



ACCIDENT REVIEW BOARD POLICY
Amended October 2019
Revised 12/8/2020

I. PURPOSE/POLICY

Establishes guidelines for reviewing accidents involving City of Jackson vehicles other than those of the Police Department.

II. PROCEDURE

Definition- an accident is any event that results in unintended injury and or property damage attributed directly to the motion of a motor vehicle or its load.

- A. Investigation – Every accident involving a motorized vehicle shall be immediately reported by the employee involved. Unless an emergency or other justifiable reason causes a delay, all such accidents shall be investigated at the scene as soon as possible. The Jackson Police Department shall do the primary investigation on all traffic accidents inside the City limits. The Madison County Sheriff's Department shall do the primary investigation on all traffic accidents in the County. If the accident occurs outside of Madison County, the appropriate law enforcement authority should be contacted to do the primary investigation.

The employee shall contact their supervisor and complete a written accident/incident report as soon as possible. Witness's names and addresses should be noted on the report. Photographs must be taken if there are damages to any vehicle or involves another party. Please take photos of the surroundings and the damage as these will be attached to the reports.

- B. Classification – All accidents reviewed by the accident review board shall be classified as follows:

1. Preventable – An accident in which the driver of the vehicle failed to do everything that reasonably could have been done to prevent the accident.
2. Non-preventable – An accident in which the driver of the vehicle did everything that reasonably could have been done to prevent the accident.

III. ACCIDENT REVIEW BOARD

Any accident involving a City of Jackson employee (other than an employee of the Fire or Police Department) and a vehicle furnished for them to use in the performance of their job function, will be subject to review by the Accident Review Board. This will include accidents that occur when the employee is on or off duty.

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- A. **Authority** – The Accident Review Board is authorized to review all information available concerning each accident involving a City of Jackson vehicle or other vehicle that is used by a Department employee in the performance of their job.
- B. **Disciplinary Action** – If the Accident Review Board determines that an accident is classified as preventable, it shall prepare a written report and forward the report to the employee’s immediate supervisor and to the employees’ department head with disciplinary recommendations.

After reviewing the report and recommendations, the supervisor will implement the disciplinary recommendations of the Accident Review Board. If the supervisor or the employee feels the recommendations are in error, they may appeal that decision. In these cases, the final decision will be made by the Department Head and the Mayor.

- C. **Appeals** – Employees have thirty days after being notified of the board’s decision to appeal. The employee will be notified of the decision soon after the board has reviewed all accidents/incidents. If the employee feels the judgment is not correct he/she may appeal. The aggrieved employee must send an appeal back to the Chairman of the Accident Review Board in writing stating why the decision is not fair. After review by the Chairman of the Accident Review Board the appeal and the accident/incident information will be forwarded to the Accident Review Board of Appeals. The Appeals Board will review the information and set up a meeting with the employee to discuss the case. If the employee is not satisfied with the Appeal Board’s decision, the Department Head can then contact the Mayor for further review.
- D. **Accident Review Board Composition** – The Accident Review Board consists of five employees appointed by the Mayor. A Jackson Police Department Traffic Safety Officer will serve as an advisor to the board.

The board will meet as soon as possible after the vehicle accident or at least monthly, unless there are no accidents to review, and forward its findings to the Mayor. The Risk Management Department will notify board members of vehicle accidents. If a board member(s) is involved in a vehicle accident, he or she shall be excused from review of the case.

Accident Review Board of Appeals - The Appeals Board consists of three people appointed by the Mayor to hear any appeals employees make concerning the original decision made by the Accident Review Board.

- E. **Finding & Recommendations** – The Board shall make a report to the Mayor indicating the following:
 - 1. The accident is determined to be non-preventable: No disciplinary action.
 - 2. If the accident is determined to be preventable, the employee will be assigned points as follows:

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- a. One point for each preventable accident within a five-year period from the last accident.
- b. One additional point will be assigned for each accident that involved serious bodily injury or more than \$2000 in property damage.
 1. The Accident Review Board will use TCA 39-11-106 to define serious bodily injury. Serious Bodily Injury means bodily injury which involves:
 - a substantial risk of death;
 - protracted unconsciousness;
 - extreme physical pain;
 - protracted or obvious disfigurement; or
 - protracted loss or substantial impairment of function of a bodily member, organ or mental faculty.

Recommended disciplinary action in a preventable accident will be as follows, unless there are aggravating or extenuating circumstances which have been documented by the Board:

One point – counseling by Supervisor and remedial training

Two points – oral or written reprimand and remedial training

Three points –written reprimand and/or remedial training or one-day suspension without pay

Four points –two-day suspension without pay and remedial training

Five points – five-day suspension without pay and remedial training

Six points – ten-day suspension without pay and remedial training

Seven points – fifteen to thirty-days suspension without pay and remedial training

Eight points – demotion or dismissal.

Major Infractions: “Preventable” accident/incident points for damage costs of \$2,000 or more will be accumulated for a period of no more than five years from the date of the accident/incident.

Minor Infractions: “Preventable” accidents/incident points for damage costs of \$1,999 or less will be accumulated for a period of no more than two years from the date of the accident.

If there are exceptional circumstances connected to an accident, the board may call an emergency meeting to review the facts relating to the accident.

If an accident is found to have resulted from WILLFUL WRONGDOING OR DISREGARD FOR LIFE AND PROPERTY, the board may recommend disciplinary action up to and including dismissal for one accident.

The board shall have discretionary authority to recommend lesser or no disciplinary action to be taken even in preventable cases upon a reasonable explanation in writing to the Mayor.

In all cases, the Mayor has final authority to determine disciplinary actions for preventable accidents notwithstanding the employee’s rights of appeal in accordance with department policy.