

# the Municipal RISK MANAGER

FALL 2021

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

## Prepare Now for the Driver You Need Tomorrow

Maine communities depend on commercial drivers to maintain and plow roads, operate school buses, waste collection and to keep us moving, but a change is heading our way. The Federal Motor Carrier Safety Administration (FMCSA) has instituted a new regulation effective February 7, 2022, but you may wish to prepare now. The new regulation, titled Entry-Level Driver Training (ELDT), establishes new Federal minimum training standards for entry-level drivers.

Beginning February 7, 2022, entry-level drivers must have completed the required entry-level driver training (ELDT), from a provider registered with FMCSA before taking a Commercial Driver's License (CDL) skills or knowledge test to obtain one of the following licenses or endorsements:

- A Class A or Class B commercial driver's license (CDL) for the first time.
- An upgrade of an existing Class B CDL to a Class A CDL.
- A school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.

### What will be the impact of the ELDT?

- Only drivers who obtain a commercial learner's permit (CLP) on or after the February 7, 2022 compliance date are subject to the ELDT regulations for obtaining a CDL.
- Drivers seeking to obtain a Class A or Class B CDL or endorsements S, P, or H must select a training provider from the public list, which will be live on the Training Provider Registry website later this year.
- Drivers who currently hold a CLP may obtain a CDL without completing entry-level training, as long as



they obtain their CDL before their CLP, or renewed CLP expires.

### How do the ELDT regulations impact current CDL holders?

- Current CDL holders who apply for a S, P, or H endorsement on or after February 7, 2022 are subject to ELDT requirements for those endorsements.
- The ELDT requirements for obtaining the S, P, or H endorsements also apply to drivers who obtain their CLP or CDL after February 7, 2022. 🏠

## Be Ready for Your Workers' Compensation 2021 Payroll Audits

Once a year, payroll audits are performed on the members of the MMA Workers' Compensation Fund. These audits must be completed between January 1st and March 31st 2022. The function of the audit is to analyze, review and compare the estimated annual payroll projections (which you report to us the year prior) to the actual payroll totals at the end of the Fund year.

The audit process is important and with some planning can be completed with ease. Therefore, we recommend that you start now and consider the following:

- 1. Certificates of Insurance for Contracted Workers**  
If your entity uses contractors/sub-



contractors during the year, you must obtain a certificate of insurance, which provides evidence of Workers' Compensation coverage or an approved "Predetermination of Independent Contractor Status" (WCB 266). If your entity does not obtain and keep records of certificates of

insurance from all contractors, we must include them in your payroll totals, which will affect your contribution.

- 2. Proper Classification of Employees**

Be sure to classify all employees in the correct payroll classifications. If you are not sure about where an employee should be classified,

*Story continued on next page*

## A Rewarding Partnership

The MMA Workers' Compensation Fund and Property & Casualty Pool are pleased to announce that we delivered over \$1.3 Million in Dividend Distributions this year. Since 1997, MMA Risk Management Services have returned more than \$25 million in dividends to participating eligible members. These dividends are a direct result of member dedication to safety, loss prevention, and sound risk management practices.



From Top Left to Right: Town of Casco Tony Ward; Town of Patten-Hersey & Moro Plantation, Deborah Bivighouse and Laura Chicoine; Town of Houlton, Gail Cleary, Nancy Ketch, Terry Duff, Lindsay Stewart and Missy Hutchinson; Town of Wiscasset, Dennis Simmons; Town of Dresden, Michael Faass; Northern Katahdin Valley Waste Disposal, Bruce Edkins, Jason Willigar, Samuel Hinchman, Adrien Ireland, Roland Cameron; Town of Poland, Matt Garside; Town of Crystal and Island Falls, Jutta Beyers; Town of Sherman Debra O'Roak and Linda Smith; Town of Sherman and Town of Merrill, Candis Nevers; Town of Randolph, Janet Richards and Jessica Soucy; Houlton Water Company, Shanna Lassonde, Christopher Moores, Jane Lynds, Mary McGillicuddy and Kaycee McClure.

For more information about any of the MMA Risk Management Services programs, including dividend distributions, online training programs, grants, scholarships and other available services, please visit our website at [www.memun.org](http://www.memun.org) and click on the Risk Management Services link, or call 1 800-590-5583 and ask to speak with a RMS Member Services representative. 

### **Be Ready for Your Workers' Compensation 2021 Payroll Audits (cont'd)**

please contact your underwriter at the MMA Workers' Compensation Fund.

### **3. A Helpful Tool**

It is a good practice to review audits from prior years. By reviewing, the prior audits you can see how your employees have been categorized which can help you ensure they are categorized correctly for the upcoming audit.

If you have questions about audit details, proper classification codes for employees, Certificates of Insurance or for any other area where we can be of assistance, please contact the MMA Risk Management Services Underwriting Department. We are here to help. 

### **Workers Compensation Renewal Reminder**

It is renewal time again and we are here to help. The renewal applications for the Workers Compensation Fund were due by October 15, 2021. We want our Members to know that we are available to assist you. If you would like help with the completion of your application or just have questions, please contact RMS Underwriting at [rm-sunderwriting@memun.org](mailto:rm-sunderwriting@memun.org) or 1-(800) 590-5583.

*Serving Maine Communities  
Is What We Do And All We Do*

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

# There is No Stopping Winter - Prepare now!

Winter in Maine creates increased risk of slips and falls, property damage and motor vehicle accidents. Therefore, now is the time to prepare for winter by performing maintenance on your buildings, walkways, vehicles and by conducting employee education. By following the recommendations below, you can be prepared for winter and create a safer environment for all.

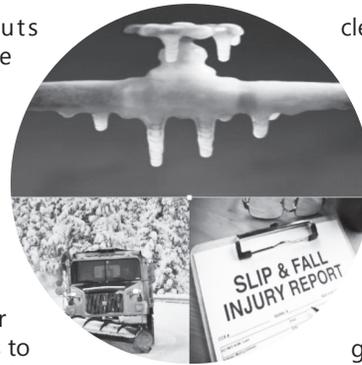
## Building Preparation & Related Risks:

- Make sure the building exterior is in good condition with all unnecessary openings closed.
- Insulate water pipes, paying special attention to pipes that are close to exterior walls or in unheated basements/crawl spaces/attics, pipes near windows, in foyers or soffits, and pipes that have frozen in the past.
- Locate, identify and mark water shut-off valves and ensure that your staff knows how to turn off the water.
- Repair or replace leaky or corroded valves now.
- Turn off the water to all outside connections and drain.
- Remove all hoses hooked up to outside connections and if possible drain the pipes.
- Ensure that you can remove the snow from around sand/salt shed building walls and foundation.
- Plan to remove heavy snow from roofs if it can be done safely. Special care should be taken with flat roofs, which can be especially susceptible to snow loads and water collection.
- Keep gutters, eaves, and downspouts clean and free of leaves, ice, or snow.

- Make sure downspouts extend away from the building to direct water away from the foundation.
- Service heating systems to ensure that they maintain building temperatures.
- Schedule staff for regular Building Freeze Watches to be performed during winter storms and periods of cold weather.
- Take special care to weatherize and monitor vacant or unoccupied buildings.

## Slips, Trips, and Falls.

- Make a plan to monitor, clear, sand and salt all building entrances and exits, parking lots, and walking paths. If you use a contractor to maintain these areas, check the service contract, and make sure it clearly defines the frequency of maintenance during storms.
- Encourage your employees to wear appropriate footwear and to walk slowly by taking small steps to allow themselves to react quickly to a change in traction.
- 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.
- Monitor floors just inside building entrances, where melting snow and slush create slippery areas. Use large absorbent floor mats to catch this snow and water. During storms, you may need to post special signs to warn people of a slippery floor.
- Many slips and falls occur when employees get in and out of vehi-



cles. Operators of trucks and heavy equipment should, in all seasons, face the vehicle whenever entering or exiting. In winter, it's particularly important that they clear as much snow and ice off of steps, grab bars, etc. as possible and report damaged or unsafe equipment immediately so that it can be repaired.

## Vehicle & Plow-Related Risks

- Ensure that drivers get experience operating their designated vehicle; pre-drive their assigned routes with the plow (and wing) attached, and mark obstacles on their routes. Do not let their annual "shakedown" ride be in adverse weather.
- Perform pre-season equipment maintenance. Have drivers check all safety equipment such as lights, strobes, wipers, defrosters, communications and tires before every shift.
- Report, repair, or replace damaged equipment immediately.
- When attaching or removing plow blades for the season, workers should have assistive equipment to keep themselves safe. Hand injuries as well as shoulder and back strain injuries are notorious for their long-lasting and sometimes life-altering effects.
- Monitor driver fatigue, especially in long or successive storms with extended periods in the driver's seat. Make it a priority to check in regularly with drivers to evaluate their fatigue levels.

Winter can arrive suddenly, so it's best not to delay your preparations. For more winter loss prevention ideas, reach out to your loss control consultant or email us at [rmslosscontrol@memun.org](mailto:rmslosscontrol@memun.org), we are always available for you. 🏠

MMA Risk Management Services welcomes its newest member to the  
**UNEMPLOYMENT COMPENSATION FUND**

Town of Westmanland

*We thank our dedicated members for their partnership and continued support.*

# The Compensation Corner

In the Workers' Compensation arena accidents happen, which brings about the question of **"What do I do if a workplace accident does occur?"**

## **Act fast:**

The primary focus is to ensure that the injured employee is cared for and safe.

- See to his/her immediate medical needs
- Call 911, or
- Call an ambulance to transport them to a hospital

## **Notice of injury:**

Once the care for the injured employee has been established, the matter of notice must become a priority.

As with all claims, immediate notice of the claim to the Workers' Compensation Fund (MMA WC Fund) is crucial or your Workers' Compensation insurer if you are not a member of our Fund.

- The Maine Workers' Compensation Board - Insurance Division (WCB) prescribes timelines to follow when reporting and administering claims. All "Lost Time" claims must be reported to the Workers' Compensation Board within seven (7) days of the injury or a fine may be applied.
- Claim submissions to the WC Fund should be timely and as complete as possible. This allows the claim can be administered properly, and for the WC Fund to make the necessary notices to the WCB. Additionally, a timely notice allows our WC Fund Claims Team to confirm coverage, actively manage the claim, and ultimately help the injured employee with his/her recovery, which reduce time away from work and associated expenses.

## **Special Notice Requirements for Fatalities and Serious Injuries:**

Notification to the Maine Department of Labor (MDOL) is required with eight (8) hours, and all serious physical injuries that require hospitalization including amputation, loss, or fracture of any body part must be reported within Twenty-four (24) hours. Accidents may be reported to the MDOL by calling (207) 592-4501.

## **Learn from the incident:**

One of the most useful tools that we have to prevent future claims is the Incident Investigation. A thorough incident investigation is an essential element of any safety program. It is extremely important for Managers, Directors, Supervisors, and employees alike to understand what caused the injury to happen in order to avoid a similar incident in the future.

An incident investigation may be able to answer the following questions:

1. Why did the accident occur?
2. Who was impacted by the accident?
3. What changes can be made to prevent similar accidents?
4. How to make employees aware of the potential workplace hazards?

An accident is an unfortunate event that not only affects the injured employee but also effects of the workplace. Therefore, a good accident investigation will uncover the details of how and why the injury happened. It also shows your employees that management cares and strives to protect them from harm. Without an incident investigation, the accident causing an injury is more likely to reoccur. A sample Incident Review plan is available as part of the Workers' Compensation Safety Incentive Program (WCSIP). We encourage you to review the Incident Review Plan and the WCSIP at <https://memun.org/Insurance-Services/Risk-Management-Services/WCSIP> 🏠

## FREQUENTLY ASKED QUESTIONS

### **WHAT IS TWO FACTOR AUTHENTICATION?**

Two-Factor Authentication is a simple tool utilized to protect your entities computer systems for attacks. Two-factor Authentication strengthens access security by requiring two methods to verify your identity prior to allowing access. With Two-Factor Authentication, only you can access your account on a trusted device, application or web.

### **HOW DOES TWO FACTOR AUTHENTICATION WORK?**

Two-factor Authentication strengthens access security by requiring two methods (also referred to as factors) to verify your identity. An example of Two Factor Authentication is utilizing something you know - like a username and password, plus something you have - like a smartphone app to approve authentication requests. Because the Username and Password alone is no longer enough to access your account, Two-Factor Authentication dramatically improves the security of your devices and the information that you store.

### **IS THIS REALLY NECESSARY?**

YES! As more and more municipalities, governmental entities and utility districts operate virtually, utilizing remote storage or offer access to internal services from the outside, robust cyber security tools such as Two-Factor Authentication should be implemented and constantly monitored to ensure that you are protected from cyber attackers that may have figured out (or stole) an account and password.

Many of the attacks you read about in the news most likely could have been prevented if the account had been protected with Two-Factor Authentication. As an example, imagine that you are away from the office vacationing with family when your phone beeps "Allow access?" the Two-Factor Authentication is notifying you that someone is trying to access your account. But because you said 'Decline' or didn't respond that person is not able to use your credentials to access your entity's resources.

Two-Factor Authentication is one of the best ways to protect against remote attacks attempting to access/takeover your accounts. This is simply the next necessary step to protect ours and your client's data. 🏠