



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: September 25, 2019

Date of Meeting: October 9, 2019

Submitted by: Tom Boland, Joint Loss Management
Committee Chairman

Department:

Time Required: 10 minutes

Speakers: Tom Boland

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/ Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Town Safety Policy Update

DESCRIPTION OF ITEM

The Town Council to consider the proposed revisions to the Town's Safety Policy manual to be in compliance with NH House Bill 406 and other relevant laws and regulations.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other: HB 406	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	<u>Tom Boland</u>	Address:	<u>8 Baboosic Lake Road</u>
Phone Number:	<u>424-7075</u>	Email Address:	<u>tboland@merrimacknh.gov</u>

APPROVAL

Town Manager:	Yes <input checked="" type="checkbox"/> No: <input type="checkbox"/>	Chair/Vice Chair:	Yes <input checked="" type="checkbox"/> No: <input type="checkbox"/>
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Memo



To: Merrimack Town Council
From: Tom Boland – Chairman Joint Loss Management Committee *TWB*
Subject: Council Agenda Item - Town Safety Policy
Date: September 25, 2019

NH House Bill 406 was passed and became effective as of July 14, 2019. The bill, a copy of which is attached to this memo, updates certain specific Employer reporting requirements for accidents with serious injuries or deaths in the workplace. The passage of this bill requires that the Town enact certain revisions to its existing Safety Policy to ensure that the language regarding the reporting of accidents with serious injuries or deaths is consistent with this new law. The proposed revisions were drafted by the Human Resources Coordinator and then circulated to the Joint Loss Committee for review. The Committee's suggested changes were incorporated, and the Town Manager and Phil St. Cyr from PRIMEX have signed off on the proposed document revisions. A "red-line" copy of the proposed revisions to the Town's Safety Policy manual are attached to this memo, along with e-mail correspondence reflecting the approval of the changes by Phil St. Cyr and the Town Manager.

The Joint Loss Management Committee is asking that the Town Council accept these "housekeeping" revisions to the Safety Policy on behalf of the Town to ensure that we are in compliance with all relevant laws and regulations.

Thank you for your consideration.

HB 406
ANALYSIS

This bill requires the commissioner of the department of labor to inspect a place of employment where a serious injury or death has occurred and requires an employer to report such injury or death to the department of labor.

.....

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0476

04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to reporting and investigation of serious injuries and death in the workplace.

Be it Enacted by the Senate and House of Representatives in General Court convened:

29:1 New Paragraph; Safety and Health of Employees; Definitions. Amend RSA 277:1-b by inserting after paragraph IV the following new paragraph:

V. "Serious injury" means an incident that results in an amputation, loss or fracture of any body part, head injury, or internal injury that necessitates immediate hospitalization.

29:2 New Sections; Safety and Health of Employees; Inspections; Reports of Death or Serious Injury. Amend RSA 277 by inserting after section 15 the following new sections:

277:15-a Inspections. In the case of a workplace incident resulting in a serious injury or death involving the state, a state agency, a county, a municipality or municipal agency, a school district, or other public corporation or political subdivision, the commissioner of labor, or his or her designee, shall inspect such place of employment.

277:15-b Reports of Death or Serious Injury.

I. Every employer shall report the death of any person in the workplace or on the workplace premises within 8 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the death and the place where the body of the deceased person was sent, and supplying any other information relative to the death that may be required by the commissioner. The commissioner shall investigate the cause of death and may notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the death reported.

II. Every employer shall report the serious injury of any person in the workplace or on the workplace premises within 24 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the injury and the place where the injured person was sent for medical evaluation or treatment, and supplying any other information relative to the injury that may be required by the commissioner. The commissioner may investigate the cause of the injury and notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the injury reported.

29:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 15, 2019

Effective Date: July 14, 2019

TABLE OF CONTENTS

	<u>Page</u>
Town Manager Introduction to Safety Policy Manual	
Statement of Purpose	
Section A Responsibilities for Safety Administration	1
Section B Joint Loss Management Committee – RSA 281-A: 64, III & Lab 602.03	3
Section C Handling of Emergencies - Lab 602.01(d)	5
Section D Accident Reporting – Lab 1403.04 & Lab 602.01(d) <u>& HB406 (2019)</u>	7
Section E Guidelines for Conducting Investigations - Lab 602.01(d)	17
Section F Workplace Inspections – Lab 603.03(g), 2	19
Section G Safety Education and Training - RSA 281-A:64, III & Lab 603.04(c)	21
Section H Personal Protective Equipment (PPE) – Lab 1403.43	23
Section I Safety Rules and Regulations - (See also Appendix III Chapter Lab 1400)	27
Confined Space Entry – Lab. 1403.14	27
Ergonomics – Lab 1403.18	27
Excavating and Trenching – Lab 1403.19	29
Lifting and Handling Operations	31
Lockout/Tagout – Lab 1403.35	32
Motor Vehicle Rules and Regulations	34
Office Safety	36
Prevention of Slips, Trips, and Falls	38
Record Keeping - Lab 1403.49	38
Shop Safety	39
Use of Hazardous Materials/Toxic Substances – Lab 1403.61	40
Use of Power Tools	40
Work Zone Traffic Control - Lab 1403.62 & 1403.22	41
Section J Workplace Violence Protection	43
Section K Disciplinary Action – Lab 602.01(b)	45
Section L Explanation of Insurance Coverage	47
Section M Safety Policy Distribution and Acknowledgement – Lab 602.01(e)	49
Section N Provisions for Review and Disposition List – Lab 602.01(f)	51

SECTION D – ACCIDENT REPORTING - ~~Lab 1403.04 & Lab 602.01(d) & HB406 (2019)~~

Definitions

The U.S. Department of Labor, National Safety Council, and Occupational Safety and Health Administration define the following terms:

ACCIDENT – An undesired event that results in personal injury or property damage.

INCIDENT – An unplanned, undesired event that adversely affects completion of a task.

NEAR MISS – Incidents where no property was damaged and no personal injury sustained, but where, given a slight shift in time or position, damage and/or injury easily could have occurred.

Reporting

~~**Lab 1403.04 – Accident reporting requirements.** Within 8 hours after its occurrence, an employment accident that is **fatal** to one or more employees or that results in the **hospitalization of three or more employees** must be reported to the New Hampshire Department of Labor (DOL) in person or by telephone at 603-271-6297 or 603-271-6850.~~

Any accident involving injury or property damage (town or private) must be reported immediately, or as soon as practically possible after the accident— —to the immediate supervisor of the employee involved. All accidents shall be investigated.

Near misses shall be reported and subsequently investigated if the Town Manager, his/her designee, or the Joint Loss Management Committee requests further information.

Incidents shall be investigated by the affected department(s) as necessary for use as a management or training aid. Any incident deemed likely to result in a liability to the Town shall be reported.

For the purpose of making the reporting of accidents, incidents, and near misses as easy as possible, they have been grouped into four categories:

1. Accidents Causing Personal Injury (Non-Motor Vehicle)
2. Exposure to Infectious or Contagious Disease
3. Accidents Causing Property Damage
4. Motor Vehicle Accidents/Incidents

Reporting

~~**HB 406 (2019) - Reporting Death and Serious Injury.** HB 406 requires that death of any person in the workplace must be reported by the employer to the New Hampshire Department of~~

Labor (NH DOL) within 8 hours of its occurrence and that serious injury of any person in the workplace (amputation, loss or fracture of any body part, head injury, or internal injury that necessitate immediate hospitalization) must be reported by the employer to the NH DOL within 24 hours.

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All workplace deaths and serious injuries must be reported up the chain of command to the department head or supervisor in charge immediately.

In order for the Town to comply with the reporting requirements, the Department Head, or the supervisor in charge, upon becoming aware of a serious injury or death must immediately notify the Human Resources Coordinator or designee in person or by phone at (603) 423-8506 or (603) 424-2331 (during business hours) or (603) 345-3934 (if non-business hours) to report the death or serious injury and provide the name of the employee, cause and location of the incident, the place where the injured person is receiving medical care, the place where the body of the deceased person was sent, and any other relevant information available.

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Upon notification by the department head or supervisor in charge, the Human Resources Coordinator or designee shall make a prompt determination on whether the incident is reportable and if so, shall notify the Town Manager and report the death or serious injury to the NH DOL.

Reports must be made electronically or telephonically, and will identify the cause and location of the incident, the place where the injured person is receiving medical care or the place where the body of the deceased person was sent, and any other relevant information requested by the Commissioner or designee. The NH DOL will investigate the incident and may issue a report and recommendations.

In the event that the Department Head or supervisor in charge is unable to contact the Human Resources Coordinator, they shall leave a detailed voice message, then contact the Town Manager and the Department of Labor to provide the required information directly.

New Hampshire Department of Labor (DOL) can be contacted by telephone at 603-271-0127 or 603-271-6850, or electronically at safety@dol.nh.gov

A. Accidents Causing Personal Injury (Non-Motor Vehicle)

1. Accidents that cause personal injury to a Town employee or to a third party on Town property, or due to Town operations, will be fully investigated and the proper forms, submitted.
2. If the accident does not reflect immediate injury but, in the best judgment of the employee, complications are likely to occur in the future, it will be fully investigated; and all forms must be submitted.
3. The **employee** must: