

ACCIDENT REVIEW POLICY

I. PURPOSE OF POLICY

This policy establishes a review procedure for all job-related vehicle accidents, traffic violations, and lost-time job injuries involving any employee of the Lafayette Parish School Board. The panel herein described shall (1) determine the cause of an accident; (2) determine whether the accident was chargeable or non-chargeable; (3) advise the Superintendent of appropriate recommendations, as needed, for the development of policies and procedures or for effecting facilities' improvements to prevent such accidents; and (4) in cases where it is determined the accident was chargeable, recommend to the Superintendent the appropriate disciplinary action in accordance with the Chargeable Accident/Injury Discipline Chart for employees whose negligence contributed in causing the accident or injury.

II. ESTABLISHMENT OF THE PANEL

The Accident Review Panel (herein referred to as "the Panel") shall consist of the following five members:

- the Director of Risk Management;
- an administrator from the Human Resources Department;
- an administrator from the Maintenance Department;
- the Supervisor of Child Nutrition; and
- an administrator from the Transportation Department.

The Deputy Superintendent of Human Resources and Operations shall appoint a representative from the Human Resources Department and the Maintenance Department to serve on the Panel.

The Director of Risk Management shall serve as the Panel's Chairperson. The role of the Chairperson shall be to conduct the meetings and to direct the Panel, to protect the rights and dignity of the employee, and to insure that the employee is given the opportunity to present all information he/she wishes to the Panel. The meetings will be closed to all parties except the Panel members, the employees involved in the incident, and representatives of the employees if the employees so choose, and any witnesses the employees or Panel members wish to have testify.

Three Panel members shall constitute a quorum, with the concurring votes of three members of the quorum necessary for a decision. The Panel shall meet quarterly, and it shall be the responsibility of the Chairperson to schedule meetings, to reserve the meeting room, and to notify all Panel members of the meetings. The Chairperson shall also notify all involved parties, including employees, their supervisors, and witnesses, of scheduled meetings.

III. PROCEDURES FOR REVIEW

The Panel will review the following cases:

- (1) all job-related accidents which result in the loss of at least one (1) work day; and
- (2) all accidents involving motor vehicles or motorized equipment which occur while the employees are engaged in the course and scope of employment with the Lafayette Parish School Board and which result in personal injury or property damage.

The Panel may call witnesses and review evidence and testimony. A representative of the Third Party Administrator of the Board's workers' compensation claims may be asked to present the results of any investigation conducted by adjusters. The Chairperson shall provide to the members of the Panel copies of accident report forms, police reports, and other related reports to assist in the decision-making process.

The purpose of the review is to attempt to determine the cause of each accident in order to avoid recurrences. The cause, if determined, will be documented, along with appropriate recommendations to prevent recurrences or eliminate identifiable safety hazards. The Panel will also classify each accident under one of three categories:

- (1) chargeable—the employee failed to do everything that reasonably could have been done to avoid the accident;
- (2) non-chargeable—the employee did everything that reasonably could have been done to avoid the accident;
- (3) undetermined—the Accident Review Panel was unable to reach a decision of as to who was responsible for causing the accident.

The Panel's decisions relate to safety rather than civil or criminal liability. Decisions regarding job injuries are also related strictly to safety and shall not prejudice or compromise an injured employee's rights under the Louisiana Workers' Compensation Law, R.S. 23:1023, *et seq.*

The members of the Accident Review Panel shall vote, and only the resulting decision will be presented to the employee along with a statement summarizing the reason for the decision. In the event that the Panel determines the accident to be chargeable, the Panel shall cite each negligent employee with a chargeable accident. If it is determined that the accident was due to the negligence of more than one employee, each shall be cited with a chargeable accident. A chargeable accident shall accrue to the responsible employee's safety record for a period of thirty-six (36) months, after which it shall be removed, provided there has been no recurrence of a chargeable accident involving said employee within the preceding thirty-six (36) months.

Once the Panel has determined that an employee has been negligent in an accident, the Panel shall then recommend disciplinary action in accordance with the Chargeable Accident/Injury Discipline Chart. Disciplinary action taken as a result of a chargeable accident shall become a matter of record in the employee's personnel file.

All recommendations and determinations formulated by the Panel will be presented in writing to the Superintendent, who will determine what further action is appropriate and warranted. The

Superintendent or his/her designee will notify the employee and his/her supervisor of the results of the accident review and any discipline he/she recommends within ten (10) days of the hearing. In the event the Superintendent is the employee involved in the accident, the Lafayette Parish School Board shall review the accident and determine what further action is warranted, if any. Procedures for instituting disciplinary action which involves suspension with or without pay or termination will comply with those prescribed by the Teacher Tenure Act and the School Bus Driver Tenure Act.

IV. ATTENDANCE AT HEARINGS

If the immediate supervisor of the employee is unable to attend, he/she may designate a substitute who has supervising duties in the department to appear on behalf of the supervisor.

If the employee is unable to attend, he or she shall give to the Chairperson forty-eight (48) hours' prior notification. The failure of an employee to attend a Panel hearing without prior notification shall be considered an omission of duty subject to corrective action, and the Panel can elect to proceed with the meeting without the employee's input.

V. THE EMPLOYEE'S RIGHT TO APPEAL ACCIDENT REVIEW PANEL DECISIONS

An employee who has been cited with a chargeable accident may appeal the decision through the Lafayette Parish School Board's established "Grievance and Complaint Policies" found in the Board Policy Manual, Policy File: GAE. The grievance procedure must be initiated within five (5) working days of the employee's receipt of written notification of the Panel's decision.

VI. ROLE OF THE SUPERVISOR

It is the supervisor's responsibility to follow up with the Director of Human Resources to secure instructions on how to proceed with disciplinary action in accordance with the Teacher Tenure Act and the School Bus Driver Tenure Act.

In the event the supervisor receives notification from the Panel that disciplinary action is recommended, the supervisor is then responsible for meeting with the employee. In this meeting, the supervisor shall review and discuss the Panel's findings and recommendations and discuss means of preventing similar accidents in the future. The supervisor shall emphasize the commitment of the Lafayette Parish School Board to the safety program and to emphasize the Board's expectations of the employee in maintaining a safe working environment.

VII. DISCIPLINE

In cases involving injury or property damage arising from gross negligence or occurring while the employee has been found, as a result of post accident drug testing, to have identifiable traces of drugs and/or alcohol in his/her system, disciplinary action shall be taken by the appropriate party or parties as prescribed in the Teacher Tenure Act and/or the School Bus Driver Tenure Act.

Act without the benefit of an Accident Review Panel hearing and without consideration of the employee's safety record.

In the case of vehicle accidents, the infraction which results in the higher level of discipline will determine the level of discipline recommended.

Chargeable Accident/Injury Discipline Chart

A person found to have a chargeable motor vehicle accident or an accident involving motorized equipment must attend an eight- (8-) hour defensive driving course within sixty (60) days of the date of the Accident Review Panel hearing. The cost of the driving course shall be borne by the employee.

Level of Discipline	Type of Accident, Injury, or Violation
<p>Level I The supervisor will review the accident with the employee. A letter of reprimand may be placed in the employee's personnel file, as determined by the supervisor</p>	<p>One chargeable accident within 36 months or one traffic violation within 36 months or a chargeable vehicle accident with less than \$1,000 total payment for property damage and/or bodily injury</p>
<p>Level II 1 day's suspension without pay</p>	<p>Two chargeable accidents within 36 months or two traffic violations within 36 months or a chargeable vehicle accident with total payment from \$1,000 to \$5,000 for property damage and/or bodily injury</p>
<p>Level III 2 to 5 days' suspension without pay</p>	<p>Three chargeable accidents within 36 months or three traffic violations within 36 months or a chargeable vehicle accident with total payout of more than \$5,000 for property damage only</p>
<p>Level IV 6 to 10 days' suspension without pay</p>	<p>Four chargeable accidents within 36 months or four traffic violations within 36 months or a chargeable vehicle accident with total payout of more than \$5,000 which involves injury to others</p>
<p>Level V Recommendation to follow procedures for termination of employment as prescribed in one of the Policy Files of the Board Policy Manual, as appropriate for the employee's position and status: Policy File: CEF; Policy File: CGM; Policy File: GBN; Policy File: GCN; or Policy File: GDN.</p>	<p>More than four chargeable accidents within 36 months or more than four traffic violations within 36 months or any chargeable accident involving a fatality</p>

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Lafayette Parish Public Schools, Louisiana