

The Municipal RISK MANAGER

FALL 2019

A Publication of the Maine Municipal Association

MMA Risk Management Services Hosts Police Driver Training Program

MMA Risk Management Services was honored to partner with Scot Mattox (presenter) and members of our Law Enforcement community, to organize this course designed to educate participants on vehicle operation liability and legal concerns for law enforcement. Vehicle operations is one of the most dangerous activities that officers routinely perform. MMA claims data has revealed that motor vehicle accidents account for 74% of all Law Enforcement claims and that over the past ten (10) years, motor vehicle accidents in Law Enforcement has resulted in 128 injuries and over \$4,779,000 in damages.

Therefore, in an effort to help our statewide Law Enforcement members, this program was designed to assist them in performing their duties in a manner that keeps them safe while avoiding potential liabilities. The class provided tools to help officers control

exposures and understand potential dangers. The topics covered included:

- Safety, liability awareness, and legal concerns during routine patrol, emergency operation, and pursuits.
- Officer safety, liability awareness and legal concerns for checkpoints and roadblocks.
- National and State statistics on vehicle operation in law enforcement.
- Relevant national and state case law including: Norton v. Hall.
- Ministerial Activities v. Discretionary Functions and the Maine Tort Claims Act M.R.S. 14 Chapter 741.
- Understanding M.R.S. 17-A 203; 29-A 2054; and 25 Sec. 2806 as they relate to vehicle liability.
- Maine Chief's Model Policy on: Routine and Emergency Vehicle Operation, Roadblocks, and Pursuits.



MMA Risk Management Services is committed to providing members of the Workers' Compensation Fund and/or Property & Casualty Pool the highest quality educational experience and we wish to thank those members of the First Responders Community for their dedication and unwavering service. 🏠

New Active Shooter Coverage

In light of recent events, effective July 1, 2019, the Executive Board of the RMS Property & Casualty Pool approved the purchase of Active Shooter and Malicious Attack Property & Liability coverage. The coverage is available exclusively to members of the Property & Casualty Pool at no additional cost.

This policy is separate from the Pool coverage but only available to members of the Property & Casualty Pool. The policy has coverage enhancements that include additional security measures, counseling, public relations, and miscellaneous crisis management expenses. We appreciate that the

board felt strongly that this coverage was an important enhancement to Pool membership.

The coverage has a policy limit of \$5,000,000 Per Occurrence with an Aggregate of \$5,000,000. The program is shared by all members of the MMA Property & Casualty Pool and has an individual deductible of \$50,000 which is the responsibility of the member filing the claim.

MMA Risk Management Services hopes that we will never utilize this coverage, but we feel that we have a duty to help our members and fellow Mainers. 🏠



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

Publisher: Risk Management Services

Editor: Marcus Ballou

Layout Designer: Sue Bourdon

P.O. Box 9109, Augusta, ME 04332-9109

1-800-590-5583 or (207) 626-5583

Don't Slip Up-Prepare for Winter

With the beauty of the winter season we also are rewarded with icy conditions, snow packed roads, and freezing temperatures. During the winter months it sometimes seems that employers can't catch a break. But with some forethought, planning, and by taking some extra precautions we can prevent workers' compensation claims from occurring.

Slips, trips and falls

When your employees walk to and from their cars in icy conditions or are constantly on the go for your entity; slips, trips, and falls are inevitable. For surer footing we recommend that you keep sidewalks clear and coat sidewalks with salt immediately after a storm to reduce unwanted spills, slips, trips, and falls. You may also wish to designate an entrance that will always be first to be maintained so that your employees can rest assured that they

have a safe entrance to and from work.

Next, encourage your employees to walk slowly and take small steps to allow themselves to react quickly to a change in traction. It's also recommended that you remind employees to wear proper footwear to navigate the snow and ice safely.

If your employees are in and out of vehicles all day, be sure they use proper precautions such as stepladders and grips. After a hard day's work, your employees will thank you for saving them a slip on their way out the door.

Accidents on the road

While we cannot control roadway conditions, we can promote safe driving behavior by ensuring that our workers are properly trained for hazardous weather conditions. Remember, simple considerations go a long way, especially in dreadful winter weather.

The last thing your employees need is to be stranded in the middle of a snow storm. Before employees start their routes, ensure each vehicle is in proper working order, including the brakes, engine, electrical system, and tires.

Advise your employees to drive slowly, allow plenty of time to brake (especially in heavy fleet vehicles that build up momentum quickly) and minimize distractions. These safe practices on the road can minimize the chance that they will get into an accident or damage property, which can lead to multiple claims at once.

Working outdoors

Just because the weather isn't ideal, doesn't mean the work stops. For those employees who work outdoors, proper precautions are a must. Working in freezing temperatures requires the body to work harder to maintain warmth, so fatigue is more likely to occur during these harsh conditions.

Ensure your employees dress appropriately. Wearing multiple layers can prevent hypothermia and frostbite while also allowing the body to cool by taking off a layer or two when needed. Require your employees to wear slip-resistant footwear and allow them to take breaks to warm up and rest to prevent fatigue.

Lastly, working outdoors and driving in extreme weather subjects your employees to collisions from other drivers who lose control of their vehicles as well. Remind your employees to stay alert and use the necessary signage to warn drivers of their presence.

For more information on accident prevention please visit our Online University. Our offerings continue to grow, so watch the *Risk Manager* for announcements of new programs and courses or visit the website at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx>

A Testimonial from Ray Sisk, Knox County EMA Director and Safety Committee Chair

Driving defensively at work can also save you money at home...

In 2018, I asked the Knox County EMA crew to complete the Defensive Driving training available on the MMA website as part of our ongoing operator safety program for driving the "company truck". The MMA Online University *Defensive Driving* Course, Course Code "DD61", found in the listings for Vehicle and Driver safety and the course takes only about an hour to complete. The course description says the program *offers concrete tips on reducing the likelihood of a collision* among other info on dealing with hazardous driving conditions, vehicle protection systems, etc.

Simply stated, the course aims to help you become a better driver! You will often use its safe driving tips, which

quickly become second nature. Try it! Your municipality has an interest in you becoming a better driver; and as we found out, so do many private automobile insurance companies. While your discount may vary from one company to another, send your insurer a copy of your course certificate and see what they will do for you. My carrier provides a discount which amounts to a few hundred dollars over the course of three years. Safer driver and a few nice dinners out with the family; what's not to like! 🏠

Weblink to MMA online courses:
<https://firstnetcampus.com/MMA2/campus/courses.asp?F=home.asp>

Loss Control Welcomes Two New Consultants

Please join us as we welcome Steve Cummings and Justin Lowe to the Risk Management Services Team. Steve and Justin joined RMS as Loss Control Consultants and are providing consulting services and training to participating members of the MMA worker's Compensation Fund and Property & Casualty Pool.

STEVE CUMMINGS joined MMA in April of 2019, as a Senior Loss Control Consultant providing assistance to our members primarily in Southern and Eastern Maine. Prior to joining MMA, Steve worked as a Loss Control Representative for an insurance company in Southern Maine and worked as a safety consultant providing loss control services as a subcontractor for insurance companies throughout New England.

Before starting his own safety consulting business, Steve was the General Manager and business owner running a manufacturing plant that employed 180 people in Western Maine. While there, he developed and implemented the company's Safety Program receiving recognition from the Commission on Safety and Health in the Maine Workplace for his high level of commitment to a safety and health in the Workplace.

Justin Lowe joined the MMA Risk Management Services Loss Control Department as a Loss Control Consultant. Justin has more than 10 years' experience in workplace safety and management. Justin is a Pro Board certified Firefighter and specializes in high angle, confined space rescue and hazmat. Justin most recently was in management of a structural fabrication and welding shop and is an AWS certified welder. Prior to that he was a law enforcement officer for the Town of Wilton. Before that Justin led a worker safety program and developed trainings and on-site audits for a large mill/manufacturing plant.

In 2006 Justin joined the United States Army through the Split ops program. Justin served 2 tours in Iraq as an In-



(left) Justin Lowe; (right) Steve Cummings

fantrymen, before completing his service. Justin then attended University of Maine Farmington where he studied Geology / Chemistry and transferred to University of Maine Augusta where he studied Criminal Justice.

Did you know that safety help is available?

MMA Loss Control has several resources and publications that are available for FREE to members of the Risk Management Services Property & Casualty Pool and the Workers Compensation Fund. Under the Loss Control section of the MMA web site (www.memun.org) you will find:

The **Loss Control Best Practices** section has information to help members put safety programs and protocols in place. New and updated information added in 2017 includes:

Hazard Communication with Global Harmonization to assist members with developing a program to clearly label and communicate the existence of hazardous chemicals in the workplace, and

Safety Committees. Experience has shown members with effective safety committees have fewer accidents, fewer injuries, fewer claims and lower costs. This publication will help you form an effective safety committee in your organization.

The **Safety Shorts** section contains articles that are helpful with employee discussions on specific safety topics. Two new articles have been added:

Vehicle Backing Safety. Did you know nearly half of backing accidents occur

in a 4 month period out of the year? This article details how to reduce risk of collision and injury when backing vehicles.

Public Works-Taking Steps for Safety details safe use of ladders when working on or around large public works vehicles. Don't be the "fall" guy-learn safe practices!

Salt & Sand Shed Maintenance identifies hazard Identification and inspection recommendations.

Online Safety Training - Online safety training is offered in conjunction with FirstNet Learning. FirstNet is an e-learning company specializing in full service e-learning solutions for industry and government and new courses are added regularly

The training is based on the National Safety Council's Green Cross Safety Suite and is adapted to the State of Maine safety standards. This service is being offered as an enhancement to the live training currently available to members of the Workers Compensation Fund and Property & Casualty Pool.

Online safety training is flexible with courses ranging from 15 minutes to 2 hours. It is possible to begin work on a course, exit at any point with a bookmark, then return when it's convenient and pick up at the same place.

The courses are user friendly, easy to navigate and no additional computer training is required. In addition, employees may print off certificates of completion for each program successfully completed. Training coordinators can also easily track courses completed by their staff.

Courses are regularly reviewed, updated and refreshed.

Our offerings will continue to grow, so watch the *Risk Manager* for announcements of new programs and courses or visit the website at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx> 🏠

MMA Workers Compensation Fund Rewards Membership

We are pleased to announce that effective January 1, 2020, the MMA Workers' Compensation Fund (the Fund) will be introducing three new contribution credits to reward our membership for their risk management activities. Underwriting Manager Michael Mayette commented that "The new credits were developed to recognize our dedicated membership for their longevity, claim management practices, and exceptional loss experience". The new credits also provide a tool for the MMA Risk Management Services staff to ensure that all members are treated equitably and acknowledged for their individualized efforts.

The credits are to be applied within the following parameters:

- **Dedicated Member Credit.** A member may be eligible for up to 3% contribution credit for continuous participation in the fund prior to September 1st of the upcoming renewal. If there is a break in continuous participation this credit will no longer apply until the member has accumulated the necessary continuous participation.

Number of Continuous Fund Years with MMA	Amount of Credit*
3 - 5 Years	1%
6 - 10 Years	2%
11 Years +	3%

* These factors are not cumulative.

- **Claim Management Credit.** A member may be eligible for up to a 3% contribution credit if they use a preferred provider and/or written return to work policy across all departments prior to September 1st of the upcoming renewal.

Criteria	Credit
Preferred Provider	1%
Written Return to Work Policy	2%

- **Performance Credit.** A member will earn a 3% contribution credit if it is not eligible for experience rating and the current 3 year loss ratio is less than or equal to 25% prior to September 1st of the upcoming renewal. 🏠

Please note that these new credits will not impact minimum contribution requirements of the Fund.

FREQUENTLY ASKED QUESTIONS:

Question:

What is a roof inspection program?

Answer:

A roof inspection program can assist your entity by protecting your assets and even potentially extending the life expectancy of your roof. Such a program will help you reduce the need for unexpected emergency repairs. A Roof Inspection Program consists of regular inspection and documented maintenance of the roof surfaces, drains and the downspouts which are critical to the overall health of your building.

Elements of a Roof Inspection Program:

1. Perform an initial roof survey (to be performed by competent staff only).
 - Provide proper personal protective equipment.
 - Keep roof clean and free of debris.
 - Ensure that drainage system is working properly.
 - Pay attention to the perimeter areas of the roof and flashings paying particular attention to locations where the roof and the wall meet.
 - Look for overhanging trees which may damage roof and clog drains.
 - In the fall, look for any damage that requires repair prior to winters arrival.
 - In the spring, check for damage that may have occurred from the severe winter weather and repair as needed.
2. Conduct an inspection after any major weather event.
 - Look inside the building for signs of water intrusion, cracking, staining and moisture in lighting fixtures.
 - Examine perimeter of building for foundation issues from clogged roof drains.
 - Look of for ponding of water on the roof.
 - Monitor roof for ice dams and insulate if needed.
 - Examine the roof for damage caused by tree limb loss and clogged drains from leaf debris.
3. Document all inspections and repairs including but not limited to:
 - Coverings
 - Flashing
 - Lightning protection systems
 - Drains
 - Roof penetrations
 - Supporting structures.

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email Marcus Ballou at mballou@memun.org 🏠