

# Upstate New York Municipal Workers' Compensation Program

## Safety and Health Resource Guide

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### Why You Should Put Policies and Procedures in Writing

If your municipality is small or if it operates under a relatively close-knit management group, policies may be "understood." This means that while you may not have written policies, managers and supervisors have a good idea of the municipality's expectations regarding certain basic issues pertaining to employees.

Relying on "understood" policies, however, may lead to misunderstandings. For example, the Department of Public Works (DPW) Manager calls a meeting and launches into a tirade about the number of employees he sees not wearing appropriate personal protective equipment (PPE). One supervisor may interpret it as a decided shift in the organization's policy toward this requirement. She responds with a sudden crackdown on lapses in following PPE requirements in her area, disciplining every employee who fails to wear PPE when appropriate. Another supervisor, present at the same meeting, does not take the manager's tirade as seriously. He knows that some lapses will occur. Besides, he is certain that the manager was not directing his comments at *his* area. He knows there are other areas within the DPW and other departments that are far less strict about PPE than he is. So he decides to sit tight for a while and wait for this "storm" to blow over before he does anything drastic.

Just imagine the kind of resentment and frustration a situation like this might create. What if two employees from the department share rides to work and begin to compare notes on how their supervisors reacted to the Manager's tirade? The individual whose supervisor disciplined him will have every reason to feel angry and put upon. On an organization-wide basis, this can mean lower morale and productivity, more grievances, and understandably poor relations between supervisors and employees. In addition, neither supervisor has done anything that will consistently improve employee compliance with the requirement to wear PPE.

Managers and supervisors who have worked for the same municipality for a number of years may *think* they understand its policies. Usually all they really have is a sense of how their peers and predecessors have handled similar situations in the past. Other managers go on instinct, dealing with each situation as it arises and relying on their own "good" judgment to make the right decisions. Either approach will almost certainly result in inconsistencies. These inconsistencies can in turn result in misunderstandings, grievances, and even lawsuits. There have been many instances where managers and supervisors have taken a single manager's decision -- with no written policy to back it -- as "policy setting." The decision has then influenced many similar decisions by other managers and supervisors throughout the organization. If the original decision was sound, this may not result in any immediate disastrous consequences. What happens, however, if that manager acted illogically, irrationally, or even illegally? Managers and supervisors who think they are in accordance with "municipal" policy may repeat the original error in judgment many times.

These kinds of situations illustrate why a policy manual is absolutely essential in today's complex, competitive, and regulation-ridden work environment. Employers cannot expect their managers or supervisors to keep up with the many forces that continually shape a municipality's policy. Among these forces are the latest changes in the law, changes in the character of the work force and its expectations, and changes in operations. There should

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be a single, current, authoritative source of guidance and information that they can use when making decisions or enforcing policy. This will reduce the tendency to act on memory or instinct. With a policy manual, managers and supervisors will be able to act decisively, fairly, legally, and consistently. Employees will also know that their managers or supervisors are acting in accordance with municipal policy as well as applicable federal and state regulations.

Of course, a policy manual may not answer all your problems. Your supervisors must know what your policies regarding employee safety and health are and understand the reasons behind them. Without this understanding, you cannot expect them to carry the policies out with the commitment that is so vital to their effectiveness. Take your right-to-know program as an example. Let's say a supervisor must hire a large number of summer workers and get them in the field quickly. The supervisor knows it is your policy to provide all new hires in that department with right-to-know training as the Michigan Occupational Safety and Health Act requires. However, the supervisor has projects that need immediate attention and would like to ignore the requirement, especially since the employees are short term. If supervisors do not understand how failure to comply with MIOSHA might result in injury to employees and/or fines to the municipality, they may not cooperate with your efforts to provide employees with a safe and healthful workplace.

Good written policies do more than help supervisors and managers make difficult decisions and enforce rules. They provide the framework and background for such decisions, so that supervisors can explain to their subordinates (and to themselves) why a certain action or decision is the right one under the circumstances. Some policy manuals give a brief introduction to each policy, stating the reason a policy is necessary in this area, and what the organization hopes to achieve through implementation of the policy. Such information is invaluable when it comes to explaining an unpopular decision to employees, or when a supervisor must decide a course of action that runs contrary to his or her instincts.

### **How Are Policies Made?**

Most policies are a natural outgrowth of the decision-making process. A manager who faces a situation or problem for the first time evaluates it and makes a decision or issues an order that he or she feels is appropriate. While this decision may not present an immediate problem, it could lead to complications later. Let's say that a similar situation arises later, but under slightly or quite different circumstances. The manager who must make the decision this time around has to revise the original to fit these changed circumstances. After a period of time, you have many supervisors and managers making totally different decisions in the same area while believing that they are adhering to "organization policy."

Most policies develop, therefore, from past practices-good or bad, fair or unfair. Even in organizations where a policy manual exists, these past practices can continue to influence managerial decisions. In other words, managers cannot ignore them. The best policy is one that arises from the best decisions of the past. It should incorporate the careful thought, the good judgment, and the valuable experience of all managers who have faced problems or decisions in a particular policy area. This process should eliminate the irrational, the illogical and the unfair decisions that have contributed to inconsistent application of the organization's policy. Most important of all, a good policy is a natural outgrowth of the organization's management philosophy and overall objectives. It helps management direct the organization according to its established goals and mission.

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More specifically, policy development occurs when a group of people -- a policy committee -- meets and reaches consensus on specific policy statements. Committee members review past practices and the traditional approaches to certain situations as well as the latest legal requirements and management techniques. They try to pool their ideas and experiences, iron out differences of opinion, and come up with policies that are both fair and workable. Ideally, representatives come from the employee, supervisory and management ranks. This helps to assure that the committee considers the interests of all three groups during policy formulation.

### What Purposes Does a Policy Manual Serve?

A well written, up-to-date policy manual serves the purpose of guiding managers and supervisors in making decisions, training and handling employment issues that relate to safety and health. A policy manual also offers other less obvious benefits. Consider the following:

1. **A policy manual serves as a basic communications tool.** The very process of compiling a policy manual includes a survey of managers', supervisors', and employees' views on each subject or policy area. This process provides top management with an opportunity to find out where their staff stands and how they feel about certain issues. Top management can also learn what steps the management staff would like to see the organization take, what areas are giving them problems, and where confusion and misunderstandings lie. In other words, the policy formulation process is perhaps the best opportunity that an organization's top managers will have to communicate with its management team on subjects of mutual interest. In return, supervisors and managers get a chance to find out exactly where top management stands on these issues.

The important thing to remember about policy manuals, however, is that communication should not stop once the committee completes the manual. On the contrary, this should be where the real communication -- between supervisors and employees as well as between supervisors and their superiors -- begins. Every single time a question concerning a policy arises, the supervisor or manager in charge has an opportunity to improve communication and understanding with the employee(s) involved.

2. **A policy manual is an excellent training resource.** You can use the manual both in training newly hired or promoted supervisors and in conducting refresher courses for experienced supervisors. Some organizations have actually structured their supervisory training programs to correspond with the manual's table of contents. You can develop and use case studies to illustrate problems. Case studies can be particularly useful when discussing employment related safety issues. The manual can serve as a guide in deciding the right way to handle these hypothetical situations.
3. **A policy manual serves as written documentation of the organization's commitment to its employees' safety and health.** Simply having policies on personal protective equipment or right-to-know does not guarantee that you are in complete compliance with the law. However, having policies can be helpful if an employee files a complaint and someone from MIOSHA comes to inspect your operations. If you can show the MIOSHA inspector that you have clearly stated and widely publicized policies

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in these areas, it will make you look that much better. It can also help to reduce any fines you might receive if the MIOSHA inspector finds violations.

4. **A policy manual saves times.** Your managers and supervisors will not waste hours coming up with decisions that others have made before. They will not have to struggle with how to handle a "delicate" situation. They will not have to wonder if management would approve of their actions. If your policy committee researches and writes the policies well, supervisors and managers will have all the information and support they need to carry out top management's objectives.

These and other reasons make it *desirable* to have a safety policy and procedure manual. In addition, there are other reasons that make such a manual all but *mandatory* if you are to fulfill your obligations to serve the public and to preserve all its resources -- human, material and monetary. The regulatory requirements that MIOSHA imposes frequently change. Without current, documented policies and procedures, managers and supervisors are likely to make some mistakes in the area of safety and health that can lead to costly losses.

Another reason for developing a policy manual is the increasing difficulty of managing and controlling complex operations. For example, in some organizations, managers of relatively small departments often make decisions that can affect the entire organization. It may not be possible or even desirable to control all management decisions under circumstances like these. It is, however, desirable to provide managers with a framework within which they can make their own decisions on important or sensitive issues in a fair and consistent manner.

Another important reason for having a policy and procedure manual is requirement in some MIOSHA standards for organizations to provide information to their employees. Employees in particular are becoming more outspoken about their desire to know what regulatory agencies require of their employers. They are most likely to bring their concerns to their immediate supervisors or department heads. It is, therefore, essential that these individuals have a resource to which they can turn to provide the requested information.

A policy manual is more than an item you might want to have. It is something you *must* have to preserve your ability to serve your public, to attract and retain satisfied employees, and to reach your objectives through logical and consistent management decision-making.