work-related injury are not eligible to receive injury hours. However, if they are medically unable to return to work, their department has discretion to place them on admin leave with pay as it relates to wage continuation.
- If an employee qualifies for injury leave payments, they agree to return any payment from the City's workers' compensation carrier to the Human Resources Department within the pay period it was received. The City will pay the employee base salary, less the deductions for income tax, social security, Medicare, retirement, dependent health coverage [if applicable] and any other deductions applicable to the employee until the employee returns to work or their unused applicable leave is exhausted, whichever occurs first. Adjustments to nontaxable income will be made upon receipt of the returned injury leave payment check to HR.
 - When injury leave has been exhausted and the employee is unable to return to work, a team member may elect to use sick/vacation leave to subsidize workers' compensation payments or only receive the workers' compensation benefit. They employee shall make such election in writing to Human Resources prior to the exhaustion of injury leave.
 - At no time shall any team member be allowed to collect workers' compensation



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benefits and sick/vacation leave benefits equal to more than 100 percent of their normal rate of pay.

- Team members will continue to accrue sick and vacation hours while on injury leave. Accruals will stop if a team member is unable to return to work after injury leave has been exhausted and chooses to receive only the workers compensation payments. Accruals of sick and vacation will resume once the team member returns to work or chooses to use accrued sick/vacation to supplement workers' compensation payments.
- A team member will forfeit all rights to initial and/or further wage continuation benefits if the team member:
 - Fails or refuses to comply with, follow, or violates the treating physician's instructions regarding treatment and/or rehabilitation of the employee's injury;
 - Refuses a Modified Duty Assignment;
 - Falsifies or misrepresents the team member's physical condition or capacity;
 - Refuses to return to duty on the workday they have been released by the treating physician;
 - Fails to submit Work Status Report's to Human Resources within 24 hours of their appointment;
 - Fails to keep medical appointments or refuses to submit to an examination or requested testing prescribed or recommended as medically necessary;
 - Fails to adhere to doctors restrictions.

Health/Life/Other Elected Benefits:

While off work because of an injury, the City will continue to pay the City's share of an injured team members health/life coverage until the team member terminates employment with the City or one (1) year from the date of injury, whichever occurs first (applicable to non-civil service team members only). The team member is responsible for payment of their share to include dependent coverage of health/life and other elected benefits through payroll deduction, or by direct payment if injury, sick, and vacation leave has been exhausted or the team member is on a leave without pay status.

Claims Management - Returning to Work:



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- Team members must provide Human Resources with a full release from the primary treating physician and sign a return to work letter prior to returning to duty.
- A team member who has exhausted FMLA and injury hours and is also unable to perform the essential functions of their position due to a disability, injury, illness, or medical condition (and reasonable accommodation is not possible) is not guaranteed to return to their position at the completion of their illness or injury.
- Team members who have exhausted the allotted twelve (12) weeks of modified duty, and who have a disability as determined by the ADA will enter into the interactive process to determine if another position within the organization is available, for which they are qualified.

Claims Management - Fraudulent Claims

- Evidence that injury leave or medical treatment was secured through fraudulent statements or deceptive practices shall be sufficient cause for disciplinary action up to and including termination.

Safe Workplace

D. **Department Directors** or appointed designee(s) (Safety Coaches) within a department shall serve as a safety liaison for their department. Each department's safety liaison shall be responsible for working with the Human Resources Department to identify safety concerns within their department.

E. **Safety & Health Training.**

1. Each Department Director has the responsibility to facilitate and document required safety training within their respective department for team members. The types of training that shall be completed:
 - a. New Team Member Safety Orientation- outlines the City and department safety procedures (i.e., accident/incident reporting, hazard identification, and other safety policies).
 - b. Job Specific Training- the safe operation of tools and equipment and hazards associated with job functions.



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- c. Refresher- regular reoccurring training that may occur periodically as assigned (i.e. weekly, monthly, quarterly).
- d. Specific needs training- required for new processes and/or equipment, or when a unique risk exposure exists (i.e. temperature extremes, confined space, lockout/tagout, responding to belligerent or threatening visitors/customers, etc.)
- 2. The intent is to reduce hazards, promote a safe work environment, eliminate workforce loss and all costs associated with accidents.
- 3. All safety related training must be documented, and a copy sent to the Human Resources Department to file in the team member's personnel file.

F. Workplace Assessments

The primary purpose of a workplace assessment is to identify unsafe working conditions and equipment, unsafe acts, and reveal any need for new safeguards and procedures. Assessments also foster safety awareness and involve team members in the safety & risk management program.

- 1. Assessments shall be conducted as outlined in this policy. The frequency of each assessment shall be based on the following:
 - a. Frequency of accident/incidents;
 - b. Potential for injury;
 - c. Potential for severity of injury;
 - d. General workplace cleanliness or housekeeping;
 - e. New or altered equipment, processes, or operations; and
 - f. Previous record of past incidents/assessments.
- 2. The Human Resources Department will:
 - a. Conduct periodic on-site assessments and report any unsafe conditions to management;
 - b. Provide hazard and accident analysis;
 - c. Prepare and keep adequate records of all hazards and unsafe working conditions; and
 - d. Develop a program to assist in the elimination of hazards.
- 3. Supervisors will conduct regular safety assessments to ensure safe work practices and worksite conditions are maintained.
- 4. Team members shall promptly report the need for repairs of any City owned or leased property issued to, used by, or possessed by the team member to the supervisor and to the City department officially charged with maintenance of such property.



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G. Accident Assessment

- a. Accident Assessments are intended to:
 - a. Determine the sequence of events;
 - b. Identify direct, indirect, and root causes of the accident/incident; and
 - c. Find methods to prevent reoccurrence of the accident or injury.
- b. To be of benefit, accident assessments must be fact-finding, not fault-finding. The unsafe act should be addressed where the team members conduct appears to have been a factor in the incident. The review shall be an unbiased account of factual information relating directly to the incident.
- c. The Human Resource Department, or other designated City team member, may conduct administrative assessments into the circumstances of accidents and prepare written reports upon request. The report may also include recommendations of any corrective action that should be taken into consideration to prevent reoccurrence of such accident(s).

H. Personal Protective Equipment

- d. The City will provide, directly or through an allowance as determined by management, items of personal protection, including clothing, as specified in this policy.
- e. Supervisors will direct use of personal protective items when warranted. Team members will comply with such direction. Examples are:
 - a. Hard hats will be provided and used by all team members working in areas where possible danger of head injury from impact, falling or flying objects, or from electrical shock and burns exist.
 - b. Hearing protection devices will be provided and worn by all team members working in areas where a danger of noise exposure exceeds accepted safe limits.
 - c. Eye and face protection equipment will be provided and used by all team members when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.
 - d. Respiratory protective devices will be provided and used by all team members when working in atmospheres immediately dangerous to life and health, or where there is an immediate threat of exposure to contaminants which are likely to have adverse effect on the health of the employee.
 - e. Protective footwear will be used by all team members when working areas where equipment operation, or the movement of heavy materials, or construction situations could cause injury to the feet.
 - f. Protective gloves will be worn by all team members when work-site operations could cause injury to the hands.



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I. Occupational Safety & Health Standards

f. The City prefers to cite standards, guidelines, rules and regulations of other agencies and organizations where feasible and appropriate. This practice of referencing and referral to other agencies and programs recognizes and emphasizes the authority, responsibility, and expertise of that agency or organization. This practice also avoids duplication of program, reporting and compliance with separate sets of guidelines, standards, rule and regulations. Often the applicability of these codes, standards, and regulations carries over into other lines of business which the City engages in.

g. When a risk exposure is not covered by a City ordinance, policy, or procedure, an appropriate nationally recognized standard shall be followed. Therefore, appropriate state or federal agencies and other organizations that have specialized knowledge and expertise regarding particular safety and health topic or program or that have the authority and responsibility for a specific safety or health related program, may be referenced in conjunction with various safety elements for the City.

h. Despite the exclusion of coverage under the Occupational Safety and Health Administration (OSHA), the most commonly referenced standards are the Occupational Safety and Health Administration (OSHA) regulations.

i. A department which cannot comply with any nationally recognized standard shall, upon request of Human Resources, file a statement which:

- a. Clearly identifies the factors preventing the department's compliance with the appropriate guideline or nationally recognized standard; and
- b. States the action the department will take in lieu of complying with the guideline or nationally recognized standard.

J. In order to improve safety within the workplace, the City:

- i. Provides information about workplace safety and health issues through internal communications, team member meetings, bulletin board postings, memos, and other written material.
- ii. Conducts or sends team members to meetings or conferences that address workplace safety.
- iii. Provides safety training that covers potential safety; health hazards; and safe work practices and procedures in order to eliminate or minimize hazards.
- iv. Encourages team members to make suggestions or express their ideas about improving safety in the workplace to their Manager/Supervisor and/or Department Director.



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- K. Team members who violate safety standards, cause hazardous or dangerous conditions, fail to report unsafe conditions or situations, or, where appropriate, fail to remedy an unsafe condition may be subject to discipline up to and including termination.

Building Security

This policy establishes standards and procedures for maintaining a safe, effective and efficient workplace, free from distraction, loss of confidential information or data, and other disruption, which may interfere with daily operations of the City, and/or other concerns related to the unauthorized and unattended visitors in City buildings and facilities, other than the areas open to the general public at the time, while continuing to maintain the spirit of open government.

A. Requirements

- 1. Team members – All team members must wear or display their City-issued team member identification card or official badge on their outer clothing in a place and position immediately visible to another team member of the City. It shall be the responsibility of each City team member to comply with all applicable policies, rules and regulations pertaining to access to City buildings and facilities. Every team member has the duty to deny access to any person they reasonably believe does not have authority to be in a secured area, unless otherwise informed by their Supervisor, Department Director or the City Manager. Failure to comply with this Policy may result in disciplinary action, up to and including termination of employment. Only authorized personnel are allowed in non-public areas.
- 2. Visitors - Any non-City team member within City buildings and facilities, other than areas open to the general public at the time, shall be required to sign in, provide general information about their visit and display a visitor badge with the label "VISITOR" on their outer clothing in place and positioned immediately visible to another team member of the City. All visitors should be escorted by a City employee and cannot be left unattended for any length of time within City buildings or facilities in area(s) not open to the general public. Sometimes a visitor whose name and general information needs to be kept confidential will not be required to sign in, but such visitors shall be subject to the badge and escort requirements of this Policy. The City Manager, or designee, must approve any other exceptions to the visitor requirements of this Policy.
- 3. Exemptions - The Mayor and City Council are exempt from wearing any form of identification or being restricted from any City building or facility. Officials from other known governmental entities and media associates will also be exempt from the sign in procedure; however, they will be required to wear a visitor's badge or other City-issued identification badge. Identification badges, other than those issued to City team members, may be authorized by the City Manager.



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4. Municipal Court - Visitors and other individuals having business at the New Braunfels Municipal Court shall comply with the security rules and regulations of the Municipal Court.
5. Meetings - The Council and various boards and commissions of the City meet in the Council Chamber and conference rooms at City Hall. Persons attending such meetings will not be required to sign in or wear an identification or visitor's badge. Other groups and organizations may occasionally use the Council Chamber or conference rooms for a meeting. Persons attending such meetings will not be required to sign in or wear an identification or visitor's badge; however, a Department Director or other designated City team member shall be responsible for escorting these persons to the designated area for their respective meeting.
6. Rental of City building or facility - Some City buildings and facilities are available for rent for public or private functions. This policy does not apply in those situations where a building or facility is rented pursuant to a rental agreement with the City or a department of the City.

Adverse Weather and State of Emergency

It is the policy of the City of New Braunfels to determine whether or not team members are to report to work during adverse weather conditions and/or a state of emergency. The City Manager or designee will make a decision regarding whether specific team members shall not report to work. All team members shall report to work unless otherwise directed not to report to work.

- A. If a team member is unsure as to whether or not they should report to work, it will be the team member's responsibility to contact their immediate Manager/Supervisor, prior to normal reporting time to determine whether or not they are to report to work.
- B. During normal work hours when driving conditions are then or are projected to be extremely hazardous, the City Manager or designee may allow team members to arrive late and/or leave early from work or may excuse team members from reporting to work when weather conditions are projected to be extremely dangerous. When such absences occur, team members may be required to use accrued vacation, compensatory time or be granted leave without pay.
- C. Team members are encouraged to make every attempt to come to work, and at a minimum, shall contact their Manager/Supervisor when road or driving conditions do not permit their attendance at work. When such absences occur, team members may be required to use accrued vacation, compensatory time or be granted leave without pay.
- D. Team members will receive their regular pay when the City Manager or designee does not allow team members to work due to adverse weather conditions or a declared emergency.
 1. Non-Exempt Team Members – Team members required to work shall be paid for hours worked in accordance with the City's policies on pay, overtime and compensatory time off. If certain team members are available to work during the



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time of emergency or disaster, but are unable to work because of job function, safety reasons, or inability to access their work site may receive, at the option of the City Manager, their normal pay for all or a portion of the time that they were unable to work.

2. Exempt Team Members – Team members required to work will not receive overtime or compensatory time hours worked in excess of the normal workweek unless overtime is authorized by a declared emergency and reimbursed to the City by the United States government or the State of Texas. Team members available to work during the time of the emergency or disaster, but who are unable to work because of job function, safety reasons, or inability to access their work site they may receive at the option of the City Manager, be granted discretionary leave with pay for all or a portion of the time that they are unable to work.
- E. Team members who are not able to work their normal workweek during an emergency or disaster and who are not paid for hours not worked during this period may use accrued vacation leave or compensatory time to substitute for the hours not worked.
- F. Department Directors and/or their designees are expected to report for duty during any period of a declared emergency unless instructed otherwise by the City Manager.
- G. Public Safety team members will abide by the adverse weather/emergency conditions provisions prescribed by their department.

WORKPLACE VIOLENCE PREVENTION

It is the policy of the City of New Braunfels to prohibit any acts or threats of violence [verbal or physical] by any team member, former team member or individual against any other team member, or individual in or about the City's facilities while on duty, on or off the City's premises at any time.

- A. In order to provide a safe work environment in this regard, the City is committed to the following:
 1. To take prompt remedial action, up to and including immediate termination of employment, against any team member who engages in any physically threatening behavior or acts of violence by using any obscene, abusive, or threatening language or gestures.
 2. To take appropriate action against former team members or other individuals on the City's premises who engage in such behavior. Such action may include notifying the police or other law enforcement authorities, and prosecuting violators of this Policy to the maximum extent of the law.
 3. To prohibit team members, former team members and other individuals from bringing unauthorized firearms or other weapons onto the City's premises.



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4. To establish practical and reasonable security measures for the City's workplace.
5. To report any team member who displays a tendency to engage in violent, abusive or physically threatening behavior to the Manager/Supervisor for counseling or other appropriate action[s]. Such team members may also be subject to disciplinary action, up to and including termination.

POSSESSION OF WEAPONS OR EXPLOSIVES

- A. The City of New Braunfels does not permit team members to possess or use any kind of weapon [licensed peace officers are an exception to this policy], explosive or other dangerous implements while team members are at the workplace or otherwise performing duties on behalf of the City. This Policy applies whether or not a weapon is armed or loaded. Weapons must be properly secured and concealed in a team member's personal vehicle. No team member using a City owned vehicle may possess a weapon, excluding those secured in a privately-owned vehicle.
- B. The City reserves the right to inspect, search and monitor team members and their personal property on City premises or while performing City business to ensure compliance.

The mere fact that a citizen is carrying a weapon on City property or inside a City facility should not be cause for alarm or require a police response. However, if the person is causing a disturbance or behaving in an alarming manner, the police should be called to investigate.