

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



953

FROM: Human Resources Dept. SUBMITTAL DATE: July 10, 2003

SUBJECT: Occupational Health Program Agreement between Human Resources, Occupational Health and the Sheriff's Department.

**RECOMMENDED MOTION:** That the Board of Supervisors approves the attached Agreement; sign three (3) sets or the Agreement and return two (2) sets to Human Resources for distribution; appropriate \$207,182 from Contingency Fund for required safety services; and direct the Auditor-Controller to allocate amounts as outlined in Exhibit C.

**BACKGROUND:** Title 8 of the California Code of Regulations (CCR) governing workplace health and safety requires any employer in California with over 10 employees to have an ongoing Illness and Injury Prevention Program. These requirements are designed to ensure employees' safety in the workplace and to minimize injuries and exposures on-the-job (an overview of these sections of the code are outlined in Exhibit A attached). Employers who do not adhere to the requirements set forth in Title 8 are subject to citations and monetary penalties, some of which can be substantial. There are several County departments that are affected by this set of regulations and for whose employees various tests, training and follow-up activities must be provided to comply with the regulations. The department with particularly high exposure and potential liability to the County is the Sheriff's Department.

(continued on page 2)

Ronald W. Komers  
Asst. County Executive Officer/  
Human Resources Director

FORM APPROVED  
COUNTY COUNSEL

JUL 14 2003

**FINANCIAL DATA:**

<b>CURRENT YEAR COST:</b>	\$207,182	<b>ANNUAL COST:</b>	\$207,182
<b>NET COUNTY COST:</b>	\$207,182	<b>IN CURRENT YEAR BUDGET:</b>	NO
<b>BUDGET ADJUSTMENT:</b>	YES	<b>FOR FY:</b>	2003/2004
<b>SOURCE OF FUNDS:</b>	Contingency Fund		

**C.E.O. RECOMMENDATION:** Approve the attached agreement but defer funding, if necessary until the third quarter budget report.

COUNTY EXECUTIVE OFFICER SIGNATURE

FISCAL PROCEDURES APPROVED  
ROBERT E. BYRD, Auditor-Controller

BY Sue Ware 7/17/03  
Deputy

Policy  
 Policy  
 Consent  
 Consent

Department Recommendation:  
Per Executive Office:

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COUNTY OF RIVERSIDE  
JUL 14 2003

Prev. Agn. Ref. Dist. AGENDA NO.

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### Background (continued)

The Sheriff employs over 3,000 County personnel (about one third of these are corrections personnel). All employees at detention facilities must undergo annual medical surveillance for Tuberculosis (TB skin testing and/or chest x-ray), as well as annual TB prevention training. Training and fit testing for TB Respirators must also be performed initially and annually, if necessary. The Occupational Health Nurse Consultant with the County's Safety Division is responsible for conducting many Occupational Health activities including some of those mentioned above for all County departments in addition to the Sheriff's Department. As a result, there has been a continuing and significant lack of resources provided to the Sheriff's Department. Employees are at risk and the County is out of compliance with the above regulations. The one available Nurse is unable to keep current on testing and training required for all Sheriff's personnel on an annual basis, along with keeping all other departments affected by these regulations also current. Additionally, a lack of specially trained nursing resources has created several significant problems. Specific examples include:

- Bloodborne Pathogen Standard (§5193 CCR) - the County must provide personnel with occupational exposure the opportunity to receive the Hepatitis B vaccination within 10 days of job placement. Post vaccination lab work to determine immunity must also be offered. Most of these medical records are scattered throughout the County clinics and are not readily accessible to Occupational Health staff or CalOSHA upon request.
- Respiratory Protection Standard (§5144 CCR) - requires respiratory protection training and annual respirator fit testing for all NIOSH-approved negative pressure respirators. Prior to fit testing, the employee must undergo a medical evaluation to determine his/her ability to safely wear a respirator. The Occupational Health Nurse has been unable to accommodate all affected employees, although has assisted with evaluations and fit testing as time has permitted.
- Certain records must be made available to an employee who has been exposed to certain pathogens, as well as upon request of CalOSHA (§3204 CCR). Currently, these records are housed in various locations throughout the County. This causes a significant potential liability for the County, where medical and exposure records (e.g. exposure to airborne/bloodborne contaminants) are not readily available in one centralized storage system.

In order to ensure that the County and the Sheriff are in compliance, Human Resources and the Sheriff's Department propose the attached Agreement (Exhibit B) to provide two dedicated Occupational Health Registered Nurses to administer all testing, training and other activities required for all Sheriff's personnel. This team would also include the continuing services of the current Occupational Health Nurse, as well as clerical support. These nurses and support staff will be under the supervision of the County's Employee Health Medical Director. The team would make certain that all requirements were met, including keeping extensive medical records. The two nurses would be located at the Ben Clark Training Center which would allow all medical and exposure records to be centralized and stored with the team. All services to be provided by this team are outlined in Attachment A of the Agreement - "Scope of Services". Attachment B - "Dedicated Personnel", identifies the staff included on the team, and Attachment C - "Projected 1<sup>st</sup> Year Costs", outlines the funding requirements. This proposed team of Occupational Health staff dedicated to the Sheriff's Department will not only eliminate significant liability, but will provide the training and testing to ensure all Sheriff's personnel are able to perform job duties safely, minimize exposure to workplace hazards, and allow those exposed proper treatment and continuity of care they deserve.

The present HR rate only funds one Occupational Health Nurse Consultant for the entire County. It is necessary, therefore, for special funding to be made available to support the Sheriff's Department's specific needs. We recommend this program be funded from the Contingency Fund for FY2003/2004. Subsequent HR rates for the Sheriff's Department will incorporate costs necessary to continue funding this program.

## EXHIBIT A

### Title 8 - California Code of Regulations

#### Sections Identifying Requirements for Workplace Illness and Injury Prevention Program

##### Section 3203

Requires all employees in California with over 10 employees to institute an employee illness and injury prevention program. Covers inspections, training, physicals, testing.

##### Section 3204

Covers actions that need to be taken when an employee is exposed to a hazardous substance, such as providing employee with air sampling results, exposure and medical records.

##### Sections 5096 - 5100

Hearing conservation/work-related noise - requires annual hearing test for employees with exposure (such as machinery, gun shots, sirens). If workplace exposes employee to over 85 decibels in any 8-hour workday, employer is required to have a training program in place. Provides for quarterly monitoring of employee with initial exposure above permissible levels. Requires that hearing protectors be worn for performing specific duties. §5100 also regulates the recordkeeping of all noise exposure measurements and employee testing records.

##### Section 5144

Respiratory Protection Standard - this section requires that the employer perform annual respirator fit testing on employees furnished with respirators, as well as medical evaluations to determine employee's ability to safely wear a respirator. This testing requires that employees perform certain exercises to ensure the respirator has an adequate seal.

##### Section 5155

Airborne Contaminants - regulates permissible exposure levels to, for example, dust, asbestos, magnesium and other chemicals. Requires employees to wear a respirator should a level exist that is over the permissible level.

##### Section 5193

Bloodborne Pathogen Standard - requires employer to offer Hepatitis B vaccinations within 10 days of an employee being placed in a position. Requires that post vaccination lab work also be offered. Requires employer to provide Hepatitis C training.

##### Section 5198

Lead Exposure - provides for permissible levels of exposure and action required by employer where levels exceed permissible levels.