



ERIC GARCETTI
MAYOR

EXECUTIVE DIRECTIVE NO. 18

Issue Date: February 1, 2017

Subject: A Safe and Healthy Workforce and Risk Management

The City's diverse and talented workforce is the lifeblood of Los Angeles, providing a wide array of essential services to all Angelenos. I am committed to maximizing the wellness and safety of our residents and those who serve them.

I am also committed to other aspects of risk management, including minimizing liability claims and litigation. Liabilities take many forms, including general liability, vehicle liability, employment liability, and workers' compensation liability. The City's growing workers' compensation costs comprise the vast majority of its overall liability costs.

Since I became Mayor, I have taken actions to manage overall risk in ways that are flexible and meaningful, that focus on the outcomes of risk management, and that utilize performance indicators and performance-based budgeting. I have met with the Heads of all City Departments, including the proprietary Departments, to discuss the purpose and implementation of measures to manage the risk of liabilities and my expectations regarding managing risk. On an ongoing basis, the Deputy Mayor for Budget and Innovation follows up with General Managers on their risk-management strategies, and I include the effective management of litigation risk and workers' compensation liabilities in their annual performance evaluations and salary reviews. My staff and I have consulted with our employee representatives on ways to improve risk management and employee wellness. We also have worked closely with the City Attorney, the members of the City Council, and their staffs to address these matters.

I am now setting forth a revamped data-driven approach to worker safety and risk management with immediate steps to reduce workers' injuries, liability claims, and resulting costs. My approach takes full advantage of the City's data systems, including the new Risk Management Information System (RMIS). My approach incorporates:

tracking each City agency's litigation liabilities and expenditures related to workers' injuries; advancing workers' overall wellness; investing in the Personnel Department's Citywide Occupational Safety and Health Division; and establishing a new Mayor's Risk Reduction Cabinet as a tool to hold the Head of each agency accountable to reduce workers' injuries and liability costs by overseeing effective safety, return-to-work, and risk-management efforts. This Cabinet will develop a collaborative risk-management strategy that reduces risks and associated costs, leading to a well-run City working toward long-term goals of fiscal and operational sustainability.

The City Attorney and the professionals in his Office participated in developing this Executive Directive, and I thank them for their critical contributions. The City Attorney's innovative leadership in risk management is indispensable to achieving progress. I appreciate his commitment to continuing our work together towards our shared goals in managing risk for the benefit of the people of Los Angeles.

The City's workforce deserves a modern approach to workplace safety and employee wellness, and Angelenos deserve a City government that actively manages its risks. With this Executive Directive, I am putting Los Angeles on a path to sustained success.

Accordingly, I hereby order the following:

Managing risk:

- Each General Manager or Head of Department/Office shall:
 - provide executive leadership in the development of a risk-management program to reduce the number of liability claims filed and resulting expenditures;
 - report on risk-management efforts and corresponding performance metrics as part of the Annual General Manager Review process; and
 - designate a senior manager as the Chief Risk Management Officer for the Department/Office, notifying the Deputy Mayor for Budget and Innovation of that person's name and contact information (including when there is a subsequent personnel change or change to that person's contact information).

- Each departmental Chief Risk Management Officer shall:
 - serve as the departmental liaison to my Office, the City Attorney's Office, and other Departments/Offices with respect to all matters related to risk management;
 - develop and implement Department/Office-specific loss-control and risk-management practices to reduce risk and liability, in consultation with the Deputy Mayor for Budget and Innovation, the City Attorney, the City Administrative Officer, and the General Manager of the Personnel Department;

- consult with employee representatives on issues relating to claims and litigation;
- actively oversee Department/Office-related claims and litigation in conjunction with counsel in the City Attorney's Office (and any outside legal counsel representing the City);
- provide client input on matters that arise during the course of litigation (in consultation with the Counsel to the Mayor or a Deputy Counsel to the Mayor in significant matters);
- serve as the departmental liaison to counsel in the City Attorney's Office (and to outside legal counsel representing the City) in claims and litigation involving departmental employees and programs;
- represent the Department/Office at meetings of the Claims Board, accompanied by departmental personnel most familiar with the facts or issues regarding any particular matter, whenever the Claims Board must make decisions or recommendations regarding Department/Office-related claims and litigation;
- develop an internal protocol—requesting the City Attorney's assistance in doing so—with respect to claims and litigation that involve the Department/Office so as to ensure in each matter, in collaboration with counsel, the completion of an early and thorough investigation of the facts underlying the claim or litigation with a root-cause analysis and evaluation of the need for corrective action, including but not limited to:
 - the remediation of dangerous conditions or equipment;
 - changes in policy, practice, or procedure; and
 - the need for new training, counseling, or other personnel action for individual employees whose actions in some way might have contributed to potential liability;
- in collaboration with counsel, ensure the quality and timeliness of all claim- and litigation-related reviews of policies, practices, and employee conduct during any root-cause analysis, as well as the implementation of any resulting corrective actions;
- track and keep record of the implementation of all corrective actions;
- oversee RMIS data entry and updates, and ensure risk-management data are provided in compliance with applicable regulations;
- evaluate whether the allegations, investigations, and facts in any claim or litigation suggest that the City should seek a change in federal, state, or municipal laws or regulations, and advise the Counsel to the Mayor or a Deputy Counsel to the Mayor accordingly shortly after the conclusion of the matter; and
- inform the Deputy Mayor for Budget and Innovation, the City Attorney, and the City Administrative Officer of any proposed new operations or activities that may involve a risk to the City of loss or liability.

- The City Administrative Officer shall:
 - monitor implementation of the risk-management components of this Executive Directive, reporting progress to the Deputy Mayor for Budget and Innovation on a quarterly basis;
 - assume responsibility and oversight for the successful implementation and maintenance of the City's RMIS; and
 - provide each General Manager or Head of Department/ Office with an annual in-depth report on departmental risk-management efforts and performance, including an analysis of liability trends, cost-of-risk figures, and Department/Office-specific recommendations with respect to risk prevention for the upcoming year, using the City's RMIS to drive analysis.
- The General Manager of the Information Technology Agency and Chief Information Officer shall provide technical support and assistance as needed to ensure the successful implementation and full utilization of the RMIS citywide.

Working collaboratively and ensuring accountability with the Mayor's Risk Reduction Cabinet:

- I hereby create the Mayor's Risk Reduction Cabinet, which the Deputy Mayor for Budget and Innovation (or his designee) shall chair, and which shall include, in addition to members from and designated by my Office, the Chief Risk Management Officers from the following Departments/Offices, who shall ensure departmental Chief Risk Management Officer representation at regular Mayor's Risk Reduction Cabinet meetings (with all other Chief Risk Management Officers participating as the Deputy Mayor for Budget and Innovation directs):
 - Building and Safety
 - City Administrative Office
 - Fire
 - General Services
 - Personnel
 - Police
 - Recreation and Parks
 - Sanitation
 - Street Services
 - Transportation
- I invite the City Attorney and the President of the City Council, or their designees, to participate in the Mayor's Risk Reduction Cabinet.
- The Mayor's Risk Reduction Cabinet shall:
 - champion risk management as crucial to achieving the City's operational and budgetary objectives;

- set risk-management priorities, goals, and objectives for the City;
 - direct the development of citywide and departmental risk-management policy;
 - drive the analysis of risk trends and corrective action throughout the City;
 - coordinate and direct risk-management functions throughout the City;
 - support each General Manager or Head of Department/Office in developing and implementing strategies to reduce risk;
 - identify resource needs to reduce and prevent specific risks;
 - develop a protocol for each General Manager or Head of Department/Office to prepare an Annual Risk Management Report that is a privileged and confidential attorney-client communication, and that includes:
 - an analysis of risk-management performance for the previous year, with information on workers' compensation injury claims and costs and other liability claims and costs incurred by the Department/Office, including information about significant claims and related remedial measures;
 - a summary of efforts undertaken to reduce work-related injuries and other relevant liabilities, including preventative and corrective actions taken; and
 - a risk-management plan for the upcoming year, identifying key risk issues and trends, and articulating measurable risk-reduction goals with specific mitigation and prevention plans to achieve those goals.
- The City Administrative Officer and the General Manager of the Personnel Department shall provide the Mayor's Risk Reduction Cabinet with administrative and analytical support and expertise.

Protecting workers' safety and wellness:

- Each General Manager or Head of Department/Office shall:
 - designate a senior manager as the Chief Safety and Wellness Officer for the Department/Office, notifying the Deputy Mayor for Budget and Innovation and the General Manager of the Personnel Department of that person's name and contact information (including when there is a subsequent personnel change or change to that person's contact information);
 - in consultation with the General Manager of the Personnel Department, update the departmental Injury and Illness Prevention Program (IIPP) to ensure that it complies with Cal/OSHA and this Executive Directive, and is tailored to the specific needs of the Department/Office, with the IIPP reviewed annually and updated as appropriate, and electronic copies provided to the General Manager of the Personnel Department;
 - in consultation with the General Manager of the Personnel Department, develop and issue a departmental Safety and Wellness Policy Statement that:
 - establishes goals and an action plan to reduce the frequency of injuries;

- identifies the Chief Safety and Wellness Officer for the Department/Office and provides contact information;
 - delineates procedures for the timely reporting and investigation of safety hazards, injuries, accidents, and near misses;
 - ensures the establishment and implementation of corrective action plans to abate identified safety hazards and to correct unsafe work practices, thereby managing risk; and
 - establishes a mechanism for reporting suspected instances of workers' compensation fraud.
- ensure the taking and tracking of corrective action in response to safety incidents, including the development of safety training;
 - provide safety and regulatory compliance data, OSHA correspondence, and citations as requested by the General Manager of the Personnel Department;
 - ensure that an accident investigation and corresponding Accident Investigation Form is completed for every workers' compensation claim filed and for all other safety incidents in a manner compliant with City policy;
 - convene a departmental Safety Committee to reduce injuries and improve safety;
 - manage all data and records, including collected Accident Investigation Forms, minutes of Safety Committee meetings, and records of safety trainings conducted;
 - participate in any citywide safety working group meetings;
 - incorporate supervisors' safety efforts and performance, including the completion of Accident Investigation Forms and any other supervisory safety duties, into supervisors' performance evaluations;
 - cooperate with requests and investigations by Third Party Administrators handling workers' compensation claims;
 - actively facilitate the return of workers injured on the job through the City's Return to Work Program by:
 - implementing the City's Reasonable Accommodation Process and Temporary Modified Duty policies;
 - maintaining regular, positive communication with injured workers;
 - maintaining a list of employment positions available on a temporary basis to accommodate employees with temporary work restrictions;
 - identifying placement opportunities and referring unplaced workers in a timely manner;
 - ensuring that injured employees on leave are properly classified and tracked through the City's PaySR system;
 - creating and maintaining a database for workers on workplace injury-related leave that includes:
 - each injured worker's name and position, the types and dates of the worker's injuries and absences;
 - the status of efforts to place workers with medical restrictions; and

- records of communications with each injured worker on leave;
- report cases of suspected fraud to the City Attorney and cooperate in any ensuing investigations;
- report quarterly to the Deputy Mayor for Budget and Innovation, with copies to the City Administrative Officer and the General Manager of the Personnel Department, on the following:
 - Injury Assessment and Response, which should include:
 - the number of new workers' compensation claims during the previous quarter, and the quarterly rate of claims per 100 full-time equivalent employees [$\text{total claims} / (\text{total hours worked} / 522) * 100$];
 - the number of accident investigations completed and submitted to the Personnel Department during the previous quarter;
 - a general summary of the most prevalent root causes of workers' compensation claims during the previous quarter; and
 - a general summary of corrective actions taken during the previous quarter to prevent future injuries;
 - Safety Training Efforts, which should include a log of safety training efforts conducted during the previous quarter, including dates, topics, and participants; and
 - Return to Work, which should include a record of the number of employees who are out on injury leave; the number of reasonable accommodations for temporarily disabled employees that were requested, granted, and denied during the quarter; and, for denials, the reasons therefor; and
- consult with employee representatives on each of these safety issues.
- Each departmental Chief Safety and Wellness Officer shall:
 - serve as the departmental liaison to my Office, the Personnel Department, and other Departments/Offices with respect to all matters related to workers' safety and wellness;
 - assist the General Manager or Head of Department/Office as well as departmental supervisors, employees, contractors, volunteers, and vendors in complying with the safety and wellness components of this Executive Directive; and
 - oversee RMIS safety and wellness data entry and updates, and ensure data are provided in compliance with applicable regulations.
- Each supervisor shall:
 - ensure that employees receive appropriate training in the safe handling of materials and equipment and that worksites are safe in line with departmental requirements; and
 - conduct a complete accident investigation for every injury that occurs, and for every other safety incident and near miss.

- Each City employee, contractor, volunteer, and vendor shall:
 - work safely and assist coworkers and others in the workplace to work safely;
 - comply with City policies, procedures, and practices related to accident prevention and safety; and
 - participate in all required safety trainings.

- The General Manager of the Personnel Department shall:
 - monitor implementation of the safety and wellness components of this Executive Directive, reporting progress to the Deputy Mayor for Budget and Innovation on a quarterly basis;
 - provide to the Deputy Mayor for Budget and Innovation and to each General Manager or Head of Department/Office monthly dashboards that contain the following:
 - trends of injury claims and corresponding costs month-by-month;
 - an injury-cause trend analysis;
 - the ratio of Injury on Duty (IOD) hours to hours worked;
 - the tracking of IOD hours for each month for the past year and year over year; and
 - accommodations made versus unaccommodated workers with work restrictions;
 - update the IIPP template, assist General Managers and Heads of Departments/Offices in reviewing and updating IIPPs, and maintain an electronic database of IIPPs;
 - assist General Managers and Heads of Departments/Offices in developing and issuing Safety and Wellness Policy Statements;
 - create and distribute citywide a standardized, digital Accident Investigation Form that captures all information needed to analyze an accident and to prevent similar accidents in the future;
 - maintain departmental data regarding safety trainings, injuries, and OSHA correspondence and citations;
 - provide expert technical assistance to each General Manager or Head of Department/Office through the assignment of safety engineering staff, site inspections, program evaluations, and the issuance of safety bulletins, training aids, and other resource materials;
 - develop a protocol to roll out trainings on occupational safety and health;
 - convene and lead a safety working group comprised of the City's safety professionals to streamline efforts and to share information and best practices;
 - integrate and use RMIS to drive injury-trend analysis and safety training efforts, and provide any relevant analysis for monthly dashboards;
 - ensure the workers' compensation claims management system is configured for optimal injury cause and prevention analysis;

- develop a standard protocol for departmental outreach to injured workers to facilitate the Return to Work process; and
- maintain departmental and citywide Return to Work data and performance metrics.

Executed this 1st day of February 2017.



ERIC GARCETTI
Mayor

Supersedes Executive Directives No. 9 (Villaraigosa Series) and No. CP-1 (Hahn Series).