

BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 20, 2010

GENERAL ORDER E-14

SUBJECT: HIGH-VISIBILITY SAFETY APPAREL

PURPOSE

- 1 - The purpose of this Order is to establish policy and procedure for the issuance and use of high-visibility safety apparel designed to enhance employee visibility and safety, and comply with applicable federal and state worker safety regulations.

POLICY

- 2 - Employees shall wear approved high-visibility safety apparel when conducting non-emergency activity and exposed to traffic on a public roadway in accordance with Title 8 CCR §1598 and the procedures set forth in this Order.

DEFINITIONS

- 3 - High-Visibility Safety Apparel: Personal protective safety clothing designed and intended to be conspicuous during both daytime and nighttime usage that meets or exceeds the visibility and reflective performance requirements described in federal and state regulations (see end references).
- 4 - Emergency Response Activity: Duties or actions performed by employees involving potentially adversarial, confrontational or life-threatening situations, including, but not limited to, traffic enforcement stops, pedestrian or motorist contacts, foot pursuits, area searches and related containment assignments, the emergency medical response phase of an injury vehicle collision investigation, and traffic control actions immediately related to other emergency response activity (traffic control becomes 'routine' as the emergency passes).
- 5 - Exposed to Traffic: Being on foot on the right of way of a public roadway, the areas at and between installed curbs or roadway edges, wherein vehicles travel or park.
 - (a) Excluding traffic control personnel, an employee will not be deemed to be "exposed to traffic" if upon a roadway that has been isolated from traffic by temporary traffic control points or devices (e.g., a protected fire zone, a crime scene, etc.).
- 6 - Non-Emergency Activity: All duties and actions performed by employees other than emergency response activities, including, but not limited to, routine traffic control, investigating vehicle collisions, resolving obstructed roadway issues, and provision of disaster response services.
- 7 - Traffic: Vehicles using a public roadway for purposes of travel (ref. Title 23 CFR §634.3).

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PROCEDURES

- 8 - Employees who may have to wear safety apparel required in paragraph 2 of this Order shall have such equipment immediately available for use.
- 9 - An employee is exempt from the requirement described in paragraph 2 of this Order in the following situations:
 - (a) When an employee is engaged in emergency response activity;
 - (1) At the conclusion of the emergency situation, if a continued presence within the roadway right-of-way is required, the employee shall don high-visibility safety apparel at his/her soonest practical opportunity.
 - (b) When the apparel could be adversely effected by fire, heat, or chemical substance and, as a result, injure the wearer; or,
 - (c) Any activity that involves a temporary presence on a public roadway (e.g., crossing the street, routine movement to/from a parked or stopped vehicle, etc.)
- 10 - In situations other than when high-visibility safety apparel is required, employees are encouraged to wear safety apparel when enhanced visibility would aid employee safety and identification in his/her performance of duty.
- 11 - The Department shall provide approved high-visibility safety apparel to employees whose duty assignments may require non-emergency activity on a public roadway.
- 12 - Employees issued high-visibility safety apparel shall maintain it in a clean and serviceable condition.
- 13 - Should an employee's high-visibility safety apparel be lost or rendered unserviceable by damage or wear, he/she shall immediately report the condition to his/her supervisor and obtain replacement safety apparel at the soonest practical opportunity.

References: 23 CFR §§630, 634 and 655
8 CCR §1598