

# 5.02 Vehicle Accident Review Committee Procedure

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| Procedure Number:                    | 5.02  |
| Procedure Title:                     | Vehicle Accident Review Committee Procedure   |
| Original Issue Date:                 | 02/17/2016  |
| Revision Date:                       | 01/01/2017  |
| Appendices:                          | Not Applicable  |
| Forms:                               | <a href="#">5.02 (a) Milwaukee County Drivers Accident Report - paper copy</a><br><a href="#">5.02 (b) Milwaukee County Drivers Accident Report - electronic fillable copy</a><br><a href="#">5.02 (c) Daily Vehicle Inspection Report</a><br><a href="#">5.02 (d) Administrative Review Letter</a> |
| Statutory References:                | Not Applicable  |
| Ordinance References:                | Not Applicable  |
| Department Responsible for Updates:  | DAS   |
| Date for scheduled procedure review: | 01/01/2017  |

## 1. OBJECTIVE

The purpose of this procedure is to establish a committee designed to promote safe driving and equipment operation by identifying preventable versus non-preventable motor vehicle accidents and providing resources to prevent future claims.

## 2. DEFINITIONS

- A. **Driver.** The operator of any motor vehicle.
- B. **In Transport.** Is the state or condition of a motor vehicle when it is in use primarily for moving persons or property (including the vehicle itself) from one place to another and is (1) in motion; or (2) in readiness for motion; or (3) on a roadway, but not parked in a designated parking area.
- C. **Motor Vehicle.** Any mechanically or electrically powered device, not operated on rails, upon which or by which any person or property may be transported or drawn. Motor vehicles include but are not limited to, the following devices:
  - i. Automobiles (any type), bus, motorcycle, motorized bicycle or scooter, fire engine, truck, or van.
  - ii. Construction machinery, farm and industrial machines, tractor, highway grader, or similar devices equipped with wheels or treads, while in transport under own power.
  - iii. Special motorized vehicles such as golf carts, utility carts, snow throwing machines, snowmobiles, boats or similar devices, while in transport under own power.
- D. **Motor Vehicle Accident.** Is when a motor vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, such as a tree or utility pole. Motor vehicle accident may result in injury, death, and property damage.

- E. **Non-Preventable Motor Vehicle Accident.** Any motor vehicle accident where it is shown that the Milwaukee County employee involved was determined to exercise every reasonable precaution to prevent the accident and his/her actions did not contribute to the accident occurring.
- F. **Preventable Motor Vehicle Accident.** Any motor vehicle accident involving a Milwaukee County motor vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent or where it occurred, in which the driver in question failed to exercise every reasonable precaution to prevent the accident.

### 3. PROCEDURE

#### A. Committee Membership

- i. **Membership** - The Vehicle Accident Review Committee will be composed of seven (7) members knowledgeable in their respective professions. Membership will include representatives from Milwaukee County and our supporting general liability insurance carrier.
  - a. Two members from the Risk Management Department
  - b. Two members from the Department of Transportation
  - c. One member from the Sheriff's Department
  - d. One member from the Parks Department
  - e. One member from General Liability Insurance Carrier
- ii. **Committee Chair** – One committee member from Risk Management Department will serve as the Committee Chair.
- iii. **Secretary** – One committee member will serve as the Secretary appointed by the Committee Chair.
- iv. **Determination of Membership and Appointment**– Risk Management will determine committee membership. The general liability insurance carrier is subject to change based upon County Board approval. Committee members will be appointed on an annual basis with approval from the supporting department head.

#### B. Committee Meetings

- i. **Meeting Frequency** - The VARC will meet on a quarterly basis or at the call of the Committee Chair according to need. The Committee Chair will be responsible for coordination and scheduling of all committee meetings.
- ii. **Meeting Location** - The VARC meetings will be held in the Milwaukee County Fleet Management Building located at 10320 W. Watertown Plank Road, Wauwatosa, WI 53226. The meeting location is subject to change based upon room availability.

C. **Committee Training Requirement** – The VARC committee members will be trained on the National Safety Council (NSC) rules and recommendations for accident preventability.

#### D. Accident Review Procedure

- i. **Accidents Reviewed** - The VARC will only investigate and determine preventability status of accidents involving County fleet vehicles associated with costs of \$1.00 or more.
- ii. **Information Reviewed** - The VARC members will review available information including but not limited to:
  - a. Copies of the investigating officer's report

- b. Copies of Milwaukee County Driver's Accident Report
  - c. Copies of the Milwaukee County Daily Vehicle Inspection Report
  - d. Loss reports
  - e. Statements from available witnesses
  - f. Accident reconstruction documents
- iii. **Review Process** - The motor vehicle accident will be described by the Committee Chair or other competent person utilizing all information available detailing the circumstances of the accident. Committee members will be allowed to ask questions during the presentation.
- iv. **Preventability Determination** - After reviewing the circumstances of each motor vehicle accident, the committee will determine whether each accident was preventable or non-preventable utilizing the National Safety Council (NSC) rules and recommendations for accident preventability. A majority vote from the committee members will determine if the accident was preventable or non-preventable. Before reaching a finding of non-preventable, the committee must be satisfied that the accident could not have been prevented by the driver through normal alertness and attention to driving.

**E. Administrative Review**

- i. **Available Administrative Review Resources** - The VARC members will make training and/or administrative review recommendations for those involved in the motor vehicle accident based on the findings of the investigation. Available training and/or administrative review includes but are not limited to:
- a. Sheriff Training Academy Driving Simulator
  - b. Learning Management System (LMS) on line Defensive Driving Course and training materials
  - c. Specialized motor vehicle usage training
  - d. Supervisory driver observations with employee follow up
- ii. **Notification** - The supervisor of the employee involved in the motor vehicle accident will be notified of the VARC accident investigation outcome by e-mail with an attached Administrative Review letter provided for this purpose. The letter will document whether the accident was deemed preventable or non-preventable and any recommended training and/or administrative review to be completed. It is the responsibility of the supervisor to share the letter and its contents to the employee that was involved in the motor vehicle accident.
- iii. **Appeal** - If an employee believes that the preventability findings of the VARC is incorrect, the employee may appeal the Committee's decision. Appeal procedures are as follows:
- a. An employee has two (2) weeks from the date listed on the Administrative Review letter notification to appeal his/her case.
  - b. The employee must notify his/her supervisor of the appeal. The supervisor will notify the VARC Chair to schedule the appeal for the next meeting date.
  - c. The employee may provide additional documentation or written statements for the VARC to review prior to the appeal review meeting. Employees who feel that they should be present when his/her accident appeal is reviewed will contact his/her supervisor for approval to attend the meeting.

- d. The decision of the Committee on any case is final once the appeal is made and the preventability determination ruling passed.
- iv. **Minutes** - Minutes for each VARC meeting will be completed by the Secretary and shall be furnished by the Secretary to each committee member.

**4. FORMS**

The following attached forms are to be used in compliance with this procedure:

| <b>Form #</b> | <b>Form Title</b>  |
|---------------|--|
| 5.02(a)       | <a href="#"><u>Milwaukee County Drivers Accident Report - hard copy</u></a>                |
| 5.02(b)       | <a href="#"><u>Milwaukee County Drivers Accident Report - electronic fillable copy</u></a> |
| 5.02(c)       | <a href="#"><u>Daily Vehicle Inspection Report</u></a>                                     |
| 5.02(d)       | <a href="#"><u>Administrative Review Letter</u></a>  |