



## City of Biddeford

### Personnel Committee

January 21, 2025 at 4:00 PM

City Hall Council Chambers

Join from PC, Mac, iPad, or Android:

<https://biddeford.zoom.us/j/91624947414?pwd=hhzqcpXWMNh6Z0Zf9O0CvISVvpjZ21.1>

Passcode:324091

Phone one-tap:

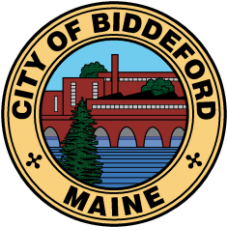
+13017158592,,91624947414# US (Washington DC)

+13052241968,,91624947414# US

Join via audio:

+1 301 715 8592 US (Washington DC)

1. Call to Order
2. Approval of Minutes
  - 2.a December 17 2024 Minutes
3. Discussion
  - 3.a Incident Review Policy
  - 3.a Incident Review Policy - Brief
  - 3.a Incident Review Policy - Draft
4. Other Business
5. Adjourn



# PERSONNEL COMMITTEE MEETING

December 17<sup>th</sup>, 2024

Council Chambers

4 PM

Meeting Minutes

## ITEM 1 Call to Order

Chair Councilor William Emheiser called the meeting to order at 4:00PM with Councilor Norman Belanger present in person and Councilor Scott Whiting present via zoom. Councilor Doris Ortiz was excused. Also present were Diana DePaolo (Director of Human Resources), Shelly Gibson (Deputy Director of Human Resources), and Daniel Hammond (Safety & Training Coordinator).

## ITEM 2 Approval of Minutes

Councilor Belanger made a motion to approve the minutes from November 19, 2024. Councilor Whiting seconded the motion. The motion was approved unanimously.

## ITEM 3 Discussion

### 3.a Employee Development Plans

Diana gave background to how the City's nonunion employees have moved away from performance evaluations and instead to a reciprocal process of employee development plans. This has been a practice in place but has not been replaced within the nonunion policies. Councilor Whiting asked if this program was mandatory or optional and it was shared that while this process is in its second year of implementation, the goal is for employee development plans (EDP's) to be used annually for all nonunion employees. Councilor Belanger asked if the City has removed merit-based performance plans/guidelines and inquired about how the City plans to assess and improve performance if there is a major deficiency.

Diana shared the City's progressive discipline process which is a part of the disciplinary component of nonunion policies. This includes, but is not limited to: counseling, additional training, or supervisions and verbal cautions. The City also does performance review plans, a documented process that provides, in writing, details about why the process has been initiated, and includes a detailed plan with steps and goals for how an employee can successfully improve their performance and responsibilities. Councilor Belanger commented that in the coming year, it would be worth revisiting merit-based performance(s), and how they are measured and awarded in a consistent, objective way. Diana agreed.

Councilor Belanger made a motion to approve the addition of EDP's to the nonunion policies and the removal of performance evaluations; Councilor Whiting seconded the motion. The motion was approved unanimously.

## **Referral Bonus Policy**

Diana commented that the language for this policy has been edited and updated to match current practice, as well as to remove some of the barriers in the process. Councilor Belanger recommended the actual start date for an employee be clarified so there isn't any confusion (it is typically the first day of orientation, but regardless, will be the first day of work with the City). Listing this in the policy will help identify when it must be known that a referral is taking place. Councilors Belanger and Emheiser expressed concerns that when a candidate is moving through the process, they – or another staff member – could take advantage of the process (and subsequent money) by trying to get in on the bonus later in the process. Council Emheiser made a motion to amend the order by keeping the original language and adding in “or at the discretion of the Director of Human Resources, prior to the hire date (first day worked).” Council Belanger seconded the motion, the motion was approved unanimously.

The motion to approve the policy as amended was approved unanimously.

### **3.b Maine Paid Family Medical Leave (PFML)**

This language, as explained by Diana, is the updated policy as outlined by the state, and would be beneficial to have in the nonunion policies (similar to FMLA). Employees will then have a place to go for documentation and data about MPFML. If included in the nonunion policies after this date, it will need to be revisited and updated on/before June 30<sup>th</sup>, 2025 given the latest approval from the Council to cover the full 1%. When asked, Diana responded that the proposed language was not verbatim from the law.

Councilor Belanger inquired if the City actually needs to include this in its policies at this early date. There was consensus that there does not seem to be a need yet, until the state has further clarification and finalized language. Diana did share that, in terms of the City's responsibility and requirements to notify staff (by law) of these changes – that has all been completed.

Councilor Belanger made a motion to table the order, Councilor Whiting seconded the motion, the motion was approved unanimously.

### **3.c Vacation & Sick Time Donation Policy**

Diana talked about how the previous policy precluded anyone from receiving sick/vacation donations from colleagues when they are also qualifying for short term disability (STD). STD is something an employee already pays for and uses after their vacation and sick time have been exhausted (and it typically kicks in around 90 days after the employee has had to be out for leave). STD is a minimal amount of money per week and employees are typically also struggling financially during this time (there are 2 current employees for which this is the case). A lot of employees want to help their colleagues, when possible. The amount transfers hour-for-hour across employees within the same bargaining unit.

Hours not used will go into a collective bank of excess, rather than trying to split them and give back equally among everyone that donated. For context, when Councilor Whiting asked how frequently this is an issue, Diana mentioned it has only come up three times in the past 6 years.

Councilor Belanger recommended amending 'Eligibility, Section 2' to name nonunion also as a 'bargaining' unit. With this amendment, Councilor Belanger made a motion to approve the policy change, Councilor Whiting seconded the motion; the motion was approved unanimously.

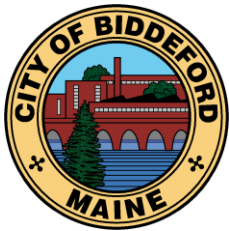
**ITEM 4                    Other Business**

**ITEM 5                    Adjourn**

Councilor Belanger motion to adjourn at 4:53 PM, Councilor Whiting seconded the motion; the motion was approved unanimously.

**Personnel Committee Members:**

Councilor William Emhiser, Chair  
Councilor Norman Belanger  
Councilor Doris Ortiz  
Councilor Scott Whiting



# CITY OF BIDDEFORD

205 Main St.  
P.O. Box 586  
Biddeford, Maine 04005

## PERSONNEL COMMITTEE

**Meeting Date:** January 21, 2025

**Meeting Time:** 4:00pm

**Agenda Item No:** 3.a

**Item Description:** Incident Review Policy Proposal

**Submitted by:** Daniel Hammond, Safety & Training Coordinator

### **Supporting Information/Documentation:**

Incident Review Policy Draft

### **Key Terms:**

#### **Incident**

- a) An unplanned, unwanted event that causes injury, illness or property damage or the probability of injury, illness or property damage.
- b) An unplanned or unwanted event that does not result in an injury, illness or property damage. Often called a “close call” or “near miss.”

### **Executive Summary:**

An Incident Review Policy will help to ensure that all incidents are appropriately analyzed to correct hazardous conditions and/or unsafe practices and improve related system weaknesses that produced them. An Incident Review Policy is also required for the City to enter the third tier of Maine Municipal Association’s Worker’s Compensation Safety Incentive Program.

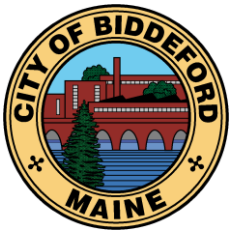
### **Detailed Review:**

An Incident Review policy has been developed to ensure that incidents involving City of Biddeford employees are appropriately investigated, documented, analyzed and reviewed to prevent similar incidents from occurring and to provide employees with the safest working conditions possible. The policy outlines the responsibilities of Department Heads, supervisors, employees and the Safety and Training Coordinator regarding the reporting, investigation and review of incidents that occur in the workplace. The policy also outlines the need for individuals within each department to receive incident investigation training. Trained incident investigators may be appointed to incident review teams that will be responsible for incident investigation and documentation.

The City of Biddeford is currently taking part in the Maine Municipal Association’s Workers Compensation Safety Incentive Program (WCSIP). The City is currently placed in the second of three tiers within the WCSIP program, which grants the City a 7.5% discount on its workers’ compensation bill. Having an incident review policy in place is a requirement of the third tier of the WCSIP program. If the City can reach the third tier of the program it will be awarded a 10% discount on its workers’ compensation bill.

**Funding Source:**  
N/A

**Staff Recommendation:**  
Include this new Incident Review Policy in the nonunion handbook.



# CITY OF BIDDEFORD

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P.O. Box 586  
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## Incident Review Policy

### CITY OF BIDDEFORD INCIDENT REVIEW POLICY

#### Purpose

The purpose of this policy is to define and document the incident review process within the municipal departments of the City of Biddeford.

This policy defines the responsibilities of Department Heads and supervisory staff in investigating the causes of incidents and implementing appropriate corrective actions to prevent similar situations from recurring.

#### General Incident Review Policy

The City of Biddeford considers employees to be our most valued asset and, as such, we will ensure that all incidents are appropriately analyzed to correct hazardous conditions and/or unsafe practices and improve related system weaknesses that produced them.

#### Definitions

##### 1) Incident

- a) An unplanned, unwanted event that causes injury, illness or property damage or the probability of injury, illness or property damage.
- b) An unplanned or unwanted event that does not result in an injury, illness or property damage. Often called a “close call” or “near miss”.

##### 2) Hazard

- a) Anything that presents a danger to employees or property.

##### 3) Hazard Control

- a) Any method used to reduce or eliminate a hazard, such as:
  - i) Eliminating the hazard;
  - ii) Substituting the hazard with a less dangerous method or process;
  - iii) Engineering Controls (isolating people from the hazard);
  - iv) Administrative Controls (policies, procedures, training, housekeeping, and safe work practices); and
  - v) Personal Protective Equipment (PPE)

##### 4) OSHA 300 Log

- a) The Log and Summary of Occupational Injuries and Illnesses, on which all injuries and illnesses that occur in the workplace during the year must be recorded; also used to complete the OSHA 300A summary at the end of the year to satisfy employer posting requirements.

5) **MDOL**

- a) Maine Department of Labor.

**Responsibilities**

**Department Heads and Supervisors** are responsible for:

- 1) Establishing incident-reporting policies and procedures;
- 2) Training employees on procedures and policies;
- 3) Maintaining training recordkeeping;
- 4) Providing or arranging for all necessary medical care for injured workers;
- 5) Ensuring incidents are reported to the Maine Department of Labor when required;
  - a) All incidents resulting in fatalities must be reported to MDOL within 8 hours of the incident.
  - b) All serious injuries requiring immediate hospitalization must be reported to MDOL within 24 hours of the incident.
  - c) Reports can be made electronically or by telephone at [incident.bls@maine.gov](mailto:incident.bls@maine.gov) or 207- 592-4501 (24 hours).
- 6) Ensuring all incidents and injuries are properly investigated by an incident review team and appropriate corrective actions are provided in a timely manner;
- 7) Initiating incident reviews immediately upon notification of an incident and completing them within 24 hours of occurrence if they involve an employee injury or illness that requires a physician's care;
- 8) Ensuring incident-review interviews are conducted in a professional manner; (The purpose of the interview is to gather facts, not to find fault or assign blame.)
- 9) Taking action to protect people and property from secondary effects of incidents;
- 10) Ensuring immediate and long-term corrective actions are taken to prevent reoccurrence;
- 11) Coordinating the reporting of claims to applicable insurers in compliance with Maine's Workers' Compensation laws; and
- 12) Maintaining incident reports on file.

**Employees** are responsible for:

- 1) Immediately reporting all incidents and injuries to their supervisors;
  - a) The 'Employee Report of Injury Form' must be completed by employees that have sustained an injury or been involved in an incident. Witnesses to incidents or injuries must complete an 'Incident Review Witness Statement Form.'
- 2) Promptly reporting all hazardous conditions and near misses to supervisors;
  - a) The 'Workplace Hazard Reporting Form' can be used to document and communicate potential hazards. And;
- 3) Assisting, as requested, in all incident reviews.

**Safety & Training Coordinator** is responsible for:

- 1) Administering the program and issuing written materials to support it;
- 2) Reviewing the program annually and updating as appropriate;
- 3) Analyzing incident records to identify program deficiencies;

- 4) Scheduling employees, supervisors, Department Heads, and (if applicable) Safety Committee members for training; and
- 5) Coordinating all activities related to hazard control, insurance, state and local regulatory compliance.
- 6) This person or their designee is also responsible for:
  - a) Maintaining OSHA Recordkeeping on OSHA 300 Log and Summary of Occupational Injuries and Illnesses; and
  - b) Posting the OSHA 300A Summary Work-Related Injuries and Illnesses form February 1 to April 30 of the year following the year covered by the form.

## **Incident Reporting**

All employees will report immediately to their supervisor, any unusual or out of the ordinary condition or behavior, at any level of the organization, that has caused or could cause an injury or illness of any kind.

The following forms have been developed to support this policy and ensure reports can be made quickly and effectively:

- 1) Workplace Hazard Reporting Form
- 2) Employee Report of Injury Form
- 3) Supervisor Report of Injury Form
- 4) Incident Review Witness Statement Form

Supervisors will recognize employees immediately when an employee reports an injury or a hazard that could cause serious physical harm or fatality, or one that could result in shutting down operations. Depending on the specifics of the report and the supervisor's experience, training and responsibilities, the supervisor may initiate the incident-analysis process or inform their supervisor/ Department Head and allow them to determine the need for an incident analysis.

## **Incident Analysis**

An Incident Review Team is responsible for analyzing incidents. All incidents that have, or might have, resulted in serious injury or fatality will be analyzed as soon as safely possible following the incident. Incidents that might have resulted in minor injury or property damage will be investigated within 4 hours of notification.

Incident review teams will be assigned the responsibility for analyzing incidents. All supervisors will be familiar with this plan and properly trained in analysis procedures. Other staff may also investigate in conjunction with the supervisor as appropriate or as assigned by the Department Head.

Incident-report forms, and incident-review analysis reports, will be submitted through supervisory levels to Department Heads. If recommended/ required corrective actions are within the capability/authority of the Department Head, corrective actions will begin immediately to eliminate or reduce the hazardous condition or unsafe work practice that might result in further

injury or illness. If recommended/ required corrective actions are outside the capability/ authority of the Department Head, the Department Head must liaise with other Department Heads, the City Manager, or outside contractors/ resources as appropriate to ensure corrective actions are implemented as soon as possible.

## **Incident Review Team**

It is important to identify and establish incident-review staff or teams before an event occurs so they can quickly move into action when necessary. The experience of staff or the team is an important factor affecting the quality of the analysis. Competent employees who are trained and have the knowledge and skills necessary to conduct an effective analysis may be appointed to an incident-review team by their Department Head or their designee.

Staff identified as investigators will undergo initial training for incident reviews and an annual refresher training. This training is provided through the NEOGOV training platform and is titled 'Accident Incident Investigation.'

Although team membership may vary according to the type and location of an incident, a team analyzing an incident may include:

- 1) A supervisor from the affected area;
- 2) An employee from an area not involved in the incident;
- 3) An engineering and/or maintenance supervisor;
- 4) The Safety and Training Coordinator;
- 5) Members of the Safety Committee;
- 6) Appropriate front-line employees (i.e., operators, mechanics, technicians);

## **Incident Review Team Responsibilities**

**Determine the facts.** A thorough search for the facts is an important step in incident analysis. During the fact-finding phase of the process, and when it is safe to do so, team members should visit the scene before physical evidence is disturbed to take samples and prepare visual aids (such as photographs, sketches and diagrams). Team members should also obtain on-the-spot information from eyewitnesses, if possible.

**Determine the cause.** It is critical to establish the root cause(s) of an incident so that effective recommendations are made to correct the hazardous conditions or unsafe work practices and make system improvements to prevent the incident from recurring. The incident review team will use appropriate methods to sort out the facts, inferences, and judgments they assemble. Even when the cause of an incident appears obvious, the review team will still conduct a formal analysis to make sure any oversight or a premature/erroneous judgment is not made.

**Recommend corrective actions and system improvements.** This will contain three parts:

- 1) The recommendation itself, which describes the actions and improvements to be taken to prevent a recurrence of the incident;
- 2) The name of the person(s) or position(s) responsible for accomplishing actions and improvements; and

- 3) The correction date(s).

### **Incident documentation**

An Incident Investigation Form has been developed for the incident review team to document their analysis of each incident. Incident documentation will address the following topics:

- 1) Description of the incident (date, time, location, etc.);
- 2) Facts determined during the analysis (including chronology as appropriate);
- 3) Statement of causes; and
- 4) Recommendations for corrective and preventive action (including who is responsible and the correction date).

### **Follow-up System**

All incident-analysis documentation, including recommendations for corrective actions and system improvements, is to be shared with the applicable Department Head and the Safety & Training Coordinator. The Safety & Training Coordinator will track each incident and any associated recommendations. Periodic status reports regarding incident analysis and recommendations will be provided to Department Heads and/or the City's Safety Committee.

### **Communication, Review and Approval**

To ensure greater safety awareness and prevent incidents from recurring, appropriate employees at the location where incidents occurred will review incident analysis reports.

Employees in other departments may also review reports to preclude a similar occurrence of the incident.

The Safety Committee will review, discuss and approve the results of incident analysis reports at each Safety Committee meeting. Meetings are scheduled at least quarterly throughout the year.