

**CITY OF WINCHESTER
ACCIDENT REVIEW BOARD
BY-LAWS**

I. PURPOSE

- A. To review all City of Winchester vehicular accidents where property damages, personal injury, or death occur
- B. To review and determine the cause and responsibility for each vehicular accident
- C. Recommend disposition of each accident to the respective Department Head
- D. Establish uniformity of discipline through a system based upon surrounding circumstances and driver actions
- E. Recommend practices that may lessen the vehicular accident statistics of the City of Winchester and/or to improve driver actions
- F. Annually sponsor a defensive driving course for all employees who will be operating a City vehicle during the course of their employment.

II. GENERAL

- A. The Accident Review Board (ARB) of the City of Winchester shall consist of five (5) members appointed by the City Manager that represent a cross-section of the City workforce
- B. Vacancies shall be filled by appointment of the City Manager
- C. The Board will elect its own Chairman who shall have voting privileges
- D. The Board will meet on the first Tuesday of the month at the call of the Chairman and at a location determined by the Chairman or Secretary
- E. The Chairman may cancel a meeting when there is no business for the Board to address
- F. A quorum of three (3) members minimum must be present for a meeting or voting to occur
- G. The City Administration Risk Management Official or their alternate shall serve as the permanent Secretary to the Board and shall not take part in the voting process

III. STANDARDS OF REVIEW AND RECOMMENDATIONS

- A. The City of Winchester Accident Review Board shall review all City employee vehicular accidents involving City owned vehicles or equipment, or any other equipment while in the employ of the City of Winchester where property damages, personal injury or death occurs
- B. Drivers involved in any of the vehicular accidents explained by the previous standard may be required to appear before the Board when requested for further investigative inquiry
- C. The following list does not include all possible violations and/or situational occurrences which may occur. Accident Review Board members reserve the right to assess disciplinary actions according to specific circumstances determined through review and investigation of each accident or incident.
- D. Determinations are to be based upon the following guidelines:

UNAVOIDABLE

1. Employee is not at fault.

AVOIDABLE – A

1. Minimal damage caused to a city vehicle by an employee through incidental or minor contact may be eligible for a finding of an Avoidable A accident upon review by the Board

The following corrective action may be taken for each Avoidable A Incident:

1. Advisement of ARB findings through the use of a standard notification form with a recommendation that the employee exercise greater caution while driving to prevent future accidents. Signature of the employee accepting the letter, or a note of appeal, must be received by the Secretary within ten (10) days.

AVOIDABLE – B

1. An accident caused by the employees failure to obey minor traffic laws
 - Speeding (9 MPH or less above the posted limit)
 - Driver distracted or minimal attention to surroundings
 - Failure to give proper signals
 - Following too close
 - Fail to yield right-of-way (Did not exercise due care)
 - Other actions deemed appropriate by the Board

The following disciplinary action may be taken for each Avoidable B Incident:

1. Advisement of ARB findings through the use of a standard notification form. Signature of the employee accepting the letter, or a note of appeal must be received by the Secretary within ten (10) days.

AVOIDABLE – C

1. An accident caused by the employees failure to obey major traffic laws
 - Speeding (10 – 19 MPH above the posted speed limit)
 - Failure to drive on the right side of road
 - Improper passing
 - Failure to obey traffic signals
 - Fail to yield right-of-way (No caution exercised)
 - Other actions deemed appropriate by the Board

The following disciplinary action may be taken for each Avoidable C Incident:

1. Advisement of ARB findings through the use of a standard notification form. Signature of the employee accepting the letter, or a note of appeal must be received by the Secretary within ten (10) days.
2. Driver skill review and a verbal reprimand by a supervisor are required.

AVOIDABLE – D

1. An accident caused by the employees reckless or negligent driving habits
 - Reckless driving actions
 - Other actions deemed appropriate by the Board

The following disciplinary action may be taken for each Avoidable D Incident:

1. Advisement of ARB findings through the use of a standard notification form. Signature of the employee accepting the letter, or a note of appeal must be received by the Secretary within ten (10) days
2. Driver skill review by a supervisor is required
3. Written reprimand and up to a six (6) month suspension of driving privileges for City of Winchester vehicles (To be determined by the Department Head)
4. Mandatory re-enrolment in a recognized Defensive Driving Training course
5. Other administrative action based upon review and recommendation by the City Manager, Director of Administration, and the Department Head

AVOIDABLE – E

1. An accident caused by the employees reckless or negligent driving habits that involve extremely major violations of law
 - Driving while intoxicated
 - Fleeing from the scene of an accident
 - Fleeing from a police officer
 - Other actions deemed appropriate by the Board

The following disciplinary action may be taken for each Avoidable E Incident:

1. ADMINISTRATIVE ACTION IS STRONGLY RECOMMENDED BY THE BOARD
2. Advisement of ARB findings through the use of a standard notification form. Signature of the employee accepting the letter, or a note of appeal must be received by the Secretary within ten (10) days
3. Mandatory six (6) month suspension of driving privileges for City of Winchester vehicles
4. Other administrative action based upon review and recommendation by the City Manager, Director of Administration, and the Department Head
5. Termination of the employee may result based upon recommendation of the City Manager, Director of Administration, and the Department Head

UNDETERMINABLE

1. The cause of the accident cannot be determined and no employee fault is assessed based upon currently available information
2. This type of incident may be reconsidered by the Board upon the receipt of new investigative information

NON-VEHICULAR ACCIDENT/INCIDENT

1. Any damage to a city owned vehicle that occurs as the direct result of criminal acts (vandalism, theft, arson, etc.), or as the result of an environmental occurrence (hail, falling trees, etc.).

RECOMMENDED DISCIPLINARY ACTION FOR SPOTTERS

1. Any time that an accident involving a City of Winchester vehicle results in part, or in whole, from the failure of an employee acting in the role as "spotter" to correctly perform his or her duties, the following action will be taken:
 - A formal letter of notification from the ARB will be sent to the respective department head stating these findings;
 - Verbal counseling of the "spotter" will be recommended on the first such finding within any twelve (12) month period;
 - On the second or subsequent such finding within any twelve (12) month period, a verbal reprimand and written response of the "spotter" will be recommended to the respective Department Head;
 - On additional findings of this type against the same employee within any twelve (12) month period, additional administrative actions may be recommended at the discretion of the ARB. This may include a recommendation of further performance review by the respective Department Head, Director of Administration, and the City Manager.

IV. ADDITIONAL CONSIDERATIONS & RECOMMENDATIONS

1. The Accident Review Board may recommend disciplinary action to the Department Head, Director of Administration, and/or City Manager for up to and including suspension of City driving privileges when the employee has met any of the following criteria:
 - Has been involved in three (3) or more Avoidable A accidents within any 12 month period. This action will result in the Board forwarding a letter to the respective Department Head recommending administrative review of the employees driving behavior.
Employees will only be eligible for a finding of an Avoidable A accident three (3) times during any 12 month period. After the 3rd Avoidable A accident by the same employee, further accidents will not be eligible for this finding until 12 months have passed since the date of the last Avoidable A accident.

- Has been involved in and found responsible for three (3) or more Avoidable B incidents within any twelve (12) month period
 - Has been involved in and found responsible for two (2) or more Avoidable C incidents within any twelve (12) month period
 - Has been involved in and found responsible for one (1) or more Avoidable D or Avoidable E incidents within any twelve (12) month period
 - Has committed an offense for which mandatory revocation of his or her drivers license is required upon conviction
 - Is involved in an accident ruled avoidable resulting in death or personal injury of another, or resulting in extensive property damage
 - Has lost his or her privilege to operate a motor vehicle
 - Has made or permitted an unlawful or fraudulent use of his or her drivers license or has displayed or represented as their own, a drivers license not issued to him or her
2. In the event a driver has, within a period of 12 months, been found responsible for three (3) or more Avoidable accidents, his or her Department Head will be requested to advise the Board what actions are being taken to eliminate future accidents by this driver.
 3. When requested by the Board, personnel that are unable to appear before the Board at its regularly scheduled meeting must notify the Risk Management Official 24 hours in advance. He or she will then be rescheduled to appear at a later date. Unless authorized by the Risk Management Official in writing, no individual will be excused from two meetings in succession.
 4. The Accident Review Board will recommend dismissal of any driver or operator who is driving while under the influence of alcohol or narcotics while operating a City-owned vehicle or any other equipment while in the employ of the City of Winchester.

V. DRIVER TRAINING REQUIREMENT

1. All City employees who will be operating a City vehicle during the course of their employment will be required to complete an accepted Defensive Driving course recognized by the City of Winchester within twelve (12) months of their original hire or departmental transfer date.
2. All Fire, Rescue, and Police personnel successfully completing an Emergency Vehicle Operation Course (Part 1) or the Basic Police Academy driver training course will be recognized as satisfying this mandatory requirement.
3. The Board may periodically review current driver training courses to evaluate their usefulness in meeting the changing requirements in this field.

VI. APPEARANCE BEFORE THE BOARD

- A. Approximately five (5) working days prior to a Board meeting, the Board Secretary will notify all City personnel scheduled to appear before the Board via the Department Head.

- B. All accidents will be reviewed by the Board without notification to the affected employee unless unusual circumstances exist which will require the presence of the employee

VII. APPEAL PROCEDURE

- A. Reported findings of the Accident Review Board may be appealed in writing to the Secretary of the Board within ten (10) working days after notification of the Board's decision to the affected employee. A Board ruling may be appealed only once.
- B. Those who wish to appeal the Board's decision must abide by the following procedure:
- A driver/operator/spotter who was not required to attend the Board meeting in which his or her case was reviewed, may within ten (10) working days after he or she receives notice of the Board's decision, request and receive an appearance before the Board at its next meeting

OR

- A driver/operator/spotter who did attend the Board meeting in which his or her case was reviewed, may if he or she has new information to present, within ten (10) working days after he or she receives notice of the Board's decision, request and receive an appearance before the Board at its next meeting

APPROVED: _____
Edwin C. Daley, City Manager

EFFECTIVE: _____