

Executive Order No. 65

TO: All Agencies Under the Mayor

FROM: John H. Hickenlooper, Mayor

DATE: June 20, 2008

SUBJECT: Operational Safety & Health Program

Purpose: This Executive Order establishes the Safety & Health Program to which all Departments and Agencies under the Mayor shall adhere. In order to provide a safe and healthful work environment for City employees and because of the statutory requirement to provide workers' compensation benefits, this program establishes citywide responsibility for safety standards to minimize and effectively contain workers' compensation costs. This Executive Order shall supersede Executive Order No. 65 dated January 6, 2006.

1.0 **Applicable Authority:** The applicable authority for this Executive Order No. 65 is Section 2.2.10 of the 2002 Revised Charter

2.0 **Definitions:**

2.1 Occupational Safety and Health Administration (OSHA) – Agency of the Federal government that establishes, administers, and enforces safety guidelines for the United States.

2.2 Safety Professional – A person hired as a specialist in a Career Service System Safety Industrial Hygiene I/II position, and is exempt from the requirements of the Fair Labor Standards Act.

2.3 Safety Representative – Any person, other than a safety professional, who is assigned safety responsibilities by an agency of the City.

3.0 **General:**

3.1 As a local government, the provisions of the Occupational Safety and Health Act generally do not apply to the City. Nevertheless, the City recognizes that OSHA standards embody a useful and comprehensive framework of safety considerations and should be consulted in the assessment of the City's overall safety requirements. In all instances, however, the City shall rely on its own expertise and judgment in all aspects of the formulation and execution of its Safety and Health Management System. The Risk Management Office, with each department and agency, not OSHA, shall have the responsibility for ensuring citywide compliance with safety standards outlined under this Executive Order.

3.2 The City considers employee safety one of its top priorities. Department/agency managers/directors shall give safety top-level management attention. While accomplishing and achieving the City's operational goals and objectives, department and agency heads will exercise prudent judgment in carrying out this Executive Order.

4.0 **Policy:**

- 4.1 The City is committed to maintaining a safe and healthy work environment. It is the City's goal to provide places of employment and facilities that minimize hazards that are likely to cause death or harm to employees or the public.
- a. Risk Management, in conjunction with departments and agencies, will establish a Safety and Health Management System and standards within which specific agency and departmental safety policies are developed to minimize hazards and reduce injuries in their department or agency operations.
 - b. All policies, standards, and procedures shall be developed primarily considering the City's particular safety needs. In the exercise of its judgment and application of its expertise, the City should consult standards contained in the Occupational Safety and Health Act of 1970 as well as other national, state and local safety standards as guidelines.
 - c. Failure to comply with City safety rules and regulations may subject City employee(s) to discipline up to and including dismissal.
 - d. Willful failure to comply with City safety rules or willful failure to use available safety devices may subject injured employees to a reduction in workers' compensation benefits.

5.0 **Responsibilities of Department and Agency Heads:** Department/Agency heads shall:

- 5.1 Furnish employees with work and places of employment free from recognized hazards that may cause or are likely to cause death or serious physical harm.
- 5.2 Develop and implement departmental or agency-specific safety or health policies and plans in accordance with the Safety and Health Management System and standards set forth in this Executive Order and any implementing memoranda.
- 5.3 Acquire, maintain, and require the use of personal protective equipment, approved safety equipment, and other appropriate devices necessary to protect employees.
- 5.4 Each department and agency shall have a Safety Professional or Safety Representative. The safety personnel shall have sufficient knowledge and training to develop and manage department safety programs.
 - a. Departments/Agencies with large numbers of employees and /or significant hazard exposures may appoint a Safety Professional(s) under the Career Service classification system, who shall exercise delegated authority from the Department/Agency Head to direct, develop, implement, manage, and evaluate the safety program contained in the Department/Agency Safety Policies

- b. Departments /Agencies without Safety Professionals shall designate an employee and an alternate to serve as a safety representative in addition to other duties.

(1) The Safety Representative shall work with Risk Management to implement the departmental safety program.

6.0 **Responsibilities of First Line Supervisors:** First line supervisors shall:

- 6.1 Ensure that safe work practices are an integral part of daily operations for employees supervised.
- 6.2 Review work activities on an ongoing basis to identify potential hazards. This is accomplished with the assistance of department/agency Safety Professional or Safety Representative. .
- 6.3 Ensure that each employee is qualified and trained to safely perform his or her assigned work.
- 6.4 Ensure that each employee uses safety equipment, personal protective equipment, and other devices required by the agency. .
- 6.5 Submit the Supervisor's Report of Accident or Incident to Risk Management within 5 working days following notification of an accident or incident.
- 6.6 Ensure employee compliance with safety rules and procedures through training, counseling, and progressive discipline.

7.0 **Responsibility of Each Employee:** Employees shall:

- 7.1 Comply with health and safety standards, rules, regulations, and orders issued by his/her agency.
- 7.2 Use safety equipment, personal protective equipment, and other devices provided or required by the agency.
- 7.3 Report unsafe and unhealthful working conditions to appropriate supervisors, managers, or the City's Risk Management Office.

8.0 **Responsibilities of the Risk Management Office:** The Risk Management Office shall:

- 8.1 Coordinate a city-wide Safety and Health Management System.
- 8.2 Develop and establish citywide Safety and Health Management System, which shall be submitted to agency safety officers and representatives for review and comment prior to adoption.
- 8.3 Monitor citywide compliance with the City's Safety and Health Management System.
- 8.4 Review the effectiveness of the Safety and Health Management System with the appropriate Safety Professional or Safety Representative of Departments and Agencies.

- 8.5 Serve as the safety advisor/consultant for all city Departments and Agencies.
 - 8.6 Assist in the development, implementation, maintenance and evaluation of the departments or agencies policies and programs.
 - 8.7 Facilitate the development of safety training programs.
 - 8.8 Collect and provide statistical information to Safety Professionals/Representatives and department/agency heads regarding occupational injuries and illness attributed to their agency.
- 9.0 **Memorandum Attachments**: Additional procedure(s) for implementing this Executive Order may be defined by Memoranda attached to the Executive Order which shall become a part of the Executive Order. Further the Director of Risk Management who is responsible for the content of this Executive Order shall have the authority to issue procedural Memoranda relative to this Executive Order.

Approved for Legality:



David R. Fine
City Attorney for the City and County
Of Denver

Approved:



John W. Hickenlooper
MAYOR



Kim Day
Manager of Aviation



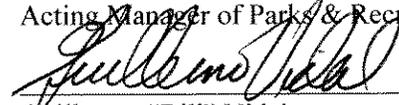
Nancy Severson
Manager of Environmental Health



Kevin Patterson
Manager of General Services



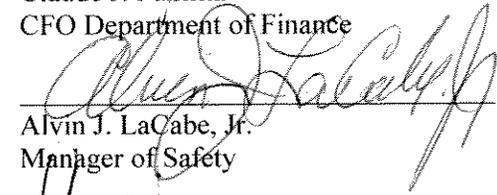
Scott Robson
Acting Manager of Parks & Recreation



Guillermo "Bill" Vidal
Manager of Public Works



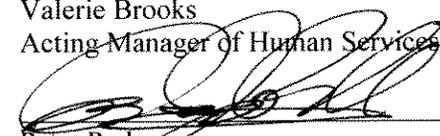
Claude J. Pumilia
CFO Department of Finance



Alvin J. LaCabe, Jr.
Manager of Safety



Valerie Brooks
Acting Manager of Human Services



Peter Park
Director of Planning & Development