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Article 21.                    SAFETY PROVISIONS AND PRACTICES

*Sec. 21.1. revised via Ordinance No. 320 / July 27, 2005*

Sec. 21.1.                    Safety Provisions and Practices. The District believes that safe working conditions for all its employees can be attained through adequate supervision, frequent review of safety practices, proper use of tools and equipment, by employment of adequate safety devices and procedures, and by complete job instruction. It is the responsibility of all employees to work safely.

In addition to its own safety instructions and practices, the District and its employees are subject to the rules and regulations of the California Labor Code Section 6401.7 as amended. Supervisors shall be familiar with and make certain that all such applicable regulations are complied with.

Basic principles regarding safety awareness must be recognized, such as:

- accidents can and must be reduced in number;
- prevention of accidents is an operating responsibility;
- it is possible to eliminate operating hazards;
- all employees must understand that it is to their advantage as well as the District's to work safely;
- active and responsible supervision is a vital factor in carrying out a successful program; and
- safety awareness is good business as it affects humanity, efficiency, and economy.

The District recognizes the need to provide qualified supervision and specific job-related training for the development of safe working practices for every job. It will provide safe working areas, equipment, tools and other work devices. The practices listed below are illustrative, and not exhaustive, of practices of the District. A Risk/Safety Compliance Administrator shall coordinate safety practices generally as follows:

- A. All field employees are required to wear hard hats and steel-toed boots at all times while in construction zones and other areas as prescribed by Cal OSHA and District policy. Safety-toed caps will be furnished for any employee who operates a jackhammer. The caps will be furnished by the District.

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- B. All employees are required to follow safe working practices, render every possible aid to safe operations and report all unsafe conditions or practices to their Supervisor.
- C. Supervisors and/or crew leaders will insist on employees observing and obeying every rule, regulation and order as is necessary for the safe conduct of the work, and will take action as is necessary to obtain observance.
- D. Employees are given frequent accident prevention instructions and are required to attend safety meetings scheduled on a regular basis.
- E. Possession, using or being under the influence of alcohol while on duty or while operating District vehicles is grounds for disciplinary action and/or termination in accordance with Article 5, Section 5.20 of the District's Administrative Code.
- F. Possession, using or being under the influence of a controlled or illegal substance while on duty, or conviction by a Court of Law of any offense involving a controlled substance or any illegal drug is grounds for disciplinary action and/or termination in accordance with Article 5, Section 5.20 of the District's Administrative Code.
- G. Being in an unsafe condition from prior indulgence, of alcoholic beverages or any controlled or illegal substances, affecting the ability of the employee to perform any duties in an acceptable manner is grounds for disciplinary action and/or termination in accordance with Article 5, Section 5.20 of the District's Administrative Code.
- H. No one shall knowingly be permitted to work while their alertness is impaired by fatigue, illness or other causes that might unnecessarily expose employee or others to injury or illness.
- I. Horseplay, scuffling and other acts which tend to have an adverse influence on the safety or well being of the employees is prohibited.
- J. Work is planned and supervised to forestall injuries in the handling of heavy materials and working together with equipment.
- K. Employees shall not enter hazardous areas, such as manholes, underground vaults, chambers, tanks or other similar places that receive little ventilation, unless it has been determined the air

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contains no flammable or toxic gases or vapors and a safe atmosphere exists for entry. In no case will an employee working in a hazardous area be permitted to work alone.

- L. Employees should be alert to see that all guards and other protective devices are in proper places and report deficiencies promptly to their Supervisor.
  
- M. Employees will not handle or tamper with any electrical or mechanical device or appurtenance, nor operate any machinery, vehicle or equipment in a manner not within the scope of their duties unless they have received instructions from their Supervisor, and only when it is safe to do so.

Sec. 21.2.                    Equipment. Rubber boots, rain suits, hard hats, and gloves will be issued to appropriate employees who may be required to sign a receipt for these items. Maintenance of the equipment shall be the responsibility of the employee in addition to maintenance of any uniforms which may be issued. Deliberate abuse or negligence resulting in damage to District tools, equipment or facilities, will be cause for immediate discharge.

*Section 21.3. revised via Ordinance No. 320 / July 27, 2005*

Sec. 21.3.                    Injury Illness Prevention Program (IIPP). The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The General Manager is responsible for implementing California Labor Code Section 6401.7 as amended to include the following:

- A. A system for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices; and
  
- B. Methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner; and
  
- C. Occupational health and safety training programs designed to both generally instruct employees in safe and healthy work practices and to provide individual employees with specific instruction regarding any hazard unique to their job assignment; and

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- D.     A system for communicating with employees on occupational health and safety matters, including provisions designed to encourage employees to report hazards in the workplace to the District without fear of reprisal and maintain an Employee Reward and Recognition Program; and
- E.     A written system for ensuring that employees comply with safe work practices, which may include disciplinary action and/or termination
- F.     Incorporation of written procedures in the District's Safety and Disaster Preparedness Manual, including Safety and Emergency Management Procedures.

*Section 21.4. revised via Ordinance No. 472 / December 11, 2019*

Sec. 21.4.                    Hazard Communication Policy and Hazardous Waste Management Program. It shall be the policy of the Olivenhain Municipal Water District to eliminate or control employee exposure to hazardous materials in the work place. The District shall develop policies and programs whereby employees are informed and trained in the hazards and safety precautions to be used when working with potentially hazardous materials. The General Manager shall be responsible to develop and disseminate information on and inform employees of hazardous materials used in the working environment in accordance with CalOSHA Regulation CCR Title 8, 5194 "Hazard Communication Standard". The General Manager shall also develop and implement a Hazardous Waste Management Program to meet appropriate federal, state and local laws. The purpose of the Hazardous Waste Management Program will be to work towards reducing the sources of hazardous waste through a policy of inspection, training, spill cleanup, waste minimization and disposal procedures.

*Section 21.5. revised via Ordinance No. 320 / July 27, 2005*

Sec. 21.5.                    Drug Free Work Place Program: The Drug Free Work Place Program applies to all employees regardless of job classification. The purpose is to ensure that employees are fit for duty and to protect the employees and the public from risks posed by the use of alcohol and controlled substances.

The District may test for drugs and or alcohol in the following circumstances:

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Pre-Employment Drug Testing: New employees/applicants will be subject to the following:

1. All applicants considered favorable for employment will be required to submit a drug screen. Candidates who refuse to undergo such testing or fail to pass such testing will not be eligible for employment.  
For those applicants who refuse to take the test, there will be a rebuttable presumption that the test would have been positive for an unlawful substance.
2. The District will take care to administer the testing program in a fair, non-discriminatory manner, and to maintain the confidentiality of the results. There will be no disclosure of information concerning the test results, corrective action or treatment to a third party who does not need to know.
3. A sufficient amount of a sample shall be provided to allow for an initial test and a confirmation test. The testing procedures and cutoff levels for both the initial test and the confirmation test will be those established by the National Institute on Drug Abuse (NIDA), or the testing laboratory, whichever is applicable. Confirmed positive samples will be retained by the testing laboratory in secured long-term frozen storage for a minimum of one year. Handling and transportation of each sample must be documented through strict chain of custody procedure.
4. The candidate shall be notified of the results of any test that is positive for any substance included in the procedure. A candidate who tests positive may request a second confirmation test of the original urine specimen at his/her own expense. Candidates that fail either a first or second test will not be eligible for employment.

Reasonable Suspicion Testing: Any employee who is observed acting in a manner that is consistent with abuse or misuse of alcohol or drugs will be escorted by a designated individual to provide a sample for testing. Observation of suspicious behavior must be confirmed by two exempt employees who are properly trained in the recognition of such behavior.

Post-Accident Drug/Alcohol Testing: All employees involved in vehicle accidents while working or on duty will be required to submit a sample to a designated testing facility for Drug/Alcohol screening.

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An accident, for purposes of this section, shall mean all accidents when one or more individuals receive injuries requiring medical attention (or complaint thereof at the time of the accident) or anytime one or more vehicles receive disabling damage. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. For the purpose of all alcohol and drug screening, samples should be provided within two hours, but not more than eight hours of a reported incident. Samples provided after the eight-hour maximum, but prior to 32-hours will be screened for drugs only. Employees must be driven to the sample collection site by a Supervisor or designee.

Random Testing: Random substance testing for a selected group may be instituted as follows:

1. Employees who have undergone or are undergoing treatment for substance abuse or misuse;
2. Employees who possess a Class A or B Commercial Driver’s License, random drug screening will be administered per the requirements of the DOT program (Section 21.6.) and where necessary to comply with federal or state law or regulations.
3. An accurate account will be kept of those employees who have been tested and those who have not because of an absence at the time of the test or for any other reason.

Return-to-Duty and Follow-up Testing: Employees who have violated this program, but were given the opportunity to keep their jobs on the basis of successful rehabilitation, will be subject to unannounced tests to ensure no further positive tests for up to one year following a return to duty.

*Sec. 21.6. revised via Ordinance No. 320 / July 27, 2005*

Sec. 21.6.                    Department of Transportation Commercial Driver’s Program:  
In accordance with the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) Regulations, the District is an employer of safety sensitive transportation employees with commercial driver’s license as defined by Title 49 CFR Part 382. The State of California has adopted these same Federal regulations and codified them into the State’s Vehicle Code. The DOT Commercial Driver’s Program is a regulated drug

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and alcohol testing policy for safety sensitive job classifications. These regulations also prevent performance of any safety sensitive function when there is a positive, adulterated, or substituted test result. The DOT has also adopted 49 Code of Federal Regulations (CFR), Part 40, which sets standards for the collection and testing of urine and breath specimens. This program incorporates the Federal requirements for employees operating a commercial motor vehicle. Elements and procedures for participation can be found in the Job Safety and Disaster Preparedness Manual that is provided to each and every employee upon hire and updated as needed. Any employee that is covered by these requirements is expected to familiarize themselves with the provision of the program because compliance with the program is a condition of employment.

*Sec. 21.7. revised via Ordinance No. 320 / July 27, 2005*

Sec. 21.7.                    Violations. Any violation of the Drug Free Work Place or the Commercial Driver’s Program, even a first offense, is basis for disciplinary action, up to and including termination according to Article 5, Section 5.20 of the District’s Administrative Code. Particularly serious violations, such as possession of or selling drugs at the District will normally result in immediate termination. Each case shall be considered according to Employee Rules in the District’s Administrative Code, Article 5, Section 5.20.

*Sec. 21.8. added by Ordinance No. 382 / August 25, 2010*

Sec. 21.8.                    Violence in the Workplace. It is the policy of the District that all employees have the right to work in an environment free from all forms of threats or acts of violence. Any threats or acts of violence in any form towards employees, applicants, customers, visitors, or suppliers will not be condoned or tolerated. The District will take direct and immediate action to prevent such behavior and to investigate thoroughly all reported threats or acts of violence. Any and all threats are to be taken seriously, including but not limited to the actions listed below.

1. Threats – Defined as a verbal or written expression or an act of physical aggression to scare, frighten, terrorize, or harm another. This includes hand gestures and body language.
2. Violence – Defined as an act of physical force or aggression that is capable of causing harm, injury, or death to oneself, others, or

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damage to property. Violence includes abuse of authority, intimidating or harassing behavior, and threats.

3. Employees may not explicitly or implicitly threaten or commit an act of violence against another person. The District also prohibits customers, visitors, or vendors from engaging in threats or violence on District property.
4. Employees may not make threatening remarks, either verbally or in writing, to another person. Such conduct is strictly prohibited and may be subject to disciplinary action up to and including termination.

All employees are furthermore responsible for assisting in the prevention of threatening behavior and acts of violence through the following means:

1. Refraining from participation in, or the encouragement of, actions that could be perceived as threatening or violent.
2. Reporting any threat or act of violence to employees' Supervisor/Manager or Human Resources Manager. If the Manager or Supervisor is involved in the threat or act of violence, it should be reported to the next level Manager or to the General Manager.
3. Assisting an employee who confides that he or she is a victim of violence by encouraging him/her to report the incident to the proper authorities.