

ACCIDENT REVIEW BOARD

1.0 Purpose and Scope

- 1.1 The purpose of the Accident Review Board (“Board”) is to determine if a City of Lake Forest employee and/or a motor vehicle, truck, mobile or portable equipment was involved in a preventable or non-preventable accident.
- 1.2 The Board for each department shall be comprised of City employees that are appointed by the department head. Due to the nature of the detailed investigations conducted for Police Department accidents, that department will not have a separate accident review.
- 1.3 The Board shall review accidents as mentioned in 1.1 based on severity, risk to employees or third parties, accident trends, etc. and shall submit a finding of preventability/ non-preventability to the department head.
- 1.4 The Board shall be guided in all deliberations by Accident Review Board Rules and Regulations numbers 1.1 through and including 1.5.

2.0 Policy

2.1 The Review Board

See Section 1.2 for the makeup of the departmental accident review boards.

2.2 Preventable Accident Defined

A preventable accident is any accident involving an employee while performing his/her daily work assignments, which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the employee in question failed to exercise every reasonable precaution to prevent the accident.

2.3 Procedure

The following procedures will be adhered to by the Board members:

1. Each member shall review a copy of the accident report form(s).
2. Testimony from the employee will be considered.
3. The facts as presented in the accident report shall be considered on their merits.
4. The Board shall reach its decision by a majority verbal vote.

The facts of each accident as presented to members of the Board will come from the following sources:

1. The accident report form(s).
2. Statements by the employee and witness(es).
3. Supervisor’s report.

4. Photographs or additional diagrams, if required.
5. Inspection of accident locations.
6. Testimony of other individuals, as appropriate.

Every attempt will be made to process accident reports submitted to the Accident Review Board within 10 working days (or as soon as is reasonably possible) after the date of occurrence. If the report is not evaluated within 10 working days (or as soon as is reasonably possible), the department head shall be notified of the reason for the delay.

Each member of the Board will receive copies of all applicable accident report forms.

Each member of the Board will make an independent judgment of the accident. A verbal vote will be taken to determine if the accident was preventable or non-preventable.

The employee will be told the findings of the Accident Review Board. The Accident Review Board shall then submit the Board's findings and final vote to the department head. The department head will notify the employee of any possible disciplinary actions within 5 working days.

2.4 Guidelines to Determine Accident Preventability

It is impossible to describe in detail the many ways employees might prevent an accident without being primarily responsible. Extenuating circumstances with factors relating to the duties of the employee should be considered with discretion. The following comments are therefore intended as a guide in evaluating accidents and are not presented as all-inclusive.

2.5 Accidents Involving More than One City Vehicle or Employee

When two or more employees are involved in the same accident, each employee may be charged with a preventable regardless of which one was responsible for the occurrence.

2.6 Witness Statements and Traffic Citations

Admissions of being at fault by the other driver or the fact that the other driver involved was issued a traffic citation or statements or exoneration by the police officer are not, in themselves, conclusive evidence to judge an accident NON-PREVENTABLE. A careful study must be made of all conditions to determine how the employee in question contributed to the situation by acts of omission or commission. Unless a thorough investigation indicated that the employee in question could not have avoided involvement by reasonable defensive driving and safety practices, the accident will be regarded as PREVENTABLE. An accident review will be held separate from any other legal proceedings.

2.7 Intersections

It is the responsibility of the employee to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Failure of other drivers to conform to law or traffic control devices will not automatically discharge an accident as NON-PREVENTABLE.

2.8 Department Vehicles and Equipment on Emergency Operations

Employees on emergency operations who cross an intersection against a red light, go through a stop sign or make any other driving maneuver during emergency operations, are not relieved of the responsibility of causing an accident. In the absence of convincing circumstances, when driving a City vehicle under emergency conditions, the accident in most cases should be ruled PREVENTABLE.

2.9 Backing

All backing accidents are preventable. An employee driver and his/her co-workers are not relieved of his/her responsibility to back safely under practically any circumstances.

2.10 Front-End Collisions

Regardless of the abrupt or unexpected stop of the vehicle ahead, the employee driver can prevent front-end collisions by maintaining a safe following distance at all times. He/she is expected to be prepared for possible obstructions on the roadway. Overdriving headlights at night is a common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle headlights.

2.11 Rear-end Collisions

Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin of safety in their own following distance. Rear-end collisions preceded by a rollback, an abrupt stop at a grade crossing, when a traffic signal changes, or when the driver fails to signal a turn at an intersection, should be ruled PREVENTABLE.

2.12 Passing

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. The entire passing maneuver is voluntary; it is the driver's responsibility to pass with safety.

2.13 Being Passed

Sideswipes and cut-offs involving employee drivers are PREVENTABLE when the employee fails to yield to the passing vehicle by slowing down or moving to the right where possible.

2.14 Lane Encroachment

A safe driver is rarely a victim of entrapment by another driver when changing lanes. Also, entrapment in merging traffic is an indication of unwillingness to yield to other vehicles or to wait for a break in traffic. Drivers must make extra allowances to protect themselves in areas of limited sight distances.

2.15 Grade Crossing

Collisions with fixed rail vehicles occurring at grade crossings, in a rail yard, switch area or on private property are the responsibility of the driver to prevent.

2.16 Opposing Vehicles

It is important to check the action of the employee driver when involved in a head-on or side-swipe accident with a vehicle approaching from the opposite direction. Even though an opposing vehicle enters the driver's traffic lane, it may be possible for the employee driver to avoid the collision.

2.17 Turning

Turning movements require special care. Left or right turns involving other vehicles, motorcycles, bicycles or pedestrians are the responsibility of the driver making the turn. Failure to signal, improper lane usage, check mirrors or take any other defensive action should be considered. Sudden turns should be carefully examined. U-turns by the employee driver in a collision are PREVENTABLE.

2.18 Pedestrians

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. A pedestrian struck while crossing at mid-block or from between parked cars does not relieve a driver from taking precautions to prevent such accidents.

2.19 Weather

Adverse weather conditions are not a valid excuse for being involved in an accident in most cases. The driver is expected to adjust his driving to prevailing weather conditions.

2.20 Fixed Objects

Collisions with fixed objects are PREVENTABLE.

2.21 While Parked

Unconventional parking locations, including double parking, failure to put out warning devices, etc., generally constitute evidence for judging an accident PREVENTABLE.

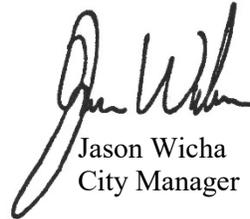
2.22 Defensive Driving Defined

The following definition of Defensive Driving should be applied to all accidents under consideration by the Board:

“A Defensive Driver is one who commits no driving errors him/herself and makes allowances for the lack of skill or improper driving practices of the other drivers. A Defensive Driver adjusts his/her own driving to compensate for unusual weather, road, and traffic conditions, and is not tricked into an accident by the unsafe actions of pedestrians and other drivers. By being alert to accident-inducing situations, he/she recognizes the need for preventive action in advance and takes the necessary precautions to prevent the accident. As a Defensive Driver, he/she knows when it is necessary to slow down, stop or yield the right-of-way to avoid an accident”.

3.0 Distribution

3.1 Employee Information website, www.citylf.org.



Jason Wicha
City Manager

created 5/96
reviewed 5/99, 5/05, 5/10, 5/15, 5/20

ATTACHMENT "A"
THE CITY OF LAKE FOREST
ACCIDENT REVIEW BOARD
VEHICLE DAMAGE/PERSONAL INJURY

Section: _____ Date: _____,

The accident involving the City of Lake Forest equipment # _____ and/or
employee _____ was reviewed
by members of this Board.

After careful analysis, it was concluded that this accident was:

- 1) "Non-Preventable" or "Preventable"
circle one
- 2) "Not At-Fault", "Partially At-Fault", or "At-Fault"
circle one

on the part of the above employee. A final vote by the Accident Review Board of
_____ in favor of the above decision was determined.

A preventable accident is defined by the National Safety Council as any accident involving an employee and/or vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the employee in question failed to exercise every possible precaution to prevent the accident.

Chairman, Accident Review Board

Date

ATTACHMENT B

ACCIDENT REVIEW BOARD SUGGESTED DISCIPLINARY GUIDELINES FOR PREVENTABLE VEHICLE ACCIDENTS FOR USE BY DEPARTMENT HEADS

The following instances are strictly meant as guidelines; possible disciplinary action for the individual(s) involved in such accidents will be reviewed on a case by case basis. Where applicable, rules of the Fire and Police Commission shall take precedence. Depending upon the circumstances surrounding the accident, disciplinary action may result. Per Administrative Directive 2-19, disciplinary action may include the following:

- a) Oral Reprimand
- b) Written Reprimand
- c) Suspension Without Pay
- d) Demotion
- e) Dismissal

A record of all disciplinary action(s) shall be kept in the employee's departmental personnel file. All findings of the Accident Review Board are final.