



CITY OF BISHOP

CITY COUNCIL MEETING AGENDA

City Council Chambers - 301 West Line Street - Bishop, California

NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the City Clerk at 760-873-5863. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 13.102-35.104 ADA Title II)

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 377 West Line Street, Bishop, California during normal business hours. Government Code § 54957.5(b)(1). Copies will also be provided at the appropriate meeting.

Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration. NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

TUESDAY, MAY 29, 2012

7:00 P.M.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT – NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

DEPARTMENT HEAD REPORTS

- (1) Updates on department activities will be given by the Department Heads
 - A. Fire Chief Ray Seguire
 - B. Police Chief Chris Carter
 - C. Public Works Director/City Engineer Dave Grah
 - D. City Administrator/Community Services Director Keith Caldwell

CONSENT CALENDAR – NOTICE TO THE PUBLIC: All matters under the Consent Calendar are considered routine by the City and will be acted on by one motion.

(2)

FOR APPROVAL/FILING

Minutes

- (a) Study Session – May 14, 2012
- (b) Council Meeting – May 14, 2012
- (c) Personnel Status Change Report

FOR INFORMATION/FILING

Agendas

Minutes

- (d) Planning Commission Meeting Cancellation Notice May 30, 2012
- (e) Water and Sewer Commission – March 12, 2012

NEW BUSINESS

- (3) STREET VENDOR PERMIT AMENDMENT – Council consideration to amend the hours of operation for Mad Dogs of Bishop – Administration.
- (4) SET COMMISSION INTERVIEW COMMITTEE – Consideration by Mayor to select two members of the Council to serve on the interview committee with two members of the Water and Sewer Commission to interview candidates for an unscheduled commission vacancy. – Council.
- (5) CITY OF BISHOP CLARK WING LEASES – Council consideration to approve the one-year extensions to the Clark Wing leases for the Eastern Sierra Community Services District, the County of Inyo and the State of California Court System – Administration/Community Services.
- (6) J.P.I.A. RESOURCE MANUAL – Council consideration to adopt policies and programs as recommended by the California Joint Powers Insurance Authority – Administration.
- (7) GENERAL MUNICIPAL ELECTION – Council consideration to adopt resolutions relating to the General Municipal Election to be consolidated with the Statewide General Election scheduled on Tuesday, November 6, 2012 – Administration.
 - (A) Resolution No. 12-13 – Calling for the holding of a General Municipal Election to be held on Tuesday, November 6, 2012 for the election of three seats on the City Council and a City Treasurer.
 - (B) Resolution No. 12-14 – Requesting the Board of Supervisors of the County of Inyo to consolidate a General Municipal Election to be held on November 6, 2012 with the Statewide General Election.
 - (C) Resolution No. 12-15 – Adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at the November 6, 2012 Election.
- (8) AUDITOR PROPOSAL – Council consideration to approve the professional services contract for auditor services for Fiscal Year ending June 2011 – Administration.
- (9) POSTAGE MACHINE LEASE RENEWAL – Council consideration to approve the renewal of the Pitney Bowes Digital Mailing System lease – Administration.
- (10) PURCHASE OF COMPUTER SOFTWARE – Council consideration to approve the Police Department purchase of property room software that will be compatible with the current operating system – Police Department.
- (11) PURCHASE OF VALVE EXERCISER – Council consideration to approve the purchase of a new water system valve exerciser and required budget adjustments – Public Works Department.
- (12) FARMERS MARKET – Council consideration to approve the closure of Church Street adjacent to City Hall for the Farmers Market to be held Saturdays mornings from June 23-November 1, 2012 – Public Works Department.

COUNCIL AND COMMITTEE REPORTS

CLOSED SESSION

- (13) CONFERENCE WITH LABOR NEGOTIATOR Keith Caldwell, City Administrator, pursuant to Government Code § 54957.6(a) – Bishop Employees Association, Bishop Police Officers Association, Mid-Management, Management.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION IF REQUIRED

ADJOURNMENT

Monday, June 11, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers

Monday, June 25, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers

Monday, July 9, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers

Monday, July 23, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers



CITY OF BISHOP

STUDY SESSION AGENDA

Council Chambers - 301 West Line Street - Bishop, California

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TUESDAY, MAY 29, 2012

4:00 p.m.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT - NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

SCHEDULED DISCUSSION

1. Quarterly Citizen Award Nominations
2. Current 7:00 p.m. agenda items
3. Future agenda items
4. Department Head Reports

DISCUSSION

1. Councilmember Jim Ellis
2. Councilmember Jeff Griffiths
3. Councilmember Laura Smith
4. Mayor Pro Tem Susan Cullen
5. Mayor Dave Stottlemyre

ADJOURNMENT – To City Council meeting scheduled at 7:00 p.m. in the City Council Chambers.

AGENDA PLANNING FOR UPCOMING MEETINGS

MON – JUNE 11, 2012 MEETINGS

4:00 PM

7:00 PM

- Bid Award – Church Street Water Improvements Project
- Inyo County Probation – realignment power point presentation
- Proposition 4 – Resolution reserving unappropriated funds
- Water Storage Tank Project – Work Order 4
- Headworks Work Order 5
- California Broadband Access Agreement
- Fixed Asset Policy Revisions

MON – JUNE 25, 2012 MEETINGS

4:00 PM

7:00 PM

- Designation of voting delegates and alternates for League Conference in September.

MON – JULY 9, 2012 MEETINGS

4:00 PM

7:00 PM

MON – JULY 23, 2012 MEETINGS

4:00 PM

7:00 PM

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

SUBJECT: DEPARTMENT HEAD UPDATES

DATE: MAY 29, 2012

BACKGROUND/SUMMARY

The department heads from Fire, Police, Public Works and Administration/Community Services will provide updates on various departmental activities, current and on-going projects.

RECOMMENDATION

Hear the reports.

CITY OF BISHOP
CITY COUNCIL STUDY SESSION MINUTES
MAY 14, 2012

AGENDA ITEM NO.

2(a)

- CALL TO ORDER Mayor Stottlemyre called the meeting to order at 4:00 p.m. in the City Council Chambers at 301 West Line Street, Bishop, California.
- COUNCIL PRESENT Council Members Jeff Griffiths, Laura Smith
Mayor Pro Tem Susan Cullen
Mayor David Stottlemyre
- COUNCIL ABSENT Jim Ellis - Excused
- OTHERS PRESENT Keith Caldwell, City Administrator/Community Services Director
Denise Gillespie, Assistant City Clerk
Cheryl Solesbee, Accounting Secretary/Budget Manager
Ray Seguine, Fire Chief
Chris Carter, Police Chief
David Grah, Public Works Director/City Engineer
- PUBLIC COMMENT The Mayor announced the public comment period. Police Chief Carter introduced Robert Stephens, a retired CHP Officer who recently joined the Department as a Level I Reserve Officer.
- SCHEDULED DISCUSSION Discussion was held on the following Study Session agenda items:
1. Set Date for Department Head Evaluations The date of June 12, 2012 beginning at 8:30 a.m. was set for Department Head evaluations.
 2. League of California Cities Annual Conference It was announced that the Annual Conference for the League of California Cities is scheduled in September in San Diego and notification of attendance needs to be provided.
 3. Current 7:00 p.m. Agenda Items Items on the 7:00 p.m. meeting were discussed.
 4. Future Agenda Items Additions and/or corrections of future agenda items were made to the list.
- COUNCIL DISCUSSION Council Members gave committee reports, community announcements and/or made comments or inquiries to staff. No action was taken.
- RECESS/RECONVENE The Mayor recessed the meeting to view Engine 3, the new Type 2 Wildland Interface.

ADJOURNMENT

The Mayor adjourned the meeting at 4:45 p.m. to the regular City Council meeting scheduled at 7:00 p.m.

DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

(b)

CITY OF BISHOP
CITY COUNCIL MINUTES
MAY 14, 2012

- CALL TO ORDER Mayor Stottlemyre called the meeting of the Bishop City Council to order at 7:00 p.m. in the City Council Chambers, 301 West Line Street, Bishop, California.
- INVOCATION The invocation was given by Councilmember Smith followed by a flag ceremony and Pledge of Allegiance presented by the Bishop Boy Scout Troop #86.
- COUNCIL PRESENT Councilmembers Jeff Griffiths, Laura Smith
Mayor Pro Tem Susan Cullen
Mayor David Stottlemyre
- COUNCIL ABSENT Jim Ellis
- OTHERS PRESENT Keith Caldwell, City Administrator/Community Services Director
Denise Gillespie, Assistant City Clerk
Peter Tracy, City Attorney
Ray Seguire, Fire Chief
Chris Carter, Police Chief
David Grah, Public Works Director/City Engineer
Gary Schley, Public Services Officer
- PUBLIC COMMENT The Mayor announced the public comment period. James Willey, Bishop resident, addressed the Council on potential recreational ideas for the empty Kmart building on Main Street. The City Administrator invited Mr. Willey to attend the next Parks and Recreation meeting to present his ideas.
- PRESENTATIONS
- LA CAUSA – Person of the Year Alma Santana
(1) Mr. Jose Garcia, President of La Causa, introduced Alma Santana who was recently named as their Person of the Year. Mrs. Santana has taught Mexican dances to children in the community over the past 25 years.
- OUTGOING PARKS AND RECREATION COMMISSIONER Cheryl McDermott-Stanford
(2) The Council presented Cheryl McDermott-Stanford a city tile for her community service over the past 11 years as a member of the Parks and Recreation Commission. City Administrator/Community Services Director Caldwell stated Cheryl was an integral part of the park activities.
- DEPARTMENT HEAD REPORTS
(3) Reports from Administration, Community Services, Fire, Police, and Public Works were given on the departments' activities including upcoming and ongoing projects.
- CONSENT CALENDAR
(4) A motion was made by Mayor Pro Tem Cullen and passed 4-0 with Ellis absent, to approve the Consent Calendar as presented:

Motion/Cullen

FOR APPROVAL AND FILING

- (a) Study Session – April 23, 2012
- (b) Council Meeting – April 23, 2012
- (c) Council Retreat – May 2, 2012
- (d) Fund Transactions 7/1/11 – 3/31/12
- (e) Fund Transactions 7/1/11 – 4/30/12
- (f) Warrant Register – April 2012
- (g) Investment Portfolio – March 2012
- (h) Personnel Status Change Report
- (i) Approval of updated Public Works Superintendent job description
- (j) Approval of Amendment 1 to Second Wye Road Caltrans Agreement
- (k) Surplus of Unclaimed Found Property – BPD029-12
- (l) Sale or destruction of firearms – BPD030-12

FOR INFORMATION AND FILING

- (m) Water and Sewer Commission Agenda – May 8, 2012
- (n) Planning Commission Minutes – March 27, 2012
- (o) Fire Department Activity Log – April 2012
- (p) Patrol Statistics – March-April 2011 / March-April 2012
- (q) Public Works Report – April 2012
- (r) Public Works Building Permits Report – April 2012
- (s) Sewer and Water Fund Monthly Balances 2011-2012

NEW BUSINESS

APPOINTMENT TO
PARKS & RECREATION
COMMISSION
(5)
Motion/Griffiths

On a motion by Councilmember Griffiths, the Council voted 4-0 with Ellis absent, to appoint Cheryl Underhill to serve a four-year term on the Parks and Recreation Commission ending May 14, 2016.

STREET CLOSURES
Mule Days Parade 2012
(6)
Motion/Smith

On a motion by Councilmember Smith, the Council voted 4-0 with Ellis absent, to approve the street closures for the 2012 Mule Days Parade as stipulated in Encroachment Permit 2012-14 to be issued by the Public Works Department.

STREET CLOSURES
Bishop Union High School
Graduation 2012
(7)
Motion/Cullen

On a motion by Mayor Pro Tem Cullen, the Council voted 4-0 with Ellis absent, to approve the street closures for the Bishop Union High School graduation scheduled on June 8, 2012 as stipulated in Encroachment Permit 2012-15 to be issued by the Public Works Department.

WATER AND SEWER
RATE STUDY – Release
of Request for Proposals
(8)
Motion/Smith

The Public Works Director requested Council approval to release the RFP's for the next Water and Sewer Rate Study that would update water and sewer fees effective in July 2014. The focus will be to gather data on water use and other factors as well as evaluate equity within the user billing categories. Recommendations by the Water and Sewer Commission will be

made to the Council in the fall 2013. The Proposition 218 public hearing process will follow.

On a motion by Councilmember Smith, the Council voted 4-0 with Ellis absent, to authorize the release of the Request for Proposals for the 2013 Water and Sewer Rate Study and re-categorize the budget and expenditures as Professional and Technical.

SEWER TRUNK
REPLACEMENT PROJECT
Consultant Services Contract
(9)
Motion/Cullen

On a motion by Mayor Pro Tem Cullen, the Council voted 4-0 with Ellis absent, to approve the execution of the contract with R. O. Anderson of Minden, Nevada, for the Sewer Trunk Replacement Project; approve the execution of Work Order 1 under the contract; and authorize the expenditure not to exceed \$29,800 under Work Order 1.

BUDGET ADJUSTMENTS
AND TRANSFERS
FY 2011-2012
(10)
Motion/Smith

On a motion by Councilmember Smith, the Council voted 4-0 with Ellis absent, to approve the budget adjustments and transfers for Fiscal Year 2011-2012 through April 30, 2012 as presented.

COUNCIL REPORTS

Council Members reported on committee meetings and announced upcoming community events. No action was taken.

CLOSED SESSION

At 8:05 p.m. the Mayor recessed to closed session as agendized:

CONFERENCE WITH
LABOR NEGOTIATOR

Conference with Labor Negotiator Keith Caldwell, City Administrator, pursuant to Government Code § 54957.6(a) – Bishop Employees Association, Bishop Police Officers Association, Mid-Management and Management.

RECONVENE

At 9:45 p.m. the Mayor reconvened to open session. It was reported that no action was taken during closed session.

ADJOURNMENT

The Mayor adjourned the meeting at 9:45 p.m. to the next regularly scheduled Council meeting scheduled for May 29, 2012 in the City Council Chambers.

DAVID STOTTLEMYRE, MAYOR

Attest: Keith Caldwell, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

TO: City Council
SUBJECT: CONSENT CALENDAR - PERSONNEL STATUS CHANGE REPORT
DATE: May 29, 2012

The following personnel items have been submitted for action at this meeting:

<u>COMMUNITY SERVICES DEPARTMENT – PART TIME SEASONAL</u>	<u>EFFECTIVE DATE</u>
(a) WSI I – From \$11 to \$12 hourly Rehire – Puls, Aaron	5/5/12
 <u>PUBLIC WORKS DEPARTMENT</u>	
(b) Certificate Incentive 2.5% monthly increase / \$91.00 Milici, Gary	5/16/12

(d)

**City of Bishop
Planning Commission**

There will be no Planning Commission Meeting

May 30, 2012

The next regularly scheduled meeting will be

June 26, 2012

Bishop City Council Chambers
301 West Line Street
Bishop, CA 93514
760/873-8458



CITY OF BISHOP

(e)

377 West Line Street - Bishop, California 93514
Post Office Box 1236 - Bishop, California 93515
760-873-8458 publicworks@ca-bishop.us
www.ca-bishop.us

Minutes

Water and Sewer Commission

13 March 2012

Call To Order:

Vice Chairman Peci called the meeting to order at 7:03 P.M.

Pledge of Allegiance:

The Pledge of Allegiance was led by Vice Chairman Peci

Commissioners Present:

Underhill, Mathieu, Peci, and Bhakta

Commissioners Absent:

Cross

Others Present:

Deston Dishon, Public Works Superintendent
Michele Thomas, Public Works Secretary
Keith Caldwell, City Administrator

Public Comment

Robin Hansen, manager of Shady Rest Trailer Park at 399 East Yaney Street, told the commission he would like to get involved with the water and sewer rates. Hansen is concerned with the way the City charges his park for water and sewer. There are currently 53 trailer spots charged on the property with 17 being permanent mobile homes and 36 that are transient spots, or RV spaces that fit trailers no larger than 25 feet long and are not permanent. Hansen is asking the City to review how trailer parks are categorized.

Peci stated that the city will begin the next rate study in late 2012 early 2013 and invited Hansen to attend future water sewer meetings especially when we are in the process of the rate study. Thomas also stated that attending City Council meetings would be beneficial as well to inform Council of his concerns.

Correspondence

None

(1) Approval of the Minutes

Commissioner Underhill moved to approve the minutes of the 10 January 2012 meeting as written and motion carried.

New Business:

(2) Water usage and revenue by general user category

To support improving the equity of water fees, there are currently 80 meters installed on the 22 user categories. Dishion went over the graphs presented showing the comparison of revenue to usage generated by 7 of the general water user categories in the City. The charts are based on meter data from the 2011 calendar year. If usage and revenue percentages were in perfect synch, ratio would be 100%. All of the ratio percentages substantially vary from the 100% and this variance could support the idea of adjusting the fees between user categories as part of the next rate study.

Reviewing the graphs, single family homes use 29% of the water but only pay 19% of the revenues. And multi-unit properties use 14% of the water and pay 34% of the revenues. The other 5 categories on the graph vary between usage and revenue as well. Dishion feels that the information we have from the 80 meters installed will be beneficial for the next rate study to help determine more accurate fees for each category. Peci stated that he feels the City does not have enough meters on single family homes to justify the usage shown; 11 meters installed compared to approximately 800 single resident accounts. Dishion feels the meters installed on the 11 different properties are good examples of water usage for single family homes. Dishion stated that the city is able to back up their data with facts and figures with water usage going from 600,000 gallons per day in the winter to 2.5 million gallons a day during summer months. Because the excess water is not showing up at the sewer plant, it must be going into landscaping lawns. There are meters installed on properties with small and large yards.

(3) 2013 water and sewer rate review draft RFP

Dishion explained that the next rate study is to be completed in 2014, in time for the 2014/2015 fiscal year. The timing for the next rate study would not become an issue in the upcoming elections and staff feels this is important for both the council and water sewer rates. David Grah, Director of Public Works, and Dishion discussed the options of hiring a consultant or doing the study in house. Because the review is expected to include the review of user categories and since this review of categories is expected to be complex, it is proposed to conduct the review through a consultant. The next rate study will be directed at equity and there is the possibility of new categories. Releasing the RFP during the summer, a consultant could be on board by December. Staff is concerned the public could blame rate increases on City staff and an impartial consultant would give more credibility to the review. Caldwell commented that with a consultant, staff and the commission are protected more. Caldwell also stated that he will work with Dishion and Grah over the next couple of months regarding hiring a consultant. The Commission agrees with staff that it would be beneficial to hire a consultant for the next rate study. When interviewing for a consultant, at least one commissioner will be on the panel. Further discussion will continue at the 8 May Water Sewer Commission meeting.

(4) Whiskey Creek usage to payment comparison

Thomas created a spreadsheet comparing monthly water and sewer charges and known usage for Whiskey Creek Bishop, Whiskey Creek Mammoth, and 3 local restaurants that have meters installed. Whiskey Creek Mammoth has a meter for which it is charged, and Whiskey Creek Bishop is charged per seat. Comparing the rates each Whiskey Creek pays monthly, the Bishop restaurant's bill is approximately double that of Mammoth. Although it is not known, both restaurants most likely have comparable water usage. Thomas will contact Greg Alexander, owner of both restaurants, to find out how many seats are in the Mammoth restaurant for more

information on comparing the size of each business. For the 3 restaurants in city limits with meters, Imperial Gourmet has the most compatible water usage in comparison to the Mammoth location and Imperial Gourmet's water bill is less than 1/3 of Whiskey Creek Bishop. This information will be valuable for the next rate study.

(5) Reorganization

Vice Chairman Pecsí turned the nominations over to the Deston Dishion, Public Works Superintendent. A call for nominations for the position of chairman was made. Commissioner Underhill nominated Joe Pecsí. No further nominations were received. Roll call was taken to close the nominations for chairman and passed unanimously.

A roll call vote was taken for the election of Joe Pecsí for Chairman. Ayes: Mathieu, Bhakta, Underhill, Pecsí. Joe Pecsí will serve a one-year term as Chairman.

Newly elected Chairman Pecsí opened nominations for the position of Vice-Chairman and Commissioner Mathieu nominated Forrest Cross. No further nominations were received. Roll call was taken to close the nominations for vice chairman and passed unanimously.

A roll call vote was taken for the election of Forrest Cross for Vice-Chairman. Ayes: Mathieu, Bhakta, Underhill, Pecsí. Forrest Cross will serve a one-year term as Vice-Chairman.

Old Business:

(6) Mammoth Brewery update

There has not been any new news regarding Mammoth Brewery relocating to the City of Bishop. Pecsí asked if staff has contacted the brewery asking for their business and Caldwell stated that the City has contacted the company. The Brewery is still in the process of recruiting investors for their project. They are looking for a location of approximately 5 acres with two spots possible, one in city limits near Wye Road and one outside the City behind Jack-in-the-Box. Another option was suggested for the business to open in the old Cottonwood Plaza as a pub until they were able to open the brewery at a larger location. The City is very interested with working with the Mammoth Brewery Company.

(7) Meter Readings

Pecsí asked to clarify whether the Catholic Church on Home Street had a meter installed and it does. Pecsí shared with the commission that he is working with Father Gracie regarding the high usage of water at the church. With the weather warmer a few days last month, the water usage increased over five times according to the most recent meter reading. Dishion said that he can help with getting past meter readings to show the excessive water usage for the church compared to other places within the City.

(8) Cash balance and revenue and expenditures update on water and sewer reserves

The ending cash balance in February for sewer was \$674,445.87 and \$1,098,385.86 for water. We hope to get concrete work completed for the Headworks project this fiscal year which will be paid from sewer capital funds. And the Church Street Waterline project should be complete before the end of the fiscal year and will be paid from water capital funds.

(9) Public Works reports for January and February

During the month of January, Well 4 was broken into and crew repaired the fence that was cut. Precautions were taken regarding the well water and no issues were reported. Crew was able to locate valve boxes for customers and assisted them with proper operation of their valves. Staff continued work with Resource Concepts in designing a solution to help keep the line full between Well 4 and the storage tank. Conspec completed the Park Sewer Reconstruction. Siemens performed maintenance to the digester boiler and made necessary repairs. Crew continued cleanup of the WWTP which included disposal of about 60 drums of contained materials costing \$6,000.00 for inspection and removal.

In February, crew exercised the generator by powering Well 4 for most of a day. A flushing point was constructed at Well 4. The department initiated Chromium 6 sampling because it has been a recent topic in the state. The city wants to let the public know there are no issues with our water. We have always tested for Total Chromium and the results have been non-detectable. All other work performed was routine.

Staff and Commission Reports:

Thomas supplied the commission with a news letter from the Sacramento Bee regarding improvements to water and sewer systems and was for informational purposes only.

Dishion also informed the commission that staff receives a daily report email from the Department of Water Resources that gives good information and if anyone is interested they could subscribe to the newsletter. The commission would like staff to forward the website to each of them so they can sign up to receive the information as well.

Dishion also shared that the SCADA water side is fully implemented and the sewer is all there and being finalized behind the scenes. Just recently, Well 1 has seized up and is unable to turn. There is the possibility the pump will need to be replaced if it can't be repaired. Staff will have more information at the May water sewer commission meeting.

Items to be Discussed at the Meeting of 8 May 2012:

- Update to consultant RFP
- Well 1 update
- Meter readings
- Public Works reports for March and April
- Cash balance and revenue and expenditures update on water and sewer reserves

Chairman Pecsí adjourned the meeting at 8:25 P.M. The next regularly scheduled meeting will be Tuesday, 8 May 2012 at 7:00 P.M. in the City Council Chambers.



Joe Pecsí, Chairman



Michele Thomas, Secretary

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KC*

SUBJECT: Mad Dogs of Bishop – Operational Hours

DATE: May 29, 2012

Attachments: Letter from Business Owner - Rudy Madera

BACKGROUND/SUMMARY

Currently, Mad Dogs of Bishop is one of three street vendors operating within the City limits. Mr. Madera has requested to expand his operational hours to include breakfast. He is currently operating on the north side of Sierra Street adjacent to the First Southern Baptist Church Mondays through Saturdays from 10:00 a.m. to dusk.

The new request is a change in operational hours to 7:00 am - 3:00 pm.

RECOMMENDATION

City Council consideration to take action to approve the change in operational hours for Mad Dogs of Bishop to 7:00 am – 3:00 pm Mondays through Saturdays.

RECEIVED

MAY 09 2012

CITY OF BISHOP

May 9, 2012

To whom it may concern,

I would like to request to change my operation hours. If it is possible, I would like to be able to open for breakfast through lunch, from 7:00 am to 3:00 pm.

Thank you for your consideration,

Rudy Madera – Mad Dogs of Bishop

A handwritten signature in black ink, appearing to read "Rudy Madera", written over a horizontal line.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

SUBJECT: SET INTERVIEW COMMITTEE – WATER AND SEWER COMMISSION

DATE: MAY 29, 2012

Attachments: Notice of Advertisement

BACKGROUND/SUMMARY:

An unscheduled vacancy on the Water and Sewer Commission was created by the appointment of Cheryl Underhill to serve on the Parks and Recreation Commission. The vacancy is being advertised according to procedure with the deadline for applications scheduled on Friday, June 8, 2012.

It is anticipated that we will need to establish an interview committee made up of two Council members and two members from the Commission to interview any potential candidates and make a recommendation to the full Council at the meeting of June 25, 2012. Interviews can be scheduled from June 11th – 22nd to accommodate the candidates and members of the interview committee.

RECOMMENDATION:

Appoint two Council members to serve on the interview committee to fill an unscheduled vacancy on the Water and Sewer Commission.

**NOTICE OF VACANCY
CITY OF BISHOP
WATER AND SEWER COMMISSION**

PURSUANT TO GOVERNMENT CODE SECTION 54974, notice is hereby given that the City Council of the City of Bishop announces an unscheduled vacancy on the Water and Sewer Commission. This appointment will be in effect until the end of the term on November 8, 2012.

All persons interested in serving on this City Commission should contact Bishop City Hall for an application, description of duties and responsibilities, and information on compensation at 377 West Line Street, Bishop, visit the City's website at www.ca-bishop.us or call (760) 873-5863.

The deadline for filing applications is 4:30 p.m. on Friday, June 8, 2012.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR / COMMUNITY SERVICES
DIRECTOR *KSC*

SUBJECT: Clark Wing Lease Agreements

DATE: May 29, 2012

Attachments: Associated Lease Agreement with the State of California Court System,
Inyo County and Eastern Sierra Community Services District (ESCSD).

BACKGROUND/SUMMARY

On June 30, 2012 the lease agreements with the County of Inyo, the State of California Court System, and Eastern Sierra Community Services District expire. These organizations utilize areas within the Clark Wing of City Hall.

There are three separate agreements. Two of the proposed agreements, Inyo County and ESCSD, are extensions of a one year agreement to the current lease with a three-cent increase per square foot. In 2011, the State of California Court System requested a five year extension with a 3% increase per square foot per year. Correspondence is attached requesting the extension for Fiscal Year 2012-2013.

Clark Wing leases are as follows:

- County of Inyo – 3,393 square feet
- ESCSD – 677 square feet
- State of California Court System - 4,339 square feet

Proposed Annual Income – 2012-2013

- County of Inyo – \$44,380.44
- ESCSD – \$8,855.16
- State of California Court System – \$56,896.20
- TOTAL = \$110,131.80

RECOMMENDATION

City Council consideration to take action to approve a one year extension for Fiscal Year 2012-2013 for leased areas with the Eastern Sierra Community Services District and the County of Inyo, and the State of California Court System.

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2012, by and between the CITY OF BISHOP, hereinafter referred to as "LESSOR", and INYO COUNTY, hereinafter referred to as "LESSEE".

5/04/12

WITNESSETH

I.

RECITALS

1.01. The Lessor is the owner of that certain real property in the City of Bishop, County of Inyo, State of California, known as the Clark Wing of the Bishop City Hall Building, in which building is office space of approximately 3393 square feet, which includes 857 square feet of common area which is the amount of square feet appurtenant to the leased premises utilized as restrooms and hallways. A plot plan is attached hereto, marked Exhibit "A", and made a part hereof, which plot plan more particularly describes said space.

1.02. It is the mutual desire, intent and purpose of the parties hereto that the Lessor lease and let said premises to the Lessee for the term, at the rental, and subject to the provisions and conditions hereinafter set forth.

II
LEASE

2.01. Term. Lessor, in consideration of the rents, covenants and agreements hereinafter contained and set forth to be promptly paid, kept and performed by the Lessee, and upon the condition that each and all of said covenants and space more particularly described in Section 1.01 hereof, for a term of one (1) year, commencing as of the first day of July 2012, and terminating at midnight on the 30th day of June 2013, at and for the rental hereinafter provided to be paid by the Lessee. The Lessee may upon mutual agreement with Lessor, renew this lease a minimum of two options of one year each.

2.02 Rental.

(a) As rental for the use and occupancy of said premises during the term hereof, Lessee promise and agree to pay unto the Lessor a sum determined by the Fee Schedule attached hereto as Exhibit "B" which is made a part hereof.

2.03. Lessee Covenants. The Lessee does hereby hire, lease and take of and from the Lessor the said premises for the said term and at the said rental, and do hereby covenant and agree with Lessor as follows:

(a) Payment of Rent. That Lessee will pay the rent reserved to the Lessor at the place designated by the Lessor at the time and in the manner provided as aforesaid for the payment thereof, without deduction or delay.

(b) Default. Should the Lessee be in default in the performance of any condition, covenant or agreement herein contained, or should it abandon or vacate said premises, besides other remedies or rights the Lessor may have, it shall be optional with the Lessor, after giving said thirty-day written notice of default, to relet said premises or any portion thereof for such rent and upon such terms as the Lessor may deem fit and proper, and if a sufficient sum shall not be thus realized after paying the expenses of such reletting, Lessee agree to satisfy and pay the deficiencies, and to pay the expenses of such reletting, including any and all attorneys' fees, costs and expenses incurred or necessary in connection therewith. For purposes of this section, "sufficient sum" shall mean an amount equal to the sum total of all of Lessee lease payments for the unexpired balance of the lease term, plus Lessor expenses of reletting the premises, including any and all attorney's fees, costs, and expenses incurred by Lessor in connection therewith.

All remedies herein and hereby given the Lessor shall be cumulative and in addition to any other legal and equitable rights which the Lessor may have by law or otherwise.

(c) No use shall be made of said premises other than the contemplated use as an office space, nor shall any action be taken which shall increase the hazard thereof, for insurance or other purposes.

(d) Waste. Lessee will not commit, nor suffer to be committed, any waste upon the said premises.

(e) Repairs. Lessor will keep and maintain, with the exception of janitorial services, the demised premises and every part thereof.

(f) Alterations. Lessee will not make, nor suffer to be made, any additions to or alterations of the said premises or any part thereof without the written consent of Lessor first had and obtained. Any additions to or alterations of the said premises which cannot be reasonably removed without causing damage to the leased premises shall become at once a part of the realty and belong to the Lessor. Any additions to or alterations of the said premises which can be removed without causing damage to the leased premises shall remain the property of Lessee if actually removed within ten (10) days of the date of termination or cancellation of this lease, but shall become the property of the Lessor if not timely so removed.

It is expressly understood and agreed, without limiting the foregoing, that any linoleum or rubble tile, or other floor covering affixed to the floors by plaster, glue, cement, or mastic, and any wood flooring and carpeting installed by the Lessee, shall become and remain a part of the leased premises and shall not be removed by the Lessee at the end of their occupancy or otherwise, except upon written consent or order of Lessor.

(g) Signs. The Lessee shall not affix or cause to be affixed, any signs or awnings on or to said space without first submitting designs of the same to the Lessor and obtaining Lessors' prior approval thereof "which approval shall not be unreasonably withheld." Any and all such signs shall conform and abide in any and all respects with all applicable laws, rules and ordinances. Said signs so approved by the Lessor shall be and remain the property of the Lessee, provided, however, that the same shall be removed without defacement of or injury to the premises or building aforesaid.

(h) Laws and Regulations. Lessee will, at their sole cost and expense, faithfully observe in the use of the premises all City regulations and ordinances and County, State and Federal ordinances, regulations and statutes now in force, or which may hereafter be in force.

(i) Utilities. Lessee will neither do nor permit to be done any act which might or could result in the placement of any mechanics', laborers', or materialmen's liens, or any other liens, claims or demands of any nature upon or against the demised premises, improvements, or fixtures, or any portion thereof.

(j) Damages. Lessee, as a material part of the consideration under this lease, do hereby assume all risk of injury, or damage to persons using the premises or property, including all property of the Lessee and the Lessor in or about said premises. Lessee hereby agrees to defend, indemnify and hold harmless Lessor and all its officers and employees from and against all suits and causes of action, claims, loss, demands, expense, damage or liability of any nature whatsoever, for death or injury to any person, including Lessee, their employees and agents, or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident to the exercise or enjoyment of the premises herein given. Lessee shall not be liable to Lessor for any damage to the leased premises or for any loss, damage, or injury to any persons or property therein caused by the leased premises being out of repair, or by defects in the leased premises, including any access roads, ramps, or stairways thereof, or occurring in any means of entrance to or exit therefrom, or in the Lessor's or other occupant's equipment contained therein; or by burglaries, or fire, water,

gas, oil, electricity, or other causes of whatsoever nature; or occasioned by bursting, leakage, or overflow of any plumbing or any other pipes, tanks, drains, or washstands, or other similar causes in, above, upon, or about the leased premises; nor shall Lessee be liable for any loss, damage, or injury arising from any acts or omissions of the Lessor, its officers, agents, or employees, or co-tenants, or any owners or occupants of adjacent or contiguous property.

(k) Inspection. Lessee will permit Lessor, their agents or representatives, to enter into and upon the demised premises at all reasonable times for the purpose of inspecting the same, or for the purpose of repossessing said premises in the event of default, or for the purpose of making repairs, alterations, or additions to any portion of said office space, with a rebate of rent to Lessee for any loss of occupancy or quiet enjoyment of the premises thereby occasioned.

(l) Surrender of Premises. Lessee will, on the last day of the term of this lease or other sooner termination hereunder, peaceably and quietly leave, surrender and yield up to the Lessor all and singular the said premises with the appurtenances thereto in good order, condition and state of repair, damages through Acts of God and by ordinary wear and tear through normal use alone excepted. If Lessee does not clean the premises before surrendering same, the Lessor may so do, and in that event Lessee agree to pay the Lessor for the cost of cleaning same.

(m) **Holding Over.** In the event that Lessee shall hold over after expiration of the term of this lease with the consent, express or implied, of the Lessor, such holding over shall be deemed merely a tenancy from month to month on the same terms, covenants and conditions so far as applicable, as herein contained.

(n) **Subject to Subsection (J) Indemnity.** Lessee acknowledge and represent that they have inspected the premises, know the condition thereof, and assume full responsibility for any injury to persons or damage or destruction to property by reason of the use of said premises under this leave, and undertake and agree to release and hold harmless and indemnify the Lessor and all its officers and employees from and against all suits and causes of action, claims, loss, demands, expense, damage or liability of any nature whatsoever, for death or injury to any person, including Lessee, their employees and agents, or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident to the exercise or enjoyment of the premises herein given

2.04. **Destruction of Premises.** In the event of a partial destruction of the demised premises during the term hereof from any cause, except the fault or negligence of Lessee, the Lessor shall forthwith repair the same, provided such repairs can be made within thirty (30) days under the regulations of Federal, State, County or City authorities,

but such partial destruction shall in no way annul or void this lease, except that the Lessees shall be entitled to a proportionate deduction to be based the extent to which the making of such repairs shall interfere with the business carried on by the Lessee in said premises, but in no event to be more than the amount of the monthly rental. In the event that the Lessor does not make sure repairs in the thirty (30) days, or such repairs cannot be made under such regulations, this lease may be terminated at the option of either the Lessor or the Lessee. In respect to any partial destruction which the Lessor are obligated to repair, or may elect to repair, under the terms of this paragraph, the provisions of Section 1932, Subdivision 2, and of Section 1933, Subdivision 4, of the Civil Code of the State of California, are waived by the Lessees.

2.05. Waiver. The waiver by the Lessor of any breach of any term, covenant, or condition in this lease contained and set forth shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition hereof.

2.06. Quiet Possession. The Lessor do hereby covenant and agree with the Lessee that so long as the Lessee keep and perform the covenants and agreements herein contained on its part to be kept and performed, it shall at all times during the term hereof or any extension or renewal of said term, peaceably and quietly have, hold, use and enjoy the said premises without suit, trouble, or hindrance from Lessors, their agents or representatives.

2.07. Insurance. Lessee shall provide Lessor with a certificate of insurance in the amount of \$1,000,000 for General Liability. All policies must provide for thirty (30) days' notice to the City Clerk of the City of Bishop by registered mail to cancel, must be furnished in duplicate and must be approved by the City Clerk.

Such policy shall be evidenced by certificate of insurance naming the City of Bishop additional insured. Certificate of insurance must be in a form acceptable to the City of Bishop. All insurance coverage shall include endorsements naming the "City of Bishop and each of its directors, officers, agents, consultants and employees as additional insureds" under their policies while acting in their capacity for the City.

III

GENERAL PROVISIONS

3.01. Notices. Notices, demands, declarations and communications desired to be given or served by either the Lessor or the Lessee upon the other, or others, shall be deemed validly served and given when deposited in any United States Post Office by registered or certified mail, with the postage hereon fully prepaid, and if intended for the Lessor, addressed to it as follows:

CITY ADMINISTRATOR
CITY OF BISHOP
P.O. BOX 1236
377 WEST LINE STREET
BISHOP, CALIFORNIA 93515

and such other place as they may hereafter designate in writing and if intended for the Lessee, addressed as follows:

INYO COUNTY BOARD OF SUPERVISORS
PO BOX DRAWER N
INDEPENDENCE, CALIFORNIA 93526

or such other place as Lessee may hereafter designate in writing, and the date of the sender's registered or certified mail receipt shall be deemed prima facie evidence of the date upon which service was made.

3.02. Attorney's Fees. It is understood and agreed that in the event suit shall be brought for unlawful detainer of said premises, for the recovery of any rent due under the provisions of this lease, or because of the breach of any other covenants, promises, or conditions herein contained, on the part of the Lessee or Lessor, to be kept or performed, then and in such event the prevailing party in such action shall be entitled to recover from the other party a reasonable attorney's fee to be fixed by the Court and all other appropriate relief and court costs.

3.03. Assignment. Lessee shall not assign this lease, in whole or in part, without the consent in writing of Lessor first had and obtained.

3.04. Inurement. This agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators and assigns, subject only to the conditions against assignment herein specifically set forth.

IN WITNESS WHEREOF, the parties have executed this lease agreement in triplicate on the date first above written.

CITY OF BISHOP

ATTEST:

Date:

Date:

BY: David Stottlemyre, Mayor

BY: Keith Caldwell, City Administrator

INYO COUNTY

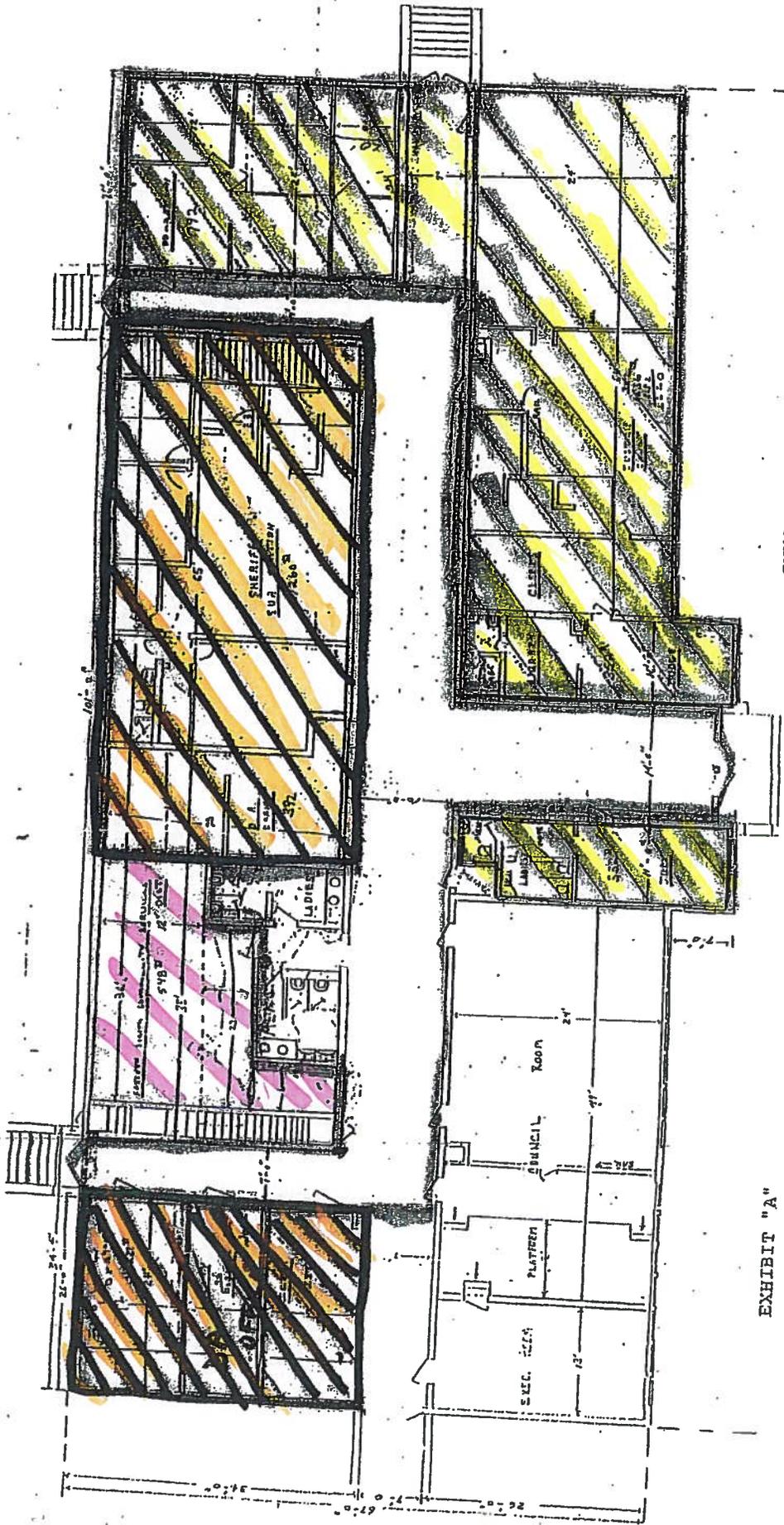
ATTEST:

Date:

Date:

BY: Inyo County Chairman,
Board of Supervisors

Clerk of Board of Supervisors



 INYO COUNTY OFFICES
 COMMON AREA // /

EXHIBIT "A"
 CLARK WING LEASE

Courts - 
 County - 
 ESCSB - 

Common Area - 

**EXHIBIT B
FEE STRUCTURE
CLARK WING LEASE
(COUNTY OF INYO)**

1. Space rent shall be \$1.09 per square foot monthly for 3,393 square feet of Clark Wing space which includes adjacent hall way and public spaces. Space rent includes monthly utilities and any repairs, maintenance and improvements as approved by the Lessor.

Lessees shall pay Lessors the sum of \$1.09 per square foot per month for all space leased (3,393 sq. ft.) hereunder, being the sum of \$3,698.37 per month, in advance, commencing as of the first day of July 2012.

301 West Line Street, Suite D
Bishop, California 93514
760-872-1415
760-872-1415 Fax
escsd@usamedia.tv

**Eastern Sierra
Community Service District**

Memo

RECEIVED

MAY 10 2012

CITY OF BISHOP

To: Keith Caldwell, City of Bishop Administrator
From: Jennifer Krafcheck, ESCSD Office Manager
Date: 5/10/2012
Re: 2012-2013 Lease Agreement for 301 West Line Street, Suite D

At their Regular Meeting on Wednesday, May 9, 2012, the ESCSD Board of Directors approved the attached Proposed Lease Agreement for office space in Suite D of the Clark Wing at 301 West Line Street.

Attached please find two copies of the 2012-2013 Lease Agreement signed by the ESCSD Board President and ESCSD Office Manager. When the Lease Agreement has been approved and signed by the City of Bishop, please return one of the signed originals to the District.

The District's Board and Staff greatly appreciate the opportunity to continue our Lease and we look forward to our continued positive working relationship with the City.



LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July 1, 2012, by and between the CITY OF BISHOP, hereinafter referred to as "LESSOR", and EASTERN SIERRA COMMUNITY SERVICES DISTRICT, hereinafter referred to as "LESSEE".

5/04/12

WITNESSETH

I

RECITALS

1.01. The Lessor is the owner of that certain real property in the City of Bishop, County of Inyo, State of California, known as the Clark Wing of the Bishop City Hall Building, in which building is office space of approximately 677 square feet, which includes approximately 119 square feet of common area which is the amount of square feet appurtenant to the leased premises utilized as restrooms and hallways. A plot plan is attached hereto, marked Exhibit "A", and made a part hereof, which plot plan more particularly describes said space.

1.02. It is the mutual desire, intent and purpose of the parties hereto that the Lessor lease and let said premises to the Lessee for the term, at the rental, and subject to the provisions and conditions hereinafter set forth.

II
LEASE

2.01. Term. Lessor, in consideration of the rents, covenants and agreements hereinafter contained and set forth to be promptly paid, kept and performed by the Lessee, and upon the condition that each and all of said covenants and space more particularly described in Section 1.01 hereof, for a term of one (1) year, commencing as of the first day of July 2012, and terminating at midnight on the 30th day of June, 2013, at and for the rental hereinafter provided to be paid by the Lessee.

2.02 Rental.

(a) As rental for the use and occupancy of said premises during the term hereof, Lessee promise and agree to pay unto the Lessor a sum determined by the Fee Schedule attached hereto as Exhibit "B" which is made a part hereof.

2.03. Lessee Covenants. The Lessee do hereby hire, lease and take of and from the Lessor the said premises for the said term and at the said rental, and do hereby covenant and agree with Lessor as follows:

(a) Payment of Rent. That Lessee will pay the rent reserved to the Lessor at the place designated by the Lessor at the time and in the manner provided as aforesaid for the payment thereof, without deduction or delay.

(b) Default. Should the Lessee be in default in the performance of any condition, covenant or agreement herein contained, or should it abandon or vacate said premises, besides other remedies or rights the Lessor may have, it shall be optional with the Lessor, after giving said thirty-day written notice of default, to relet said premises or any portion thereof for such rent and upon such terms as the Lessor may deem fit and proper, and if a sufficient sum shall not be thus realized after paying the expenses of such reletting, Lessee agree to satisfy and pay the deficiencies, and to pay the expenses of such reletting, including any and all attorneys' fees, costs and expenses incurred or necessary in connection therewith. For purposes of this section, "sufficient sum" shall mean an amount equal to the sum total of all of Lessee lease payments for the unexpired balance of the lease term, plus Lessor expenses of reletting the premises, including any and all attorney's fees, costs, and expenses incurred by Lessor in connection therewith.

All remedies herein and hereby given the Lessor shall be cumulative and in addition to any other legal and equitable rights which the Lessor may have by law or otherwise.

(c) No use shall be made of said premises other than the contemplated use as an office space, nor shall any action be taken which shall increase the hazard thereof, for insurance or other purposes.

(d) Waste. Lessee will not commit, nor suffer to be committed, any waste upon the said premises.

(e) Repairs. Lessee will, at their sole cost and expense, and without expense to the Lessor, keep and maintain the demised premises and every part thereof, except the roof, the exterior walls and hallways, but including all inside walls and all plaster, tile, structural glass and glazing, light electrical fixtures, interior plumbing and flooring, in good and sanitary condition, order and repair, hereby waiving all rights as provided in Sections 1941 and 1942 of the Civil Code of the State of California. Lessee shall, in maintaining said premises in good and sanitary order and condition, furnish their own janitorial service without expense to the Lessor.

(f) Alterations. Lessee will not make, nor suffer to be made, any additions to or alterations of the said premises or any part thereof without the written consent of Lessor first had and obtained. Any additions to or alterations of the said premises which cannot be reasonably removed without causing damage to the leased premises shall become at once a part of the realty and belong to the Lessor. Any additions to or alterations of the said premises which can be removed without causing damage to the leased premises shall remain the property of Lessee if actually removed within ten (10) days of the date of termination or cancellation of this lease, but shall become the property of the Lessor if not timely so removed. It is expressly understood and agreed, without limiting the foregoing, that any linoleum or rubble tile, or other floor covering affixed to the floors by plaster, glue, cement, or

mastic, and any wood flooring and carpeting installed by the Lessee, shall become and remain a part of the leased premises and shall not be removed by the Lessee at the end of their occupancy or otherwise, except upon written consent or order of Lessor.

(g) Signs. The Lessee shall not affix or cause to be affixed, any signs or awnings on or to said space without first submitting designs of the same to the Lessor and obtaining Lessors' prior approval thereof "which approval shall not be unreasonably withheld." Any and all such signs shall conform and abide in any and all respects with all applicable laws, rules and ordinances. Said signs so approved by the Lessors shall be and remain the property of the Lessees, provided, however, that the same shall be removed without defacement of or injury to the premises or building aforesaid.

(h) Laws and Regulations. Lessees will, at their sole cost and expense, faithfully observe in the use of the premises all City regulations and ordinances and County, State and Federal ordinances, regulations and statutes now in force, or which may hereafter be in force.

(i) Utilities. Except as otherwise expressly agreed in writing between the parties, Lessees will neither do nor permit to be done any act which might or could result in the placement of any mechanics', laborers', or materialmen's liens, or any other liens, claims or demands of any nature upon or against the demised premises, improvements, or fixtures, or any portion thereof.

(j) Damages. Lessee, as a material part of the consideration under this lease, do hereby assume all risk of injury, or damage to persons using the premises or property, including all property of the Lessee and the Lessor in or about said premises. Lessee hereby agrees to defend, indemnify and hold harmless Lessor and all its officers and employees from and against all suits and causes of action, claims, loss, demands, expense, damage or liability of any nature whatsoever, for death or injury to any person, including Lessee, their employees and agents, or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident to the exercise or enjoyment of the premises herein given whether or not contributed to by any act or omission, active or passive, negligent or otherwise, of the Lessor, or any officer, employee or agent thereof.

(k) Inspection. Lessee will permit Lessor, their agents or representatives, to enter into and upon the demised premises at all reasonable times for the purpose of inspecting the same, or for the purpose of repossessing said premises in the event of default, or for the purpose of making repairs, alterations, or additions to any portion of said office space, with a rebate of rent to Lessee for any loss of occupancy or quiet enjoyment of the premises thereby occasioned.

(l) Surrender of Premises. Lessee will, on the last day of the term of this lease or other sooner termination hereunder, peaceably and quietly leave, surrender and yield up to the Lessor all and singular

the said premises with the appurtenances thereto in good order, condition and state of repair, damages through Acts of God and by ordinary wear and tear through normal use alone excepted. If Lessee does not clean the premises before surrendering same, the Lessor may so do, and in that event Lessee agree to pay the Lessor for the cost of cleaning same.

(m) Holding Over. In the event that Lessee shall hold over after expiration of the term of this lease with the consent, express or implied, of the Lessor, such holding over shall be deemed merely a tenancy from month to month on the same terms, covenants and conditions so far as applicable, as herein contained.

(n) Indemnity. Lessee acknowledge and represent that they have inspected the premises, know the condition thereof, and assume full responsibility for any injury to persons or damage or destruction to property by reason of the use of said premises under this lease, and undertake and agree to release and hold harmless and indemnify the Lessor and all its officers and employees from and against all suits and causes of action, claims, loss, demands, expense, damage or liability of any nature whatsoever, for death or injury to any person, including Lessee, their employees and agents, or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident to the exercise or enjoyment of the premises herein given whether or not contributed to by any act or

omission, active or passive, negligent or otherwise, of the Lessor, or any officer, employee or agent thereof.

2.04. Destruction of Premises. In the event of a partial destruction of the demised premises during the term hereof from any cause, except the fault or negligence of Lessee, the Lessor shall forthwith repair the same, provided such repairs can be made within thirty (30) days under the regulations of Federal, State, County or City authorities, but such partial destruction shall in no way annul or void this lease, except that the Lessee shall be entitled to a proportionate deduction to be based the extent to which the making of such repairs shall interfere with the business carried on by the Lessee in said premises, but in no event to be more than the amount of the monthly rental. In the event that the Lessors do not make sure repairs in the thirty (30) days, or such repairs cannot be made under such regulations, this lease may be terminated at the option of either the Lessor or the Lessee. In respect to any partial destruction which the Lessor are obligated to repair, or may elect to repair, under the terms of this paragraph, the provisions of Section 1932, Subdivision 2, and of Section 1933, Subdivision 4, of the Civil Code of the State of California, are waived by the Lessee.

2.05. Waiver. The waiver by the Lessor of any breach of any term, covenant, or condition in this lease contained and set forth shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition hereof.

2.06. Quiet Possession. The Lessor do hereby covenant and agree with the Lessee that so long as the Lessees keep and perform the covenants and agreements herein contained on its part to be kept and performed, it shall at all times during the term hereof or any extension or renewal of said term, peaceably and quietly have, hold, use and enjoy the said premises without suit, trouble, or hindrance from Lessors, their agents or representatives.

2.07. Insurance. Lessee shall provide Lessor with a certificate of insurance in the amount of \$1,000,000 for General Liability. All policies must provide for thirty (30) days' notice to the City Clerk of the City of Bishop by registered mail to cancel, must be furnished in duplicate and must be approved by the City Clerk.

Such policy shall be evidenced by certificate of insurance naming the City of Bishop additional insured. Certificate of insurance must be in a form acceptable to the City of Bishop. All insurance coverage shall include endorsements naming the "City of Bishop and each of its directors, officers, agents, consultants and employees as additional insureds" under their policies while acting in their capacity for the City.

III

GENERAL PROVISIONS

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CITY ADMINISTRATOR
CITY OF BISHOP
P.O. BOX 1236
377 WEST LINE STREET
BISHOP, CALIFORNIA 93515

and such other place as they may hereafter designate in writing and if intended for the Lessee, addressed as follows:

EASTERN SIERRA COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
301 WEST LINE STREET, SUITE D
BISHOP, CALIFORNIA 93514

or such other place as Lessee may hereafter designate in writing, and the date of the sender's registered or certified mail receipt shall be deemed prima facie evidence of the date upon which service was made.

3.02. Attorney's Fees. It is understood and agreed that in the event suit shall be brought for unlawful detainer of said premises, for the recovery of any rent due under the provisions of this lease, or because of the breach of any other covenants, promises, or conditions herein contained, on the part of the Lessee or Lessor, to be kept or performed, then and in such event the prevailing party in such action shall be entitled to recover from the other party a reasonable attorney's fee to be fixed by the Court and all other appropriate relief and court costs.

3.03. Assignment. Lessee shall not assign this lease, in whole or in part, without the consent in writing of Lessor first had and obtained.

3.04. Inurement. This agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators and assigns, subject only to the conditions against assignment herein specifically set forth.

IN WITNESS WHEREOF, the parties have executed this lease agreement in triplicate on the date first above written.

CITY OF BISHOP

BY: David Stottlemire, Mayor Date

ATTEST:

BY: Keith Caldwell, City Administrator Date

----- May 10, 2012 Jennifer J. Krafcheck

EASTERN SIERRA COMMUNITY Date ATTEST:
SERVICE DISTRICT Jennifer J. Krafcheck
Office Manager

Walter J. Pachucki May 09, 2012

BY: Board of Directors Date
Walter J. Pachucki
Board President

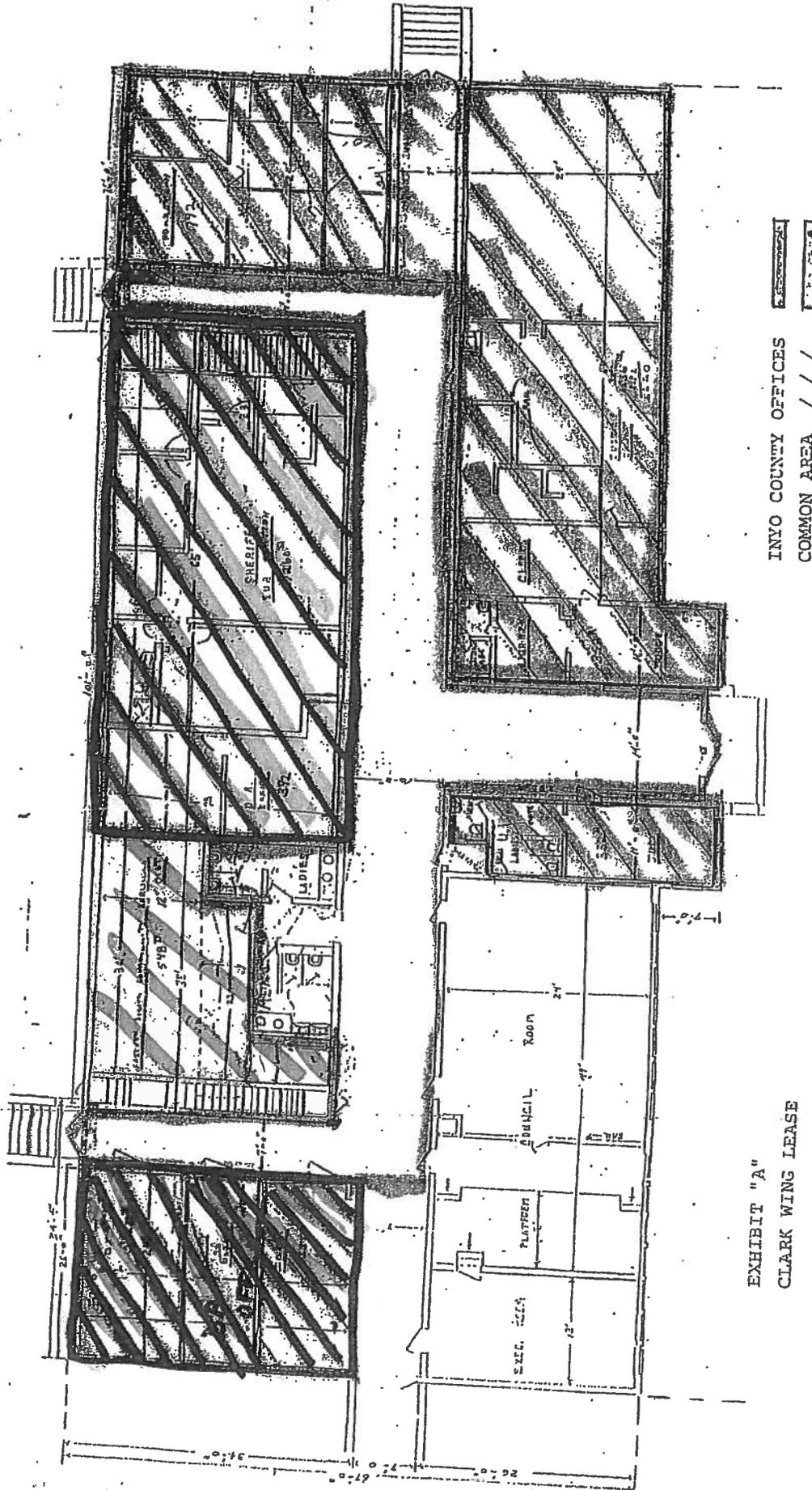


EXHIBIT "A"
CLARK WING LEASE

Courts - Common Area -
County -
ESCSD -

EXHIBIT "B"
FEE STRUCTURE
CLARK WING LEASE
(Eastern Sierra Community Service District)

1. Base space rent shall be \$1.09 per square foot monthly for 677 square feet of Clark Wing space which includes adjacent hall way and public spaces.

Lessee shall pay Lessor the sum of \$1.09 per square foot per month for all space leased (677 sq. ft.) hereunder, being the sum of \$737.93 per month, in advance, commencing as of the first day of July 2012.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

2255 North Ontario Street, Suite 200 • Burbank, California 91504-3120
Telephone 818-558-3060 • Fax 818-558-3114 • TDD 415-865-4272

TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

LEE WILLOUGHBY
*Director, Office of Court
Construction and Management*

March 12, 2012

Keith Caldwell
City of Bishop
Post Office Box 1236
Bishop, California 93515

Re: 301 West Line Street, Bishop, California 93514
AOC ID No. 14-C1

Dear Mr. Caldwell:

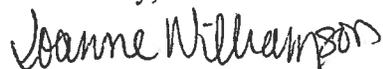
As you know, the Judicial Council of California, Administrative Office of the Courts (AOC) currently leases a portion of the premises located at 301 West Line Street, Bishop, California, 93514 from the City of Bishop for the benefit of the Superior Court of Inyo County. Section 2 of the Third Amendment to the Lease Agreement provides that the Term of the Lease ends June 30, 2012, and further provides that Lessee shall have the option to extend the term for four additional periods of 12 months each upon the giving of not less than 90 days prior written notice to the City.

This letter is intended to advise that the AOC is exercising its option to extend the Term of the Lease for a period of 12 months to and including June 30, 2013. Commencing July 1, 2012, the monthly rent will increase to \$4,741.35.

Keith Caldwell
City of Bishop
March 12, 2012
Page 2

Please let me know if you have any questions or concerns. Thank you for your courtesy and cooperation in this matter.

Yours truly,



Joanne Williamson
Senior Real Estate Analyst

JW/cb

cc: Judge Dean T. Stout, Presiding Judge, Superior Court of Inyo County
Judge Brian J. Lamb, Assistant Presiding Judge, Superior Court of Inyo County
Tammy Grimm, Court Executive Officer, Superior Court of Inyo County
Virginia Bird, Assistant Court Executive Officer, Superior Court of Inyo County
Katherine Albertus, AOC Office of Court Construction and Management

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

SUBJECT: JPIA RISK MANAGEMENT EVALUATION RECOMMENDATIONS

DATE: MAY 29, 2012

Attachments: Printed copy available at City Hall during normal business hours and in the online Council packet on the City's website at www.ca-bishop.us/CityCouncilMeetings.htm

BACKGROUND/SUMMARY

The California Joint Powers Insurance Authority (JPIA) conducts the City's Risk Management Evaluations as part of their service. The JPIA has recommended the following policies and programs be adopted and implemented to promote a safe and healthful environment for employees and members of the public.

- Hazardous Communication Regulation
- Vehicle Use Policy
- Violence in the Workplace
- Bloodborne Pathogens
- Trench/Excavation Daily Inspection Form
- Hearing Conservation – OSHA
- Hearing Conservation Program
- Fire/Smoke Procedures
- Safety Hazard Inspection and Control
- Respirator Policy

RECOMMENDATION

Council review and consideration to adopt the California Joint Powers Insurance Authority policies and programs as listed.

Guide to the California Hazard Communication Regulation



CALIFORNIA

HAZARD
COMMUNICATI
REGULATION



Department of Industrial Relations
Cal/OSHA Consultation Service
Education Unit

Guide to the California Hazard Communication Regulation •

This guide is not meant to be substitute for—or a legal interpretation of—the occupational safety and health standards. The reader is cautioned to refer directly to the *California Code of Regulations, Title 8*, or the *Labor Code* for detailed and exact information, specifications, and exceptions.





Publishing Information

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About This Guide

Every day at workplaces throughout California, employees work with or are incidentally exposed to hazardous substances that can harm their health or cause safety hazards. This guide is designed to help employers and employees understand the requirements of the hazard communication regulation by providing a simplified and clear overview of the major program elements.

For easy reference, this guide is separated into seven main sections:

- I. Scope**, which explains what employers and what types of substances are subject to the regulation, as well as the exemptions from the regulation
- II. Hazard Determination**, which explains how responsible parties can determine which specific substances are hazardous
- III. Material Safety Data Sheets (MSDSs)**, which explains what an MSDS is, what categories it must include, and how this information can be used to educate employees on the hazards of chemicals
- IV. Labels and Other Forms of Warning**, which explains labeling requirements and the importance of implementing a visual warning system that will quickly and effectively alert employees to potentially dangerous chemicals and situations
- V. Written Hazard Communication Program**, which explains all the requirements of such a program
- VI. Employee Information and Training**, which addresses employers' responsibilities for making sure that their employees are trained—prior to starting work—on the safe handling of hazardous substances they are or may be exposed to in their jobs and on the ways in which they can protect themselves from those hazards
- VII. Trade Secret Protection**, which addresses how manufacturers may comply with the regulation without revealing the specifics of a chemical compound

At the back of this guide, there are six attachments intended to further assist employers in setting up or improving an existing hazard communication program. Attachments A through D are samples of various elements of an effective written program. The basic format can be tailored to reflect your individual work site and the chemical substances found there. Attachments E and F relate to MSDS forms—how to request one from the manufacturer and what the appropriate form should look like.

Whatever the size of the facility or number of chemical hazards, it is essential that both employers and employees know how to identify potentially hazardous substances, understand the health hazards associated with these chemicals, and follow safe work practices. Every workplace which has or uses hazardous substances must have a written and effectively implemented hazard communication program that specifically addresses the potential hazards found at that particular site.

What's in It for Me?

Employers benefit from having an effective hazard communication program because it helps them:

- Identify and control hazardous substances present in their workplaces.
- Develop or rethink safe and efficient strategies for the use, handling, and disposal of these substances.
- Promote safe and effective work practices.
- Reduce workers' compensation losses.
- Comply with the law.

All these elements ultimately save money and increase employee morale and productivity.

Employees also benefit from a hazard communication program because they learn how to identify potentially hazardous chemicals to which they may be exposed in the workplace. This increased awareness promotes the greater likelihood that employees will:

- Reduce their exposure to hazardous substances.
- Follow safer work practices.
- Protect themselves, thereby preventing work-related injuries and illnesses.

Medical personnel, such as physicians, nurses, and other health care professionals, can best treat injured workers when they have complete background information on the substances to which an injured worker was exposed.

Emergency responders, such as firefighters and police, benefit because:

- An effective response strategy depends on advance knowledge of the chemical(s) involved in a fire or chemical spill.
- They can better protect themselves, thereby reducing the likelihood of work-related injuries and illnesses.



Regulatory Requirements

Under the California *Labor Code* and the California Occupational Safety and Health Act, all employers in California are legally obligated to provide and maintain a safe and healthful workplace for employees.

The hazard communication regulation emphasizes workplace safety and requires employers to inform their employees of the hazardous substances to which they are exposed at the job site. Requirements for developing, implementing, and maintaining a hazard communication program are found in Title 8 of the *California Code of Regulations* (T8 CCR), Section 5194. Subsection 5194(b)(6) contains the Safe Drinking Water and Toxic Enforcement Act (Proposition 65), which was added to the original hazard communication regulation in 1991.

Proposition 65 requires the governor to publish a list of chemicals known to the State of California to cause cancer, birth defects, or reproductive harm. Proposition 65 also requires that businesses provide a clear and reasonable warning before knowingly and intentionally exposing anyone to a listed chemical. An overview of Proposition 65 as it relates to the hazard communication regulation is noted throughout this guide. For complete details on the Proposition 65 regulation, please refer to T22 CCR, Section 12000 et seq., or contact the Office of Environmental Health Hazard Assessment (OEHHA) Web site:

<http://www.oehha.ca.gov>

Compliance with Proposition 65 requirements for notifying employees of hazards can be achieved simply by complying with the provisions of California's hazard communication regulation.

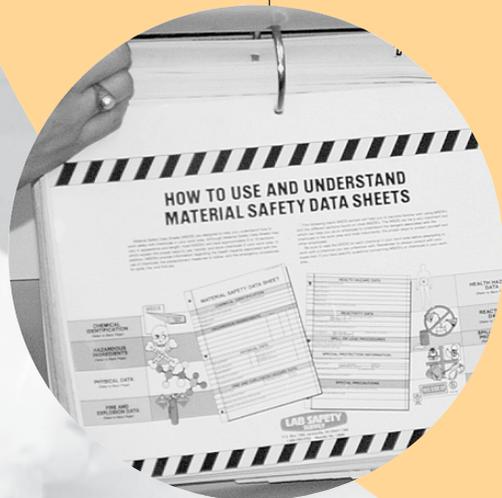
For a free copy of the hazard communication regulation or more information on its requirements, or if you wish to request free professional assistance with your hazard communication program, please call the nearest Cal/OSHA Consultation office listed on the last page of this guide. The hazard communication regulation can also be accessed through the Department of Industrial Relations Web site for Cal/OSHA Standards, *California Code of Regulations, Title 8*:

<http://www.dir.ca.gov/samples/search/query.htm>



Summary of California's Hazard Communication • Regulation

- I. Scope
- II. Hazard Determination
- III. Material Safety Data Sheets (MSDSs)
- IV. Labels and Other Forms of Warning
- V. Written Hazard Communication Program
- VI. Employee Information and Training
- VII. Trade Secret Protection



I. Scope (T8 CCR 5194[b])

This section explains who is subject to the California Hazard Communication Regulation and what conditions must be present in order to be exempt from the regulation.

Application

Except for the exemptions and exclusions noted below, the hazard communication regulation applies to:

A. All California employers—regardless of size—whose employees may be exposed to hazardous substances

PROPOSITION
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applies to all businesses except:

- Companies employing fewer than ten employees
- Any government agency
- All public water systems

B. All hazardous substances found in the workplace under normal conditions of use as well as in reasonably foreseeable emergency conditions (i.e., a spill or release of a flammable chemical)

PROPOSITION
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applies only to:

- The specified list of chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm. These listed chemicals may be naturally occurring or synthetic, used as ingredients in materials and products, and/or generated as byproducts, emissions, and waste.

Exemptions

1. *Chemicals in closed containers.* Although operations in which **employees handle hazardous substances only in sealed containers** (e.g., warehouse, transportation, or retail sales) are exempt from the full standard, employers are still required to:

- Ensure that labels on incoming containers are not removed or defaced.
- Obtain and maintain Material Safety Data Sheets (MSDSs) and make them readily accessible to employees in their work area(s) during each work shift.



- Train employees so they know how to handle and protect themselves in the event of a chemical spill or a leak from a sealed container.

2. **Laboratories.** Employers who engage in the laboratory use of hazardous chemicals are exempt from the hazard communication regulation if they meet **all** of the following conditions:

- Chemical manipulations are carried out on a “laboratory scale”—a single person using small quantities of hazardous chemicals in procedures that are not part of a production process, nor in any way simulate a production process; and
- Multiple chemicals or chemical procedures are used; and
- Protective laboratory practices and equipment are available and in common use industry-wide to minimize the potential for employee exposure to hazardous chemicals.

These employers are, however, subject to T8 CCR, Section 5191, “Occupational Exposure to Hazardous Chemicals in Laboratories.”



PROPOSITION
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warnings do not apply to:

- An exposure for which federal law preempts state authority
- An exposure that takes place less than twelve months from the time the chemical was officially listed in T22 CCR, Section 12000, “Chemicals Known to the State to Cause Cancer or Reproductive Toxicity”
- An exposure for which the employer can show that:
 - a. The exposure of a given chemical from the list of carcinogens poses no significant cancer risk, assuming lifetime exposure at the level in question; *and*
 - b. The exposure of a given chemical from the list of reproductive toxicants will have no observable effect, assuming exposure at one thousand (1,000) times the level in question.

Exclusions

The following are excluded from the hazard communication regulation:

- Hazardous wastes regulated by the EPA
- Tobacco products
- Natural wood or chemically untreated wood products for retail sale
- Manufactured items—articles that are handled/processed in a way that does not result in employee exposure via inhalation, ingestion, or skin absorption, such as items for immediate use or retail sale
- Food, drugs, and cosmetics consumed or used by the employees on the job site

- Retail trade establishments, except for processing and repair work areas
- Pesticide use regulated by the California Department of Food and Agriculture
- Consumer products, unless quantities used or exposures are greater than ordinary home consumer quantities or exposures

II. Hazard Determination (T8 CCR 5194[d])

Manufacturers, distributors (if they repackage and sell under their own label), and importers are required to assess the physical and health hazards associated with the substances they produce or repackage. They are also required to provide hazard information to employers by means of labels and MSDSs. From the MSDSs and sources listed below, employers can find out whether substances to which employees are exposed at the workplace are hazardous and, therefore, subject to the hazard communication regulation.



Note

California employers must determine whether any of the hazardous chemicals from their chemical inventory are subject to Proposition 65 requirements. To obtain this updated list of chemicals, please call OEHHA at (916) 445-6900; access the OEHHA Web site <<http://www.oehha.ca.gov>>; or subscribe to Division 2 of Title 22, *California Code of Regulations*, beginning with Section 12000, from Barclays Law Publishers.

A “hazardous substance” includes:

- A. Any hazardous substances listed in:
1. *The Hazardous Substances List* (T8 CCR, Section 339), commonly known as “The Director’s List of Hazardous Substances”
 2. 29, *Code of Federal Regulations* (CFR), Part 1910, Subpart Z, “Toxic and Hazardous Substances,” Occupational Safety and Health Administration (federal OSHA); and T8 CCR, Section 5155, “Air Contaminants”
 3. *Threshold Limit Values for Chemical Substances in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH), 1991–1992
 4. *Sixth Annual Report on Carcinogens*, National Toxicology Program (NTP), 1991
 5. *Monographs*, International Agency for Research on Cancer (IARC), Vols. 1–53 and Supplements 1–8. World Health Organization

6. *Material Safety Data Sheets* as reproductive toxicants or cancer-producing substances
 7. T22 CCR, Section 12000, under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), “Chemicals Known to the State to Cause Cancer or Reproductive Toxicity,” a list published at least once a year by Cal/EPA’s Office of Environmental Health Hazard Assessment
- B. Any other substances that present a physical or health hazard as determined by scientific evidence.

III. Material Safety Data Sheets (MSDSs) (T8 CCR 5194[g])

On each hazardous chemical, MSDSs provide information such as health hazards, special chemical and physical characteristics, protective measures, precautions for safe handling, use and storage of each chemical. Employers can use the information contained in MSDSs to educate employees on hazards associated with chemicals found in their workplace.

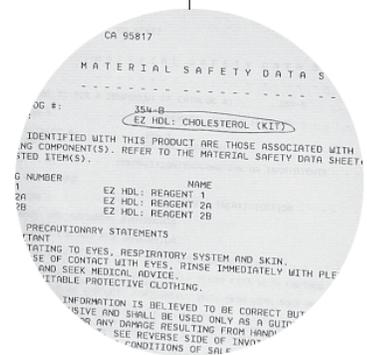
Because information contained in MSDSs can change, employers must review the MSDSs and ensure that employees are provided with the most current version. Also make sure that employees have ready access to MSDSs and are trained to understand the information (please see Attachment F, “MSDS Sample”).

All parties should be aware of the following information:

- A. Manufacturers, importers, or other responsible parties who prepare MSDSs are required to develop an MSDS for every hazardous substance or mixture they produce or import.
- B. The MSDS must encompass **all** of the following categories. If there is no relevant information for a given category, or a category does not apply to the chemical in question, the MSDS must indicate that no information is applicable. Mandatory items are:
 - For a single hazardous substance, the substance identity used on the label, *the chemical name, the common name, and the Chemical Abstracts Service (CAS) number* of the hazardous substance.

For a hazardous mixture tested as a whole, all of the elements listed above for each hazardous ingredient and the common name of the mixture itself.

For a hazardous mixture not tested as a whole, the chemical name, the common name, and the CAS number of all hazardous ingredients that compose 1 percent or greater of the mixture and carcinogens that are present in concentrations of 0.1 percent or greater. Refer to T8 CCR, 5194 (g)(2)(A)3 for full details.



The names used on the MSDS must allow for cross-referencing with the name that appears on the product label and on the inventory list of hazardous substances in the workplace.

- *Physical and chemical properties*, such as vapor pressure, flash point, and solubility of the chemical(s).
- *Physical hazards*, such as fire, explosion, or dangerous chemical reactions.
- *Health hazards*, including signs and symptoms of exposure, ranging from minor skin irritation to death. This section must also include any medical condition that could be made worse by exposure to the substance. These health effects can be acute (short-term) or chronic (long-term).
- *Potential routes of entry* of the hazardous substance into the body.
- *Permissible exposure limits* for hazardous substances. These are the legally required OSHA Permissible Exposure Limits (PELs), the recommended American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs), and any other limits recommended by the manufacturer, importer, or employer preparing the MSDS. Be aware that PELs listed on MSDSs are based on federal PELs; California PELs may be more stringent.
- Information on whether the hazardous substance is listed as a *carcinogen* by the National Toxicology Program (NTP), the International Agency of Research on Cancer (IARC), or the Occupational Safety and Health Administration (OSHA).
- *Precautions for safe handling, use, and storage*, including protective measures that should be taken prior to repair and maintenance of equipment and cleanup procedures for spills and leaks.
- *Known control measures*, including engineering, work practices, and personal protective equipment needed to protect employees from danger.
- *Emergency and first aid* procedures.
- *Date* of MSDS preparation or date of last change in contents.
- *Name, address, and phone number* of the party responsible for preparing the MSDS who could, if necessary, provide additional information, including emergency procedures on the hazardous substance in question.

C. MSDS preparers are required to update the MSDS within three months of learning new hazard data and/or ways to protect against the hazards.

D. Chemical manufacturers and importers of hazardous substances are required to provide an MSDS with each initial shipment and whenever an MSDS is updated. Distributors are required to provide MSDSs and MSDS updates to all purchasers of hazardous substances.



- E. Employers must have an MSDS for every hazardous chemical in the workplace. If the delivered MSDS is missing any of the mandatory items, or if no MSDS is delivered with the substance, the employer must write asking the manufacturer or distributor for an MSDS containing all mandatory items.
- F. Employers are also responsible for keeping MSDSs current and making them accessible to employees in their work area(s) during each work shift.
- G. Businesses that have multiple workplaces to which employees travel must keep MSDSs at a primary central location and must establish a mechanism to ensure that employees can immediately obtain the required information in an emergency.
- H. If you have a specific question or need additional information on an MSDS, please call the Cal/OSHA Consultation Service at 1-800-963-9424 or HESIS of the Occupational Health Branch at 510-622-4317 (English).
- I. If you are unable to obtain the MSDS from the vendor within 25 calendar days of the request, please call your local Cal/OSHA compliance office or write to:

Division of Occupational Safety and Health
 Deputy Chief of Health and Engineering Services
 P. O. Box 420603
 San Francisco, CA 94142-0603



IV. Labels and Other Forms of Warning (T8 CCR 5194[f])

Employers are required to use **legible** labels and other forms of warning to clearly and quickly communicate the identity and hazard(s) of chemicals in the workplace. Labels and other forms of warning are to be conspicuously placed on containers so that the message is readily visible. If a business employs a large number of non-English-speaking employees, employers are required to use symbols, warning signs in English and other languages, or any other means necessary to ensure that their employees understand the dangers present in the workplace.

Affected parties should be aware of the following information:

- A. When the employer receives hazardous substance containers, the supplier's original containers must be labeled with the following information:
 1. Identity of the hazardous substance, which must allow for cross-referencing with the MSDS and the inventory list of hazardous substances in the workplace

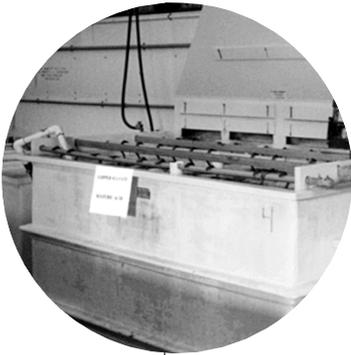


2. Hazard warning statements, including Proposition 65 warnings if applicable
3. Name and address of the chemical manufacturer, importer, or other responsible party

PROPOSITION
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Note

Hazardous substance containers from out-of-state chemical manufacturers or distributors (who are not subject to Proposition 65) may not have Proposition 65 hazard warnings. California's suppliers/employers must meet the requirement in various ways, including affixing additional Proposition 65 warning labels on containers or posting signs in the workplace.



- B. If during the course of work hazardous substances are transferred from the original container to a secondary portable container, the employer needs to ensure that the secondary container is labeled with the following information:

1. Identity of the hazardous substance
2. Hazard warning statements, including Proposition 65 warnings if applicable

Note: Portable containers for immediate use during a single shift by a single employee who performs the transfer himself/herself are exempt from the labeling requirement under California's Hazard Communication Regulation.

- C. On individual stationary process containers—such as plating tanks—employers can use signs, placards, and other options in lieu of labels as long as the required information listed above is included.
- D. Employers must relabel containers whenever labels are damaged or defaced.
- E. Additional labeling requirements apply for specific chemicals listed under the substance-specific health standards as referenced in T8 CCR, Article 110, “Regulated Carcinogens” (all sections under this Article).
- F. Above-ground pipes transporting hazardous substances (gases, vapors, liquids, semi-liquids, or plastics) shall be identified in accordance with T8 CCR, Section 3321, “Identification of Piping.”

**PROPOSITION
65****Note**

The Right to Know warning requirement mandates that a clear and reasonable warning be given to all individuals **prior** to exposure to any listed chemical that can cause cancer, birth defects, or other reproductive harm. Businesses that have one or more of the listed chemicals in the workplace as an ingredient in a material they use, a product they manufacture, and/or an emission into the environment **must provide a clear and reasonable warning**, unless they can prove that the exposure causes no significant risk.

The language in the warning must clearly state that the chemical in question is known to cause cancer, birth defects, or other reproductive harm. The warning must be given so that it effectively reaches the person before he/she is exposed.

Under Proposition 65, warnings are required for:

1. Consumer product exposures
2. Occupational exposures
3. Environmental exposures

Warnings for exposure in the workplace can be communicated by one or a combination of the following:

1. A warning on a product label
2. A warning or sign posted conspicuously in the workplace
3. A warning that complies with the federal OSHA "Hazard Communication Regulation" (29 CFR, Section 1910.1200), the California "Hazard Communication Regulation" (T8 CCR, Section 5194), the "Pesticides and Worker Safety Requirements" (T3 CCR, Ch. 6, Subch. 3, Group 3, Section 6700)

V. Written Hazard Communication Program (T8 CCR 5194[e])

Employers whose employees may be exposed to hazardous substances are required to have a written hazard communication program that addresses all the requirements of the regulation. Employers who tailor a written program to meet the specific needs of their workplace will maximize the benefits of workplace safety.

A written hazard communication program must describe the procedures for meeting all the requirements of the regulation, including:

- A. Developing and maintaining a list of the hazardous substances in the workplace. This list may be compiled for the workplace as a whole or for

individual work areas and can serve as a checklist to ensure that all hazardous substances in the workplace have MSDSs and labels.

PROPOSITION
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Note

Establish an ongoing system to obtain the updated Proposition 65 list of chemicals. For chemicals that are newly added, warning requirements apply 12 months from the effective date of listing.



- B. An explanation of how the employer will meet requirements for:
1. Labeling of containers of hazardous substances and other forms of warning
 2. MSDSs and making sure they are readily accessible to employees and emergency responders
 3. Employee training on hazardous substances they are or may be exposed to in their particular jobs during routine/nonroutine work, or emergency situations
- C. A plan of how multi-employer workplace issues, if applicable, will be addressed:
1. How an employer will inform a contractor—whose employees work in the employer’s workplace—of the hazardous substances to which the contractor’s employees may be exposed while performing their work, and how the employer’s employees will be protected from hazardous substances brought into the workplace by the contractor’s employees. If the hazardous substances include Proposition 65 chemicals, clear and reasonable warnings must be provided to all employees, from either the employer or the contractor, prior to exposure.
 2. How the employer will inform other employers of precautionary measures needed to protect employees during normal work as well as emergency conditions.
 3. How the employer will inform other employers of the labeling system in the workplace.
- D. A plan for the periodic (e.g., annual) evaluation of program effectiveness and plans for updating the program, if necessary.

Note: The written hazard communication program must be available upon request to employees, their representatives, Cal/OSHA representatives, and others in accordance with Section 3204(e), “Access to Employee Exposure and Medical Records.”

VI. Employee Information and Training (T8 CCR 5194[h])

Employee training is an integral part of the hazard communication program and must be provided at the time of initial assignment, whenever a new hazard is introduced into the workplace, and when employees may be exposed to other employers' workplace hazards. Employees need to know ahead of time the identity and hazards of all chemicals to which they may be exposed, including chemicals listed under Proposition 65. Once they have this knowledge, they will understand the need to protect themselves and are more likely to observe the company's safety rules.

Employee training on new or revised MSDS information must be provided within 30 days of the employer receiving that information. All training materials used must be appropriate in both content and vocabulary for the educational level, literacy level, and language comprehension level of the employees. Employees must be given an opportunity to ask questions of the person(s) conducting the training. Although not required, periodic refresher training in addition to the initial training is beneficial and encouraged.

Videotapes may be used to **supplement** your training; however, videos alone are not an acceptable substitute for training.

The Cal/OSHA Consultation Service is also available to answer health and safety concerns you may have, including questions on personal protective equipment (PPE). Refer to the list on the back cover of this guide to find the phone number of the Cal/OSHA Consultation Office nearest you.

Information and training must include:

1. Requirements of the hazard communication regulation, including employee rights (e.g., employees receiving and sharing with their physician information on hazardous chemicals to which they may be exposed)
2. Information about the location and availability of the employer's written hazard communication program
3. Identification of any operation in the employee work area where hazardous substances are present
4. Information on how to obtain, read, and understand MSDSs and labels, including data on the physical and health hazards of the substances
5. How to detect the presence or release of hazardous substances (e.g., appearance and odor)



6. Protective measures to be used, such as work practices, personal protective equipment, and emergency procedures

Note: T8 CCR, Section 3203(b)(1), “Injury and Illness Prevention Program,” requires that employee training be documented and records retained for at least one year.



VII. Trade Secret Protection (T8 CCR 5194[i])

Under the trade secret provision, manufacturers, importers, or employers who wish to withhold the specific identity of a hazardous chemical from the MSDS **must meet all the specific requirements of T8 CCR, Section 5194(i)**, including:

- A. The MSDS must state that the specific identity of the chemical mixture is being withheld as a trade secret. All other MSDS categories must be addressed.
- B. Trade secret information must be released in certain circumstances. Information on the specific chemical identity of a trade secret substance may be requested in medical emergencies as well as in non-emergency situations.

In the case of a medical emergency, the chemical identity must be immediately disclosed to medical personnel. In non-emergency situations, disclosure shall be made to health or safety professionals and to employees and their designated representatives upon a written request, which

- Explains why the disclosure of the specific chemical identity is essential, and
- Describes the procedures by which the disclosed information will be kept confidential.

Note: A trade secret cannot include chemical identity information that is already discoverable through laboratory qualitative analysis. Refer to T8 CCR, Section 5194(i), for complete information on conditions for releasing a trade secret and for holding the information confidential.



Throughout industry, the risks of chemical exposure are real and often, a component of every workday. For these reasons, it is Cal/OSHA's aim to increase awareness of chemical hazards and thereby contribute to greater workplace health and safety.

In addition to a safer workplace, employers should consider—in today's highly competitive business climate—the rewards that a sound hazard communication program can provide. Any workplace would welcome such benefits as enhanced chemical inventory control, safer chemical processes, reduced workers compensation premiums, and reduced waste and disposal costs.

It takes time and effort to set up and maintain a successful hazard communication program. However, it is critically important for both employers and employees to collaborate in its implementation and maintenance. It is like a safety net that can help prevent injuries, illnesses, and accidents while protecting your workers and your business and saving you money.

Remember—it is required by law, but it is also good business practice.

Attachment A

Hazard Communication Program: Step by Step

- | | |
|---------------|---|
| Step 1 | Read this guide for an overview of the regulation. |
| Step 2 | Read the Hazard Communication Regulation, Title 8, <i>California Code of Regulations</i> , Section 5194. |
| Step 3 | Designate staff responsible for developing, implementing, and monitoring the hazard communication program. |
| Step 4 | Develop and maintain a current inventory of all hazardous substances to which employees may be exposed. |
| Step 5 | Collect current Material Safety Data Sheets (MSDSs) for all hazardous substances listed on the workplace inventory prepared in Step 4. |
| Step 6 | Check original and secondary containers to ensure they are properly labeled. Include Proposition 65 warning requirements if applicable. |
| Step 7 | Develop a plan for your written hazard communication program. Put into writing how you are implementing the program (see Attachment B, “Written Hazard Communication Program Sample”). |
| Step 8 | Train employees on the Hazard Communication Regulation and on the hazardous substances that may be found on your work site. This training must include, but is not limited to: <ul style="list-style-type: none">• What MSDSs are and how to interpret them• Proper labeling procedures• Employee protective measures• Signs and symptoms of excessive exposure |
| Step 9 | Keep your written hazard communication program current by ensuring that: <ul style="list-style-type: none">• New employees are trained.• Employees are retrained whenever new hazardous substances are introduced into the workplace.• New chemicals are received with proper labels and MSDSs, and secondary containers are also properly labeled.• Contractors’ issues are addressed. Your employees could be exposed to new chemicals brought onto the site by the contractor’s employees, or the contractor’s employees could be unfamiliar with the chemicals already on your site. |

Attachment B

Written Hazard Communication Program Sample

for XYZ COMPANY

This is an example only. Employers are encouraged to develop their own program, specifically tailored to their operation and needs.

To enhance our employees' health and safety, our company has developed, implemented, and maintains a hazard communication program as required by the Hazard Communication Regulation (T8 CCR 5194). The hazard communication manager, *(name)*, has full authority and responsibility for implementing and maintaining this program. We provide information about the hazardous substances in our workplace, the associated hazards, and the control of these hazards through a comprehensive hazard communication program that includes the elements listed below.

1. List of hazardous substances

(Person/position) will prepare and keep current an inventory list of all known hazardous substances present in our workplace. Specific information on each noted hazardous substance can be obtained by reviewing the MSDSs (see Attachment C, "Hazardous Substance Inventory List Sample").

2. Proposition 65 list of chemicals

(Person/position) is responsible for obtaining updates of Proposition 65 listed chemicals and providing new information to affected employees. In the case of newly added chemicals to the Proposition 65 list, warning requirements take effect 12 months from the date of listing.

3. Material Safety Data Sheets (MSDSs)

(Person/position) is responsible for obtaining the MSDSs, reviewing them for completeness, and maintaining the data sheet system for our company. In the review of incoming data sheets, if new and significant health/safety information becomes available, this new information is passed on **immediately** to the affected employees by additional training sessions, posting of memos, and other means of communication.

Legible MSDS copies for all hazardous substances to which employees of this company may be exposed are kept in *(list all locations)*. MSDSs are readily available for review to all employees in their work area and during each work shift. If MSDSs are missing or new hazardous substance(s) in use do not have MSDSs, or if an MSDS is obviously incomplete, please contact *(person/position)* immediately, and a new MSDS will be requested from the manufacturer. If we are unable to obtain the MSDS from the vendor within 25 calendar days of the request, we will either call our local Cal/OSHA compliance office or write to:

Division of Occupational Safety and Health
Deputy Chief of Health and Engineering Services
P. O. Box 420603
San Francisco, CA 94142-0603

If anyone has a specific question or needs additional information on an MSDS, please call the Cal/OSHA Consultation Service at 1-800-963-9424 or HESIS of the Occupational Health Branch of at 510-622-4317.

If we use alternatives other than paper MSDSs—computer or microfiche machines with printers or telefax machines—we will make sure that employees have ready access to and know how to operate these devices for retrieval and printing of legible hard copies. Our backup system in the event of failure of the primary MSDS retrieval system will require employees to request paper MSDSs by telephone. An MSDS hard copy will be provided to the requester as soon as possible after the telephone request is made.

4. Labels and other forms of warning

Before hazardous substance containers are released to the work area, it is the policy of our company that *(person/position)* will verify that all primary and secondary containers are labeled as follows:

Label Information	Primary Container	Secondary Container
Identity of the hazardous substance(s)	✓	✓
Applicable hazard warnings	✓	✓
Name and address of the manufacturer	✓	

To address exposures to Proposition 65 chemicals, *(person/position)* will provide clear and reasonable warnings to individuals prior to exposure by means of posting signs conspicuously, labeling consumer products, and training employees.

If applicable, *(person/position)* will arrange for labels, signs, and other warnings to be printed in other languages.

5. Employee information and training

Employees are to attend a health and safety training session set up by *(person/position)* prior to starting work. This training session will provide information on the following:

- The requirements of the hazard communication regulation, including the employees' rights under the regulation
- The location and availability of the written hazard communication program
- Any operation in their work area, including nonroutine tasks, where hazardous substances or Proposition 65 carcinogens/reproductive toxins are present and exposures are likely to occur
- Methods and observation techniques used to determine the presence or release of hazardous substances in the work area
- Protective practices the company has taken to minimize or prevent exposure to these substances
- How to read labels and review MSDSs to obtain hazard information
- Physical and health effects of the hazardous substances

- Symptoms of overexposure
- Measures employees need to put into practice to reduce or prevent exposure to these hazardous substances by engineering controls, work practices, and use of personal protective equipment
- Emergency and first-aid procedures to follow if employees are exposed to hazardous substances
- The location and interpretation, if needed, of warning signs or placards to communicate that a chemical known to cause cancer or reproductive toxicity is used in the workplace

Employees will receive additional training when a new hazard is introduced into the workplace or whenever employees might be exposed to hazards at another employer's work site.

6. Hazardous nonroutine tasks

Periodically, our employees are required to perform hazardous nonroutine tasks. Prior to starting work on such projects, affected employees will be given information by their supervisor on hazards to which they may be exposed during such an activity.

This information will cover:

- Specific hazards
- Measures the company has taken to reduce the risk of these hazards, such as providing ventilation, ensuring the presence of another employee, providing a respiratory protection program, and establishing emergency procedures
- Required protective/safety measures

Examples of nonroutine tasks performed by employees of this company:

<i>Sample Nonroutine Task</i>	<i>Hazardous Substance</i>
Cleaning sewage tank	Sodium hydroxide

7. Labeled/unlabeled pipes (if applicable)

Above-ground pipes transporting hazardous substances (gases, vapors, liquids, semi-liquids, or plastics) shall be identified in accordance with T8 CCR, Section 3321, "Identification of Piping."

Other above-ground pipes that do not contain hazardous substances but may have associated hazards if disturbed or cut (e.g., steam lines, oxygen lines) shall be addressed as follows:

Before employees enter the area and initiate work, (*persons/position*) will inform them of:

- The location of the pipe or piping system or other known safety hazard
- The substance in the pipe
- Potential hazards
- Safety precautions

8. Informing contractors

To ensure that outside contractors work safely in our plant and to protect our employees from chemicals used by outside contractors, *(person/position/department)* is responsible for giving and receiving the following information from contractors:

- Hazardous substances, including Proposition 65 chemicals, to which they may be exposed while on the job site as well as substances they will be bringing into the workplace (To this end, we will provide contractors with information on our labeling system and access to MSDSs.)
- Precautions and protective measures the employees may take to minimize the possibility of exposure

If anyone has questions about this plan, please contact *(person/position)*. Our plan will be maintained by *(person/position)* to ensure that the policies are carried out and the plan is effective.

(Signature of Owner or Management Representative)

Attachment D

Hazard Communication Employee Training Program Sample

COMPANY: _____ DATE: _____

DEPARTMENT: _____

We have developed a training program to increase employee awareness of hazardous substances in our workplace and to motivate employees to protect themselves. The training program is based on the types of hazardous substances used at the work site and the associated hazards.

Overview of Hazard Communication Regulation

The hazard communication regulation is intended to ensure that both employers and employees understand the dangers associated with hazardous substances in the workplace. The following information is a review of the specific requirements of a hazard communication program, including container labeling, MSDSs, and training.

Written Hazard Communication Program

We have a written program that outlines how we provide information on and control your exposure to hazardous substances. This plan is available to you during our training or during your work shift from *(person)* at *(location)*.

Hazardous Substances Used in Our Workplace

In our shop we use a variety of chemical products. Most of these products contain one or more hazardous substances. Let's review the hazardous substance inventory list in your work area. For specific hazard information on each brand of material, review the MATERIAL SAFETY DATA SHEETS (MSDSs) and, if applicable, the Proposition 65 list of chemicals.

Reading Labels, Warnings, and MSDSs

Labels. A product label on both the original and secondary containers should be read before working with the material. Each label has two important pieces of information:

1. Identity of the hazardous substance
2. Hazard warnings

The label on the original container also gives the name and address of the manufacturer.

The label should act as a visual reminder of the information we have presented in this training session and of the detailed information on the MSDS.

Proposition 65 warnings. These are provided to you prior to exposure in the form of labels, placards, employee training, and the like so that you know that certain chemicals in your workplace are known to the state to cause cancer, birth defects, or other reproductive harm.

It is essential to your safety that you read the hazard warning and use the hazardous substances only within the prescribed guidelines. Questions concerning any of the warning message(s) should be directed to your supervisor or foreman.

Material Safety Data Sheets (MSDSs). Manufacturers and importers are responsible for providing us with adequate information for using the hazardous substances safely. We use MSDSs as the primary source for informing you about the hazards of the substances in our plant. MSDSs are kept at (*location*) and are readily available to you in every shift.

You will be trained on the specific hazards of the substances in **your** work area. You will also be trained on how to read the information in the MSDSs. The information includes:

1. Chemical and physical properties of hazardous substances, such as vapor pressure or specific gravity
2. Physical hazards of the chemicals, such as flammability or reactivity
3. Health hazards of the hazardous substances, such as signs and symptoms of exposure
4. Routes of entry
5. Protective measures, such as work practices, engineering controls, and use of personal protective equipment
6. Methods to detect the release of a hazardous substance in the work area
7. Emergency and first-aid procedures

You can read the California Hazard Communication Regulation for additional information on any specific program element.

Attachment E

MSDS Request Letter Sample

Date: _____

Chemical Company or Distributor: _____

RE: MSDS for (*product[s]*)

Please send me an up-to-date copy of your Material Safety Data Sheet (MSDS) for the above product. The MSDS is needed for compliance with the State of California Hazard Communication Regulation, Title 8, *California Code of Regulations*, Section 5194.

Please send the MSDS to:

(*Name*)

(*Company name*)

(*Address*)

If this product does not require an MSDS, please notify us in writing.

If you have any questions regarding our request, please contact (*name and phone number*).

Sincerely,

Firm Representative

Attachment F

MSDS Sample

Guide to Understanding MSDSs

This attachment provides information for understanding and interpreting the Material Safety Data Sheet (MSDS). A typical MSDS (for Methyl Ethyl Ketone) is shown and then analyzed section by section to aid in understanding the terms and contents.

Note: The information in this section comes from the California Chamber of Commerce's *Hazard Communication Handbook*, 1997 edition. Used by permission.

Material Safety Data Sheet

May be used to comply with
OSHA's Hazard Communication Standard,
29 CFR 1910.1200. Standard must be
consulted for specific requirements.

U.S. Department of Labor

Occupational Safety and Health Administration
(Non-Mandatory Form)
Form Approved
OMB No. 1218-0072



IDENTITY (As used on Label and List) Methyl Ethyl Ketone (MEK)	Note: Blank spaces are not permitted. If any item is not applicable, or no information is available, the space must be marked to indicate that.
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Section I

Manufacturer's Name XYX Chemical Company	Emergency Telephone Number (204) 123-4566
Address (Number, Street, City, State, and ZIP Code) 111 Main Street	Telephone Number for Information (204) 123-4522
New York, NY 10012	Date Prepared January 5, 1990
	Signature of Preparer (optional) John Doe

Section II — Hazardous Ingredients/Identity Information

Hazardous Components (Specific Chemical Identity; Common Name(s))	OSHA PEL	ACGIH TLV	Other Limits Recommended	% (optional)
Methyl Ethyl Ketone (2-butanone)	200 ppm	200 ppm	N/A	100%
CAS No. 78-93-3				

Section III — Physical/Chemical Characteristics

Boiling Point @ 760 mm HG	175.3°F	Specific Gravity (H ₂ O = 1)	0.8061
Vapor Pressure (mm Hg.) @ 20°C	70mmHg	Melting Point	N/A
Vapor Density	2.5	Evaporation Rate (Butyl Acetate = 1)	5.7
Solubility in Water Appreciable = 24%			
Appearance and Odor Clear liquid with sweet odor similar to acetone			

Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used) Tag. Open Cup = 22°F	Flammable Limits In air % by volume	LEL 1.8	UEL 10
Extinguishing Media Use carbon dioxide or dry chemical for small fires. Use alcohol-type foams for large fires.			
Special Fire Fighting Procedures Self-contained (NIOSH-approved) breathing apparatus and protective clothing should be used in all fires involving chemicals.			
Unusual Fire and Explosion Hazards Vapors are heavier than air and may travel along the ground, or be moved by ventilation, and be ignited by various ignition sources.			

Section V — Reactivity Data

Stability	Unstable		Conditions to Avoid
	Stable	X	None

Incompatibility (*Materials to Avoid*) May react with oxidizing agents and/or organic peroxides. Avoid alkaline materials, mineral acids and halogens.

Hazardous Decomposition or Byproducts
Burning can produce carbon monoxide and/or carbon dioxide.

Hazardous Polymerization	May Occur		Conditions to Avoid
	Will Not Occur	X	None

Section VI — Health Hazard Data

Route(s) of Entry:	Inhalation?	Skin?	Ingestion?
	Yes	Yes	Yes

Health Hazards (*Acute and Chronic*)
Acute LD₅₀ (oral rat) = 3,100 mg/kg. Inhalation: lung irritation, central nervous system effects (dizziness and headaches). Skin: irritation, rashes, dermatitis. Eyes: irritation, redness, pain.

Carcinogenicity:	NTP?	IARC Monographs?	OSHA Regulated?
	No	No	No

Signs and Symptoms of Exposure
Inhalation: irritation of respiratory tract, coughing, headache, nausea. Skin: Dryness, redness, rashes. Eyes: irritation, pain, conjunctivitis (redness). Ingestion: abdominal spasms, nausea, vomiting.

Medical Conditions
Generally Aggravated by Exposure None known.

Emergency and First Aid Procedures
Inhalation: move to fresh air, provide oxygen, obtain medical help. Eyes: flush with water for at least 15 minutes, obtain medical help if irritation persists. Skin: thoroughly wash affected areas with water, remove contaminated clothing, obtain medical help if irritation persists or large body areas are affected. Ingestion: give water to drink, obtain medical help.

Section VII — Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled
Collect leaking liquid in sealable containers. Absorb spilled liquid in sand or inert absorbent and remove to a safe place. Cleanup personnel should wear protective clothing, including a self-contained respirator. Avoid contact with the skin. Remove all sources of ignition.

Waste Disposal Method
Consult a licensed waste disposal service firm for disposal in accordance with all federal, state and local regulations.

Precautions to Be Taken in Handling and Storing
Drums must be grounded and electrically bonded to the receiving vessel while dispensing in order to avoid static sparks. Store away from oxidizing agents, heat and ignition sources. Handle small quantities in approved safety cans. Handle as a Class 1B flammable liquid.

Other Precautions
Good Personal hygiene practices should always be followed.

Section VIII — Control Measures

Respiratory Protection (*Specify Type*) Not required if concentration is below PEL. At higher concentrations, NIOSH-approved respirator with organic vapor filter should be worn.

Ventilation	Local Exhaust Required for high concentrations.	Special All electrical equipment must be Class 1, Group D; fans must be non-sparking
	Mechanical (<i>General</i>)	Other

Protective Gloves Rubber.	Eye Protection Chemical goggles and/or face shield.
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Other Protective Clothing or Equipment
Eye-wash fountains, safety showers, barrier creams, etc.

Work/Hygienic Practices

Material Safety Data Sheet
 May be used in compliance with
 OSHA's Hazard Communication Standard,
 29 CFR 1910.1200. Instructions should be
 consulted for specific requirements.

U.S. Department of Labor
 Occupational Safety and Health Administration
 (204) Mandatory Form
 Form Approved
 OMB No. 1218-0072

IDENTITY (As used on Label and List)
 CAS No. 78-93-3 Methylethylketone (MEK)

Section I - Hazardous Ingredients/Identify Information
 Hazardous Components, Trade Name, Common Name(s), Other Name(s), Molecular Weight, % (wt/wt)
 Methylethylketone (MEK) 78-93-3 98.2 g/mole 98.2 g/mole 0/0 100%

Section II - Physical/Chemical Characteristics
 Boiling Point 79.6 deg. C/175.3 deg. F Specific Gravity (at 20 deg. C) 0.805
 Vapor Pressure (at 20 deg. C) 100 mmHg Melting Point N/A
 Specific Gravity (at 20 deg. C) 1.3 Evaporation Rate 3.7
 Solubility in Water Insoluble in Water
 Appearance and Odor Clear liquid with sweet odor similar to acetone

Section III - Fire and Explosion Hazard Data
 Flash Point (closed cup) 11 deg. C/52 deg. F 1.0 g/L at 20 deg. C
 Lower Explosive Limit (by volume) 1.4
 Upper Explosive Limit (by volume) 10
 Evaporating Rate The carbon dioxide or dry chemical for small fires.
 Use alcohol type foam for large fires.
 Special Fire Fighting Procedures Self-oxidizing. (MSDS-approved) breathing apparatus and protection
 clothing should be used in all fires involving chemicals.
 Unusual Fire and Explosion Hazards VAPORS ARE HEAVIER THAN AIR AND MAY CRAWL ALONG THE GROUND, OR BE
 moved by ventilation, and ignited by various ignition sources.

SECTION I: MATERIAL AND MANUFACTURER IDENTIFICATION

IDENTITY (As used on Label and List) Methyl Ethyl Ketone (MEK)	Note: Blank spaces are not permitted. If any item is not applicable, or no information is available, the space must be marked to indicate that.
Section I	
Manufacturer's Name XYX Chemical Company	Emergency Telephone Number (204) 123-4566
Address (Number, Street, City, State, and ZIP Code) 111 Main Street New York, NY 10012	Telephone Number for Information (204) 123-4522 Date Prepared January 5, 1990 Signature of Preparer (optional) John Doe

- < **Identity of substance** — should be the same as on label and hazardous substance inventory.
- > **Name and address of manufacturer.**
- fi **Emergency telephone number of manufacturer.**
- fl **Information number for non-emergency calls.**
- Date MSDS was prepared.**
- **Identification of preparer.**

Material Safety Data Sheet
 Must be used in conformance with OSHA's Hazard Communication Standard, 29 CFR 1910.1200. Standard must be consulted for specific requirements.

U.S. Department of Labor
 Occupational Safety and Health Administration
 (Non-Regulatory Form)
 Form Approved
 OSHA No. 1218-0012

SECTION III - Physical and Chemical Characteristics

Section I - Identification
 Product Name: **Butyl Acetate**
 Manufacturer: **ABC Chemical Company**
 111 Main Street
 New York, NY 10001

Section II - Hazardous Ingredients/Identify Information
 Chemical Name: **Butyl Acetate** CAS No. **123-85-9** **Butyl Acetate** CAS No. **123-85-9**
 Other Name: **Butyl Acetate**

Section III - Physical/Chemical Characteristics
 Boiling Point: **175.3°F**
 Vapor Pressure: **70 mmHg**
 Vapor Density: **2.5**
 Specific Gravity: **0.8061**
 Melting Point: **N/A**
 Evaporation Rate: **5.7**
 Solubility in Water: **Appreciable = 24%**

Section IV - Fire and Explosion Hazard Data
 Flash Point: **110°F**
 Lower Flammable Limit: **1.5%**
 Upper Flammable Limit: **11.5%**

Section V - Reactivity Data
 Incompatible Materials: **None**

Section VI - Control Measures
 Personal Protective Equipment: **None**

Section VII - Environmental Hazards
 Environmental Hazards: **None**

Section VIII - Other Information
 Other Information: **None**

SECTION III: PHYSICAL DATA

Section III — Physical/Chemical Characteristics

Boiling Point @ 760 mm HG	175.3°F	Specific Gravity (H₂O = 1)	0.8061
Vapor Pressure (mm Hg.) @ 20°C	70mmHg	Melting Point	N/A
Vapor Density	2.5	Evaporation Rate (Butyl Acetate = 1)	5.7
Solubility in Water Appreciable = 24%			
Appearance and Odor Clear liquid with sweet odor similar to acetone			

The physical data section describes the physical characteristics of the material.

- < **Boiling point.** Refers to the temperature, in degrees F, at which a liquid changes to a vapor state, generally at a pressure of one atmosphere. For mixtures or process streams, the initial boiling point or boiling range may be given. Flammable materials with low boiling points generally present special fire hazards.
- > **Specific gravity.** Refers to the ratio of the weight of a volume of material to the weight of an equal volume of water. In other words, how dense (heavy) the material is in comparison with water. For insoluble materials, a ratio of less than one means the material is lighter than water and will float on the surface. If the ratio is greater than one, the insoluble material will sink. Most flammable liquids (but not all) are lighter than water.
- fi **Vapor pressure.** Refers to the pressure of a saturated vapor above a liquid, in millimeters of mercury (mm of Hg) at 20°C (unless stated otherwise). For example, the vapor pressure of water at 20°C is 17.5 mm of Hg; by comparison, sea level atmospheric pressure at 20°C is 760 mm of Hg. The lower the boiling point of a liquid, the higher the vapor pressure.
- fl **Melting Point.** The point where a solid becomes a liquid measured in degrees F or C.

Vapor density. Refers to the relative density or weight of a vapor or a gas compared with an equal volume of air. Air is rated at 1.0. A figure greater than 1.0 indicates a vapor or gas heavier than air, and vice versa. Concentrated vapors which are heavier than air can accumulate in low places, such as along floors, in sewers, elevator shafts, floor drains.

- **Evaporation rate.** Evaporation rate is the rate at which a material is converted to the vapor state at any given temperature and pressure. All materials evaporate; it is the differing rates that are of concern in addressing worker exposures and fire protection. Butyl acetate is rated at 1.0 as a reference.

- † **Solubility in water.** The following is an explanation of terms used to express the solubility of a product by weight in water at ambient temperatures. Most solvents are tested at 68°F.

Negligible	.	less than 0.1 percent
Slight	.	0.1 to 1.0 percent
Moderate	..	1.0 to 10 percent
Appreciable	..	more than 10 percent
Complete	..	in all proportions

Solubility information is useful in determining effective fire extinguishing methods and spill cleanup procedures.

- ‡ **Appearance and odor.** A brief description of the product under normal room temperature and atmospheric conditions.

Material Safety Data Sheet
 U.S. Department of Labor
 Occupational Safety and Health Administration
 Hazard Communication Standard
 29 CFR 1910.1201 (Standard required)
 Consulted for specific requirements
 OSHA No. 1219-0022

Section I - Identification
 Product Name: 2,2,4,4-Tetramethylpentane
 Supplier: Shell Chemical Company
 111 West Street
 New York, NY 10012

Section II - Hazardous Ingredients/Physical, Chemical, and Toxicological Information
 CAS No. 74-98-6

Section III - Physical and Chemical Characteristics
 Boiling Point: 68.7°C (158°F)
 Melting Point: -182.5°C (-296.5°F)
 Vapor Pressure: 1.013 bar (101.3 kPa) at 20°C
 Flash Point: 22°F (Tag. Open Cup)

Section IV - Fire and Explosion Hazard Data
 Flash Point: 22°F (Tag. Open Cup)
 Flammable Limits: 1.8% (LEL) to 10% (UEL) in air by volume

SECTION IV: FIRE AND EXPLOSION HAZARD DATA

Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used) Tag. Open Cup = 22°F	Flammable Limits In air % by volume	LEL 1.8	UEL 10
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Extinguishing Media
Use carbon dioxide or dry chemical for small fires.

Use alcohol-type foams for large fires.

Special Fire Fighting Procedures
Self-contained (NIOSH-approved) breathing apparatus and protective clothing should be used in all fires involving chemicals.

Unusual Fire and Explosion Hazards
Vapors are heavier than air and may travel along the ground, or be moved by ventilation, and be ignited by various ignition sources.

- < **Flash point and method used.** The flash point is the lowest temperature at which vapor is given off in sufficient quantity so that the vapor/air mixture above the surface of the material will propagate a flame away from the source of ignition. Since flash points vary according to how they are obtained, the methods used are also listed. Tag Closed Cup (TCC), Pensky-Martins Closed Cup (PMCC), and Setaflash (SETA) methods are those used most extensively.
- > **Flammable limits/percent volume in air.** When flammable vapors are mixed with air in the proper proportions, the mixture can be ignited by a spark or flame. The range of concentrations over which the flash will occur is designated by the Lower Explosive Limit (LEL) and the Upper Explosive Limit (UEL). Flammable limits (explosive limits) are expressed in percent by volume of vapor in air.
- fi **Extinguishing media.** The selection of fire extinguishing media is based on the type of chemical, its physical properties and flammable characteristics. The most common types of extinguishing media are water, CO₂, dry chemical and foam.
- fl **Special fire fighting procedures.** General fire fighting methods are not described but special procedures or exceptions to the rule are listed.

Unusual fire and explosion hazards. Described are the hazards associated with a chemical reaction or change in chemical form or composition that might occur under heat or fire conditions. Also described are hazards that may need to be considered while extinguishing a fire with one of the available types of extinguishing media.

Section V — Reactivity Data

Stability	Unstable		Conditions to Avoid
	Stable	X	None

Incompatibility (Materials to Avoid) May react with oxidizing agents and/or organic peroxides. Avoid alkaline materials, mineral acids and halogens.

Hazardous Decomposition or Byproducts Burning can produce carbon monoxide and/or carbon dioxide.

Hazardous Polymerization May Occur

Conditions to Avoid

SECTION V: REACTIVITY DATA

Section V — Reactivity Data			
Stability	Unstable		Conditions to Avoid
	Stable	X	None
Incompatibility (Materials to Avoid) May react with oxidizing agents and/or organic peroxides. Avoid alkaline materials, mineral acids and halogens.			
Hazardous Decomposition or Byproducts Burning can produce carbon monoxide and/or carbon dioxide.			
Hazardous Polymerization	May Occur		Conditions to Avoid
	Will Not Occur	X	None

This section describes the general reactivity of the material, conditions to avoid in order to prevent an unwanted reaction and toxic substances emitted from the reaction.

- < **Stability.** Indicates whether the material is susceptible to dangerous decomposition and under what conditions it might occur.
- > **Conditions to avoid.** Conditions to avoid are described, such as temperature extremes, jarring, inappropriate storage.
- fi **Incompatibility.** Lists materials that could react with the substance.
- fl **Hazardous decomposition products.** Describes hazardous materials produced from a reaction by burning, oxidation, heating or reacting with other chemicals.

Hazardous polymerization. Polymerization is a chemical reaction in which two or more small molecules combine to form larger molecules that contain repeating structural units of the original molecules. A hazardous polymerization may result in an uncontrolled release of energy and hazardous materials.

The LD50 (Lethal Dose to 50 percent), if given, is the single dose of the material which on the basis of laboratory tests is expected to kill 50 percent of a group of the test animals. The LD50 usually is expressed as milligrams or grams of material per kilogram of animal body weight (mg/kg or g/kg). The material may be administered by mouth (oral) or applied to the skin (dermal or cutaneous).

The LC50 (Lethal Concentration to 50 percent), if given, is the concentration of the material in air which on the basis of laboratory tests is expected to kill 50 percent of the test animals when administered as a single exposure (usually one or four hours). The LC50 is expressed as parts of material per million parts of air, by volume (ppm) for gases and vapors, or as micrograms of material per liter of air (ug/l) or milligrams of material per cubic meter of air (mg/mm³) for dusts and mists.

The LD50 and LC50 values are intended only to provide an estimate of the relative degree of toxicity associated with a particular material. They should not be used in estimating any absolute level of intake or exposure that might be safe or unsafe for humans.

Relative Toxicity Levels

<u>Term</u>	<u>LD50-Rat Single Oral Dose</u>	<u>Probable Lethal Dose for Humans</u>
Extremely toxic	1 mg/kg or less	Less than 1 gram
Highly toxic	1 to 50 mg/kg	Several grams
Moderately toxic	50 to 500 mg/kg	1 ounce
Slightly toxic	500 to 5,000 mg/kg	_ pound
Practically non-toxic	5,000 to 15,000 mg/kg	1 pound
Relatively harmless	15,000 mg/kg and up	1 quart

Typical LD50 Values Oral-Rat

Nicotine	53 mg/kg
Table Salt	3,000 mg/kg
Citric Acid	11,700 mg/kg

fi **Carcinogenicity.** Refers to whether any of the ingredients have been identified as potentially cancer-causing by any of the agencies recognized as authorities in testing and classifying carcinogens. They are: National Toxicology Program (NTP), the International Agency for Research on Cancer (IARC) and the federal Occupational Safety and Health Administration (OSHA), which develop regulations governing exposures to occupational carcinogens. If a carcinogenic substance is included in a product, it must be identified at concentrations of 0.1 percent or more (1,000 ppm) in Section II. In California, such materials also will be subject to Proposition 65.

fl **Signs and symptoms of overexposure.** This information identifies what signs or discomfort a person who is overexposed is likely to experience. This information describes a clear physical warning that a worker should know about to protect himself/herself from overexposure due to misuse or protective equipment failure. Workers should be taught to immediately respond to such warnings and not ignore them, or more serious harm may result.

Medical conditions generally aggravated by exposure. To the extent that this information is known, it should be included on the MSDS. For example, persons who are strongly allergic may experience an adverse reaction to certain chemicals. Those with respiratory problems may be more sensitive to irritating and corrosive gases and vapors.

– **Emergency and first aid procedures.** In general, this section gives emergency and first aid instructions for treatment of victims of acute inhalation, ingestion and skin or eye contact. It is not intended to take the place of professional medical assistance and treatment.



SECTION VIII: SPECIAL PROTECTION INFORMATION

Section VIII — Control Measures

Respiratory Protection (Specify Type) Not required if concentration is below PEL. At higher concentrations, NIOSH-approved respirator with organic vapor filter should be worn.

Ventilation	Local Exhaust Required for high concentrations.	Special All electrical equipment must be Class 1, Group D; fans must be non-sparking
	Mechanical (General)	Other

Protective Gloves Rubber.	Eye Protection Chemical goggles and/or face shield.
-------------------------------------	---

Other Protective Clothing or Equipment
Eye-wash fountains, safety showers, barrier creams, etc.

Work/Hygienic Practices

- < **Respiratory protection.** This section provides information and general statements relevant to the need and type of respiratory protection that should be used while handling the material.
 - > **Ventilation.** Describes the type of ventilation recommended, such as local exhaust hoods or vents at the source of the vapors or dust, as well as general ventilation, which refers to general room ventilation. It also will state whether electrical equipment should be spark proof to safeguard against explosions if the material is flammable.
 - fi **Protective gloves.** Describes when gloves should be worn and the materials from which they should be fabricated in order to give proper protection from the substance being handled.
 - fl **Eye protection.** Describes the correct type of eye protection, such as safety glasses, chemical goggles, face shields.
- Other protective equipment.** Refers to the need for such items as protective garments, boots, aprons, eye wash fountains, safety showers.
- **Work/hygienic practices.** Include information such as whether clean lunch rooms should be provided, personal hygiene practices such as post-shift handwashing or showering, and soiled clothing/laundry handling procedures.

Other MSDS Information

Some MSDSs will include information that describes and categorizes the material in accordance with the U.S. Department of Transportation classification for purposes of safe packaging, handling and transportation. Other regulatory requirements also may be referenced.

Resources

Cal/OSHA Regulations (Title 8, California Code of Regulations);

Web site <<http://www.dir.co.gov/samples/search/query.htm>>

- Airborne Contaminants, Section 5155
- Body Protection, Section 3383
- Eye and Face Protection, Section 3382
- Foot Protection, Section 3385
- Hand Protection, Section 3384
- Hazard Communication, Section 5194
- The Hazardous Substances List, Section 339
- Head Protection, Section 3381
- Injury and Illness Prevention Program, Section 3203
- Regulated Carcinogens, Article 110, Sections 5200 et seq.
- Respiratory Protection, Section 5144

Cal/OSHA Publications and Web site <<http://www.dir.ca.gov>>:

- DOSH Policy and Procedure Manual*, P&P C-43 Hazard Communication
- Guide to Developing Your Workplace Injury and Illness Prevention Program* (CS-1), April 1998
- New Respirator Regulation Fact Sheet*, November 1998
- Workplace Injury and Illness Prevention Model Program*
 - For high-hazard employers* (CS-1A), August 1995
 - For non-high hazard employers* (CS-1B), August 1995
 - For employers with intermittent workers* (CS-1CS), October 1996
 - For employers with intermittent workers in agriculture* (CS-1CS Ag), January 1997

California Chamber of Commerce <<http://www.calchamber.com>>:

- California Environmental Compliance Manual*, 1997-98
- Hazard Communication Handbook*, 1997-98
- Proposition 65 Handbook*, 2nd ed., 1989

Nossaman, Guthner, Knox, and Elliot. *Surviving Proposition 65*, 1987

Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA)

<<http://www.oehha.ca.gov>>:

- Proposition 65 in Plain Language*

Occupational Safety and Health Administration (OSHA) <<http://www.osha-slc.gov>>:

- Hazard Communication Guidelines for Compliance*, OSHA 3111, 1995
- Instruction CPL 2-2.38D—Inspection Procedures for the Hazard Communication Standard*, 1998
- Supplement to California State Plan; Approval-62:31159-31181*, 1997

National Advisory Committee on Occupational Safety and Health (NACOSH)

<<http://www.osha-slc.gov/STLC/hazardcommunications/wgfinal.html>>:

- Report to OSHA on Hazard Communication*, 1996

Evaluation

Dear Reader,

We value and welcome your comments on the *Guide to the California Hazard Communication Regulation*. To better assist employers and employees, Cal/OSHA invites you to participate in a brief evaluation. Please copy this page and fax to (916) 574-2532 or mail to Cal/OSHA Education Unit, 2211 Park Towne Circle, Suite 4, Sacramento, CA 95825. **We thank you for your participation!**

Yes	No	Please <input checked="" type="checkbox"/> and comment. Thank you.
<input type="checkbox"/>	<input type="checkbox"/>	1. Has the guide helped you to understand why businesses that handle hazardous substances need to integrate the requirements of a hazard communication program in their everyday work activities? Why or why not? _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	2. Did we miss any important hazard communication issues? If yes, what? _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	3. Has the information contained in the guide encouraged you to: <input type="checkbox"/> Develop a written hazard communication program for your workplace? <input type="checkbox"/> Assess an existing hazard communication program? <input type="checkbox"/> Make improvements to your current hazard communication program?
<input type="checkbox"/>	<input type="checkbox"/>	4. As a whole, is the guide informative, useful, and easy to understand? Why or why not? _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	5. Do you have any specific comment(s) regarding the text of any section of this guide? If so, write your comment(s) and refer to specific page number(s), text, or section. _____ _____
<input type="checkbox"/>	<input type="checkbox"/>	6. Do you have any success stories (avoided accidents, reduced number of injuries, etc.) that you would like to share with us? If so, please provide your company name and a brief description. _____ _____ _____ _____

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CALIFORNIA JPIA

Policy Resource Center

POLICY NAME:

Vehicle Use Policy

Policy Purpose:

This policy establishes procedures regarding the use of Agency owned and privately owned vehicles operated during the course of agency business.

Replacing Document:

None.

To Whom Does The Policy Apply:

This policy applies to all agencies that use vehicles during the course of agency operations.

Note: The policy should be tailored to your specific agency risk exposures and positions.

Agencies should determine if they will require SR1 filing for agency vehicles involved in auto accidents.

2. Agencies should determine the minimum coverage limits for their agency. Best Risk Management Practices indicate that higher limits provide better protection.

Additional Resources:

The Authority has additional resources for developing policies, procedures, and training programs.

1. Training Workshops:
Driver Awareness
2. Video Resources:
The Moment of Impact
Don't Meet by Accident
Road Rage and Aggressive Driving
The Ultimate Driving Challenge
3. Other Resources:
Vehicle Accident Kit

Important:

This reference material is compiled for use by Authority members in the preparation, development and implementation of risk management policies, programs, and procedures. Since this document is designed to meet the needs of the general pool membership, please be aware that the present form is best considered a template for use by your agency in drafting specific documents. This template should not be construed as legal advice. Accordingly, any resulting policy, program or procedure that results from this template should always be reviewed and approved as is customary by your agency, including the purview of any necessary legal and/or governing body authorities to ensure the policy being developed meets the unique needs of your jurisdiction. Policies should be implemented after proper training has been provided.

This reference material is to be considered proprietary and confidential and may not be disclosed to any person without the express, prior permission of the California JPIA. This reference material is for Authority member use only and does not apply in any criminal or civil proceeding. This reference material should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

Vehicle Checklist

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VEHICLE USE POLICY

I. PURPOSE

This policy establishes procedures regarding the use of Agency owned and employee owned vehicles operated during the course of Agency business. Use of Agency owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

II. AUTHORITY

This policy has been approved by the Agency in matters regarding the use of vehicles operated during the course of Agency business. This policy does not apply to commercial motor vehicles.

III. POLICY

A. Definitions

Accident Kit: An information packet that should be kept in the vehicle's glove box to include a pen, Driver's Report of Accident, Information Exchange cards, Witness cards, and first response instructions after an accident. An Accident Kit is available from the California JPIA and distributed to attendees of Driver Awareness workshops.

Agency Business: Activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, Agency business also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines.

Agency Owned Vehicle: A vehicle owned by the Agency, and assigned on a shared, designated, or permanent basis.

Commercial Motor Vehicle: A motor vehicle or combination of vehicles designed or used for the transportation of persons or property for compensation.

Non-Preventable Accident: The vehicle operator did everything reasonably possible to prevent the accident.

Preventable Accident: The vehicle operator failed to do everything reasonably possible to prevent the accident.

Privately Owned Vehicle: A personally owned vehicle used by an employee, whether owned by the employee or not.

Vehicle Operator: An employee who is operating an Agency owned vehicle or a personally owned vehicle on Agency business.

- B. The agency shall maintain a list of employees required to drive Agency owned or privately owned vehicles on Agency business, and shall be responsible for overseeing the implementation of driver training programs and ensuring that employees attend required training.
- C. The Personnel Director shall coordinate driver training programs and maintain attendance records. The Personnel Director shall ensure that evidence of insurance and driver's license information are maintained in each employee's file. The Personnel Director shall receive and record Department of Motor Vehicles Pull Notice reports and notify supervisors when necessary.
- D. The Safety Committee shall review all accidents to determine whether an accident was preventable or non-preventable, and make disciplinary recommendations.
- E. Supervisors shall routinely monitor the driving of each employee while performing the job-related driving responsibilities. Supervisors shall review driving records as part of employee performance evaluations. Supervisors shall report accidents as indicated in Section IX.
- F. Agency employees shall promptly provide insurance and driver license information when notified that their job duties include driving an Agency owned or privately owned vehicle. Employees will comply with the requirements of this policy. Failure to comply may result in disciplinary action, up to and including termination.

IV. VEHICLE TYPES AND USE

- A. Use of Agency owned vehicles
 - 1. Agency owned vehicles are categorized and restricted based upon type and use:
 - a) Vehicles kept overnight at Agency facilities, assigned for use on a shared or designated basis for daily Agency business. Personal use is expressly prohibited.
 - b) Vehicles assigned to managers on a permanent basis, used for daily commuting to and from the Agency. According to the Internal Revenue Service, commuting to and from work and other incidental personal usage is not official use, and reported as taxable income.
 - c) Vehicles for emergency or on-call use, authorized for use to and from work to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after work shifts for traveling to and from work.
 - 2. Only Agency employees are authorized to operate Agency owned vehicles.

3. Agency owned vehicles are for transporting employees whose duties require a motor vehicle, and other persons to conduct business activities important to Agency interests.
4. Under no circumstances shall family members or friends be transported in Agency owned vehicles. This shall also apply to , employees authorized to commute to and from the Agency or for emergency on-call use.
5. Employees who are permanently assigned an Agency owned vehicle or assigned department use of a vehicle are responsible for ensuring that only those persons with a valid driver's license and on official Agency business are allowed the use of the Agency owned vehicle.

B. Use of Privately Owned Vehicles

The use of an employee's personal vehicle may be preferable and more efficient for use if an Agency owned vehicle is not available. Under those circumstances, the following policy will apply:

1. An employee may use his or her privately owned vehicle for Agency business upon written authorization by the supervisor. The Fleet Manager will obtain an Accident Kit to be kept with the privately owned vehicle while conducting Agency business.
2. Employees who regularly use their own privately owned vehicles on Agency business must notify their insurance company of such use. Each employee is responsible for maintaining their vehicle in a safe operable condition, and maintaining accurate maintenance records.
3. Employees using a privately owned vehicle shall maintain accurate records of the purpose and extent of travel, and submit reimbursement claims per the Agency's reimbursement policy. The mileage allowance is intended to cover the employee's cost of operating and insuring the vehicle on Agency business. The employee is responsible for all operating expenses of the privately owned vehicles including but not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
4. The Agency is not liable for any damage to an employee's privately owned vehicle, unless caused by the Agency's negligence (employee's negligence excepted). Employees are responsible for notifying his/her supervisor, the Department of Motor Vehicles, and the employee's insurance company in case of an accident. If an employee is responsible for an accident while driving an Agency owned or personally owned vehicle, he is responsible for any increase in his or her personal automobile insurance premium.

V. DRIVER TRAINING

- A. Employees who drive Agency owned vehicles shall complete a defensive driver training course. Consideration should be given to other employees who regularly use privately owned vehicles for their essential job functions.
- B. New employees shall complete a defensive driver training at the first available course date after the commencement of employment.
- C. Employees who change assignments to include driving an Agency owned vehicle are required to complete a defensive driver training program.
- D. Employees required to participate in defensive driver training shall repeat training at least once every three years.

VI. GENERAL GUIDELINES

- A. Employees shall obey all Federal, State and local laws while operating Agency owned or privately owned vehicles on official Agency business.
- B. Employees operating an Agency owned or privately owned vehicle shall ensure that all persons in the vehicle use seat belts and are properly adjusted before starting the engine.
- C. When transporting cargo, materials or tools, the vehicle operator is responsible for securing such items
- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this shall be vehicles designed and equipped for passengers outside the cab area.
- E. Any injuries sustained by the vehicle operator or other employees while operating a vehicle on Agency business shall be covered by workers' compensation.
- F. When the vehicle operator is determined to be involved in a preventable accident, the Safety Committee shall recommend disciplinary action subject to review and approval by the supervisor.
- G. Alcoholic beverages and drugs shall not be transported or placed in any Agency owned or privately owned vehicle.
- H. Any employee operating an Agency owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle while under the employee's control.

- I. Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
- J. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor and the Fleet Manager.
- K. No employee shall operate an Agency owned vehicle found to be in an unsafe condition.

VII. USE OF ELECTRONIC DEVICES

Safe driving practices as well as the California Vehicle Code require the use of a hands-free device while using cell phones during the operation of a motor vehicle. Employees shall refrain from operating laptop computers, navigational devices and any other device that may cause vehicle operator distraction while operating a vehicle in the course of conducting Agency business.

VIII. RENTAL VEHICLES

When it is necessary for an Agency employee to use a rental vehicle for Agency business, the employee shall use an Agency approved rental agency. Optional loss damage coverage should be purchased from the rental agency at the time of rental.

IX. ACCIDENT REPORTING REQUIREMENTS

Any accident involving an Agency owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of Agency duties shall be reported as follows:

- A. The vehicle operator shall summon medical care for any injured parties.
- B. The vehicle operator shall notify appropriate law enforcement agencies.
- C. The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the Agency owned vehicle's glove box.
- D. The vehicle operator shall notify his/her supervisor. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required Agency reports and recommend action to the Safety Committee. In the event of serious bodily injury, an Incident Report form shall be completed by the supervisor and submitted to the California JPIA.
- E. The supervisor shall notify the Agency's risk manager.

- F. The vehicle operator must report the accident to the DMV if more than \$750 in property damage, or anyone was injured (no matter how slight) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.¹

X. INSURANCE REQUIREMENTS

Proof of insurance is required before any privately owned vehicle can be authorized for Agency business, and shall be provided annually to the Personnel Director and no later than January 31 of each year.

- A. Employees who receive a monthly vehicle allowance or are authorized to use privately owned vehicles on agency business shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$25,000 per occurrence.²
- B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- C. The Agency shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident.
- D. In the event of an accident, the employee is responsible for paying any deductible required by the insurance company.
- E. If insurance coverage is canceled, terminated, lapsed, or curtailed for any reason, the employee must notify the immediate supervisor and the vehicle shall not be used for Agency service.

¹ California Vehicle Code, Section, 16000(b) – A report is not required under subdivision (a) if the motor vehicle involved in the accident was owned, or leased by, or under the direction of , the United States, this state, another state, or a local agency.

² California Insurance Code, Section 11580b, sets the minimum liability insurance requirements for private passenger vehicles: \$15,000 for injury/death to one person, \$30,000 for injury/death to more than one person, \$5,000 for damage to property.

- F. When an employee operating an Agency owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the California JPIA, to the maximum protection limit (the California JPIA Memorandum of Coverage provides automobile liability coverage to all member entities, their Agency councils, commissions, committees, and employees). If an employee operating an Agency owned vehicle is sued independently as a result of an at-fault accident, the California JPIA may provide coverage to that employee if the accident qualifies as a covered occurrence.
- G. Should an employee using a privately owned vehicle on Agency business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

XI. DRIVER'S LICENSE

- A. Agency employees authorized to use Agency owned or privately owned vehicles on Agency business must possess a valid California driver's license and provide proof of licensing upon hire.
- B. Agency employees must maintain a driver's license for the class of vehicle to be driven.
- C. An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any Agency owned or privately owned vehicles on Agency business.
- D. Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate Agency or privately owned vehicles in the performance of official Agency duties.

XII. REVIEW OF DRIVING RECORD

- A. The Agency shall enroll employees that operate Agency owned or privately owned vehicles on Agency business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the Agency. Appendix B contains a list of violation point counts.
- B. In compliance with Vehicle Code Section 1808.47, information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.

- C. Employees accumulating four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have Agency driving privileges suspended at the discretion of the Department Director. The Personnel Director shall notify the Department Director when a driving record meets this threshold.
- D. Employees involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned by the DMV for citations or vehicular accidents.
- E. Employees involved in preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity determined by the nature of the offense and the employee's past driving and disciplinary action records.
- F. Employees involved in two or more preventable accidents within a 36 month period while operating an Agency owned or privately owned vehicle in the performance of official Agency business shall be subject to disciplinary action up to and including suspension of Agency driving privileges.
- G. Employees convicted of driving while under the influence of drugs or alcohol (DUI) or refusing to submit to a lawful roadside sobriety test are subject to disciplinary action up to and including suspension of Agency driving privileges.
- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of employee driving privileges and further disciplinary action.
- I. Temporary or permanent suspension of Agency driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- J. If an employee has Agency driving privileges suspended, the Agency shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the Agency or coworkers, loss of Agency driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

XIII. ACKNOWLEDGEMENT

Upon receipt of this policy, employees shall sign a form acknowledging that he or she is aware of this policy, including the legal issues arising out of the use of his or her privately owned vehicle on Agency business.

XIV. REFERENCES

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315

Insurance Code §11580.9

Appendix A
Employee Acknowledgement of Vehicle Usage Policy

This is to acknowledge that I have received a copy of the _____ (insert agency name) Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the Agency retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME _____

SIGNED _____

DATE _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)

**Appendix B
Common California Vehicle Code Violations
Used In Negligent Operator Counts**

Violation Point Assessment

Violation points are assigned to Vehicle Code sections and any other code section, or city or county ordinance, involving the safe operation of a motor vehicle. Any violation occurring as a pedestrian or a bicyclist has no point assigned. The department may suspend and place on probation, or revoke, the driving privilege of a negligent operator.

Per Vehicle Code section 12810.5a, a Class C negligent operator has

- 4 or more points in 12 months,
- 6 in 24 months, or
- 8 in 36 months.

Although a Class A or B driver without a special certificate may be allowed 2 additional points, a violation received in a commercial vehicle carries 1 1/2 times the point count normally assessed (12810.5b VC). A minor, under 18 years of age, may receive a 30-day restriction for 2 points in 12 months, or be suspended for 3 points in 12 months (12814.6 VC).

One Point Count California Vehicle Code Violations

Section	Violation
2800	Disobedience to traffic officer
2800.1	Evading peace officer
2801	Disobedience to fire official
2803, 2803a, 2803b, 2803c	Unsafe vehicle load
2815	Disregarding non-student crossing guard
2816	Youth bus/children crossing highway
2817	Disregarding funeral escort officer
2818	Crossing safety flares/cones
14601.5	Driving, suspended/revoked for refusing test
14603	Violation of license restrictions
21100.3	Disregarding traffic officer's directions
21209, 21209a	Driving in bicycle lane
21367, 21367a, 21367b, 21367c	Disobedience to traffic signs/controller
21451, 21451a, 21451b	Illegal movement/green light/arrow
21452, 21452a	Illegal movement/yellow light/arrow
21453, 21453a, 21453b, 21453c	Illegal movement/red/light/arrow
21454, 21454a - d, 21455	Traffic signals
21457, 21457a, 21457b	Disobedience to flashing signals
21460a, 21460b	Double lines/one broken line
21460.5c	Use of two-way left turn lane
21461, 21461a, 21462	Disobedience to traffic control device

21650, 21650a - f	Keep right
21651, 21651a	Crossing divided highway
21652	Entering highway from service road
21654, 21654a, 21654b, 21655, 21655b	Lane use/slow moving vehicle
21655.8	High-occupancy vehicle lane/entering/exiting
21656 - 21662, 21662a, 21662b	Improper lane use
21663	Driving on sidewalk
21664	Freeway ramp/entering/exiting
21700	Load obstructing driver's view
21701	Interfering with driver's control of vehicle
21702, 21702a, 21702b	Driving hours limitation
21703, 21704, 21704a, 21705, 21706	Following too closely
21707	Driving in fire area
21709	Driving in safety zone
21711	Towed vehicle swerving
21712, 21712a, 21712d, 21712f, 21715, 21715a, 21715b	Unlawful riding/towing
21717	Turning across bicycle lane
21750 - 21757, 21758, 21759	Illegal passing
21800 - 21804, 21804a, 21804b	Right-of-way
21805, 21805b	Yielding right-of-way to horseback rider
21806, 21806a	Yielding right-of-way to emergency vehicle
21807	Unsafe operation of emergency vehicle
21950, 21950a, 21951, 21952	Yielding right-of-way to pedestrian
21954, 21954b	Due care for pedestrian on roadway
21960a	Prohibited use of freeway
21963	Yielding right-of-way to blind pedestrian
22100 - 22105	Turning and U-turns
22106	Unsafe starting/backing of vehicle
22107 - 22111, 22111a, 22111b, 22111c	Signaling turns and stops
22112, 22112a	School bus signaling
22348, 22348a, 22348c	Speed/use of designated lanes
22349, 22349.5	Maximum speed
22350, 22351, 22352, 22352a, 22352b	Basic/prima facie speed limit
22354, 22355	Exceeding posted/freeway speed limit
22356, 22356b	Maximum speed 70 mph
22357, 22358.4	Speed in excess of local limits
22359, 22360, 22361	Speed in excess of local limits
22362	Speed/construction zone

22363	Restricted speed/weather conditions
22364	Speed/traffic lanes
22400, 22400a, 22400b	Driving too slow
22405, 22405a	Speed/bridge/tunnel
22406, 22407	Maximum designated vehicle speed
22409, 22410	Speed/solid/metal tires
22413	Speed limit on grades
22450, 22451, 22452, 22452a, 22452b	Stop required/railroad crossing
22454	Stop for school bus
23109, 23109b, 23109d	Speed contest/aiding or abetting
23116, 23116a	Transporting person in truck load space
23127	Driving on trails and paths
23220	Drinking while driving
23222, 23222a, 23222b	Marijuana or open container/driving
23235	Ignition interlock verification
23244, 23244b	Defeating ignition interlock device
23253	Disobedience to toll highway officer
23270, 23270a	Unauthorized towing
23330, 23330c	Width/load of vehicle at crossing
23336	Disobedience to sign/vehicle crossing
24002, 24002a, 24002b	Unsafe/unlawfully equipped vehicle
24004	Operation after notice by officer
24250	Lighting equipment
24409, 24409a, 24409b	Failure to dim lights
24604	Lamps/flag for extended load
25103, 25103a, 25103b	Lamps on projecting load
26301, 26302, 26302a, 26302b, 26302c	Brakes
26303, 26304, 26304a, 26304b	Brakes/combination vehicles
26307	Forklift truck brakes
26311, 26311a, 26311b, 26311c	All wheel service brakes
26456, 26457	Brakes/stopping distance
26458, 26458a, 26458.5	Braking system/towing vehicles
26502a	Adjustment/use of air brakes
26503 - 26506, 26506a, 26507	Airbrake system
26508, 26508a - c, 26508e - k, 26508o	Emergency stopping system
26520, 26521, 26522	Vacuum brakes
27360, 27360a - c, 27360.5, 27360a - c	Child Passenger restraint
27363, 27363b	Child seat belt
27800, 27801, 27801a, 27801b	Motorcycle/passengers and equipment
29001, 29002	Fifth wheel connecting/locking device

29003a, 29003b, 29003c	Hitch and coupling device
29004, 29004a - c, 29006, 29006a	Towed vehicle coupling
29201	Pole dolly/load and length
31301, 31301a	Caldecott tunnel restrictions
31303, 31303b, 31303c, 31303e	Hazardous waste transportation
31402	Farm labor vehicle/unsafe operation
31540, 31504b	Removable containers/regulations
31614, 31614a, 3164b, 31614d - f 31614h, 31614i	Explosives transportation
32104, 32104a, 32104b, 32105, 32105a, 32105c-e	Inhalation hazard transportation
32106, 32106a - d	Inhalation hazard transportation
34102	Tank vehicle regulations
34501.2, 34501a, 34501c	Driving hours limitations
34506, 34506a - g	Driving hours, equipment, maintenance, operation
34506.3	Safety regulation violation
34509, 34509c, 34509d	Vanpool vehicle maintenance inspection
35784, 35784a, 35784b	Violation of special permit
35784.5, 35784a, 35784b	Extralegal load/weight
36400	Lift-carrier/speed
36705	Bale wagon load width during darkness

Two Point Count California Vehicle Code Violations

Section	Violation
2800.2, 2800.3	Evading peace officer/reckless driving
14601, 14601a, 14601 b, 14601.1- 14601.4	Driving while suspended/revoked
20001, 20001a 20002, 20002a, 20002b	Hit and run/injury/property damage
21651b	Driving wrong side/divided highway
22348b	Speed over 100 MPH
23103, 23103a, 23103 b	Reckless driving
23104, 23104a	Reckless driving/causing bodily injury
23109a, 23109c	Speed contest /exhibition of speed
23140, 23140a, 23140b	Minor driving with BAC of 0.05% or more
23152, 23152a-d	DUI/alcoholic beverage or drugs
23153, 23153a-d	DUI/causing bodily injury or death
31602, 31602a, 31602b, 31602c	Explosives transportation

Other Common California Code Violations Used In Negligent Operator Count

Section	Code	Violation	Points
49307 or 12059	Education	Disobedience to school safety patrol	1
191.5a, 192c1-192c4, 192.3c, 192.3d	Penal	Vehicular manslaughter with gross negligence	2
192c, 192.3, 192.3a, 192.3b	Penal	Vehicular manslaughter without gross negligence	1
27176	Streets and highways	Speeding on Golden Gate Bridge	1

One Point Count Out of State Violations

Section	Violation	Section	Violation
01	Speed/too fast or over speed limit	34	Entering/exiting from thoroughfare
03	Speed/too slow or failure to turn out	40	Illegally modified vehicle
04	Passing/illegal, improper or unsafe	45	Explosives transportation
05	Following too close	51	Equipment/unsafe, illegal or defective
06	Failure to yield right-of-way	58	Driving while impaired
07	Illegal/unsafe use or change of lanes	61	Child passenger seat restraint
08	Turns/illegal or unsafe	67	Defective headlights
09	Signaling/improper or no signal	69	Following emergency vehicle unlawfully
10	Failure to obey traffic control device	70	Using vehicle for felony/aiding or abetting
11	Crossing double lines/markers/dividers	72	Erratic driving/suddenly changing speeds
12	Wrong way on one-way street	73	Fleeing scene or evading arrest by turning lights off
13	Brakes	74	Unsafe operation of a vehicle
14	Lights	75	Driving off road/on shoulder/on sidewalk
21	Violation of restricted license	77	No required equipment/using prohibited equipment
26	Negligent/careless/inattentive driving	86	Felony involving commercial vehicle
27	Starting or backing/illegal or unsafe	87	Felony controlled substance/commercial vehicle

28	Driving in a prohibited area	88	Speeding 15 mph plus/commercial vehicle
30	Disobedience of lawful order	91	Illegal lane change/commercial vehicle
31	Towing/improper, unsafe or illegal	92	Following too closely/commercial vehicle
32	Obstructing driver's view or interfering	93	Fatal accident violation/commercial vehicle
33	Unlawful riding on motor vehicle		

Two Point Count Out of State Violations

Section	Violation	Section	Violation
02	Speed contest/aiding or abetting	38	DUI/dangerous drugs not narcotics
15	Reckless driving	46	Manslaughter without gross negligence
16	Reckless driving/injury	47	Manslaughter with gross negligence
17	Drunk driving	81	DUI/BAC 0.04% or more/commercial vehicle
18	Drunk driving/injury	82	DUI/commercial vehicle
19	Hit and run	84	DUI/controlled substance/commercial vehicle
20	Driving while suspended or revoked	85	Hit and run/commercial vehicle
37	DUI/narcotics	89-90	Reckless driving/commercial vehicle

Code of Federal Regulations Violations

Section	Violation	Points
36423 or 36FR46	DUI/alcoholic beverage or any drug	2

CALIFORNIA JPIA

Policy Resource Center

Policy Name:
VIOLENCE IN THE WORKPLACE

Policy Purpose:
The policy on Violence in the Workplace defines the elements associated with workplace violence and procedures for all employees to prevent, identify, respond to, and document violent acts in the workplace.

Replacing Document:
None

To Whom Does The Policy Apply?
All Agency employees.

Note:
The Authority has additional resources that may be helpful in the development and training of policies, programs and procedures.

1. Training Workshops:
Safe Workplaces: When Being Nice Isn't Working
2. Video Resources:
Conflict Communication Skills
Safety Orientation in an Office Environment
3. Other Resources:
List

Important:

This reference material is compiled for use by Authority members in the preparation, development and implementation of risk management policies, programs, and procedures. Since this document is designed to meet the needs of the general pool membership, please be aware that the present form is best considered a template for use by your Agency in drafting specific documents.

This template should not be construed as legal advice. Accordingly, any resulting policy, program or procedure that results from this template should always be reviewed and approved as is customary by your Agency, including the purview of any necessary legal and/or governing body authorities to ensure the policy being developed meets the unique needs of your jurisdiction. Policies should be implemented after proper training has been provided.

This reference material is to be considered proprietary and confidential and may not be disclosed to any person without the express, prior permission of the California JPIA. This reference material is for Authority member use only and does not apply in any criminal or civil proceeding. This reference material should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

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I. PURPOSE

The policy for Violence in the Workplace is created to increase awareness among all Agency employees for the potential of violence within the organization, and to recognize signs, remedies and consequences of a violent act.

As the behavior of individuals can vary in unpredictable ways, the threat of workplace violence cannot be eliminated. However, management and employees can work together to identify and reduce the components frequently associated with workplace violence and be prepared to respond appropriately to a violent situation.

The purpose of this policy is to reduce the occurrence of injuries from workplace violence and decrease the potential and actual economic loss for employees, the public and the Agency.

II. POLICY

The (insert Agency legislative body name) hereby establishes a workplace violence prevention policy in compliance with Cal/OSHA's "*Guidelines for Workplace Security*", which requires employers to develop a workplace security component to their Injury and Illness Prevention Program (IIPP). Employees are advised that disciplinary action may result from violation of this Policy or any workplace safety procedure. Employees are further advised that the principles of progressive discipline may be waived in instances of egregious or serious acts by employees. Termination from employment is a possibility and may be the only disciplinary action that is taken.

The Agency promotes an active, bilateral communication system to encourage continuous compliance of safety, health and security policies, between management and employees without fear of reprisal, and in a form that is easily understood by all employees. The Agency recognizes that effective communication between management and employees is essential to combating workplace violence. Effective communication requires a two-way channel in which information is provided, received and interpreted. Feedback must also be an integral part of effective communication.

III. AGENCY RESPONSIBILITIES

The Agency is responsible for providing employees with education and training on policies relating to potentially violent situations in the workplace.

(This section optional for Agency use) The Agency will appoint an Incident Management Team to supervise workplace violence cases. The team will consist of the Human Resources Director, the Agency Manager, the Police Chief, and the supervisor of the department involved in the incident with the following responsibilities:

- A. Implement an action plan that specifies how management should respond to a potential workplace violence case including which personnel to contact in an emergency and their role in handling the incident. This plan should include a post

situation response that (1) informs employees of the situation through internal communications, (2) updates the public relations officer that the situation is under control, and (3) provides counseling for employees affected by the event (*See Attachment A*).

- B. Investigate, document, and track all workplace violence cases including the following tasks:
- 1) Conduct the initial investigation of the incident.
 - 2) Assess the seriousness of the situation and respond appropriately.
 - 3) When alerted of a potentially violent person or occurrence, notify incident management team immediately.
 - 4) Interview the victims immediately after the incident to retrieve the most accurate information.
 - 5) Inspect the scene of the incident as soon as possible.
 - 6) Determine the direct or indirect causes of the incident. Include previous reports of inappropriate behavior by the perpetrator(s) and any corrective actions taken. This will assist management in determining appropriate disciplinary action.
 - 7) Record the results of the current investigation and corrective actions taken. The Human Resources Director shall maintain documentation in a central file.
 - 8) Contact a specialist in workplace violence to evaluate the situation for additional corrective actions.

IV. MANAGEMENT AND SUPERVISORY RESPONSIBILITIES

The [Agency Manager and/or the Director of Human Resources](#) is/are responsible for administering this policy and delegating authority to department heads for implementation. Department heads are responsible for delivering and interpreting this policy to their employees and ensuring that each employee fully understands and complies.

- A. Human Resources Department is responsible for the following:
- 1) Identify a potentially violent person during the initial job interview and screening process.
 - a) Require a completed job application form that includes a waiver and release for the Agency to verify reported information.

- b) Never accept a résumé in place of a fully completed application. Résumés do not contain an oath of truthfulness and can mask undesirable information.
 - c) Review a job application carefully with particular attention to unusual or suspicious entries.
 - d) Investigate gaps in employment and education history. This may reveal undesirable events such as incarceration or involuntary termination.
 - e) Always check references.
- 2) Conduct periodic reviews of this policy with all Agency personnel, as deemed necessary.
 - 3) Offer periodic workplace safety meetings where workplace violence issues are discussed.
 - 4) Post and/or distribute information regarding workplace violence.
 - 5) Remind all employees through memos and training of the importance and urgency of reporting all threats of workplace violence to a supervisor immediately after such an incidence occurs. Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary action up to, and including termination.
 - 6) Ensure that department personnel adhere to provisions of this policy.
 - 7) Respond to, and correct workplace security issues (*see Attachment B*).
- B. Managers and supervisors must understand the following:
- C. Terminating employment of an unstable employee could cause that employee to harbor such resentment that he/she could return months or years later seeking revenge.
 - D. Some violent employees may have a psychological disability that causes violent behavior.
 - E. An employee assistance program is available to all employees. This program can help employees resolve issues before they become a workplace problem and provide assistance to managers and supervisors.

V. EMPLOYEE RESPONSIBILITIES

In general, behavior that detracts from, and impedes the ability of others to work in a violence free environment will be viewed as inappropriate. Such behavior will be addressed in accordance with the Agency's disciplinary rules and regulations, as well as this policy.

Employees are advised that violation of these behavior standards may result in discipline up to, and including, immediate termination of employment. Certain threats or violent acts will result in arrest by law enforcement.

- A. Employees are expected to exhibit workplace behaviors that demonstrate respect for others and professionalism at all times during working hours or conducting agency business. Unacceptable behavior includes, but is not limited to, the following:
 - 1) Uttering threats of physical violence to anyone
 - 2) Engaging in verbal abuse of others
 - 3) Physical fighting
 - 4) Bringing items intended as weapons (guns, knives, bombs, etc.) to the workplace
 - 5) Creating disturbances in the workplace that cause co-workers to be concerned for their safety
 - 6) Bullying of employees
- B. Employees must report all acts of violence, whether physical or verbal, to a supervisor immediately following the incident.
 - 1) Report potential acts or threats by co-workers, outsiders, taxpayers, visitors of violence to a supervisor (e.g., noticeable changes in a co-worker's or customer's demeanor).
 - 2) Attend workplace safety meetings.
 - 3) Remain aware of the potential for violence in the workplace.
 - 4) Know how to respond appropriately to a potentially violent situation.
- C. Employees should respond appropriately to a potentially violent situation to ensure their safety and the safety of others.

- 1) Get away from the perpetrator if possible. If you cannot distance yourself from the perpetrator, try to talk him or her into calming down.
- 2) Immediately call for help when given the first opportunity.
- 3) Remain calm and relaxed so that the perpetrator does not sense your fear.
- 4) If you have doubt about your ability to resolve a conflict with a perpetrator, do not engage in the task.
- 5) Notify Human Resources if you have a domestic violence restraining order.

VI. ELEMENTS OF WORKPLACE VIOLENCE

A. A potentially violent person often displays warning signs.

- 1) The person is unusually argumentative and/or uncooperative.
- 2) The person displays obvious changes in work patterns such as tardiness, absenteeism, or poor work performance.
- 3) The person demonstrates extreme or bizarre behavior.
- 4) The person has a mental illness or substance abuse problem.

B. A potentially violent person can react to workplace situations.

- 1) **Layoffs:** The loss of one's job is a traumatic event for an employee. Loss of funding, reduction of Agency services or State mandates can affect continuity of Agency employment.
- 2) **Inability to cope:** With today's rapidly changing society, some people are unable to cope with the stress of everyday activities, including their jobs.

C. Workplace security hazards should be identified and corrected (*see Attachment B*).

VII. OVERALL TRAINING

All employees, including managers and supervisors, should receive training on general and job-specific workplace security practices. Training should be provided when the Workplace Violence Prevention Policy is initially established and periodically thereafter. Training should also be provided to new employees, employees for whom training has not previously been provided, and to employees given new job assignments for which specific workplace security training has not previously been provided. Additional training will be provided to all Agency personnel as deemed necessary. Training should include the following topics:

A. Explanation of the Workplace Violence Prevention Policy

- B. Recognition of security hazards, including risk factors associated with the three types of workplace violence conduct (*see Attachment B*)
- C. Violence prevention measures, such as reporting security hazards or threats, to managers or supervisors
- D. Ways to defuse hostile or threatening situations
- E. How to summon others for assistance
- F. Discussion of employee routes of escape
- G. Notification of law enforcement authorities when a criminal act has occurred
- H. Post event trauma counseling for those employees desiring assistance

VIII. INCIDENT INVESTIGATION

- A. An investigation will immediately follow a report of an act or threat of violence. An investigation may include a search of personal and Agency property including areas such as desks, lockers, and vehicles. An employee will be given reasonable notice prior to the search. The employee need not be present for the search to begin. The investigation will be conducted by the Department Head and Human Resources and may include law enforcement personnel.
- B. Before conducting an investigation, the investigating officer must be aware of employees' rights in such circumstances. This must be done before interviewing any witnesses or the accused employee.
- C. The investigating officer must document what was said, what was heard, when an alleged threat was made, and when the act of violence took place.
 - 1) Who committed the act or threat of violence and the names of all victims, potential victims, and witnesses?
 - 2) What was said or done (be exact as possible)?
 - 3) When did the incident occur?
 - 4) Where did the incident take place?
 - 5) Why was the act committed (if known, example: "the employee was just evaluated by his supervisor")?
 - 6) Collect written statements from everyone involved. Take photographs of any personal injury or property damage.

- 7) A written report covering the investigation of the act or threat of violence and a description of the resolution, if any, will be issued by the Human Resources Department to the Agency Manager. A copy of the report will be kept in a confidential file in Human Resources.

IX. VIOLATION OF THIS POLICY

- A. Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary actions up to, and including termination.
- B. An employee found in violation of this policy will be provided all due process rights and is subject to discipline up to and including termination. Principles of progressive discipline may be waived in instances of egregious or serious acts by employees

X. DEFINITIONS

AGENCY - The Agency of _____

AGENCY PREMISES - Facilities such as Agency Hall, fire department stations, police facilities, Agency corporation yard, senior center, and treatment plants.

AGENCY UNIFORM - Agency issued clothing such as job uniforms, badges, hats, pens, banners or other identifiable object that carries the Agency's logo or represents the Agency.

DEPARTMENT HEAD - An appointed person with direct supervision and responsibility for personnel, records, funds, maintenance, and department services.

EMPLOYEE - A person legally employed by the Agency.

THREAT - A threat occurs when a person expresses intent to inflict harm on another person through physical injury, punishment or intimidation. There are three types of threats.

- Threats aimed directly at the victim(s) by the perpetrator.
- Veiled or indirect threats made to a third party against a victim(s).
- Conditional threats contingent on a particular event occurring.

VIOLENT ACT - An action characterized by physical force or intent to use physical force with the purpose of inflicting harm upon another person(s).

ATTACHMENT A INCIDENT MANAGEMENT TEAM ACTION PLAN

Members include: The Human Resources Director, the Agency Manager, the Police Chief and the supervisor or manager responsible for the department involved in the incident.

In the event of a workplace violence occurrence, the following steps (immediate and post trauma) should be taken by the Incident Management Team:

IMMEDIATE RESPONSE

1. Assess the seriousness of the situation and call 911 if necessary.
2. Inspect the scene of the incident as soon as possible.
3. Secure the area and deny access to all non-emergency personnel until crime scene personnel arrive to gather evidence.
4. Police will question all victims and witnesses as soon as possible to gather the most accurate information.
5. Police will notify the families of the victim(s) and provide assistance.
6. Determine the direct and indirect causes of the incident. Include all previous reports of inappropriate behavior by the perpetrator(s) and corrective actions taken at that time.
7. Calm hysterical witnesses and victims.

POST TRAUMA RESPONSE

1. Provide a professional trauma counselor for employees immediately following a violent occurrence.
2. Arrange transportation for affected employees.
3. Communicate to all Agency employees and the public that everything is under control via a press conference.
4. Repair inoperable phones.
5. Clean up and repair damaged Agency property.
6. Provide follow-up training for identifying, preventing, and responding to workplace violence.
7. Designate staff members, preferably from the Human Resources Department, to handle details such as insurance coverage for medical expenses.

ATTACHMENT B POTENTIAL WORKPLACE SECURITY HAZARDS AND CORRECTIVE MEASURES

Type I: External Act: Events in which the perpetrator has no legitimate relationship to the workplace and enters the workplace to commit a criminal act, like a robbery or another violent act.

Assessment Measures

- Check the workplace exterior and interior for its attractiveness to robbers.
- Assess the need for security surveillance measures, such as mirrors or cameras, to increase employee awareness of workplace surroundings.
- Create procedures for employee response during a robbery or other criminal act.
- Post all emergency telephone numbers for law enforcement, fire, and medical services where employees have access to a telephone.
- Limit the amount of cash on hand and use time access safes for large bills.

Corrective Measures

- Make the workplace unattractive (not worth the effort or too risky) to robbers.
- Use surveillance measures, such as cameras or mirrors, to increase outside and inside security in and around the workplace.
- Enhancing all procedures for reporting suspicious persons or activities.
- Update and post emergency telephone numbers for law enforcement, fire and medical services where employees have ready access to a telephone.
- Post visible signs to notify the public that limited cash is kept on site, if appropriate.

Type II: Service Recipients: An event in which the perpetrator is the recipient of, or the object of, a service provided by the workplace (e.g., contractors, consultants, instructors, temp. workers, vendor).

Assessment Measures

- Easy access to and freedom of movement within and around the workplace.
- Effectiveness of workplace security systems, such as door locks, security windows, and restraint systems.
- Assess employees' skills in effectively handling threatening recipients.
- Effectiveness of Agency systems and procedures, such as alarms or panic buttons, to warn others of a security danger or to summon assistance.
- The use of work practices, such as "buddy" systems, for specified emergency events.
- The availability of employee escape routes.

Corrective Measures

- Create an open floor plan so that all entrances and exits are easily accessible.
- Ensure adequacy of workplace security systems (e.g., door locks, security windows, and physical barriers).
- Provide all employees with training to handle hostile situations.
- Install effective alarm systems to warn others of security dangers, or to summon assistance, (e.g., alarms or panic buttons).
- Establish a workplace system, such as the "buddy" system, for specified emergency events.
- Ensure adequate availability of escape routes for employees.

Type III: Current/Former Employees: An event in which the perpetrator has an employment interest, such as an employee, employee's spouse, or a person who has a dispute with a specific employee.

Assessment Measures

- How well the Agency's anti-violence policy has been communicated to employees, supervisors and management.
- The effectiveness of cross communication between and amongst management and employees.
- Our employee's, supervisors', and managers' knowledge of the warning signs of potential workplace violence.
- Access to and freedom of movement within, the workplace by non-Agency employees, including recently discharged employees or persons with whom an Agency employee may have a dispute.
- Reports of threats of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Ensure that employees adhere to disciplinary and discharge procedures.

Corrective Measures

- Communicate the Agency's anti-violence policy to all employees, supervisors, and managers.
- Improve management and employee communication lines to freely relay pertinent information.
- Increase the awareness of employees, supervisors and managers of the warning signs of potential workplace.
- Control access to and freedom of movement within, the workplace by non-Agency employees, including recently discharged employees or persons with whom one of the employees may have a dispute.
- Ensure that reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are effectively handled by management.
- Ensure that employee disciplinary and discharge procedures address the potential for violence.

REFERENCES:

Occupational Safety and Health Act of 1973; California Labor Code Section 6300 et seq.; California Department of Industrial Relations, "Guidelines for Workplace Security"; California Code of Regulations Section 3202; California Workplace Violence Safety Act of 1994.

CALIFORNIA JPIA

Policy Resource Center

POLICY NAME:

Bloodborne Pathogens Exposure Control Plan

Policy Purpose:

This sample policy is designed to assist members in implementing an Exposure Control Plan to meet the requirements of the OSHA Bloodborne Pathogens Standard (California Code of Regulations, Title 8, Section 5193) and to inform and provide guidance to all employees.

Replacing Document:

None.

To Whom Does The Policy Apply:

The policy affects all employees who may become exposed to bodily fluids.

Note: The policy should be tailored to your specific agency risk exposures and positions.

Additional Resources:

The Authority has additional resources that may be helpful in the development and training of policies, programs and procedures.

1. Training Workshops:
Bloodborne Pathogens
2. Video Resources:
Bloodborne Pathogens: Know the Risk

Protecting against Hepatitis B in the Work place

Protecting against AIDS in the Workplace

Stop the Bleeding
3. Other Resources:

Important:

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BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

I. POLICY

The **(insert name of agency)** has implemented this Exposure Control Plan to meet the requirements of the OSHA Bloodborne Pathogens Standard (California Code of Regulations, Title 8, Section 5193) and provide guidance to employees. This Exposure Control Plan is available to employees at any time. Employees will be advised of the availability of this policy during training programs. Copies of the policy will be kept in the Safety Binders in each department.

II. PURPOSE

The **(insert name of agency)** seeks to reduce or eliminate the risk of exposure to potentially infectious diseases for its employees. The guidelines in this policy specify the use of (1) universal precautions against incidents of occupational exposure to infectious diseases; (2) standard procedures for incident reporting, and (3) training and vaccinations for employees with high or moderate risk of occupational exposure to infectious diseases.

III. RESPONSIBILITIES

A. **Supervisors and Managers:** Department Managers and Supervisors are responsible for exposure control in their respective areas. They work directly with the safety committee representative and employees to ensure compliance with exposure control procedures.

B. **Employees:** Employees have a critical role in our bloodborne pathogens compliance program including:

- 1) Know what tasks represent a potential exposure to bloodborne pathogens
- 2) Attend the bloodborne pathogens training session
- 3) Plan and conduct operations in accordance with our work practice controls

Maintain good personal hygiene habits

Risk of exposure to bloodborne pathogens should never be underestimated. Employees who do not follow the procedures outlined in this plan will be subject to disciplinary action.

IV. EXPOSURE RISK DETERMINATION

The Agency has determined the following levels of risk exposure:

High Risk (classifications & positions in which the employee has a high risk of exposure)

Moderate Risk (classifications & positions in which the employee has a moderate risk of exposure)

Very Low Risk (classifications & positions in which employees are expected to have minimal, if any, risk of occupation exposure).

See Attachment K for a listing of job classifications and their related risks.

V. METHODS OF IMPLEMENTATION AND CONTROL

A. Universal Precautions

Universal precautions are approaches to infection control in which all human blood and certain body fluids are treated as if infectious for bloodborne pathogens. Assuming all bloodborne pathogen materials are potential disease hazards eliminates the need to determine the health status of an individual and sets minimum standards for contamination control.

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials. When differentiation between body fluid types is difficult or impossible (e.g. poor lighting, uncontrolled or emergency situations), all body fluids shall be considered potentially infectious materials.

B. Engineering and Work Practice Controls

Employees shall follow engineering and work practice controls (described below) to eliminate or minimize employee exposure to blood or other infectious materials. Personal protective equipment shall be worn as indicated below.

1) Hand Washing Requirements

All employees shall wash hands and other skin with soap and water and flush exposed mucous membranes with water immediately or as soon as feasible after contact with potentially infectious materials.

Because hands are at risk of exposure while removing gloves and gloves often leak or tear, hands will be washed even if gloves were worn. When hand-washing facilities are not readily available, the Agency shall provide appropriate waterless antiseptic hand cleanser with clean paper towels and antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands should be washed with soap and water as soon as feasible.

Emergencies often occur in locations where sinks are not readily accessible. Emergency first aid kits must be stocked with antiseptic towelettes, or antiseptic hand cleanser with paper or cloth towels and closable disposable containers for

depositing used cleaning materials. These intermediate measures do not eliminate the need to wash hands at a sink. All employees are required to wash hands as soon as feasible after using antiseptic cleanser and towel alternatives.

Employees shall advise supervisors or managers of locations where contamination could reasonably occur and where hands cannot be cleaned in accordance with the following standards so that corrective action can be taken.

Employees shall report incidents in which the inability to clean hands in accordance with the following standard after possible contamination of self or others could result in transmitting a bloodborne disease.

2) Hand Washing Procedures

Hand washing is the single most important method to prevent the spread of infection. Good hand washing requires the use of friction to mechanically remove microorganisms. Using proper hand washing techniques is essential to the effectiveness of this preventive practice.

- a. Do not remove rings.
- b. Turn on water (the warmer the better).
- c. Apply soap.
- d. Scrub hands including palms, backs, between fingers, around and under fingernails, wrists and arms if exposed.
- e. Grasp rings and move up and down fingers until thoroughly soaped.
- f. Rinse thoroughly under running water.
- g. Dry hands with a clean paper towel.
- h. Using a paper towel, turn off the water faucets.
- i. All faucets, soap dispensers, or other surfaces, touched with contaminated hands, are considered contaminated and must be disinfected. Faucets can be cleaned while washing hands with disinfectant soap.

3) Requirements for Bio-Waste and Sharps Containers

Bio-waste or regulated waste shall be placed in containers which are closable and labeled using the universal biohazard symbol and the word "biohazard". Containers must be constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping.

Containers must be closed before being handled, stored, or transported. If outside contamination of a bio-waste container occurs, it must be placed in a second container that meets the requirements stated above.

All contaminated sharps and potential sharps must be immediately placed into containers that meet the following requirements:

- a. Closable and not able to be opened except by the use of tools
- b. Puncture-resistant
- c. Leak-proof on bottom and sides to prevent leakage of contaminated liquids
- d. Labeled using the universal biohazard symbol and the word "biohazard" (see Attachment)

Sharps containers must be easily accessible for use, maintained in an upright position during use, and replaced routinely to avoid overfilling.

When moving containers of contaminated sharps, containers must be closed to avoid contents spilling or protruding. If container leakage is anticipated, it must be placed into a second container that is closable, labeled, and shall safely contain all contents without leaking. Reusable containers should not be opened, emptied, or cleaned manually or in a manner exposing employees to injury.

4) Sharp Objects Procedures

Employees should use caution and avoid contaminated sharp objects, such as broken glass, sharp metal or needles. If possible, contaminated sharps will not be handled but swept up using a dust pan and brush, or picked up with tongs or forceps. All sharps, whether known to be contaminated or not, should be placed in the sharps container designated for this purpose.

C. Personal Protective Equipment (PPE)

Personal protective equipment (PPE) includes any item that employees wear or use to provide barrier protection of the skin or mucous membranes from contamination by blood or other potentially infectious materials (OPIM). Examples include gloves, lab coats, face shields, and eye protection and resuscitation masks.

PPE is required as supplementary protection in situations where occupational exposure remains after the use of engineering and work practice controls. The Agency requires the use of PPE for employees engaging in tasks involving contact with blood, body fluids, or any OPIM when occupational exposure is reasonably anticipated.

The only exception to this requirement shall be those rare and extraordinary circumstances when, in the employee's professional judgment, PPE would prevent the delivery of health or public safety services or would pose an increased hazard to the employee or coworkers. Such situations must be investigated and documented to determine whether such occurrences can be prevented.

1) Provision and Use of PPE

Each department shall determine appropriate types of PPE necessary to provide barrier protection for employees for each job type or job title. PPE shall be readily

accessible to employees for whom it is required and shall be provided in appropriate sizes.

The Agency shall provide, clean, launder, or dispose of and replace PPE at no cost to the employee.

PPE shall be removed before leaving the work area and placed in a designated area or container for storage, washing, laundering, decontamination, or disposal.

Employees should avoid stepping in body fluids as shoes and other clothing may be contaminated.

Employees with known minor skin defects (e.g. cuts, abrasions, burns, dermatitis on arms, hands, face or neck) must cover these areas with a water-resistant occlusive bandage in addition to the use of PPE.

2) Gloves

Employees shall wear approved disposable latex gloves in which hand contact with blood, other potentially infectious materials, mucous membranes, non-intact skin, is likely to occur or when handling or touching potentially contaminated items or surfaces.

Employee shall wear latex gloves or other approved protective items at all times when in contact with body fluids of another individual.

The type of gloves selected should be impervious to liquids and strong enough to withstand the task to be performed. Use of vinyl or latex gloves should cover defects in the skin on hands and is not intended to provide protection from puncture wounds caused by sharps.

Employees must ensure that rings, jewelry, and fingernails do not compromise the integrity of the disposable latex gloves.

Gloves do not replace hand washing. Employees shall wash hands as soon as practical after potential contamination.

Gloves shall be changed under the following circumstances:

- a. After contact with subject or evidence (Police Personnel)
- b. Visibly contaminated with blood or body fluids
- c. Physical damage to the glove such as tearing or surface defect

Contaminated disposable gloves should be discarded into a biohazard waste container immediately after removal.

Employees should be aware that items such as pens, clipboards, telephone receivers, vehicles and other equipment can become contaminated if touched

while wearing gloves contaminated with body fluids. Gloves must be discarded before touching vehicles, equipment, doorknobs, keypad locks or handles to avoid contaminating other surfaces.

Caution should be used when reaching into areas that are not visible such as under car seats and into trash receptacles to avoid needle sticks or cuts.

Employees who sustain a needle stick or puncture wound should immediately induce bleeding and wash thoroughly with soap and water.

3) Masks, Eye Protection, and Face Shields

These barrier devices shall be used to protect eyes, nose and mouth from contact with blood or body fluid droplets. Examples are disposable facemasks, plastic or disposable face shields, protective eyeglasses with non-permeable side vents, and goggles. Employees shall wear protective face shields or masks, and eye protection whenever splashes, spray, spatter or droplets of blood or OPIM may be generated and eye, nose or mouth contamination is reasonably anticipated.

Employees shall remove masks, eye protection, and face shields when leaving the work area. Disposable masks and shields shall be discarded in a biohazard waste container when visibly contaminated or penetrated by blood or OPIM. Reusable eyewear and shields that are visibly contaminated should be washed with soap and water using gloved hands and then decontaminated.

4) Cardiopulmonary Resuscitation Masks

Employees whose tasks include cardiopulmonary resuscitation (CPR) shall use a one-way mask when performing mouth-to-mouth resuscitation. Masks shall be provided and made readily available wherever the need for CPR is reasonably expected to occur.

A visibly contaminated mask should be washed with soap and water using gloved hands and then decontaminated. The mouthpiece shall be disposed of after each use.

VI. HEPATITIS B VACCINATION

A. Overview of Hepatitis B

Hepatitis B is caused by a virus (HBV) that attacks the liver and can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death.

HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected. For example, HBV is spread through sexual activity with an infected person, by sharing drugs or needles, through needle sticks or sharps exposures, or from an infected mother to her baby during birth.

B. Hepatitis B Virus Vaccination

The Agency has established a Service Agreement with (insert health care provider name) to provide employees with the HBV vaccination series.

An employee shall be offered HBV Vaccination at the Agency's expense if the employee is determined to be at risk for exposure by an authorized Department staff member.

If a routine booster of the HBV vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose shall be made available.

To receive a HBV vaccination, an employee must:

- 1) Obtain an on-the-Job referral form from the appropriate Department representative.
- 2) Go to the (insert health care provider name) of their choice between the hours of 8:30 a.m. and 12:00 noon, 1:30 p.m. and 5:00 p.m. Monday through Friday, on off-duty time. No appointment is necessary. The nearest facility is located at (insert location).
- 3) Employees who are members of (health care provider) shall present their membership card when checking in and should plan approximately 10 minutes for the vaccination visit.
- 4) Return a copy of the vaccination receipt to the Human Resources Department for placement in the employee's medical file.
- 5) Return for the series of shots (3 total) within the timeline provided by (health care provider). Failure to do so may result in the need to repeat the vaccinations.

VII. HOUSEKEEPING AND POST EXPOSURE CLEAN-UP PROCEDURES

Work areas will be maintained in a clean and sanitary condition.

A. General Facility Cleaning

Agency facilities shall receive general daily cleaning by a contractor or designated staff. Disinfecting cleaners are to be used on public counter areas not known to be contaminated by blood or OPIM.

Contaminated work surfaces must be decontaminated with a disinfectant at the following times:

- 1) After completion of procedures
- 2) Immediately, or as soon as possible, after surfaces are overtly contaminated or after any spill of blood or OPIM

- 3) At the end of the work shift if the surface may be contaminated since the last cleaning

Acceptable disinfectant solutions include, but are not limited to sodium hypochlorite, five-tenths percent (0.5%) concentration by volume (common household bleach in ten percent (10%) concentration in water). The solution shall be dated and not used if more than twenty-four hours old.

B. Clean Up Procedures for Spills

- 1) A small spill such as from a cut or abrasion shall be cleaned up immediately:
 - a. Obtain a bloodborne pathogens kit
 - b. Don gloves
 - c. Clean the surface with soap and water or other appropriate cleaner
 - d. Disinfect the surface using one of the above described disinfectants
 - e. Towels and other items used to wipe the surface shall be placed in a bio-waste bag with the used gloves, and properly disposed
 - f. Surfaces can be sprayed with antibacterial Lysol or other similar product as an extra precautionary measure
- 2) Large spills such as from a major trauma scene or a large amount of blood or OPIM will be cleaned by the Agency's contracted vendor for such services. Employees are to notify their supervisors of a large spill occurrence. The supervisor shall contact the agency's designated vendor to coordinate the clean up.

C. Laundry

Employees shall handle contaminated laundry as little as possible, with a minimum of agitation. Employees who handle contaminated laundry will use PPE to prevent contact with blood or OPIM.

Contaminated laundry shall be placed in leak-proof bags or containers and labeled with the biohazard warnings. Once bagged, contaminated laundry shall be delivered to the supervisor for forwarding to the Agency's designated laundering service. Contaminated laundry will be cleaned at the Agency's expense.

VIII. EXPOSURE INCIDENT

A. Exposure Incident Determination

Employees should complete the Exposure Determination Questionnaire to assist in determining if an exposure has occurred (see Appendix G). Examples of potential exposure and immediate responses are:

- 1) Needle Stick or Puncture Wound: Express blood from the wound. Scrub the area vigorously with soap and water for at least five minutes.
- 2) Eye Exposure: Irrigate immediately with cool water or normal saline solution for 60 seconds.
- 3) Mucous Membrane Exposure: Rinse the area with an oxygenating agent such as hydrogen peroxide half strength for 30 seconds and repeat several times. Do not swallow if rinsing the mouth.
- 4) Human Bite: Cleanse the wound with Betadine or sterile water.

If an exposure incident occurs, the employee's supervisor shall:

- 1) Complete the Exposure Report Form (see Appendix F)
- 2) Follow the Post-Exposure Evaluation and Follow-up Checklist (see Appendix H)
- 3) Give the employee a worker's compensation claim packet

B. Medical Evaluation and Follow-up

In the event of exposure to Blood or OPIM, it is extremely important to report the incident and be referred for medical evaluation immediately. It is highly recommended for exposed employees to be evaluated for Post Exposure Prophylaxis (PEP) within 24 hours of exposure.

These post exposure procedures apply to any employee who may become exposed regardless of whether or not that employee was already considered to be at risk of exposure.

After an exposure, the Agency will provide follow up for the employee to include:

- 1) Confidential medical evaluation documenting the circumstances of exposure. If the employee declines an evaluation, the employee shall complete the Post Exposure Medical Evaluation Declination form and the form shall be retained in the employee's medical file (see Appendix I).
- 2) Identify and test the source individual, if feasible.
- 3) Draw the exposed employee's blood as soon as feasible after consent is obtained and test for HBV, HVC and HIV serological status. If the employee consents to baseline blood collection but does not give consent at the time for HIV serologic testing, the sample will be preserved for 90 days. If the employee elects to have the baseline sample tested within 90 days of the exposure incident, such testing shall be done as soon as feasible.

- 4) The exposed employee will receive post exposure vaccines when medically indicated as recommended by the treating physician.
- 5) The exposed employee will receive appropriate medical counseling by the treating physician.
- 6) The Agency will ensure that the health-care professional responsible for the employee's HBV vaccination receives this policy.

The Agency will ensure that the health-care professional evaluating an employee after an exposure incident receives the following information:

- 1) A copy of CCR Title 8, Section 5193
- 2) A description of the exposed employee's duties related to the exposure incident
- 3) Documentation of the routes of exposure and circumstances under which the exposure occurred
- 4) Results of the source individual's blood testing, if available
- 5) Medical records relevant to the treatment of the employee, including vaccination status

The employee will be provided the health care professional's written opinion within 15 days of the evaluation. The health care professional's written opinion for HBV will be limited to whether the HBV vaccination is indicated and if the employee has received such vaccination; that the employee has been informed of the results of the evaluation; and that the employee has been counseled about medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

Other findings and recommendations will remain confidential and will not be included in the written report.

Exposed employees will work directly with the treating physician to determine the appropriate post-exposure follow-up.

Medical records shall be kept confidential and must be maintained for at least the duration of employment plus 30 years.

C. Mandatory AIDS Virus Testing for Peace Officers or Victims

- 1) Health and Safety Code, Section 121060 deals with assaults on Peace Officers. If the accused is charged with a crime and alleged to have interfered with the official duties of a Peace Officer by biting, scratching, spitting, or transferring blood or other bodily fluid to that officer, the officer has the right to petition the court for a blood test of the accused for the AIDS virus and other communicable diseases.

The court will promptly hold a hearing on the petition. If the court finds probable cause to believe that a possible transfer of blood, saliva, semen, or other bodily fluid took place between the accused and the Peace Officer, the court shall order the accused's blood to be tested.

Test results will be sent to the accused and each requesting victim.

- 2) Penal Code Section 1524.1, Chapter 1088 authorizes a court, on request of a crime victim, including Police Officers, where a defendant has been charged with any crime, felony or misdemeanor, and after determining that probable cause exists to believe that the accused committed an offense that involved transmission of blood, semen, or any other bodily fluid identified in State Department of Health Services regulations as capable of transmitting the AIDS virus, to issue a search warrant for the purpose of testing the accused's blood for the AIDS virus.

IX. TRAINING

- A. Employees with high or moderate risk of occupational exposure to bloodborne pathogens shall participate in an annual training program provided during working hours and at no cost to the employee. Supervisor shall train new employees on this policy at the time of initial assignment to tasks where occupational exposure may take place including low-risk employees.
- B. Additional training shall be provided when changes occur which affect the employee's occupational exposure. These include the modification of tasks or procedures or the institution of new tasks or procedures.
- C. The training program shall contain content and vocabulary appropriate for the educational level, literacy, and language of employees. Training shall be conducted by an individual who is knowledgeable in the subject matter and contain the following elements:
 - 1) A copy of the policy and explanation of its contents
 - 2) A general explanation of the epidemiology and symptoms of bloodborne diseases
 - 3) An explanation of the transmission modes of bloodborne pathogens
 - 4) An explanation of the Agency's Exposure Control Plan and how employees can obtain a copy of the plan
 - 5) How to recognize tasks and other activities that may involve exposure to blood and other potentially infectious materials
 - 6) The use and limitations of methods that prevent or reduce exposure including engineering controls, work practices and personal protective equipment

- 7) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment
- 8) How to select PPE
- 9) Information on the HBV vaccine including its efficacy, safety, administration, vaccination benefits, and the availability of free employee vaccinations
- 10) Actions to take and persons to contact regarding a personal exposure involving blood or other potentially infectious materials
- 11) Employee post-exposure evaluation and follow up that the Agency is required to provide following an exposure incident
- 12) Signs and labels required by the Exposure Control Plan
- 13) Opportunities for questions and answers between the instructor and the employees

X. RECORD KEEPING

The Agency shall maintain records for employees with occupational exposure to include HBV vaccination, exposure incidents, and training relative to occupational exposure to bloodborne pathogens.

A. Medical Records

The Agency shall maintain records for employees with occupational exposure for the period of employment plus 30 years after termination of employment. Medical records of employees with occupational exposure to bloodborne pathogens shall include the following elements:

- 1) Employee's name and social security number
- 2) HBV vaccination status and record
- 3) Results of all exams, test, and follow up related to reported exposure incidents, as allowed under Federal and State privacy laws
- 4) Treating physician's initial written opinion and medical opinion of post-exposure incidents, as allowed under Federal and State privacy laws
- 5) Bloodborne Pathogens Exposure Report.
- 6) Post Exposure Medical Evaluation Declination Form, if applicable.

B. Training Records

The Agency shall maintain records of employees trained in this program for a period of three years from the date of training and include the following:

- 1) Dates of training sessions
- 2) Names and positions of employees attending each session
- 3) Contents or summary of training sessions
- 4) Names and qualifications of trainers

C. OSHA 300 Log

The OSHA 300 Log will be generated by the (insert agency responsible person) and posted as required by OSHA.

D. Sharps Injury Log

The Sharps Injury Log documents each exposure incident involving a sharp to provide sufficient information about the incident to allow the Agency to analyze and take preventive action (see Appendix J). The Sharps Injury Log must be maintained for five years from the date of the exposure incident.

The Sharps Injury Log shall include:

- 1) Date and time of the sharps-related exposure incident
- 2) Type and brand of the sharp involved in the incident
- 3) Name and job classification of the exposed employee
- 4) Department or work area where the incident occurred
- 5) The procedure being performed and how the incident occurred
- 6) The injured body part
- 7) For sharps with engineered sharps injury protection or ESIP, was the safety mechanism activated
- 8) If the incident occurred before, during, or after activation of the safety mechanism; for sharps without ESIP, the employee's opinion if ESIP could have prevented the injury

E. Availability of Records

Employee medical and training records shall be provided upon request for examination and copying to the subject employee, to employee representatives with a signed release, to representatives of accrediting agencies, to the Director or Assistant Secretary of OSHA in accordance with Federal Law or to the State of California Department of Health in accordance with State Law.

F. Labels

Warning labels shall be affixed to refrigerators, freezers, or containers used to store, transport or ship regulated waste containing blood or other potentially infectious material. Labels are also required for equipment to be serviced or transported with components that are unable to be decontaminated. Labels must identify which portions of the equipment remain contaminated.

Labels must meet the following criteria:

- 1) Include the Biohazard legend (see Appendix B).
- 2) Have a fluorescent orange or orange-red colored background with lettering or symbols in a contrasting color.

G. Signs

Signs with fluorescent orange or orange-red, with lettering or symbols in a contrasting color, and bearing the biohazard legend (see Appendix B) shall be posted at entrances to work areas for property or evidence processing.

POLICE DEPARTMENT ADDITIONAL PROVISIONS

In addition to the General Provisions previously outlined, Police Department staff shall adhere to these additional provisions. (Note: The following section applies to agencies with their own police services).

XI. (Police) HOUSEKEEPING

A. Personal Protective Equipment

Reusable CPR masks shall be maintained in a clean and sanitary condition. Each employee is responsible for ensuring that their mask is clean and decontaminated. After each use, the mask must be cleaned and decontaminated in accordance with the manufacturer's directions.

B. Cleaning

1) Vehicles, Jail, and Evidence Room

If an Agency vehicle, jail, or evidence room becomes contaminated from a blood or other body fluid spill, the vendor with whom the Agency contracts for cleanup of such spills shall be called. Employees shall not attempt to clean a blood or OPIM spill from a suspect, regardless of the size of the spill.

Suspects shall not be transported in a contaminated vehicle nor housed in a contaminated jail cell. Contaminated vehicles are to be returned to the Police station until professionally cleaned. Contaminated jail cells are to be locked to keep all persons out of the cell until professionally cleaned.

2) Footwear

Footwear contaminated with blood or OPIM should be cleaned as soon as practical. The proper cleaning method is to don gloves, obtain antiseptic and antimicrobial wipes from a first aid kit and wipe down the entire shoe, including the sole. Once completed, the used wipes and gloves shall be disposed in a bio-waste container within the department.

XII. (Police) SCENE MANAGEMENT

In responding to an emergency call, Police Department employees shall follow infection control measures including, but not limited to:

- A. Blood, body fluids and tissues of injured persons are considered potentially infectious. Universal Precautions will be used for every contact with an injured person.
- B. In general, employees should select PPE appropriate to the potential for spill, splash, or exposure to body fluids. No standard operating procedure or PPE ensemble can cover all situations. Common sense must be used. When in doubt, select maximal rather than minimal PPE.
- C. Responding Officers who are not immediately needed for life-saving measures will remain a safe distance when communicable disease exposure is possible or anticipated. Once emergency responders arrive on scene, Officers shall turn over the care of the injured person.
- D. At the conclusion of on-scene operations, potentially contaminated PPE will be removed for appropriate disposal or decontamination.

XIII. (Police) ENGINEERING AND WORK PRACTICE CONTROLS

A. Hand Washing

As employees with high risk of exposure, hand washing is critical. Hand washing is the best way to prevent disease. Employees should be diligent in washing hands at every opportunity, but especially before eating or drinking, before touching other items that could become contaminated, and most definitely before going home after a work shift.

B. Bio-waste and Sharps Containers

Marked bio-waste and sharps containers should be located in the trunk of every patrol vehicle. Used gloves and other contaminated items not removed from the scene by emergency responders are to be placed in the bio-waste container. Such items are not to be placed loose within the vehicle or trunk.

All sharps not collected as evidence, whether known to be contaminated or not, are to be placed in the sharps container. Both the bio-waste and sharps containers shall be returned to the Evidence staff for disposal. When returning full containers, employees will be issued new containers for replacement in the vehicle.

C. Sharp Objects Procedures

All sharps are to be treated as though known to be contaminated. Employees are to refrain from handling sharps whenever possible. Employees should handle sharps only after donning gloves, and preferably only to safely place the sharp into the sharps container or evidence bag.

D. Suspect Search Practices

The following are safe practices when searching a suspect to avoid a potential bloodborne pathogen exposure:

- 1) Ask the suspect if they are in possession of sharp objects. If necessary, clarify that sharp objects include knives, metal, sharpened or broken glass, plastic edged items, jewelry, razors and needles.
- 2) Do not reach into pockets or bags.
- 3) Pat lightly rather than sliding hands over a suspect.
- 4) Dump purses, backpacks or other hand held baggage.
- 5) Look with your eyes before you look with your hands.

PUBLIC WORKS DEPARTMENT ADDITIONAL PROVISIONS

In addition to the General Provisions outlined above, Public Works Department staff shall adhere to these additional provisions. (Note: The following section applies to agencies with their own public works services).

XIV. (Public Works) HOUSEKEEPING

Use proper PPE when cleaning public restrooms. Use latex or other appropriate gloves and eye protection if hosing down the restroom.

Hand-washing agents should be stored in closed containers. Use documented routine maintenance schedules for refilling and cleaning reusable dispensers. Wash such containers and dry them thoroughly before refilling. Do not add liquid to top-off a partially full dispenser.

Check hand-washing agents for expiration dates before using especially for antimicrobial-containing agents that do not require water for use.

Buy hand lotion in small sizes. Keep it capped and discard it at short-term intervals since it can support the growth of pathogens.

XV. (Public Works) ENGINEERING AND WORK PRACTICE CONTROLS

A. Hand Washing

As employees with high risk of exposure, hand washing is critical. Hand washing is the best way to prevent disease. Employees should be diligent in washing hands at every opportunity, but especially before eating or drinking, before touching other items that could become contaminated, and most definitely before going home after a work shift.

B. Procedures for Sharp Objects

All sharps are to be treated as though known to be contaminated. Employees shall refrain from handling sharps whenever possible and if necessary, pick them up with grapplers or other tools. Employees should handle sharps only after donning gloves, and preferably only to place the sharp into the sharps container. Once sharps have been placed into the container, remove gloves by pulling glove cuff down to turn the glove inside out.

Place used gloves in a bio-baggie and a small bio hazard bag upon returning to the Corp Yard, Environmental Center or other Agency facility. Bags should be returned to the Police Department for proper disposal when full.

C. Sharps Containers

Sharps containers should be located in vehicles for employees that clean restrooms, garbage receptacles and areas that may contain sharps. Sharps should not be placed loose within the vehicle. All sharps, whether known to be contaminated or not, shall be placed in the sharps container. Take full sharps containers to the Police Department Evidence section for proper disposal. Sharps containers are located in the warehouses. Ask your supervisor for a replacement sharps container and place it in the vehicle.

D. Garbage or Refuse Collection

Dry bandage waste, sanitary napkins, and paper towels can be disposed of in ordinary refuse containers except for items containing only dried blood. Restroom and other area waste containers shall be lined at all times with plastic or other waste bags to prevent potential exposure. Employees cleaning these facilities will wear appropriate gloves when handling mixed debris.

Employees who remove spent condoms shall place them in a bio-baggie and dispose of the bag upon returning to the Corp Yard, Environmental Center or other Agency facility.

When removing debris from garbage receptacles or surrounding areas, do not use or put hands into blind or dark areas. Look with your eyes before you look with your hands. Use rakes or other tools to bring material into the open to ensure no sharps or other hazards are present. If present, use proper tools and PPE to clean up the hazards.

E. Sewer and Storm Water Sanitation Procedures

1) Sewer Operations

Sewage and wastewater contain bacteria, funguses, parasites, and viruses that can cause intestinal, lung, and other infections. For work around sewage or wastewater, engineering controls and work practices are the best ways to protect employees from exposures to disease. When engineering controls are not possible, use PPE. For some jobs and around some hazards, respiratory protection is required.

- a. Wash hands well with clean water and soap before eating, smoking, or after work.
- b. Do not touch nose, mouth, eyes, or ears with your hands, unless you have just washed. In most cases, people get diseases when germs are on their hands and touch their mouth, nose or eyes.
- c. Keep fingernails short; use a stiff soapy brush to clean under nails.
- d. Wear waterproof gloves when cleaning pumps or screens and when handling wastewater or storm water.
- e. Wear gloves when hands are chapped, burned or with a rash or cut.
- f. Change out of work clothes before leaving work. (Shower facility is available.)
- g. Do not keep soiled work clothes with other clothes.
- h. Report any injury or illness immediately

2) Sanitation of Sewer Equipment

In daily operations, care should be taken to clean equipment to prevent the spread of bacteria, funguses and pathogens. The following are guidelines to keep equipment and work areas clean when working in sewer or storm water conditions:

- a. Sewer “collectables” (i.e. chains, rings, coins, etc.) shall not be removed from the work area.

- b. Use plastic bags to line 5-gallon buckets for storing used rags, latex gloves and other contaminated debris. Remove bags daily and place in trash dumpster.
 - c. Use disinfectant sprays to clean rubber boots and gloves between uses to prevent the spread of bacteria, funguses, and viruses. Do not place in truck, truck cabinets, truck cab or office areas until disinfected.
 - d. Wash or wipe down handles, tubes and other contaminated areas with disinfectant sprays after each work shift or as necessary (before service in Fleet Maintenance Shop, etc.) including video equipment and snakes. Follow directions for cleaning to ensure that the disinfectant will work properly. See sample language below.
- 3) OSHA's policy regarding the use of EPA-registered disinfectants, Standard Interpretations 07/15/1999

OSHA's current policy is that EPA-registered disinfectants for HIV and HBV meet the requirement in the bloodborne pathogen standard and are "appropriate" disinfectants to clean contaminated surfaces, provided such surfaces have not become contaminated with agents, volumes, or concentrations of agents for which a higher level disinfection is recommended.

The memorandum concludes, "as is true with all disinfectant products, the effectiveness is governed by strict adherence to the instructions on the label." For example, the EPA-approved label on one product has a section titled "SPECIAL INSTRUCTIONS FOR CLEANING AND DECONTAMINATION AGAINST HIV-1 AND HBV OF SURFACES\OBJECTS SOILED WITH BLOOD\BODY FLUIDS."

These sample instructions required:

- PPE for the worker performing the task
- Blood must be cleaned thoroughly before applying the disinfectant
- Disposal of the infectious waste is in accordance with federal, state, or local regulations
- Surface should be left wet with the disinfectant for 30 seconds for HIV-1 and 10 minutes for HBV

Use proper PPE when performing sewer and storm water operations and when disinfecting equipment. These items may include rubber gloves, latex or nitrile gloves, eye protection or splash shield, coveralls, and rubber boots.

When performing sewer lateral work at a home, disinfect the area before leaving.

Appendix A: Definitions

Blood. Human blood, human blood components, and products made from human blood.

Bloodborne Pathogens (BBP). Pathogenic microorganisms present in human blood that can cause disease in humans including, but not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

Contaminated. The presence or the reasonably anticipated presence of blood or other potentially infectious materials on a surface or in an item.

Decontamination. The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. Decontamination includes procedures regulated by Health and Safety Code Section 118275.

Engineering Controls. Controls (e.g., sharps disposal containers, needleless systems and sharps with engineered sharps injury protection) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Incident. A specific eye, mouth, or mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from performance of an employee's duties.

Hepatitis B Virus (HBV). A virus that attacks the liver and can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected.

Hepatitis C Virus (HCV). A liver disease found in the blood of persons who have the disease. HCV is spread by contact with blood of an infected person.

Human Immunodeficiency Virus (HIV). A virus that destroys the body's ability to fight infections and certain cancers.

Occupational Exposure. Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's duties.

Other Potentially Infectious Materials (OPIM). The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, other body fluids visibly contaminated with blood such as saliva or vomit, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

Parenteral Contact. Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

Personal Protective Equipment (PPE). Specialized clothing or equipment worn or used by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Regulated Waste. Waste that is any of the following:

- a. Liquid or semi-liquid blood or OPIM
- b. Contaminated items that contain liquid or semi-liquid blood, caked with dried blood or OPIM; and capable of releasing these materials when handled or compressed.
- c. Contaminated sharps
- d. Pathological and microbiological wastes containing blood or OPIM
- e. Regulated Waste includes “medical waste” regulated by Health and Safety Code Sections 117600 through 118360

Sharp. Any object used or encountered in the industries covered by subsection (1) that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

Universal Precautions. An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

Work Practice Controls. Controls that reduce the likelihood of exposure by defining the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique and use of patient-handling techniques).

Appendix B: Signs and Symbols

Bio-hazard



Sharps Container



Appendix C: HIV Information

Human immunodeficiency virus (HIV) is the virus that causes acquired immunodeficiency syndrome (AIDS). HIV progressively destroys the body's ability to fight infections and certain cancers by killing or damaging cells of the body's immune system.

HIV is spread most commonly through sexual activity with an infected person. It can also be spread by contact with infected blood through needle sharing, or from an infected mother to her baby during birth. It is rare for a patient to give HIV to a health care worker or vice-versa by accidental sticks with contaminated needles. There is no evidence that HIV is spread through contact with sweat, tears, urine or feces. There is clear evidence that HIV is not spread through casual contact, such as sharing food utensils, swimming pools, telephones or toilet seats. HIV is also not spread through biting insects such as mosquitoes.

HIV has no cure and no vaccine. People with HIV should work closely with their physician to determine the appropriate treatment program.

Additional information on HIV or AIDS can be found on the following websites:

www.niaid.nih.gov www.cdc.gov

<http://aidsinfo.nih.gov>

Appendix D: Hepatitis B Information

Hepatitis B is the most common serious liver infection in the world and is caused by a virus that attacks the liver. The virus, known as the hepatitis B virus (HBV), can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death.

HBV is spread when blood or body fluids from an infected person enters the body of a person who is not infected. For example, HBV is spread through sexual activity with an infected person by sharing drugs/needles through needle sticks or sharps exposures on the job or from an infected mother to her baby during birth.

Most people are able to fight off a hepatitis B infection and clear the virus from their blood. However, 5-10% of adults, 30-50% of children, and 90% of babies will not get rid of the virus and will develop chronic infection. Chronically infected people can pass the virus on to others and are at increased risk of liver problems later in life.

The hepatitis B virus is 100 times more infectious than the AIDS virus. Yet, hepatitis B can be prevented with a safe and effective vaccine. For those who are chronically infected with hepatitis B, the vaccine is of no use. However, there are promising new treatments for those who live with chronic hepatitis B.

Additional information on hepatitis B can be found on the following websites:

www.hepb.org www.cdc.gov

Appendix E: Hepatitis C Information

Hepatitis C is a liver disease caused by the hepatitis C virus (HCV), found in the blood of persons who have the disease. The virus can cause lifelong infection, chronic liver disease, cirrhosis (scarring) of the liver, liver cancer, and death. HCV is a leading indication for liver transplants.

HCV is spread by contact with the blood of an infected person. There is no cure and no vaccine for HCV.

Additional information on hepatitis C can be found on the following website:

www.cdc.gov

Appendix F: Bloodborne Pathogens Exposure Report
Exposed Employee Information:

Employee Name _____ Job Classification: _____

Exposure Description: _____

Date of Exposure: _____ Time of Exposure: _____

1. What body fluids were you in contact with

Blood	_____	Feces	_____
Saliva	_____	Sputum	_____
Sweat	_____	Tears	_____
Urine	_____	Vomit	_____
Vaginal secretion	_____	Other	_____

2. What was the method of contact?

_____ Needle stick with contaminated needle

_____ Blood or body fluids into natural body openings (e.g., nose, mouth, eye)

_____ Blood or body fluids in cut, wound, sores, or rashes less than 24 hrs old

_____ Blood or body fluids on intact skin

_____ Other (describe specifically): _____

3. How did the exposure occur?

4. What action was taken in response to the exposure to remove the contamination (e.g. hand washing)?

5. What personal protective equipment was being used at the time of exposure?

6. Please describe any other information related to the incident (use a separate piece of paper if needed):

7. Source of Exposure (name) _____ Gender: _____

Blood drawn? _____ Consent needed? _____ Medical treatment needed _____

Medical information

Did employee seek medical attention? _____ Date _____ If Yes, where? _____

Did employee complete claim for workers' compensation benefits? _____

Employee's signature _____ Date _____

Appendix G: Exposure Determination Questionnaire

The following short answer questionnaire can assist in determining if an employee has had an exposure:

1. Is the fluid or substance with which the employee came in contact one of the following?

- | | Yes/No |
|---|---------|
| • Blood | () () |
| • Semen | () () |
| • Vaginal Secretions | () () |
| • Any body fluid/matter visibly contaminated with blood | () () |
| • Other fluid or secretions, specify _____ | () () |
| • Respiratory secretions | () () |

2. Did the fluid or substance (identified above in #1) enter the employee's body through the following?

- | | Yes | No |
|--|-----|-----|
| • Needle stick injury | () | () |
| • Laceration by contaminated object | () | () |
| • Open cut, wound, non-intact skin | () | () |
| • Splash or contact with eyes, mouth or nose | () | () |
| • Prolonged respiratory contact | () | () |

If answers to both #1 and #2 are yes, the employee should be considered to have sustained a significant exposure and needs to seek medical treatment.

Appendix H: Post-Exposure Evaluation & Follow-up Checklist

The following steps must be taken, and information transmitted, in case of an employee's exposure to bloodborne pathogens:

ACTIVITY	COMPLETION DATE
• Bloodborne Pathogens Exposure Report completed by employee	_____
• Employee provided with claim for workers' compensation packet	_____
• Source individual identified:	_____
• Appointment arranged for employee with healthcare professional.	_____

Professional's Name: _____

Documentation forwarded to

- Healthcare professional: _____
- Copy of Bloodborne Pathogens Exposure Control Plan _____
- Copy of exposed employee's job description _____
- Copy of Bloodborne Pathogens Exposure Report _____
- Source individual information, if known _____
- Copy of employee's HBV vaccination records _____
- Source individual's blood tested and results given to exposed employee. _____

or

- Consent has not been able to be obtained. _____
- Human Resources notified _____

Supervisor's signature: _____

Date: _____

Original: Human Resources Copy: Employee

Appendix I: Hepatitis B Vaccination Post Exposure Medical Declination

I understand that due to my occupational exposure incident to potential infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection or other bloodborne pathogens.

I have been given the opportunity to receive a post-exposure medical evaluation, at no charge to myself.

I UNDERSTAND THAT AN IMMEDIATE MEDICAL EVALUATION IS RECOMMENDED; HOWEVER, I DECLINE THIS MEDICAL EVALUATION AT THIS TIME.

EMPLOYEE NAME: _____

Employee's Signature _____ Date: _____

Hepatitis B Vaccination Declination

I understand that due to my occupational exposure to blood or OPIM I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or OPIM and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

EMPLOYEE NAME: _____

Employee's Signature _____ Date: _____

Appendix J: Sharps Injury Log

Date and time of exposure incident: _____

Type and brand of sharp involved (if known): _____

Description of the exposure incident:

- Employee's job classification: _____
- Employee's department: _____
- What was the employee doing at the time of the incident? _____
- How did the incident occur? _____

- Part of body involved in the exposure incident: _____
- What could have prevented the injury/exposure from occurring? _____

If the employee was using the sharp at the time of the incident:

- Did the sharp have engineered sharps injury protection (ESIP)? Yes_____ No_____
- If yes, was the protective mechanism activated? Yes_____ No_____
- Did the injury occur before, during, or after the mechanism was activated?
Yes_____ No_____ Comments: _____
- If the sharp did not have engineered sharps injury protection, would such a mechanism have prevented the injury? Yes_____ No_____
- If yes, how? _____

To be completed by the injured employee within 14 working days of the date the incident is reported.

DO NOT PLACE THE EMPLOYEE'S NAME ON THIS LOG.

Appendix K: Risk Exposure by Job Classification

(Note: Agencies should amend this appendix to match their agency functions)

High Risk (classifications & positions in which the employee has a high risk of exposure)

Job Classification	Tasks placing employees at risk
Police Officer	Searching suspects and/or vehicles; CPR; handling of evidence; accident investigation; crime scene processing; dealing with combative subjects
Firefighter or Paramedic	Medical aid calls, CPR, first aid, IV's, administering medications, situations where bodily fluids are present
Police Sergeant	Searching suspects and/or vehicles; CPR; handling of evidence; accident investigation; crime scene processing; dealing with combative subjects
Maintenance Worker I/II - Facilities/Utilities	Sewer repair/cleaning; refuse/debris collection (sharps exposure); building maintenance; special events, CPR/first aid (confined space program)
Maintenance Lead Worker - Facilities/Utilities	Sewer repair/cleaning; refuse/debris collection (sharps exposure); building maintenance; special events, CPR/first aid (confined space program)
Maintenance Worker I/II Environmental Services -Public Works	Park clean-up & refuse collection (sharps exposure); restroom cleaning; maintenance of recreation facilities; special events, CPR/first aid (confined space program)
Maintenance Lead Worker - Environmental Services	Park clean-up & refuse collection (sharps exposure); restroom cleaning; maintenance of recreation facilities; special events, CPR/first aid (confined space program)
Maintenance Aide Parks/Water, Sewer, Streets	Sewer repair/cleaning; refuse/debris collection (sharps exposure); building maintenance; park clean-up (sharps exposure); restroom cleaning; maintenance of recreation facilities; special events
Recreation Services Worker - Marina	Building maintenance; debris collection; cleaning of restrooms (sharps exposure) & other recreation facilities/grounds; special events, CPR/first aid (confined space program)
Recreation Services Lead Worker	Building maintenance; debris collection; cleaning of restrooms & other recreation facilities/grounds; special events, CPR/first aid (confined space program)
Lifeguard/Swim Aide/Pool Supervisor/Sr. Lifeguard/Water Safety Instructor/Pool Manager	CPR, first aid
Park Manager/Park Aide-Ride Operator/Park Aide	Small World Park~ recreation programs with youth, CPR/first aid, restroom cleaning, maintenance of recreation facilities

Moderate Risk (classifications and positions in which the employee has a moderate risk of exposure)

Job Classification	Tasks placing employees at risk
Police Assistant	Booking and transporting suspects; search of suspects; handling of evidence; assisting Officers with crime scene search
Police Lieutenant	Searching suspects and/or vehicles; CPR; handling of evidence; accident investigation; crime scene processing; dealing with combative subjects (moderate risk determination due to reduced number of potential exposures)
Combination Building Inspector	Inspections of homes & constructions sites
Sr. Combination Building Inspector	Inspections of homes & constructions sites, including unsanitary conditions
Code Compliance Specialist	Inspections of homes for "unsanitary conditions"; collection of code violation evidence
Civil Engineer I/II	Construction inspections
Housing Specialist/ Housing Inspector	Inspections of homes, including unsanitary conditions
Public Works Superintendents/ Supervisors	Inspections of sewer repair clean, special events, CPR/first aid (confined space program)
Electrician	Sewer lift station repairs, sharps exposure, storm drain pump stations, CPR/first aid (confined space program)
Environmental Health Officer	Transfer station inspections; biological/chemical testing of solid or liquid waste
Sr. Administrative Analyst – Public Works	Transfer station inspections
Water Plant Instrument / Maintenance Technician I/II	Water Plant maintenance, CPR/first aid (confined space program)
Water Plant Operator/ Apprentice Operator	Periodic assistance with Water Plant maintenance, CPR/first aid (confined space program)
Water Plant Superintendent/ Supervisor	CPR/first aid (confined space program)
Harbormaster	Building maintenance, debris collection, marina special events, CPR/first aid (confined space program)
Recreation Supervisor/ Coordinator	Responsible for/may assist with recreation programs for youth and seniors; may administer first aid/CPR; maintenance of recreation facilities, special events
Preschool Teacher/ Youth Activities Leader I&II/ Teen Center Worker/ After School Program Recreational Leader/ Ball Field Supervisor	Recreation programs for youth; may administer first aid/CPR; maintenance of recreation facilities, special events
Maintenance Aide – Golf Course/ Maintenance Helper	Grounds maintenance, restroom cleaning

Very Low Risk (classifications and positions in which employees are expected to have minimal, if any, risk of occupation exposure)

All other classifications	Unforeseen potential exposures not necessarily related to assigned tasks
---------------------------	--

TRENCH / EXCAVATION DAILY INSPECTION

DATE: _____ INSPECTOR: _____

LOCATION: _____

GENERAL INFORMATION: WIDTH: _____ LENGTH: _____ DEPTH: _____

TYPE SOIL: _____ SHORED SHIELDED BENCHED SLOPED

ITEM	OK	N/C	N/A	CORRECT BY / ON	ITEM	OK	N/C	N/A	CORRECT BY / ON
General Information					Standing Water				
Tension Cracking					Removal Equipment				
Boiling					Monitored				
Heaving					Safety Harness				
Exit Ladder (25')									
Exit Ladder (3' Above Top)					Hazardous Atmosphere				
Spoil Back 2 Feet					Oxygen Level				
Surface Encumbrances					LEL				
					Toxics				
Shoring					Rescue Equipment				
In Good Condition									
Properly Installed									
# of Verticals									
Horizontal Spacing									
Sheeting Condition									
Other Items									

Comments:

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Policy Name:
Hearing Conservation Program

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HEARING CONSERVATION PROGRAM

I. PURPOSE

Title 8, California Code of Regulations, General Industry Safety Orders, Sections 5095-5100, mandate the implementation of a continuing, effective hearing conservation program whenever employee noise exposures equal or exceed an 8-hour time weighted average (TWA) of 85 decibels measured on the A-scale (slow response) or, equivalently, a dose of fifty percent. This program contains provisions for appropriate hearing protection, annual audiometric tests, annual employee training and periodic environmental assessments.

II. POLICY

All departments are responsible for protecting their employees from exposure to excessive noise. This policy and procedure defines responsibilities for the prevention of occupationally induced hearing loss in Agency employees.

III. DEFINITIONS

Decibel (dB) - Unit of measurement of sound level

Decibels-A-Weighted (dBA) - a unit of measurement of sound level corrected to the A-weighted scale, as defined in ANSI S1.4-1971 (R1 1976), using a reference level of 20 micropascals (0.00002 Newton per square meter)

Audiogram – A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency

Otolaryngologist – A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat

IV. RESPONSIBILITIES

A. Administration / Department Managers

1. Implement a noise exposure control program within their area of jurisdiction and budget resources to fund such a program. The program shall include providing two types of hearing protectors for employees to choose from and annual refresher training on proper use.
2. Assign responsibility for implementation to appropriate Administration/Department staff.
3. Develop written Standard Operating Procedures to ensure that

employees are protected against the effects of noise exposure when sound levels exceed those shown in **Appendix A** when measured on the A-scale of a standard sound level meter at slow response.

B. Risk Manager

1. Implement a hearing conservation program with Administration, Manager, and Supervisor assistance.
2. Coordinate annual training of respective department employees as required by CAL/OSHA standards.
3. Assist supervisors in the procurement, issuance, and proper utilization of hearing protective equipment. The National Institute for Occupational Safety and Health (NIOSH) Compendium of Hearing Protection Devices can be downloaded from <http://www.cdc.gov/niosh/95-105.html>.
4. Establish and maintain an audiometric testing program by making audiometric testing available to all employees whose exposures equal or exceed the action level.
5. Assist supervisors with scheduling routine employee audiometric examinations. Each employee exposed at or above the action level is to receive an annual audiogram after obtaining the initial baseline.
 - a) If the annual audiogram shows that an employee has suffered a standard threshold shift, the employer may obtain a retest within 30 days and consider the results of the retest as the annual audiogram.
 - b) If comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined by Section 5097 (d)(8), the employee shall be informed of this fact, in writing, within 21 days of the determination.
6. Monitor supervisor's assessments of employee compliance with the Hearing Conservation Program and their documentation of incidences of employees not wearing protectors as required.
7. Identify the need for, and when necessary, retain qualified consultants for the following support services:
 - a) Evaluation of employee noise exposures
 - b) Noise control
 - c) Assessment of hearing protective equipment relative to employee noise exposure

- d) Training for Administration, Managers, and Supervisors
- e) Coordination of a periodic re-evaluation to determine noise exposures in the workplace

8. Maintain copies of employee medical records.

C. Department Managers/Supervisors

- 1. Monitor subordinate program compliance to ensure proper personal protective equipment is always used when needed.
- 2. Document incidences of employees not wearing hearing protective equipment as required.
- 3. Ensure annual audiometric assessment for those employees exposed to noise in excess of 85 dBA TWA.

D. Employees

- 1. Comply with the requirements specified in California Code of Regulations, Title 8 and Agency policies and procedures.

E. Occupational Hearing Consultant / Physician

- 1. Provide the following services for the Hearing Conservation Program:
 - a) Conduct annual hearing examinations. See Title 8, CCR, Section 5097(c)(3) for qualification requirements for person conducting the tests.
 - (1) Medical review of employee audiometric testing results. Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift, as defined in Section 5097 (d)(8), has occurred. A properly trained technician may do this comparison.
 - (2) An Audiologist, Otolaryngologist or physician shall review problem audiograms and shall determine whether there is a need for further evaluation.
 - b) Maintain original employee medical records.
 - c) Evaluate the adequacy of hearing protector attenuation whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation.

d) Determination of medical effectiveness of the program.

Hearing Conservation Program Implementation and Assessment Checklist

	<u>YES</u>	<u>NO</u>
I. Administration/Department Managers/Risk Manager		
1. Is the established policy and objectives communicated to employees?	_____	_____
2. Are responsibilities defined and authority assigned?	_____	_____
3. Is there one person clearly responsible for the overall activities of the program?	_____	_____
4. Are the lines of communication for safety and health concerns clear and open?	_____	_____
II. Noise Hazard Assessment		
1. Are there areas in the workplace where continuous noise levels exceed 85 dBA?	_____	_____
2. Are periodic inspections conducted by qualified staff?	_____	_____
3. Are employees in high-risk areas given periodic audiometric testing to ensure an effective hearing protection system?	_____	_____
4. Are employees encouraged to notify management of infractions, and receive timely appropriate responses?	_____	_____
5. Are records maintained for the following:		
a) Number of employees under surveillance?	_____	_____
b) Number of employee medical records reviewed?	_____	_____

III. Hazard Correction and Control	<u>YES</u>	<u>NO</u>
1. Is appropriate hearing protection available to every employee working in noisy areas?	_____	_____
2. Have engineering controls been used to reduce excessive noise levels?	_____	_____
3. Are administrative controls including safety and health rules and safe work procedures established and implemented?	_____	_____
4. Are noise levels being monitored and measured using a sound level meter and an octave band analyzer, and are records kept?	_____	_____
5. Have work areas where noise levels make voice communication between employees difficult been identified and posted?	_____	_____
6. Is there an ongoing equipment maintenance program?	_____	_____
 IV. Safety and Health Training		
1. Is there an ongoing training program?	_____	_____
2. Does the training cover the following topics:		
a) Safe levels of noise exposure?	_____	_____
b) Effects of noise on employee health?	_____	_____
c) Purpose of hearing protectors; the advantages and disadvantages and attenuation of various types of devices?	_____	_____
d) Instruction on the selection, use, care, limits and maintenance of hearing protective equipment?	_____	_____
e) Purpose of audiometric testing and an explanation of test procedures?	_____	_____

	<u>YES</u>	<u>NO</u>
f) Information on laws and/or regulations relative to safety concerns?	_____	_____
3. Is training reinforced annually, or more frequently when necessary?	_____	_____
4. Are new employees trained in hearing protection procedures as part of their orientation?	_____	_____
5. Are trainers qualified?	_____	_____
6. Is there a procedure to evaluate the effectiveness of the training program?	_____	_____

V. REFERENCES:

CCR, Title 8, GISO, Sections 5095 through 5100.
National Institute for Occupational Safety and Health (NIOSH)

APPENDIX A

PERMISSIBLE NOISE EXPOSURE¹

Permitted Duration Per Workday

Sound Level (dBA)	Hours – Minutes (Cn)	Hours (Tn)
90	8-0	8.00
91	6-58	6.96
92	6-4	6.06
93	5-17	5.28
94	4-36	4.60
95	4-0	4.00
96	3-29	3.48
97	3-2	3.03
98	2-38	2.63
99	2-18	2.30
100	2-0	2.00
101	1-44	1.73
102	1-31	1.52
103	1-19	1.32
104	1-9	1.15
105	1-0	1.00
106	0-52	0.86
107	0-46	0.76
108	0-40	0.66
109	0-34	0.56
110	0-30	0.50
111	0-26	0.43
112	0-23	0.38
113	0-20	0.33
114	0-17	0.28
115	0-15	0.25

¹ When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C_1/T_1 + C_2/T_2 \dots C_n/T_n$ exceeds unity, then, the mixed exposure should be considered to exceed the limit value. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

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2. Are periodic inspections conducted by qualified staff?	_____	_____
3. Are employees in high-risk areas given periodic audiometric testing to ensure an effective hearing protection system?	_____	_____
4. Are employees encouraged to notify management of infractions, and receive timely appropriate responses?	_____	_____
5. Are records maintained for the following:		
a) Number of employees under surveillance?	_____	_____
b) Number of employee medical records reviewed?	_____	_____

III. Hazard Correction and Control	<u>YES</u>	<u>NO</u>
1. Is appropriate hearing protection available to every employee working in noisy areas?	_____	_____
2. Have engineering controls been used to reduce excessive noise levels?	_____	_____
3. Are administrative controls including safety and health rules and safe work procedures established and implemented?	_____	_____
4. Are noise levels being monitored and measured using a sound level meter and an octave band analyzer, and are records kept?	_____	_____
5. Have work areas where noise levels make voice communication between employees difficult been identified and posted?	_____	_____
6. Is there an ongoing equipment maintenance program?	_____	_____
IV. Safety and Health Training		
1. Is there an ongoing training program?	_____	_____
2. Does the training cover the following topics:		
a) Safe levels of noise exposure?	_____	_____
b) Effects of noise on employee health?	_____	_____
c) Purpose of hearing protectors; the advantages and disadvantages and attenuation of various types of devices?	_____	_____
d) Instruction on the selection, use, care, limits and maintenance of hearing protective equipment?	_____	_____
e) Purpose of audiometric testing and an explanation of test procedures?	_____	_____

	<u>YES</u>	<u>NO</u>
f) Information on laws and/or regulations relative to safety concerns?	_____	_____
3. Is training reinforced annually, or more frequently when necessary?	_____	_____
4. Are new employees trained in hearing protection procedures as part of their orientation?	_____	_____
5. Are trainers qualified?	_____	_____
6. Is there a procedure to evaluate the effectiveness of the training program?	_____	_____

V. REFERENCES:

CCR, Title 8, GISO, Sections 5095 through 5100.
National Institute for Occupational Safety and Health (NIOSH)

APPENDIX A

PERMISSIBLE NOISE EXPOSURE¹

Permitted Duration Per Workday

Sound Level (dBA)	Hours – Minutes (Cn)	Hours (Tn)
90	8-0	8.00
91	6-58	6.96
92	6-4	6.06
93	5-17	5.28
94	4-36	4.60
95	4-0	4.00
96	3-29	3.48
97	3-2	3.03
98	2-38	2.63
99	2-18	2.30
100	2-0	2.00
101	1-44	1.73
102	1-31	1.52
103	1-19	1.32
104	1-9	1.15
105	1-0	1.00
106	0-52	0.86
107	0-46	0.76
108	0-40	0.66
109	0-34	0.56
110	0-30	0.50
111	0-26	0.43
112	0-23	0.38
113	0-20	0.33
114	0-17	0.28
115	0-15	0.25

¹ When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C_1/T_1 + C_2/T_2 \dots C_n/T_n$ exceeds unity, then, the mixed exposure should be considered to exceed the limit value. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

CALIFORNIA JPIA

Policy Library

Policy Name:
Fire/Smoke Procedures

Important:

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FIRE/SMOKE PROCEDURES

I. PURPOSE

The purpose is to establish procedures to be followed in case of fire or smoke, methods for fire prevention, and operating procedures for fire extinguishers.

It is the responsibility of all employees to familiarize themselves with the floor plan and emergency evacuation maps located throughout agency facilities.

II. FOR FIRE INSIDE YOUR OFFICE

A. Call Security (extension _____)

1. Security will be responsible for contacting the Fire Department.
2. If unable to contact security, refer to B.

B. Call the Fire Department (911).

1. Give your name and state that you are with the _____ (agency name).
2. Give your address (_____).
3. Give your location (floor number/Division/Section).

C. Alert others in the building by pulling fire alarm trip switch.

D. Attempt to extinguish fire with hose or extinguisher, only if fire is small and localized.

E. If you cannot safely extinguish the fire:

1. Evacuate the area;
2. Close all doors and windows as you leave; and
3. Follow evacuation procedures.

FIRE/SMOKE PROCEDURES

III. FOR FIRE OUTSIDE YOUR OFFICE

- A. Notify the Fire Department. (Refer to II. A & B).
- B. If a door stands between you and the fire, feel the door – **IF IT IS HOT – DO NOT OPEN IT!**
 - 1. Call Security or the Fire Department again, and tell them your situation.
 - 2. Place material along the bottom of your door to keep out the smoke.
 - 3. **RETREAT** – Close as many doors between you and the fire as possible.
 - 4. If outside window is available, open it or break it and hang a light colored material out to attract attention.
- C. If the door is not hot – **OPEN IT CAUTIOUSLY** – stand behind the door and prepare to close it fast.
- D. Walk to the closest safe stairway or exit.
 - 1. **DO NOT** use elevators!
 - 2. Activate the fire alarm trip switch.
 - 3. Follow evacuation procedures.

IV. PREVENTING FIRES

- A. Do not allow accumulation of trash or waste material.
- B. Throwing or storing trash, empty boxes or other packaging materials in the staircases or exits is **NOT PERMITTED**. It is your main exit and could trap you in an emergency if full of flammable material.
- C. Do not empty ashtrays in wastepaper baskets that contain paper or other flammable material. Do not throw cigarette butts into wastebaskets, dumpsters, or onto rugs.
- D. In the event a wastepaper basket catches fire and no water is immediately available, place another metal basket over it to smother the fire – then follow with water.
- E. Keep wastepaper baskets away from draperies.

FIRE/SMOKE PROCEDURES

V. OPERATION OF FIRE EXTINGUISHER (instructions also located with extinguisher)

A. Procedure

1. Pull the safety pin (usually a twist-pull action).
2. Aim nozzle, horn or hose at the base of the fire.
3. Squeeze the trigger handle.
4. Sweep slowly from side to side.

B. **NEVER** rehang an extinguisher once it has been discharged (even if it is only used for a few seconds). Have it recharged.

C. **ALWAYS** maintain an area of three (3) feet clearance around **ALL** fire protection equipment.

D. TYPES OF EXTINGUISHERS

1. _____ (list location)– all fire extinguishers, except those located in _____ (list location), are pressurized water-type. Their range is 30 – 40 feet and the entire contents can be discharged in 60 seconds.

Fire extinguishers in the _____ (list location) are dry chemical. Their range is 10 feet and their contents can be discharged in 60 seconds.

CALIFORNIA JPIA POLICY LIBRARY

Policy Name:
Safety Hazard Inspection and Control

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SAFETY HAZARD INSPECTION & CONTROL

I. POLICY STATEMENT

It is the policy of the _____ (agency name) to require inspections to identify hazards and apply corrective actions in order to maintain a safe, healthful workplace.

II. GENERAL INFORMATION

A. Department Heads are responsible for overseeing the implementation of the Safety Hazard Inspection and Control Policy.

B. Supervisors are responsible for conducting, and when required, documenting safety hazard inspections of their immediate work areas and/or work sites. This includes but is not limited to:

1. Office Areas
2. Workshops
3. Vehicles
4. Field Sites
5. Daily Work Activities

C. The four types of hazard inspections are Bi-monthly Area Inspections, Critical Items Inspections, Specific Inspections and Special Purpose Inspections as outlined below:

1. **Bi-Monthly Area Inspections** - All supervisors will conduct and document a bi-monthly inspection of their work area. This includes, but is not limited to:
 - a. Work Activities
 - b. Electrical Hazards
 - c. Emergency Equipment & Signs
 - d. Housekeeping
 - e. General Work Area
 - f. Fire Hazards
 - g. Fall Hazards

Note: Special attention should be paid to acts that have caused injury in the past or have been known to cause problems.

SAFETY HAZARD INSPECTION & CONTROL

2. **Critical Items Inspection** - This inspection is performed on personal protection safety equipment. Potential high-hazard tools, equipment, machinery, vehicles, and field sites shall also be inspected. There are two types of inspection required:
 - a. A visual safety inspection utilizing a written guideline established by the Supervisor. This inspection will be conducted, each time, before any task is to be performed.
 - b. A periodic documented inspection. The frequency will be established by the Department Head.
3. **Specific Inspection** - This inspection is performed and documented:
 - a. Whenever new substances, processes, procedures, or equipment are introduced that present a new occupational safety and health hazard.
 - b. Whenever the _____ (agency name) is made aware of a new or previously unrecognized hazard.
 - c. Whenever the _____ (agency name) is made aware of an unsafe work practice.
4. **Special Purpose Inspection** - This inspection is performed by an outside expert often requiring specialized instruments or processes. This includes but is not limited to:
 - a. Air Quality Tests
 - b. Noise Surveys
 - c. Hazardous Materials Surveys
 - d. Ergonomic Task Analysis

Note: The department head will initiate this type of inspection in response to a hazard inspection.

SAFETY HAZARD INSPECTION & CONTROL

III. PROCEDURE

- A. All hazards will be recorded in a written hazard inspection report. Field Divisions can develop a hazard inspection report unique to their own operation using the provided example as a reference.
- B. Once a hazard has been recognized or identified, the Supervisor will evaluate the risk to determine the best control solution. The four ways to control hazards are as follows:
 - 1. **Elimination** - the first choice should be to eliminate the hazard by substituting a safer substance, tool, or work method or by abating the hazard by repair or removal.
 - 2. **Engineering Controls** - if the hazard cannot be eliminated, or substituted, consideration should be given to engineering controls. Examples of engineering controls include but are not limited to:
 - a. The general design of a workplace
 - b. Installation of additional lighting
 - c. The use of automation or mechanical devices
 - d. Use of screens to isolate hazardous light emissions
 - e. The use of enclosures around a noise source
 - 3. **Administrative Controls** - Administrative controls lessen the risk to employees through the implementation of new management practices. Examples include, but are not limited to:
 - a. Improved hiring practices
 - b. Training and retraining
 - c. Reduction of exposure by job rotation

SAFETY HAZARD INSPECTION & CONTROL

4. **Personal Protective Equipment** - the control option of last resort is personal protective equipment. Only after the three previous control methods have been considered should the supervisor rely upon personal protective equipment to protect employees from a safety or health hazard. Examples of personal protective equipment include but are not limited to:
 - a. Respirators
 - b. Face shields
 - c. Full body harness
 - d. Lanyards
 - e. Tyvex suits
 - f. Hard hats
 - g. Gloves
 - h. Ear plugs
 - i. Safety vests
 - j. Safety shoes
 - k. Safety glasses
 - C. Employees shall be informed of the hazard and interim protective measures taken until the hazard is corrected. Hazards that cannot be resolved will be referred to the next supervisory level.
 - D. Hazards that cannot be resolved by the Department will be referred to the _____ (position responsible).
 - E. A copy of the hazard inspection report will be retained by the department for a minimum of three (3) years.
- Note:** Safety evaluations may also be conducted when deemed necessary by the _____ (agency department), California Highway Patrol, or Cal/OSHA.

SAFETY HAZARD INSPECTION & CONTROL

IV. REFERENCES

CCR Title 8 GISO Section 3203(a)(4)

EXAMPLE

OFFICE HAZARD INSPECTION				
	HAZARD	Satisfactory	Needs Attention	Comments
	FIRE HAZARD CHECKLIST:			
1	Fire extinguishers are mounted and are kept clear at all times.			
2	Combustibles properly stored in work areas.			
	ELECTRICAL HAZARD CHECKLIST:			
1	Electrical machinery in good condition, properly grounded, and turned off when not in use.			
2	Electric cords and phone cables secured to prevent tripping hazards.			
3	Electrical outlets and cover plates in good condition.			
4	Electrical switches and cover plates in good condition.			
5	Lighting fixtures in good condition and working.			
6	Conduit properly attached to all supports and tightly connected to junction and outlet boxes. (Visual Inspection Only)			
	HOUSEKEEPING HAZARD CHECKLIST:			
1	Aisles and hallways are kept unblocked, well lighted, and unlocked during work hours.			

EXAMPLE

OFFICE HAZARD INSPECTION				
	HAZARD	Satisfactory	Needs Attention	Comments
	HOUSEKEEPING HAZARD CHECKLIST:			
2	Workplaces are kept free of debris, floor storage and electrical cords.			
	GENERAL WORK AREA CHECKLIST:			
1	Flooring in good condition (no openings, cuts or folds).			
2	Safety treads provided on all step stools and stepladders.			
3	Office furniture, machines and bookshelves are secure for earthquakes.			
4	Proper lifting techniques are used by employees to avoid overextension and strain when lifting and carrying loads.			
5	The first aid kit is in a visible location and everyone knows where it is.			
6	Emergency telephone numbers are posted.			
7	Administrative and Safety Policy Procedures manuals have been explained to all employees and are available for review.			
8	The material Safety Data Sheet (MSDS) book is available and up to date for all employees to review.			

EXAMPLE

OFFICE HAZARD INSPECTION			
	HAZARD	Satisfactory	Needs Attention
		Comments	
9	File cabinets are anchored to prevent tipping and drawers are opened one at a time and closed when work is finished.		
10	VDT workstations, background and screen lighting are compatible.		
11	VDT screen positions, chairs, and keyboards are adjustable.		
ACTION/COMMENTS:			
_____		_____	
NAME		DATE	
_____		_____	
DIVISION HEAD		DATE	

CALIFORNIA JPIA

Policy Library

Policy Name:

Respirator Policy

Policy Purpose:

This policy provides guidelines for protecting employees who are exposed to air contaminants in the occupational setting.

Replacing Document:

None.

To Whom Does The Policy Apply:

This policy applies to all agencies and provides specific procedures when respirators are necessary to protect the health of employees.

Note:

The Authority has additional resources that may be helpful in the development and training of policies, programs and procedures.

1. Training Workshops:
Respirator Certification
2. Video Resources:
None
3. Other Resources:
None

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RESPIRATORY PROTECTION PROGRAM

I. PURPOSE

This policy has been developed to ensure that employees are adequately protected from air contaminants and other respiratory hazards, including gas and vapor contaminants, airborne particulate matter, oxygen deficiency, or any combination of the above while in occupational settings.

While the proper respirator may offer suitable protection against the above hazards, a respirator must not be considered the first choice for offering protection. The primary method for controlling exposure to respiratory hazards in the workplace must be through controls such as ventilation, enclosure of an operation, or substitution with less toxic materials.

However, when employees may be exposed above recognized exposure limits, respirators must be used if controls are not feasible, or controls alone cannot reduce exposures to acceptable levels, or when respirators are used as an interim measure while controls are in the process of being implemented.

This policy meets the requirements of the State of California's Division of Occupational Safety and Health CAL OSHA Title 8, Section 5144. It also serves to establish and implement a written respiratory protection program with specific procedures when respirators are necessary to protect the health of city employees.

II. SCOPE

This policy covers respirator use where respirators are being worn to protect employees from exposure to air contaminants above an exposure limit, also known as the Permissible Exposure Limit (PEL) by CAL-OSHA, or are otherwise necessary to protect employee health. This policy also applies to voluntary use of respirators by employees for comfort or other reasons.

III. ORGANIZATIONAL RESPONSIBILITIES

A. Respiratory Program Administrator

The Risk/Safety Manager has been designated as the Respiratory Protection Program Administrator and, as such, is responsible for:

1. Propose modifications, when necessary to insure the protection of employees and/or to meet new regulations.
2. Recommend for management approval and enforce, if necessary, the Respiratory Protection Program.

3. Coordinate with city divisions in establishing a monitoring program to survey those areas in which respirators are currently in use where exposures may occur above contaminant action levels.

B. Division Manager

1. Hire employees, for those job classifications requiring the use of respirators, who are medically capable of wearing a respirator as determined by the consulting physician.
2. Maintain an accurate list of medically approved employees and the equipment for which they are medically approved. A master copy of these lists shall be maintained in the offices of both the Respiratory Program Administrator and the Human Resource Director.
3. Be responsible for determining which job classifications shall wear a respirator.
4. Arrange with the Human Resources Director for all employees who wear respirators to be medically evaluated and fitted with the appropriate respirator.
5. Budget for and provide proper respirators.
6. Coordinate respirator training for all division employees who wear respirators.
7. Supervise and enforce proper procedures for respirators regarding usage, inspection, maintenance and storage.
8. Consult with respirator users periodically to determine the effectiveness of the respirators.
9. Insure that employees are not exposed to contaminants above the regulated limit. When contaminants and/or contaminant levels are unknown, the supervisor should consult the Respiratory Program Administrator for air sampling. Under emergency conditions, the supervisor shall determine the appropriate protection measures based upon advice of the Respiratory Program Administrator.
10. Obtain assistance from the Respiratory Program Administrator when there is a change of process or material usage.
11. Review respirator use to ensure that respirators are properly worn, maintained, and stored. These reviews shall be documented and performed quarterly.

12. Authorize workplace modifications when possible, so that workers are not exposed to airborne contaminants above the PEL.
13. Store and maintain respirator fit test, training and maintenance records for at least 30 years.

C. Employees

1. Wear assigned respirator where hazardous conditions may exist or when directed by the division manager.
2. Use the respirator in accordance with the manufacturer's instructions and the training received.
3. Participate in training and medical evaluation programs.
4. Maintain assigned respirator(s). This includes cleaning, inspecting, storing and making sure the respirator is kept in good working order.
5. Notify supervisor when replacement is needed.
6. Perform a positive and negative fit check before each use of the respirator.
7. Inform supervisor immediately of any change in medical status that may affect respirator use.
8. Notify supervisor of any work situation where hazardous conditions may exist, but have not yet been identified.

D. Consulting Physician

1. Perform evaluations for specific employee classifications to assess their health status and determine whether their health will be adversely affected by respirator usage.
2. Prepare written authorization for all employees deemed medically authorized to wear a respirator.
3. Prepare and maintain original employee medical records.

IV. WORKPLACE MONITORING

- A. The Respiratory Program Administrator shall coordinate workplace monitoring when requested by employees, supervisors or the division

manager, to ensure that employees are properly protected from respiratory hazards.

Note: Employees should always report all accidents and unsafe conditions to their supervisor or division manager first.

- B. Monitoring will be conducted wherever it is reasonable to expect that employees may be exposed to concentrations of airborne contaminants in excess of the PEL.

In addition, the Respiratory Program Administrator will coordinate with each division to provide CAL-OSHA required monitoring for specific hazards, such as asbestos, where employee exposure may be expected to exceed the PEL.

During the monitoring process, the Respiratory Program Administrator will provide the following:

1. Identify substances that cause, or may cause, employee exposure above the PEL.
2. Recommend feasible engineering controls that may be provided to reduce or eliminate the exposure, if necessary.
3. An estimated average and potential maximum exposure concentration on a time-weighted average (TWA) basis, if appropriate, that can be expected for normal operation.
4. Recommend appropriate respirators and other required personal protective equipment.
5. Perform or have performed periodic workplace air monitoring.
6. Provide results of such monitoring to supervisors.
7. Provide results to affected employees.

V. WORKPLACE MODIFICATIONS/PERSONAL PROTECTIVE EQUIPMENT

- A. In order to protect employees and others from hazardous airborne contaminants, division managers shall, if possible, modify the workplace.
- B. Workers may not be exposed to airborne contaminants in excess of the PEL, as defined by CAL-OSHA. The use of respirators to protect employees from contaminant exposures above the PEL is required when any one of the following conditions are met:

1. Engineering (ventilation) and administrative (reduced work shift) controls are not feasible; or
 2. The job is not routinely performed; or
 3. As an interim control method while engineering controls are being established.
- C. There are three areas of concern when discussing respirator usage:
1. Above the PEL: Respirator use is mandatory.
 2. Between the Action Level and the PEL: Exposure above an established action level requires respiratory protection, but not an engineering control.
 3. Below the Action Level: Respirator use is at the discretion of the supervisor.

VI. MEDICAL EVALUATION

- A. Medical evaluation is part of medical surveillance, an element of the program that is designed to identify medical conditions that could lead to an occupational disease. In addition, it assures compliance with federal and state regulations which require medical monitoring when employees use certain materials. The following specifies the minimum requirements for medical evaluation that must be implemented to determine the employee's ability to use a respirator.
1. A medical evaluation must be given to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace. Medical evaluations may be discontinued when the employee is no longer required to use a respirator.
 2. The consulting physician shall perform a medical evaluation using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire. The medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix E.
 3. A follow-up medical examination shall be provided for any employee who gives a positive response to any question among questions 1 through 8 in Section 2, Part A of Appendix E, or whose initial medical examination demonstrates the need for a follow-up medical examination.

The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the consulting physician deems necessary to make a final determination.

- B. The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical questionnaire shall be administered in a manner that ensures that the employee understands its content. The consulting physician shall provide the employee with an opportunity to discuss the questionnaire and examination results.
 - C. The following information must be provided to the consulting physician before making a recommendation concerning an employee's ability to use a respirator:
 - 1. The type and weight of the respirator to be used by the employee;
 - 2. The duration and frequency of respirator use, including use for rescue and escape;
 - 3. The expected physical work effort;
 - 4. Additional protective clothing and equipment to be worn; and
 - 5. Temperature and humidity extremes that may be encountered.
 - D. Any supplemental information provided previously to the consulting physician regarding an employee need not be provided for a subsequent medical evaluation if the information and the consulting physician remain the same.
- Note: Any change in consulting physicians must ensure that this information is retained, either by providing the documents directly to the consulting physician or having the documents transferred. There is no requirement to reevaluate solely because a new consulting physician.
- E. In determining the employee's ability to use a respirator, the employer shall obtain a written recommendation regarding the employee's ability to use the respirator from the consulting physician. The recommendation shall provide only the following information:
 - 1. Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;
 - 2. The need, if any, for follow-up medical evaluations; and

3. A statement that the consulting physician has provided the employee with a copy of the physician's written recommendation.
- F. If the respirator is a negative pressure respirator and the consulting physician finds a medical condition that may place the employee's health at increased risk if the respirator is used, a powered air-purifying respirator (PAPR) shall be provided if the consulting physician's medical evaluation finds that the employee can use such a respirator.

If a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then a PAPR is no longer necessary.

- G. At a minimum, the city shall provide additional medical evaluations that comply with the requirements of this section if:
1. An employee reports medical signs or symptoms that are related to ability to use a respirator;
 2. The consulting physician or the Respiratory Program Administrator informs the supervisor that an employee needs to be reevaluated;
 3. Information from the Respiratory Protection Program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or
 4. A change occurs in workplace conditions, e.g., physical work effort, protective clothing, or temperature, that may result in a substantial increase in the physiological burden placed on an employee.

VII. RESPIRATOR SELECTION

Only National Institute of Occupational Safety and Health (NIOSH) approved respirators used in accordance with their certifications shall be chosen for use. The selection of the respirator is dependent on the airborne contaminant present, the operation being performed, comfort and the ease of obtaining a proper individual fit. The useful life of each respirator will vary depending on the job duties, concentration of contaminant and the actual time in use. Each type of respirator will have some limitations. Refer to the respirator instructions and approvals for the specific limitations. Air purifying respirators (half mask, full-face cartridge) must only be used in environments with at least 19.5% oxygen.

Prior to any respirator being purchased or distributed for use, a Respiratory Selection Worksheet must be completed. This is to ensure that all factors regarding respirator use are considered, and the most appropriate respiratory protective equipment is selected. Respirator selection can be determined either

by job classification or activity.

Employees shall be allowed to select from a variety of approved respirators having different styles and materials to afford the best fit and comfort of use. The City shall supply respirators and required accessories at no cost to the employee.

At no time shall an air purifying respirator be approved for use in an atmosphere containing less than 19.5% oxygen, more than 10 times the Permissible Exposure Limit or more than the manufacturer's use limitation or more than 50% of the Immediately Dangerous to Life or Health (IDLH) level.

At no time shall a loose fitting air supplied respirator be approved for use in an atmosphere containing less than 19.5% oxygen, more than the manufacturer's use limitation or more than 50% of the Immediately Dangerous to Life or Health (IDLH) level.

At no time shall a tight-fitting air supplied respirator be approved for use in an atmosphere containing less than 19.5% oxygen, more than the manufacturer's use limitation or more than 50% of the Immediately Dangerous to Life or Health (IDLH) level.

Respirators for regular use will be available through the employee's supervisor. Supervisors will distribute the respirators to certified (trained and medically fit) employees as needed.

VIII. VOLUNTARY USE OF RESPIRATORS

Employees who voluntarily choose to wear a disposable dust mask when a disposable dust mask is not required may do so provided that it is determined that such disposable dust mask use will not in itself create a hazard. The training and fit-testing requirements will not apply in this case. However, the employee's supervisor must ensure that employees are given a copy of Appendix C of this policy;

IX. RESPIRATOR INSPECTION

- A. Program participants are to inspect assigned respirators:
 - 1. Before and after each use.
 - 2. During the cleaning process.
- B. Respirators that are maintained for emergency use shall be inspected monthly with a written record or tag attached to the respirator or storage cabinet. The inspection record shall include the inspector's identification, the date, respirator condition and respirator identification.

It should be noted that respirators used on a scheduled basis shall be inspected before each use and shall have a sign stating that the respirator is not being maintained for emergency use.

- C. Before each use the employee should inspect disposable filter/cartridge type respirators for the following:
 - 1. All valves, outside and inside, to be sure that the valve is not folded onto its self, cracked, or missing.
 - 2. The lugs, which are the buckles that hold the straps on, for cracks to prevent the straps from snapping off.
 - 3. The face cup area for pliability.
 - 4. Proper cleaning after its previous use.

- D. Emergency respirators shall be inspected monthly for:
 - 1. General condition of mask.
 - 2. Condition of valves, straps, air hose, hose clamps and gaskets.
 - 3. Presence and condition of filter elements.
 - 4. Condition of air cylinder and backpack components.
 - 5. Condition of gauges and air pressure of tank.
 - 6. Alarm tests.

X. RESPIRATOR MAINTENANCE

- A. No maintenance is required for disposable respirators. The respirator should be discarded if:
 - 1. It becomes difficult to breathe through the respirator.
 - 2. The straps become stretched to the point that a good face seal cannot be obtained.
 - 3. Wearer is able to smell the contaminant while wearing the respirator.
 - 4. Any non-replaceable part of the respirator becomes damaged.

- B. Cleaning of non-disposable respirators and SCBA's should include:
 - 1. Cleaning after each use.
 - 2. Removal of filters and straps.
 - 3. Washing in mild soap solution.
 - a. Hand-washing with soft brush.
 - b. Thoroughly rinsing off soap.
 - c. Immersing in sanitizing solution for at least 2 minutes.
 - 4. Rinsing thoroughly with clean warm water.
 - 5. Air drying, not exceeding 125 degrees Fahrenheit.
- C. If parts of a non-disposable type respirator are either worn or deteriorated:
 - 1. Only qualified personnel shall perform repairs.
 - 2. No interchange of parts shall be made between respirators made by different manufacturers.
 - 3. Only repair facilities certified by the manufacturer shall repair breathing air regulators.

XI. RESPIRATOR FIT TESTS

- A. Two types of fit tests are required for respirator wearers. A preliminary fit test must be conducted each time the respirator is donned. A qualitative fit test must be conducted when the respirator is first given to the employee, and annually thereafter.
- B. A preliminary fit test must be conducted by the employee each time the respirator is donned. This test must be performed using both techniques described below:
 - 1. Fit Check Test
 - a. With the respirator on, cover the cartridges.
 - b. Inhale through mouth and hold 10 seconds. The mask should slightly collapse and a vacuum should hold.

- c. If vacuum does not hold, readjust the mask until able to perform the negative pressure test successfully.

2. Positive Pressure Test

- a. After donning the respirator, cover the front of the respirator with both hands, taking care not to disturb the position of the respirator and making sure the exhalation valve is covered.
- b. Exhale gently. If any leakage is detected from the seal of the respirator, adjust the position of the respirator and the tension of the straps.
- c. Retest the seal. Repeat this procedure until a good fit is achieved.

C. A qualitative respirator fit test shall be used to determine the ability of each individual respirator wearer to obtain a satisfactory fit with a negative-pressure respirator. Qualitative fit tests shall be conducted annually, unless the respirator is used to protect a worker from asbestos or lead. In such case, the qualitative fit test must be conducted every six (6) months.

D. Qualitative fit testing shall be conducted by a qualified person annually for positive and negative pressure respirators.

Fit testing shall be conducted in accordance with the current Cal-OSHA approved protocol as identified in Appendix B.

XII. RESPIRATOR TRAINING REQUIREMENTS

- A. Proper respirator use can only be assured by carefully training both supervisors and workers in selection, use, care and maintenance. Refresher training shall be performed annually.
- B. As part of the worker and supervisor training, a qualitative fit test must be performed. A supervisor or a properly trained individual will administer the fit tests. Fit test training shall include:
 - 1. An opportunity to handle the respirator.
 - 2. Proper fitting, including demonstrations and practice in wearing, adjusting and determining the fit of the respirator.
 - 3. Test of facepiece seal on user's face.
 - 4. A familiarization period of wear in normal air.

5. Wearing the respirator in a test atmosphere.
- C. Training of supervisors and workers shall include the following:
1. Discussion of engineering (i.e. ventilation) and administrative controls (i.e. limiting exposure period) in use and why respirators are also needed.
 2. Explanation of the nature of the respiratory hazard and what happens if the respirator is not used properly.
 3. Explanation of why a particular type of respirator has been selected.
 4. Discussion of how to recognize and handle emergencies.
 5. Discussion of the respirator's capabilities and limitations.
 6. Instruction, training and actual use of the respirator.
 7. Care, maintenance and inspection.
 8. Other special training, as needed.

XIII. ADDITIONAL GUIDELINES

- A. All employees that must wear a tight fitting respirator must be free of facial hair. Each division will determine which employees will be required to wear respirators.
- B. Powered air-purifying respirators (PAPR) will be provided in lieu of a negative pressure respirator whenever an employee was not approved to wear a negative air pressure respirator by the consulting physician and when respiratory protection is required.
- C. The city will attempt to provide reasonable accommodation for employees who cannot use a respirator because of physical or medical conditions. This includes medical conditions, which prohibit the removal of facial hair making a face-to-mask seal difficult or impossible. Such a condition would be determined after medical examination.
- D. Where respiratory protection issues are being evaluated, the division manager should consult the Respiratory Program Administrator to assist in the decision making process.

XIV. RECORDKEEPING REQUIREMENTS

To maintain medical surveillance requirements and control of the program, five sets of records shall be maintained of the following:

A. Air Sampling Data

This will be collected and maintained by the Respiratory Program Administrator indefinitely.

B. Medical Surveillance

The original records shall be maintained by the consulting physician and will be retained for at least 30 years beyond the date of employment.

C. Respirator Care, Maintenance and Inspection Records for Emergency Use Respirators

The division in which the respirator wearer works shall maintain these records. The individual records will be retained for the life of each piece of equipment or three years, whichever is greater.

D. Respirator Training and Fit Test Records

These records are to be kept by the division in which the respirator wearer works and the Respiratory Program Administrator shall keep a copy. The records shall be retained for at least 30 years beyond the date of employment.

E. Employee Job Assignment Data

All job assignments shall record the employee and assignments, and shall be maintained by the each division for at least 30 years beyond the date of employment.

XV. REFERENCES

CCR, Title 8, GISO 5141

CCR, Title 8, GISO 5144

CCR, Title 8, GISO 5155

CAL-OSHA Fact Sheet No. 22, No Facial Hair for Safe Respirator Use.

APPENDIX A

GENERAL RESPIRATORY INFORMATION AND PROTECTION FACTORS

1. GENERAL INFORMATION

A. Air-Purifying Respirators

There are different types of air-purifying respirators (APR's). Each cleanses contaminated air as it passes through an air-purifying device, such as a filter, cartridge, or canister. The respirator will not offer protection unless the proper air-purifying device made for specific air contaminants, such as gases, vapors, dusts, mists and fumes, is used.

All APR's provide no protection against oxygen deficiency or other atmospheres that are an immediate danger to life or health (IDLH). In other words, no protection is provided to allow the wearer to escape if the respirator were to fail. Air purifying devices used for protection against gases and vapors must be equipped with end-of-service-life indicator (ESLI). Otherwise, a change schedule must be implemented to ensure continued effectiveness of the respirator. Three types of air purifying respirators are:

1. Dust Masks

These are APRs with the facepiece serving as the filtering medium. They may or may not contain exhalation valves built into the facepiece.

2. Full-Facepiece and Half-Mask Negative Pressure Respirators

APR's that use a variety of air-purifying devices to absorb, adsorb, or filter contaminants from the air. A full-facepiece respirator provides protection from eye irritants and offers more protection from air contaminants than a half-mask respirator.

3. Powered Air-Purifying Respirators

APR's that use a blower to force ambient air through an air-purifying device, and then to the wearer's respirator facepiece, hood, or helmet. This type is the most protective of the APR's, because the positively pressurized respirator prevents inward leakage of contaminants into the facepiece, hood, or helmet.

B. Atmosphere-Supplying Respirators

Atmosphere-supplying respirators provide a supply of breathable air to the

wearer from an uncontaminated source, independent of the ambient air. Respiratory protection standards require employers to provide workers who are wearing atmosphere-supplying respirators with breathing air of high purity. The checklist in Appendix F should be used for this purpose. Two types of atmosphere-supplying respirators are:

1. Air-line Respirators

The air-line respirator supplies the wearer with breathable air through a hose from a compressor or compressed air cylinder. These respirators are equipped with half or full facepieces, hoods, helmets, or loose-fitting facepieces. Air-line respirators may not be used in IDLH atmospheres. Air-line respirators use one of three airflow control devices to regulate the airflow:

- a. Continuous flow: a constant but adjustable flow of air is delivered to the respirator that maintains a slight positive pressure inside the respirator and thus prevents inward leakage. This type of equipment is best suited for use with an air compressor. When compressed air cylinders are used as the air source and air must be conserved, the pressure-demand type respirator is preferred;
- b. Pressure demand: where the respirator maintains a slight positive pressure while supplying air at the demand of the wearer;
- c. Demand type: a respirator that is not recommended since it does not maintain a positive pressure within the face.

2. Self Contained Breathing Apparatus (SCBA)

SCBA's provide a breathing air source that is carried by the user, offering greater mobility to the wearer than air-line respirators. SCBA's may be used in IDLH atmospheres provided that they offer a minimum service life of 30 minutes. This is the equipment of choice for emergency situations. SCBA respirators with less than 30 minutes of service life may be used to escape from IDLH atmospheres provided that they are NIOSH-certified for escape from the atmosphere in which they will be used. An SCBA's advantage over an air-line respirator is that it can be used at greater distances from an air source. Disadvantages are their weight, bulk, and the time limit associated with each air supply unit. Additionally, higher levels of operator training are required to ensure safe use.

C. Combination Respirators

As their name implies, these respirators use various elements of the aforementioned types. There are two types of combination respirators:

1. SCBA/Air-line Units

Provide SCBA back-up if the primary air-line supply fails. These respirators may be used in IDLH atmospheres and are good for situations that require extended work periods beyond the time provided by an SCBA alone.

2. Air Purifying/Air-line Units

Provide an APR back-up if the air supply fails. These respirators may not be used in IDLH atmospheres. Furthermore, they may only be used in atmospheres for which the air-purifying device is approved.

2. PROTECTION FACTORS

Whether or not a particular type of respirator provides sufficient respiratory protection in a given situation depends on 1) the type and concentration of the airborne hazard, 2) the theoretical "protection factor" of the respirator, and 3) whether the respirator is properly worn.

Different respirator designs offer different protection factors. Protection factor is defined as the ratio of the concentration outside the respirator to the concentration inside, under optimum conditions, if the respirator is properly worn. For example, in an atmosphere containing 1000 parts per million of a solvent, use of a properly fitting half-mask respirator with a protection factor of 10 would be expected to reduce the concentration of the solvent inside the facepiece to no greater than 100 parts per million. Be advised that some standards may have their own protection factors. The following protection factors are as given by NIOSH.

Standard Respirator Types and Protection Factors:

Half-mask with Cartridges:	10
Powered Air-Purifying, half-mask or full-face:	50
Full-face with Cartridges:	50
Full-face with Supplied Air (continuous flow):	1,000
Self Contained Breathing Apparatus:	10,000

To determine the maximum concentration of a contaminant to which someone may be exposed while wearing a particular respirator, multiply the protection factor by the contaminant Permissible Exposure Limit (PEL).

When the contaminant is asbestos, consult GISO section 5208 to determine the protection factor. When the contaminant is lead, consult GISO section 5216.

APPENDIX B

QUALITATIVE FIT TEST PROCEDURES

1. Dust/Mist Respirators without Hood (sodium saccharine):
 - A. Have wearer don the respirator.
 - B. Ask the wearer to close his/her eyes and repeat the “rainbow passage” below as recited by the tester while the test is being performed.
 - C. Using the nebulizer, spray around the perimeter of the respirator, being sure to spray well around the nose area.
 - D. If the wearer does not taste the saccharine, ask him/her to move his/her head up and down, and side-to-side, and then spray a few more times. If the wearer tastes the saccharine, ask him/her to adjust the respirator, (be sure the wearer waits 5 minutes before redoing the test, so the taste can dissipate). If the wearer still tastes the saccharine he/she fail the test and shall not be permitted to wear that particular respirator until able to pass the test.
 - E. If the wearer does not taste the saccharine, remove the respirator and spray the saccharine directly into the mouth.
 - F. If the wearer now tastes the saccharine, he/she passes the test. If the wearer still does not taste the saccharine, he/she may not be sensitive to the taste and another test substance, such as irritant smoke, shall be used.
2. Dust/Mist Respirators without Hood (denatonium benzoate)

Follow the same procedures as in Appendix B, Section 1, A through F.
3. Dust/Mist Respirators without Hood (stannic chloride smoke tube)
 - A. Have wearer don the respirator.
 - B. Ask the wearer to close his/her eyes and repeat the “rainbow passage” as recited by the tester while the test is being performed.
 - C. Break the smoke tube. With the aspirator, squirt the smoke around the perimeter of the respirator, being sure to concentrate the smoke in the nose and chin areas.
 - D. If the wearer does not feel any irritation in their mouth, ask him/her to move his/her head up and down and side-to-side; continuing to dispense

the smoke around the perimeter. If the wearer does have some irritation, ask him/her to readjust the respirator. After these readjustments, if the wearer still feels the irritation, he/she fails the test and shall not be permitted to wear that particular respirator until able to pass the test.

- E. If the wearer does not have any irritation, remove the respirator and squirt a little smoke towards the mouth.
- F. If the wearer feels a slight irritation, he/she passes the test and will be able to wear that respirator.

4. Dust/Mist Respirators with Hood (sodium saccharine)

Follow the same procedures as in Appendix B, Section 1, A through F.

5. Organic Vapor Respirators without Hood (isoamyl acetate)

- A. Have wearer don the respirator.
- B. Ask the wearer to close his/her eyes and repeat the “rainbow passage” as recited by the tester while the test is being performed.
- C. Break the ampule and pass the ampule around the perimeter of the respirator and around the nose and chin areas.
- D. If the wearer does not smell the isoamyl acetate (banana), ask him/her to move his/her head up and down and side-to-side; continuing to pass the ampule around the perimeter. If the user smells banana, have him/her readjust the respirator. After readjustment, if the wearer still smells banana he/she fails the test and shall not be permitted to wear that particular respirator until able to pass the test.
- E. If the wearer does not smell banana, remove the respirator and pass the ampule by his/her nose.
- F. If the wearer now smells banana, he/she passes the test. If the wearer still does not smell banana, he/she may not be sensitive to the test and another test substance, such as sodium saccharine shall be used.

6. Organic Vapor Respirators with Hood (testing organic vapor respirators in the hood requires a dust/mist pre-filter)

- A. After the respirator is donned, put the hood over the wearer’s head and let it rest on his/her shoulders.
- B. Ask the wearer to breathe through his/her mouth and speak while the test is being performed.

- C. Insert the nebulizer into the hole and squeeze 10 times.
- D. If the wearer does not taste the saccharine, ask him/her to move his/her head a bit, then spray a few more times. If the wearer does taste the saccharine, ask him/her to adjust the respirator (be sure the wearer waits 5 minutes before redoing the test, so the taste can dissipate). If he/she still tastes the saccharine, he/she fails the test and shall not be permitted to wear that particular respirator until able to pass the test.
- E. If the wearer does not taste the saccharine, remove the hood and respirator and spray a small amount of the saccharine directly into the mouth.
- F. If the wearer now tastes the saccharine, he/she passes the test. If the wearer still does not taste the saccharine, he/she may not be sensitive to the taste and another test substance, such as isoamyl acetate, shall be used.

RAINBOW PASSAGE

The reason for the talking exercise is to test the fit of the respirator while the person's mouth and jaw are moving, just like will occur in the work place. It is not really important that the exact language in the Rainbow Passage be used. What is important is that the person speaks loud enough so that others can hear and understand. If the Rainbow Passage cannot be used, have the individual count out loud, or sing, or say almost anything. As long as you simulate talking out loud just like will be done in the work place, you will be achieving the intent of this exercise.

The following "Rainbow Passage" is to be repeated back by the person being fit-tested while wearing his/her respirator in a test environment (subjected to isoamyl acetate or acid smoke). Additionally, the respirator wearer should move his/her head in a variety of motions, up-and-down, back-and-forth and side-to-side, while reading.

Rainbow Passage:

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond his reach, his friends say he is looking for the pot of gold at the end of the rainbow.

APPENDIX C

CAL-OSHA REGULATIONS (CCR, Title 8, GISO 5144, APPENDIX D)

This Appendix contains mandatory information for employees using respirators when not required under CCR, Title 8, GISO 5144.

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is encouraged, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by CAL-OSHA standards. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirator's limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's.

APPENDIX D

CAL-OSHA Regulations (CCR, Title 8, GISO 5144)

Respiratory Protection 5144, section e

- (e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this paragraph specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.
 - (e)(1) General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.
 - (e)(2) Medical evaluation procedures.
 - (e)(2)(A) The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire.
 - (e)(2)(B) The medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix E of this section.
 - (e)(3) Follow-up medical examination.
 - (e)(3)(A) The employer shall ensure that a follow-up medical examination is provided for an employee who gives a positive response to any question among questions 1 through 8 in Section 2, Part A of Appendix E or whose initial medical examination demonstrates the need for a follow-up medical examination.
 - (e)(3)(B) The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.
 - (e)(4) Administration of the medical questionnaire and examinations.
 - (e)(4)(A) The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical

questionnaire shall be administered in a manner that ensures that the employee understands its content.

(e)(4)(B) The employer shall provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.

(e)(5) Supplemental information for the PLHCP.

(e)(5)(A) The following information must be provided to the PLHCP before the PLHCP makes a recommendation concerning an employee's ability to use a respirator:

(e)(5)(i)(1) The type and weight of the respirator to be used by the employee;

(e)(5)(i)(2) The duration and frequency of respirator use (including use for rescue and escape);

(e)(5)(i)(3) The expected physical work effort;

(e)(5)(i)(4) Additional protective clothing and equipment to be worn; and

(e)(5)(i)(5) Temperature and humidity extremes that may be encountered.

(e)(5)(B) Any supplemental information provided previously to the PLHCP regarding an employee need not be provided for a subsequent medical evaluation if the information and the PLHCP remain the same.

(e)(5)(C) The employer shall provide the PLHCP with a copy of the written respiratory protection program and a copy of this section.

Note to Paragraph (e)(5)(C): When the employer replaces a PLHCP, the employer must ensure that the new PLHCP obtains this information, either by providing the documents directly to the PLHCP or having the documents transferred from the former PLHCP to the new PLHCP. However, OSHA does not expect employers to have employees medically reevaluated solely because a new PLHCP has been selected.

(e)(6) Medical determination. In determining the employee's ability to use a respirator, the employer shall:

(e)(6)(A) Obtain a written recommendation regarding the employee's ability to use the respirator from the PLHCP. The recommendation shall provide only the following information:

- (e)(6)(i)(1) Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;
 - (e)(6)(i)(2) The need, if any, for follow-up medical evaluations; and
 - (e)(6)(i)(3) A statement that the PLHCP has provided the employee with a copy of the PLHCP's written recommendation.
- (e)(6)(B) If the respirator is a negative pressure respirator and the PLHCP finds a medical condition that may place the employee's health at increased risk if the respirator is used, the employer shall provide a PAPR if the PLHCP's medical evaluation finds that the employee can use such a respirator; if a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then the employer is no longer required to provide a PAPR.
- (e)(7) Additional medical evaluations. At a minimum, the employer shall provide additional medical evaluations that comply with the requirements of this section if:
- (e)(7)(A) An employee reports medical signs or symptoms that are related to ability to use a respirator;
 - (e)(7)(B) A PLHCP, supervisor, or the respirator program administrator informs the employer that an employee needs to be reevaluated;
 - (e)(7)(C) Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or
 - (e)(7)(D) A change occurs in workplace conditions (e.g., physical work effort, protective clothing, and temperature) that may result in a substantial increase in the physiological burden placed on an employee.

APPENDIX E

TO THE EMPLOYEE: Can you read (circle one)? Yes No

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

Part A Section 1 (Mandatory)

The following information must be provided by every employee who has been selected to use any type of respirator (please print).

1. Today's Date: _____
2. Your Name: _____
Signature _____
3. Your Age (to nearest year): _____
4. Sex (circle one): Male Female
5. Your Height: _____ ft. _____ in.
6. Your Weight: _____ lbs.
7. Your Job Title: _____
8. A Phone Number Where You Can Be Reached by The Consulting Physician Who Reviews This Questionnaire, Including Area Code:

9. The Best Time to Phone You at This Number:

10. Has your employer told you how to contact the consulting physician who will review this questionnaire (circle one)?
Yes No

11. What type of respirator you will use? Check all that apply:
- a. ____ N (non oil-resistant), R (oil-resistant), or P (oil proof) Disposable Respirator Filter-Mask, Non-Cartridge Type Only
 - b. ____ Other Type, e.g. Half or Full-Facepiece Type, Powered Air-Purifying, Supplied-Air, or Self-Contained Breathing Apparatus

12. Have you worn a respirator? Yes No

If "Yes," what type(s)? _____

Part A Section 2 (Mandatory)

Questions 1 through 9 below must be answered by every employee who has been selected to use any type of respirator (please circle "Yes" or "No").

1. Do you currently smoke tobacco, or have you smoked tobacco in the last month?

Yes No

2. Have you ever had any of the following conditions?

a. Seizures (fits): Yes No

b. Diabetes (sugar disease): Yes No

c. Allergic Reactions That Interfere With Your Breathing: Yes No

d. Claustrophobia (fear of closed-in places): Yes No

e. Trouble Smelling Odors: Yes No

3. Have you ever had any of the following pulmonary or lung problems?

a. Asbestosis: Yes No

b. Asthma: Yes No

c. Chronic Bronchitis: Yes No

d. Emphysema: Yes No

e. Pneumonia: Yes No

- f. Tuberculosis: Yes No
 - g. Silicosis: Yes No
 - h. Pneumothorax (Collapsed Lung): Yes No
 - i. Lung Cancer: Yes No
 - j. Broken Ribs: Yes No
 - k. Any Chest Injuries or Surgeries: Yes No
 - l. Any Other Lung Problem That You've Been Told About: Yes No
4. Do you currently have any of the following symptoms of pulmonary or lung illness?
- a. Shortness of Breath: Yes No
 - b. Shortness of Breath When Walking Fast on Level Ground or Walking Up a Slight Hill or Incline:
 Yes No
 - c. Shortness of Breath When Walking With Other People at an Ordinary Pace on Level Ground:
 Yes No
 - d. Have to Stop For Breath When Walking at Your Own Pace on Level Ground:
 Yes No
 - e. Shortness of Breath When Washing or Dressing Yourself: Yes No
 - f. Shortness of Breath That Interferes With Your Job: Yes No
 - g. Coughing That Produces Phlegm (Thick Sputum): Yes No
 - h. Coughing That Wakes You Early in the Morning: Yes No
 - i. Coughing That Occurs Mostly When You Are Lying Down: Yes No
 - j. Coughing Up Blood in the Last Month: Yes No
 - k. Wheezing: Yes No

- l. Wheezing That Interferes With Your Job: Yes No
- m. Chest Pain When You Breathe Deeply: Yes No
- n. Any Other Symptoms That You Think May Be Related to Lung Problems:
 Yes No

5. Have you ever had any of the following cardiovascular or heart problems?

- a. Heart Attack: Yes No
- b. Stroke: Yes No
- c. Angina: Yes No
- d. Heart Failure: Yes No
- e. Swelling in Your Legs or Feet (Not Caused By Walking): Yes No
- f. Heart Arrhythmia (Heart Beating Irregularly): Yes No
- g. High Blood Pressure: Yes No
- h. Any Other Heart Problem That You've been Told About: Yes No

6. Have you ever had any of the following cardiovascular or heart symptoms?

- a. Frequent Pain or Tightness in Your Chest: Yes No
- b. Pain or Tightness in Your Chest During Physical Activity: Yes No
- c. Pain or Tightness in Your Chest That Interferes with Your Job:
 Yes No
- d. In the Past Two Years, Have You Noticed Your Heart Skipping or Missing a Beat?
 Yes No
- e. Heartburn or Indigestion That Is Not Related to Eating: Yes No
- f. Any Other Symptoms That You Think May Be Related to Heart or Circulation Problems:
 Yes No

7. Do you currently take medication for any of the following problems?
- a. Breathing or Lung Problems: Yes No
 - b. Heart Trouble: Yes No
 - c. Blood Pressure: Yes No
 - d. Seizures (Fits): Yes No
8. If you've never used a respirator, initial here _____ and go to question 9. If you've used a respirator, have you ever had any of the following problems?
- a. Eye Irritation: Yes No
 - b. Skin Allergies or Rashes: Yes No
 - c. Anxiety: Yes No
 - d. General Weakness or Fatigue: Yes No
 - e. Any Other Problem That Interferes With Your Use of a Respirator:
 Yes No
9. Would you like to talk to the consulting physical who will review this questionnaire about your answers to this questionnaire?
- Yes No
10. Have you ever lost vision in either eye, either temporarily or permanently?
- Yes No
11. Do you currently have any of the following vision problems?
- a. Wear Contact Lenses: Yes No
 - b. Wear Glasses: Yes No
 - c. Color Blind: Yes No
 - d. Any Other Eye or Vision Problem: Yes No

12. Have you ever had an injury to your ears, including a broken eardrum?

Yes No

13. Do you currently have any of the following hearing problems?

a. Difficulty Hearing: Yes No

b. Wear a Hearing Aid: Yes No

c. Any Other Hearing or Ear Problem: Yes No

14. Have you ever had a back injury? Yes No

15. Do you currently have any of the following musculoskeletal problems?

a. Weakness in Any of Your Arms, Hands, Legs, or Feet: Yes No

b. Back Pain: Yes No

c. Difficulty Fully Moving Your Arms and Legs: Yes No

d. Pain or Stiffness When You Lean Forward or Backward at the Waist:

Yes No

e. Difficulty Fully Moving Your Head Up or Down: Yes No

f. Difficulty Fully Moving Your Head Side to Side: Yes No

g. Difficulty Bending at Your Knees: Yes No

h. Difficulty Squatting to the Ground: Yes No

i. Climbing a Flight of Stairs or a Ladder Carrying More Than 25 Lbs:

Yes No

j. Any Other Muscle or Skeletal Problem That Interferes With Using A Respirator:

Yes No

16. How often are you expected to use the respirator(s)? Circle "Yes" or "No" for all answers that apply to you).

a. Escape Only (No Rescue): Yes No

- b. Emergency Rescue Only: Yes No
- c. Less than 5 Hours per Week: Yes No
- d. Less than 2 Hours per Day: Yes No
- e. 2 to 4 Hours per Day: Yes No
- f. Over 4 Hours per Day: Yes No

17. During the period you are using the respirator(s), is your work effort:

- a. Light (Less than 200 kcal per Hour)? Yes No

If "Yes," how long does this period last during the average shift?

Hours. _____ Minutes. _____

Examples of a light work effort are sitting while writing, typing, drafting, or performing light assembly work; or standing while operating a drill press (1–3 lbs.) or controlling machines.

- b. Moderate (200 to 350 kcal per hour)? Yes No

If "Yes," how long does this period last during the average shift:?

Hours. _____ Minutes. _____

Examples of moderate work effort are sitting while nailing or filing; driving a truck or bus in urban traffic; standing while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; walking on a level surface about 2 mph or down a 5-degree grade about 3 mph; or pushing a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.

- c. Heavy (Above 350 kcal per Hour)? Yes No

If "Yes," how long does this period last during the average shift?

Hours. _____ Minutes. _____

Examples of heavy work are lifting a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; shoveling; standing while bricklaying or chipping castings; walking up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.).

18. Will you be wearing protective clothing and/or equipment, other than the respirator, when you're using your respirator?

Yes No

If "Yes," describe this protective clothing and/or equipment:

19. Will you be working under hot conditions, temperature exceeding 77°F?

Yes No

20. Will you be working under humid conditions? Yes No

End of Medical Questionnaire

Appendix F

Atmosphere-Supplying Respirators Facility Checklist

Breathing Air Quality and Use

1. Provide all employees using atmosphere-supplying respirators (supplied-air and SCBA) with breathing gases of high purity.
2. Ensure that compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration accords with the following specifications:
 - A. Compressed and liquid oxygen shall meet the United States Pharmacopoeia requirements for medical or breathing oxygen; and
 - B. Compressed breathing air shall meet at least the requirements for Grade D breathing air described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989, to include:
 - i. Oxygen content (v/v) of 19.5-23.5%;
 - ii. Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
 - iii. Carbon monoxide (CO) content of 10 ppm or less;
 - iv. Carbon dioxide content of 1,000 ppm or less; and
 - v. Lack of noticeable odor.
3. Ensure that compressed oxygen is not used in atmosphere-supplying respirators that have previously used compressed air.
4. Ensure that oxygen concentrations greater than 23.5% are used only in equipment designed for oxygen service or distribution.

Breathing Air Cylinders

All cylinders used to supply breathing air to respirators must meet the following requirements:

1. Test and maintain cylinders as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 173 and part 178);
2. Ensure that cylinders of purchased breathing air have a certificate of analysis from the supplier that the breathing air meets the requirements for Grade D breathing air; and

3. The moisture content in the cylinder does not exceed a dew point of -50 degrees Fahrenheit (-45.6 degrees Celsius) at 1 atmosphere pressure.

Compressors

1. Ensure that compressors used to supply breathing air to respirators are constructed and situated so as to:
 - A. Prevent entry of contaminated air into the air-supply system;
 - B. Minimize moisture content so that the dew point at 1 atmosphere pressure is 10 degrees Fahrenheit (5.56 degrees Celsius) below the ambient temperature;
 - C. Have suitable in-line air-purifying sorbent beds and filters to further ensure breathing air quality. Sorbent beds and filters shall be maintained and replaced or refurbished periodically following the manufacturer's instructions.
 - D. Have a tag containing the most recent change date and the signature of the person authorized by the employer to perform the change. The tag shall be maintained at the compressor.
2. For compressors that are not oil-lubricated, ensure that carbon monoxide levels in the breathing air do not exceed 10 ppm.
3. For oil-lubricated compressors, use a high-temperature or carbon monoxide alarm, or both, to monitor carbon monoxide levels. If only high-temperature alarms are used, the air supply shall be monitored at intervals sufficient to prevent carbon monoxide in the breathing air from exceeding 10 ppm.
4. Ensure that breathing air couplings are incompatible with outlets for non-respirable worksite air or other gas systems. No asphyxiating substance shall be introduced into breathing air lines.
5. Use breathing gas containers marked in accordance with the NIOSH respirator certification standard, 42 CFR part 84.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

SUBJECT: NOVEMBER 2012 GENERAL MUNICIPAL ELECTION

DATE: MAY 29, 2012

The following three resolutions facilitate the City of Bishop General Municipal Election to be consolidated with the Statewide General Election scheduled on Tuesday, November 6, 2012 for the election of three Council Members and a City Treasurer. The terms for David Stottlemire, Susan Cullen and Laura Smith will be expiring.

- A.** Resolution No. 12-13 calls for the holding of a General Municipal Election to be consolidated with the Inyo County Statewide General Election on November 6, 2012.
- B.** Resolution No. 12-14 requests consolidation with the County. The consolidation process has been completed to combine city municipal elections with Inyo County elections. Since we are officially calling for the holding of our election, a request needs to be made for this specific election cycle.
- C.** Resolution No. 12-15 sets forth the candidate statement guidelines.

RECOMMENDATION:

Review and if appropriate take action to adopt each resolution individually by title only in order to facilitate the General Municipal Election to be held November 6, 2012.

(A)

RESOLUTION NO. 12-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 6, 2012 for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Bishop, California, on Tuesday, November 6, 2012 a General Municipal Election for the purpose of electing three Members of the City Council for the full term of four years; and a City Treasurer for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the County of Inyo Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That pursuant to Elections Code § 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$80 for each Clerk for the election.

SECTION 6. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED AND ADOPTED ON MAY 29, 2012.

DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

(B)

**CITY OF BISHOP
RESOLUTION NO. 12-14**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Bishop called a General Municipal Election to be held on November 6, 2012, for the purpose of the election of three Members of the City Council and a City Treasurer; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Inyo canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BISHOP DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Inyo is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2012, for the purpose of the election of three Members of the City Council and a City Treasurer.

SECTION 2. That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Bishop recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Inyo.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON MAY 29, 2012.

DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

RESOLUTION NO. 12-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Bishop on November 6, 2012, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 4:30 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY

- A. Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the county. At this time, the County of Inyo has no foreign language requirements.
- B. The County will print and mail sample ballots and candidates statements to all voters in any foreign language requested as an option by the candidate.

SECTION 3. PAYMENT

- A. Translations
 - 1. The candidate shall be required to pay for the cost of translating the candidates statement into any foreign language that is not required as specified in Section 2 above, pursuant to federal and/or state law, but is requested as an option by the candidate.
- B. Printing
 - 1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voter pamphlet.
 - 2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall allow upper and lower case and block paragraph form to the same extent and manner as allowed by the County.
- C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous Resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 8. That this Resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON MAY 29, 2012.

DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR KSC

SUBJECT: PURCHASE OF PROFESSIONAL SERVICES – AUDIT SERVICES

DATE: May 29, 2012

Attachments: Audit proposal from Larry Bain, CPA

BACKGROUND/SUMMARY

The attached proposal for the 2011-2012 annual audit is from the accounting firm of Larry Bain, CPA. Each year the City contracts for independent audits which are listed in the attached proposal. Mr. Bain's firm has done these audits for more than twelve years. This firm has been professional and timely.

RECOMMENDATION

Review the proposal from Larry Bain, CPA and consider action to approve the professional services contract and authorize the firm of Larry Bain, CPA to conduct the attached list of audits for fiscal year 2011-2012 pursuant to the costs presented.

*Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894*

May 3, 2012

City Council
City of Bishop, California

We are pleased to confirm our understanding of the services we are to provide for the City of Bishop for the fiscal year ended June 30, 2012. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City of Bishop as of and for the fiscal year ended June 30, 2012. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the City of Bishop's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City of Bishop's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited: a) management discussion and analysis b) the budgetary comparison schedules and pension trend analysis. Additionally, you will be provided with:

- Management letter covering any observations made during the course of the audit
- Audited Redevelopment Agency report
- Audited report for Sunrise Mobile Home Park, inclusive of regulatory report
- Proposition 4 calculation
- Single Audit report , if required
- Annual reports required by the State Controllers Office

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with generally accepted auditing standards established by the Auditing Standards Board (United States) and the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City of Bishop and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements as required by Government Auditing Standards. The report on internal control and compliance will include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity, and specific legislative or regulatory bodies and is not intended to be and should not be used by anyone other than these specified parties. If during our audit we become aware that the City of Bishop is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in Government Auditing Standards may not satisfy the relevant legal, regulatory, or contractual requirements.

*Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894*

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will prepare a draft of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the the City of Bishop and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for providing to us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse. Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations

*Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894*

Audit Procedures—General (Continued)

of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and Government Auditing Standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Bishop’s compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

Audit Administration and Fees

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

*Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894*

Audit Administration and Fees (Continued)

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Larry Bain, CPA and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to federal agencies providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Larry Bain, CPA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by federal agencies. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately August 20, 2012 and expect to issue our reports no later than November 30, 2012. Larry Bain is the engagement partner and is responsible for supervising the engagement and signing the report. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed the following amounts:

City of Bishop Financial Statements	\$15,000
RDA (Final Year)	\$ 1,000
Sunrise Mobile Home Park	\$ 1,900
Proposition 4 calculation	\$ 1,200
T.O.T. Audits (per motel)	\$ 1,000
Additional requirements to complete Single Audit or STIP Audits, per major program, if required	\$ 5,000

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes ninety days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our January 31, 2009 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Bishop and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know.

**Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894**

If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Larry Bain', with a stylized flourish extending to the right.

Larry Bain, CPA,
An Accounting Corporation

This letter correctly sets forth the understanding of the City.

By: _____

Title: _____

Date: _____



David E. Vaughn CPA

(209) 957-8806, fax (209) 957-9589

2495 W. March Lane, Suite 75, Stockton, Ca. 95207-8207

System Review Report

September 6, 2009

Larry Bain,
Certified Public Accountant
and the Peer Review Committee of the California Society of CPAs

I have reviewed the system of quality control for the auditing practice of Larry Bain, CPA (the firm) in effect for the year ended January 31, 2009. My review was conducted in accordance with Standards for Performing and Reporting on Peer reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of performing and reporting with professional standards in all material respects. My responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on my review. The nature, objectives, scope, limitations of, and procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included an engagement performed under *Government Auditing Standards*.

In my opinion, the system of quality control for the auditing practice of Larry Bain, CPA in effect for the year ended January 31, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency* or *fail*. Larry Bain, CPA has received a peer review rating of *pass*.

A handwritten signature in black ink that reads 'David E. Vaughn' in a cursive script.

David E. Vaughn, CPA

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR KSL

SUBJECT: LEASE CONTRACT RENEWAL – POSTAGE MACHINE

DATE: MAY 29, 2012

Attachments: Pitney Bowes Services Agreement

BACKGROUND/SUMMARY

The City of Bishop leases its current postal machine from Pitney Bowes Mailing Systems. Pitney Bowes is offering a machine upgrade with a \$10 a month lease savings. There is no charge to remove the old machine or install the new one. There will be no lapse in service and on site-training is provided.

RECOMMENDATION

Council consideration to take action to approve the 60-month lease and service agreement with Pitney Bowes for the Digital Mailing System in the quarterly amount of \$717.00 and authorize the City Administrator to execute the document.

A mailing solution for increasing productivity

Mail is a crucial element for growing your business and retaining your hard-earned customers, and it's a proven tool for acquiring new ones. Mail is a critical communication tool that can't be over-looked, and that's why we've developed an entirely new family of simple, yet productive mailing systems.

The DM Series™ delivers this promise, complies with present and known future postal regulations, and includes our heralded IntelliLink® Technology – your single-source access to exclusive mail services. So whether you're looking for an entry level or fully featured system, the DM Series™ can meet your needs. The unique IntelliLink® technology connects you to a full range of USPS® Special Services — right from your mail center. Dynamic downloads mean your system stays current with minimal effort.



Pitney Bowes power behind each mailing

With the DM525™ you get access to unique technology which keeps you up-to-date with rates and services from the USPS® and other carriers. Your Pitney Bowes online "My Account" at pb.com, opens the door to just-in-time account information. Maximize your mailing operation with additional features such as:

- **Postage Payment Options** – Prepay for postage, get a Postage Advance, or earn interest on the balance in your Reserve Account.
- **USPS® Special Services** – Online Delivery Confirmation™ and Signature Confirmation™ for First-Class Parcels, Priority Mail® and Package Services.
- **USPS® & Carrier Rate Updates** – Just easily download the new rates when you need them.
- **My Account** – Online access to your account information enables you to order supplies and request service.



IntelliLink® Command Center with advanced technology puts you in control

The advanced IntelliLink® Command Center lets you easily activate and control all the functions of your DM525™ from a single, central location. This easy to use technology lets you manage, track and charge back postage expenditures, select appropriate carrier choices and gives you access to USPS® and other carrier's rates and services. As rates change, you can download them directly to your DM525™ Digital Mailing System.

- **Simplified Rating** – All rate selections are made through the control center and are updated easily. The weighing options include both USPS® Domestic and International rates along with optional basic carrier rates.
- **Easy-To-Follow Prompts** – The IntelliLink® Command Center provides clear instructions for system set-up and processing functions.
- **Job Presets** – The system's memory can store up to 25 routine jobs for quick handling and greater productivity.

**PITNEY BOWES GLOBAL FINANCIAL SERVICES AGREEMENT
STATE & LOCAL FAIR MARKET VALUE LEASE**

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Agreement Number

Your Business Information

CITY OF BISHOP

Full Legal Name of Lessee	DBA Name of Lessee	Tax ID # (FEIN/TIN)
P O BOX 1236	BISHOP	CA 93515-1236
Billing Address: Street	City	State Zip+4
		15537397885
Billing Contact Name	Billing Contact Phone #	Billing CAN #
377 W LINE ST	BISHOP	CA 93514-3412
Installation Address (If different from billing address) : Street	City	State Zip+4
		00297115008
Installation Contact Name	Installation Contact Phone #	Installation CAN #
Fiscal Period (from - to)	Customer PO #	Delivery CAN #

Your Business Needs

Qty	Business Solution Description	Check items to be included in customer's payment
1	Mail Stream Solution - 2 Green DM525 Digital Mailing System Factory Certified	<input checked="" type="checkbox"/> Service Level Agreement Tier 1 - Provides repair and maintenance service for equipment ("Standard SLA")
1	IntelliLink Interface / PSD for DM500-DM1100	<input type="checkbox"/> Software Maintenance (additional terms apply) - Provides revision updates & technical assistance
1	INVIEW Accounting - 50 Accounts	<input checked="" type="checkbox"/> Soft-Guard® Subscription - Provides postal and carrier updates If you do not choose Soft-Guard protection with your lease, you will automatically receive updates at PBI's current rates.
1	5 lb Integrated Weighing	<input checked="" type="checkbox"/> IntelliLink® Subscription/ Meter Rental - Provides simplified billing and includes postage resets () Value Based Services () Purchase Power® credit line
1	5 lb Integrated Weighing Platform	<input type="checkbox"/> Permit Mail Payment Service - Allows you to consolidate permit postage with metered postage under one account. As a permit mail user, we need USPS forms 6001, 6002, and 6003, along with the Permit Enrollment form, to activate your Permit Mail Payment service.
1	IntelliLink Subscription	<input type="checkbox"/> YES PBGFS ValueMAX® Program (x) No Enrollment (I will provide proof of insurance within the next 30 days as noted in paragraph L9)

Your Payment Plan

Number Of Months	Monthly Amount	Billed Quarterly At*
First 60	\$239	\$717

- () Required advance check of \$() received
- () Tax Exempt# State Tax (If applicable)
- () Tax Exempt Certificate Attached
- () Tax Exempt Certificate Not Required

*Does not include any applicable taxes.

Your Signature

Non-Appropriations. You warrant that you have funds available to pay all payments until the end of your current fiscal period, and shall use your best efforts to obtain funds to pay all payments in each subsequent fiscal period through the end of your Lease Term. If your appropriation request to your legislative body, or funding authority ("Governing Body") for funds to pay the payments is denied, you may terminate this Lease on the last day of the fiscal period for which funds have been appropriated, upon (i) submission of documentation reasonably satisfactory to us evidencing the Governing Body's denial of an appropriation sufficient to continue this Lease for the next succeeding fiscal period, and (ii) satisfaction of all charges and obligations under this Lease incurred through the end of the fiscal period for which funds have been appropriated, including the return of the Equipment at your expense.

You agree to be bound by all the terms and conditions of this Agreement, including those contained on page 2 and those located in the Pitney Bowes Terms (Version 3/12), which are available at www.pb.com/terms and are incorporated by reference. The equipment covered by this Agreement includes remanufactured products that have gone through our factory certification testing process. The lease will be binding on PBGFS only after PBGFS has completed its credit and documentation approval process and an authorized PBGFS employee signs below. The lease requires you either to provide proof of insurance or instead participate in the Pitney Bowes ValueMAX equipment protection program (see paragraph L9 page 2) for an additional fee.

Customer Signature _____ Date _____

Print Name _____ Title _____ Email Address _____

Sales Information

Gary G. Austin _____ 016 _____

Account Rep Name _____ District Office _____ PBGFS Acceptance _____

LEASE TERMS AND CONDITIONS

This is a lease with Pitney Bowes Global Financial Services LLC (PBGFS), Pitney Bowes' leasing company. PBGFS provides leasing options to our customers. PBGFS does not warrant, service or otherwise support the equipment. Those services are provided by Pitney Bowes Inc. (PBI) as stated in the Pitney Bowes Terms. Due to federal regulations, only PBI can own an IntelliLink® Control Center or Meter. Therefore, those items are rented to you, rather than leased. Unlike the other equipment you may lease from us, you cannot purchase an IntelliLink Control Center or Meter at the end of the Agreement.

L1. DEFINITIONS

L1.1 All capitalized terms that are not defined in this document are defined in the "Definitions" section of the Pitney Bowes Terms.

L2. AGREEMENT

L2.1 You are leasing the Equipment listed on the Order. You will make each Quarterly Payment by the due date shown on our invoice.

L2.2 You may not cancel this Lease for any reason except as expressly set forth in Sections L10 and L11 below. All payment obligations are unconditional.

L2.3 Our remedies for your failure to pay on time or other defaults are set forth in the "Default and Remedies" section of the Pitney Bowes Terms.

L2.4 You authorize us to file a Uniform Commercial Code financing statement naming you as debtor/lessee with respect to the Equipment.

L3. PAYMENT TERMS AND OBLIGATIONS

L3.1 We will invoice you in advance each quarter for all payments on the Order (each, a "Quarterly Payment"), except as provided in any SOW attached to this Agreement.

L3.2 Your Quarterly Payment may include a one-time origination fee, amounts carried over from a previous unexpired lease, and other costs.

L3.3 If you request, your IntelliLink Control Center/Meter Rental fees, Service Level Agreement fees, and Soft-Guard® payments ("PBI Payments") will be included with your Quarterly Payment and begin with the start of the Lease Term. Your Quarterly Payment will increase if your PBI Payments increase.

L4. EQUIPMENT OWNERSHIP

L4.1 We own the Equipment. PBI owns any IntelliLink Control Center or Meter. Except as stated in Section L6.1, you will not have the right to become the owner at the end of this Agreement.

L5. LEASE TERM

L5.1 The Lease term is the number of months stated on the Order ("Lease Term").

L6. END OF LEASE OPTIONS

L6.1 During the 90 days prior to the end of your Lease, you may, if not in default, select one of the following options:

- (a) enter into a new lease with us;
- (b) purchase the Equipment "as is, where is" for fair market value; or
- (c) return the Equipment, IntelliLink Control Center and/or Meter in its original condition, reasonable wear and tear excepted.

If you return the Equipment, IntelliLink Control Center and/or Meter, at our option you will either (i) properly pack them and insure them for their full replacement value (unless you are enrolled in the ValueMAX® program) and deliver them aboard a common carrier, freight prepaid, to a destination within the United States that we specify, or (ii) properly pack and return them in the return box and with the shipping label provided by us and, in either case, pay us our then applicable processing fee.

L6.2 If you do not select one of the options in Section L6.1, you shall be deemed to have agreed to enter into successive 12-month annual extensions of the term of this Agreement. You may opt to cease the automatic extensions by providing us with written notice within 120 days (but no less than 30 days or such shorter period as may be contemplated by law) prior to the expiration of the then-current term of this Agreement. Upon cancellation, you agree to either return all items pursuant to Section L6.1(c) or purchase the Equipment.

L7. WARRANTY AND LIMITATION OF LIABILITY

L7.1 WE (PBGFS) MAKE NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR FREEDOM FROM INTERFERENCE OR INFRINGEMENT.

L7.2 PBI provides you with (and we assign to you our rights in) the limited warranty in the Pitney Bowes Terms.

L7.3 WE ARE NOT LIABLE FOR ANY LOSS, DAMAGE (INCLUDING INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES), OR EXPENSE CAUSED DIRECTLY OR INDIRECTLY BY THE EQUIPMENT.

L8. EQUIPMENT OBLIGATIONS

L8.1 Condition and Repairs. You will keep the Equipment free from liens and encumbrances and in good repair, condition, and working order.

L8.2 Inspection. We may inspect the Equipment and any related maintenance records.

L8.3 Location. You may not move the Equipment from the location specified on the Order without our prior written consent.

L9. RISK OF LOSS AND VALUEMAX® PROGRAM

Because we own the equipment while you lease it from us, we need to make sure it is protected while it is in your possession. You can demonstrate to us that the equipment will be protected either by showing us that your insurance will cover the equipment or by enrolling in our fee-based ValueMAX program. The terms of that program are listed in Section L9.2.

L9.1 Risk of Loss.

(a) You bear the entire risk of loss to the Equipment from the date of shipment by PBI until the end of the Lease Term (including any extensions), regardless of cause, ordinary wear and tear excepted ("Loss").

(b) No Loss will relieve you of any of your obligations under this Lease. You must immediately notify us in writing of the occurrence of any Loss.

(c) You will keep the Equipment insured against Loss for its full replacement value under a comprehensive policy of insurance or other arrangement with an insurer of your choice, provided that it is reasonably satisfactory to us ("Insurance"). YOU MUST CALL US AT 1-800-243-9506 AND PROVIDE US WITH EVIDENCE OF INSURANCE.

L9.2 ValueMAX Program.

(a) If you do not provide evidence of insurance and have not enrolled in our own program (ValueMAX), we may include the Equipment in the ValueMAX program and charge you a fee, which we will include as an additional charge on your invoice.

(b) We will provide written notification reminding you of your insurance obligations described above in Section L9.1(c).

(c) If you do not respond with evidence of insurance within the time frame specified in the notification we may immediately include the Equipment in the ValueMAX program.

(d) If the Equipment is included in the ValueMAX program and any damage or destruction to the Equipment occurs (other than from your gross negligence or willful misconduct, which is not covered by ValueMAX), we will (unless you are in default) repair or replace the Equipment.

(e) If we are required to repair or replace the Equipment under the ValueMAX program and we fail to do so within 20 days of receiving your written notice of loss or damage, you may terminate this Lease.

(f) We are not liable to you if we terminate the ValueMAX program. By providing the ValueMAX program we are not offering or selling you insurance; accordingly, regulatory agencies have not reviewed this Lease, this program or its associated fees, nor are they overseeing our financial condition.

L10. NON-APPROPRIATION

L10.1 You warrant that you have funds available to pay all payments until the end of your current fiscal period, and shall use your best efforts to obtain funds to pay all payments in each subsequent fiscal period through the end of your Lease Term. If your appropriation request to your legislative body, or funding authority ("Governing Body") for funds to pay the payments is denied, you may terminate this Lease on the last day of the fiscal period for which funds have been appropriated, upon (i) submission of documentation reasonably satisfactory to us evidencing the Governing Body's denial of an appropriation sufficient to continue this Lease for the next succeeding fiscal period, and (ii) satisfaction of all charges and obligations under this Lease incurred through the end of the fiscal period for which funds have been appropriated, including the return of the Equipment at your expense.

L11. EARLY TERMINATION

L11.1 You further warrant that you intend to enter into this Lease for the entire Stated Term and you acknowledge that we have relied upon such represented intention when determining the applicable pricing plan. If you cancel or terminate this Lease prior to expiration of the Stated Term (other than for non-appropriations), you shall pay a termination charge equal to the net present value of the monthly payments remaining through the completion of the term, discounted to present value at a rate of 6% per year. The foregoing paragraph shall supercede Section G5.2(b) of the Pitney Bowes Terms.

L12. MISCELLANEOUS

L12.1 If more than one lessee is named in this Lease, liability is joint and several.

L12.2 YOU MAY NOT ASSIGN OR SUBLET THE EQUIPMENT OR THIS LEASE WITHOUT OUR PRIOR WRITTEN CONSENT, WHICH CONSENT WILL NOT BE UNREASONABLY WITHHELD.

L12.3 We may sell, assign, or transfer all or any part of this Lease or the Equipment. Any sale, assignment, or transfer will not affect your rights or obligations under this Agreement.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR KSC

SUBJECT: Purchase of Computer Software – Sole Source Provider

DATE: May 29, 2012

Attachments: Staff Report and Quotation for RIMS Software v3

BACKGROUND/SUMMARY

Chief Carter has provided Council with background information describing the RIMS Software System and its compatibility with the current system utilized by Bishop Police. Although the quote does not meet the amount requiring the formal bid procedure, the Bishop Municipal Code requires an informal quotation procedure be used for supplies, services and equipment estimated between \$1,500 and \$4,000. Under BMC Section 3.24.200 C. the City can purchase the software compatible with other software obtained through Sun Ridge Systems of El Dorado, California.

RECOMMENDATION

City Council consideration to take action to approve an exception to the Open Market Procedure to award the purchase and installation of the RIMS v3 Software to Sun Ridge Systems, Inc., for an amount not to exceed \$4,000.00.



BISHOP POLICE DEPARTMENT

207 W. Line St.
Bishop, CA 93514
760-873-5866

To: Bishop City Council via Mr. Keith Caldwell- City Administrator

From: Chris Carter-Chief of Police

A handwritten signature in black ink, appearing to be "Chris Carter", written over the printed name.

Date: May 18, 2012

Subject: Request to Waive Bid Process for Purchase of Computer Software

In accordance with Section 3.24.200 of the Bishop Municipal Code, I am requesting an exception to the Open Market/Bidding Procedure for the purchase of computer software to be used for the tracking and managing of Property and Evidence in the custody of the Police Department.

The Computer software currently in use by the Police Department is a product of Sun Ridge Systems of El Dorado, California. This system, known as RIMS, is utilized for our Computer Aided Dispatch (CAD) as well our all documentation and reporting of incidents involving police response and investigation. The tracking and managing of property, evidence, and other items in the custody of the Police Department is managed through a separate system.

In an effort to increase accountability, reduce staff time, and reduce liability, I would like to purchase the RIMS Property Room computer software from Sun Ridge Systems. As this is the only software which would be fully compatible and able to completely integrate into our existing system, Sun Ridge Systems would be considered a Sole Source Vendor.

I am therefore requesting permission to waive the formal bid process and move forward with the purchase of the Property Room computer software program from Sun Ridge Systems in an amount not to exceed \$4000.00

I am available at your convenience should you have questions or wish to discuss this request further.



Sun Ridge Systems, Inc.

To: Pam Galvin, Bishop Police Department
From: Carol Jackson
Subject: Quotation for RIMS Software v3
Date: May 9, 2012

The following is a revised quotation for RIMS software based upon your recent request. We have removed the bar code scanner from the quotation. Removing the scanner also allowed us to reduce the installation cost.

Item	Price
RIMS Property Room Bar Coding Software	\$3,000
Installation and Training (via phone and remote access)	\$390
First Year Support and Updates	\$450
TOTAL	\$3,840

If you have any questions please call me at 800-474-2565. Thank you for your interest in RIMS.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

SUBJECT: Purchase of the Value Exerciser – Public Works KSC

DATE: May 29, 2012

Attachments: Staff Memo

BACKGROUND/SUMMARY

Director Grah has provided a brief working description of the valve exerciser and its value to our water system.

Following Council authorization, bids were received on May 11, 2012 with one responsive bidder.

The current exerciser is not operational at this time, and based on the one bid, the cost for the new product is \$5,710.00, not including shipping and applicable tax.

A budget adjustment is also requested as this was an unexpected purchase.

RECOMMENDATION

Council consideration to take action to approve the purchase of a valve exerciser from Wachs/Harvard Illinois and authorize the necessary budget adjustment to Water Special Department Supplies.



To: Keith Caldwell, City Administrator
From: David Grah, Director of Public Works
Subject: Approve Valve Exerciser Purchase
Date: 23 May 2012
Previous: 13 April 2012
Funding: Water Special Department Supplies

KSC

General:

Public Works proposes to purchase a replacement valve exerciser.

Background:

Valves in the water system should be exercised each year. Exercising a valve means to cycle the valve fully open and fully closed. To make the valve exercising process manageable, a machine called a valve exerciser is used to open and close the valves. The existing valve exerciser is old and stopped operating.

Bids for the new exerciser were received until 11 May. One bid was received:

Bidder / Location	Bid	Preference
Wachs / Harvard, Illinois	\$5,710.00	None

This bid has been determine to be responsive (it meets the requirements) and does not include tax and shipping.

This purchase was unexpected and does not appear in the budget so a budget adjustment will be required. The purchase should be charged to water Special Department Supplies, Line Item 004-050-52018.

Recommendation:

Approve the purchase of the valve exerciser from Wachs based on their bid and authorize the necessary budget adjustments.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR KSC

SUBJECT: Closure of a Portion of Church Street for Weekly Farmers Market

DATE: May 29, 2012

Attachments: Staff Report, Draft Encroachment Permit, Street Map

BACKGROUND/SUMMARY

The Eastern Sierra Farmers Market is requesting to again utilize a portion of Church Street and the area adjacent to City Hall for their annual market.

The group has requested Saturday mornings from 9-11 am beginning June 23 and ending November 1, 2012.

A draft encroachment permit and map of the area is included in this agenda item for Council's consideration. Public Works, Fire, Police and Community Services departments have reviewed the document, and with exception of the clearance to entrances and exits for emergency vehicles, there were no other concerns.

RECOMMENDATION

Council consideration to take action to approve the closure of a portion of Church Street on Saturdays from 9:00 am – 11:00 am between June 23 and November 1, 2012 for a weekly Farmers Market.



To: Keith Caldwell, City Administrator ^{KSC}
From: David Grah, Director of Public Works 
Subject: Closure of Portion of Church Street for Weekly Farmers Market
Date: 22 May 2012
Previous: 6 June 2011, 16 August 2011
Funding: Small General Fund expenditure

General:

The Eastern Sierra Farmers Market proposes to continue at its location on Church Street in 2012 and proposes to close a portion of Church Street near City Hall again each week for the market.

Background:

The Eastern Sierra Farmers Market has been located at the Bishop City Park, in Talmage Park on Academy Street, and most recently on Church Street near City Hall. For 2012, the market plans to use the Church Street location again. The Church Street location is preferred because it has more shade beneficial to produce, vendors, and customers. The market plans to operate on Saturday mornings from 8 am to 11 am between 23 June and 1 November.

The market will use city property adjacent to the street under separate permission and, depending on the number of vendors and other factors, the market may require the use of the street right of way. The use of the right of way and closure of the street is the subject of the attached draft encroachment permit. The city would provide the traffic control devices and the farmers market would put them up and take them down each week in accordance with the attached map. Cars parked in the closure area at the start of the closure will require special accommodation by the farmers market so the cars can get out if needed while the market is underway.

The draft encroachment permit is based closely on the permit issued last year that was reviewed by Public Works, Police, Fire, and Community Services. Typically the City Council approves street closures.

Recommendation:

The City Council approve the closure of a Church Street adjacent to City Hall each week for a farmers market.



CITY OF BISHOP

377 West Line Street - Bishop, California 93514
Post Office Box 1236 - Bishop, California 93515
760-873-8458 publicworks@ca-bishop.us
www.ca-bishop.us

Encroachment Permit 2012-008

Permittee: Eastern Sierra Farmers Market

Location: City of Bishop right of way on Church Street as shown on attached map.

Description: Under street closures as shown on attached map, conduct weekly farmers market.

1. **Responsible Party:** No activities other than the described activities under the control of the Permittee are authorized under this permit.
2. **Date and Times of Closure:** Except for parking signs, the permitted activities shall only be conducted Saturdays between 8 am and 11 am starting no earlier than 23 June 2012 and ending no later than 1 November 2012. Parking signs may be placed at anytime on the permitted Fridays prior to the days but no earlier than 8 pm.
3. **Traffic Control:** The City of Bishop will provide most traffic control devices including Road Closed signs and traffic cones. Permittee is responsible for providing parking signs, placing parking signs that say "no parking 8 am to 11 am" or equivalent, setting up traffic control as shown on attached map at the start of market activities, maintaining traffic control during activities, and taking traffic control down at the end of market activities.
4. **Additional Conditions:** At any time the city may prescribe additional conditions necessary for the protection of the public property, for the prevention of undue interference with traffic, to assure public safety, or to otherwise act in the best interest of the city.
5. **Responsibility:** The permittee accepts all responsibility for damage or injury that results from activity under this permit.
6. **Indemnity:** As an express and material term of City's issuance of this Permit, Permittee agrees to indemnify and hold harmless the City, its officers, employees and agents from any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee further agrees to indemnify and hold harmless the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit. It is the intent of this condition that Permittee shall be responsible for all liability for design, construction, and maintenance of the improvements installed or activities performed pursuant to this Permit and that the City, its officers, employees and agents shall not be liable for any negligence, whether active or passive in nature, nonfeasance, misfeasance, or malfeasance related to or arising from this Permit, including but not limited to approving, reviewing, checking, or correcting any plans or specifications or in approving, reviewing, or inspecting any work or construction arising from this Permit.

7. **Duty to Defend:** As an express and material term of City's issuance of this Permit, Permittee agrees to defend, at its sole expense, the City, its officers, employees and agents from and against any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee's duty to defend shall apply to the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of the City, its officers, employees and/or agents and the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit.
8. **Legal Costs:** In the event of any controversy, claim or dispute arising out of or relating to this Permit or the violation of any covenant contained herein, the prevailing party shall be entitled to receive from the losing party reasonable expenses, including attorney's fees and costs.

Agreed to by:

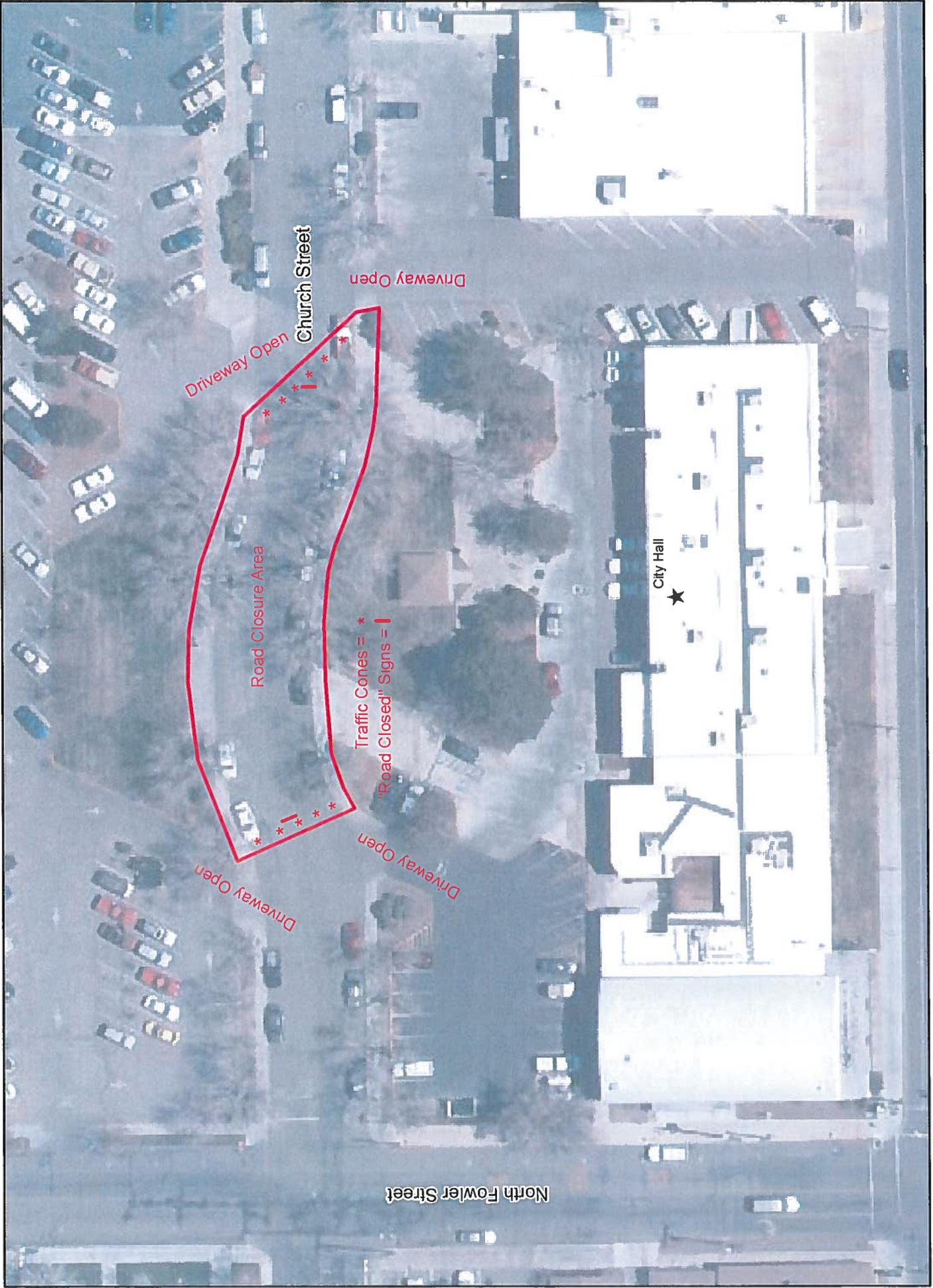
Signature

Date

Issued by:

David Grah
Director of Public Works

Date



City of Bishop
Farmers Market Road Closure Area

