



the Municipal

# RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

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## Important Reminder For MMA Property & Casualty Pool Members

MMA Risk Management Services would like to take this opportunity to thank you in advance for taking the necessary steps to mitigate damages that occurred from the December storm. If your entity sustains damage, we ask that you please take all precautionary measures to protect your staff and facilities from any additional harm.

In the event that the catastrophic storm is designated a federal disaster, the Federal Emergency Management Agency (FEMA) as well as Maine Emergency Management Agency (MEMA) **will require** that you submit claims for a coverage decision before they are able to assist you with any damage. Therefore, to facilitate any claims you may have with FEMA and/or MEMA it is important that you **submit all claims** for damages to us as soon as possible, even if you believe there is no coverage with the MMA Property & Casualty Pool.



*Thank you*



All of us at MMA Risk Management Services wish to thank you again for making the 87th Annual Maine Municipal Association Convention a success.

MMA Risk Management Services recognized and celebrated its 45th Anniversary of the Workers' Compensation Fund and Unemployment Compensation Fund. During the convention we distributed hundreds of pairs of ice cleats to our membership in a statewide effort to reduce slips, trips and falls, and the City of Sanford and the Town of Thomaston each won a customized water absorbent mat for their communities. We thank you for your dedication to Risk Management Services and wish you all a happy, healthy, and safe new year.



*MMA Risk Management  
Services welcomes the*

*Town of Parsonsfield  
as the newest member of  
Property & Casualty Pool*

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

# Lone Workers

A recent study by the National Safety Council reported that 15% of workers nationally are lone workers. The hazards that lone workers experience include:

- Falls from heights;
- Machinery entrapment;
- Slips or falls;
- Entanglement;
- Chemical exposure;
- Electrocuting;
- Being struck by heavy equipment or motor vehicles;
- Sudden illness; and
- Hazardous weather (snow, storms, wind, floods etc.).

With these hazards, the lone worker may experience additional hardships that can increase the likelihood and severity of these incidents. Depending on the location of a lone worker, access to communication methods and emergency services may be restricted. Lone workers may also be more susceptible to violence in the workplace, especially in public-facing duties.



## Lone Workers Best Practices

Hazards to lone workers can be minimized through appropriate measures that have been properly investigated and applied to the workplace. These include:

- Identifying the hazards, such as job safety analysis and hazard analysis;
- Scheduling high-risk tasks during normal business hours or when another worker can aid;
- Teaching and encouraging lone workers to do their own hazard identification;
- Establishing communication procedures with lone workers; and
- Having a lone worker policy that is periodically reviewed and updated as needed.

## Communication Methods and Monitoring

Creating and maintaining lone workers communication procedures is also critical for employee safety and can take many forms. One method is for lone workers to periodically check in to ensure that they are safe and not in need of assistance. Communication can be established via cell phone, radios, and through signaling procedures for checking in and out of remote locations. Some of the newer smart tool systems include:

- Apps that can be put on phones or other devices, including live GPS that can track location and movement.
- Devices created to check for sudden motion or falls and to report when a lack of motion or a sudden fall has been detected.
- SOS alarms can also be used to enable lone workers in remote locations to report an incident and their location immediately to emergency services providers.

When beginning a new communication or monitoring method, it is extremely important that the method used is easily performed by the worker and that the communication protocol is tested regularly. Lone worker safety is an issue that affects many of our members and lone worker situations can involve significant risks. By assessing the work being done and applying the appropriate controls, lone worker exposures can be minimized, and employee safety and satisfaction increased.

## Workers' Compensation Payroll Audit

Annually, payroll audits are performed for members of the MMA Workers' Compensation Fund. These audits are based on the previous year's coverage (January 1 to December 31) and must be completed during the first quarter of each year. The audit compares **estimated annual payroll** projections (which your entity provided to MMA in 2023) to the **actual annual payroll** totals at the end of the year. Therefore, if you overestimated your payroll, you may receive a contribution credit returned to your entity, or vice versa if the reported payroll was underestimated.

### INDEPENDENT CONTRACTOR – IMPORTANT UPDATE:

Please note that if you utilize contractors that do not have Workers' Compensation or a WCB 267, the contractor will be treated as an employee, and a portion of their payroll will be included in your payroll audit, thereby increasing your overall contribution. With that said, we are often asked for direction when it comes to contractors that are not legally required to have Workers' Compensation coverage. Well, as of October 25, 2023, the Maine Workers' Compensation Board has instituted some new direction on the subject. Now, an individual who wants to create a rebuttable presumption of independent contractor status may file a statement - **Independent Contractor Statement (Form WCB-267)** - with the Board. And to that point, the Work-



ers' Compensation Board will no longer review or approve Predetermination Applications (WCB-266). This means there are no decisions or paperwork sent from the Board. **The Independent Contractor Statement is effective when it is received by the Board and is valid for one year.** The WCB-267 form can be obtained by going to:

<https://www.maine.gov/wcb/Departments/coverage/independentcontractor.html>

Information regarding independent contractors who have filed a statement is available on the same webpage and is updated weekly thereafter.

But, another significant puzzle piece to the payroll audit process is the management of independent contractors. When you utilize the services of an independent contractor, we always recommend that Members:

- Require evidence of General Liability Coverage, Completed Operations Coverage and Workers' Compensation Coverage, at a minimum;
- Utilize a written agreement/contract that details the expected services to be performed; and
- Enter into an agreement/contract that includes Indemnification and Hold Harmless clauses, as well as names your entity as an Additional Insured.

The audit process is important and with some planning can be completed with ease. For more tools, information, and assistance, please contact us at: [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org)

## Important Documents in Your Email

MMA Risk Management Services has sent your Workers' Compensation renewal packet and invoice. Please look for an email from [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org).

Please be sure to keep this document accessible for future reference and note that your first invoice is included in the attachment. The payment schedule, if applicable, is found on page 2 of the invoice. All future invoices will be emailed from our [rmsbilling@memun.org](mailto:rmsbilling@memun.org) email. If you would like to pay your invoice by ACH credit, please contact our finance department at [finance@memun.org](mailto:finance@memun.org) for instructions.

The MMA Workers' Compensation Fund Board values your commitment to the Fund and thanks you for your continued participation. If you have questions about your coverage or billing, please call the Underwriting Department at 1-800-590-5583 or contact us by email at [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org)



## The Ed MacDonald Safety Enhancement Grant is Open

MMA Risk Management Services is excited to assist members of the MMA Workers' Compensation Fund by providing funding for efforts to reduce the frequency or severity of workplace injuries. **The Ed MacDonald Safety Enhancement Grant awards up to \$3,000 for each approved grant application with no matching contribution required. Grant applications are due by April 15th.**

The MMA Workers' Compensation Fund strives to assist the membership in the reduction or elimination of workplace hazards that all too often result in employee injuries. Based on claims analysis, we have determined that the highest reported claims continue to be slips, trips, and falls year after year. Slip, trip and fall hazards occur virtually in every type of workplace, with the top hazards causing related claims to include indoor walking surface irregularities, weather conditions, inadequate lighting, stairs and handrails, the use of stepstools and ladders, tripping hazards, improper use of floor mats and runners, and contaminants on the floor. The Safety Enhancement Grant can help reduce or eliminate such hazards.

We encourage our members to conduct a walk-through of their buildings, grounds, and operations areas to find creative solutions to reduce workplace hazards.

Some examples of workplace hazards prevention solutions include:

- Installing slip resistant floors in high-risk areas, such as entrances and kitchens;
- Supporting proper ergonomics;
- Providing traffic control equipment, such as cones, high visibility vests, and stop/slow paddles;
- Improving lighting in stairwells and parking lots;
- Providing cold-water rescue equipment, such as immersion suits, throw ropes, and life vests;
- Utilizing fall protection equipment, including body harnesses and lanyards; and
- Improving signage.

Grant applications are located at <https://www.memun.org/Risk-Management/Grants-Scholarships/Ed-MacDonald-Safety-Grant>. We look forward to receiving your next grant submission.



### The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform members 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 for specific questions.

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## FREQUENTLY ASKED QUESTIONS

### What is the Unemployment Compensation Fund?

The Maine Municipal Association Unemployment Compensation (UC) Group Fund was founded in 1978 to assist municipalities and quasi-public entities in meeting their obligations under the Employment Security Act. The major components of the UC Fund are the opportunities for cost savings, efficient and effective claims assistance, and the potential for earning dividends through good loss experience. The Unemployment Compensation Fund currently has 248 members that are enjoying the expert advice and assistance offered by Denise Kolreg, our MMA Unemployment Coordinator. The enrollment dates are limited to January and July each year, so now is the perfect time to start the enrollment process and have the support you always wanted.

- **TECHNICAL GUIDANCE:** With fact findings, appeal hearings, filing of quarterly wage reports, requests for separation, and wage audits.
- **DIVIDENDS AND EXCESS BALANCE RETURNS:** The MMA Executive Committee oversees the UC Fund and voted at the 2023 meeting to distribute \$100,000 in excess funds and credit \$300,000 in dividends to identified members.
- **MODERATION OF CASH FLOW:** Each December members of the UC Fund are notified of their contribution obligation for the next calendar year. The amount of the contribution is fixed for the year and additional payments are not required in the event a large sum is paid out in claims.
- **SIMPLIFICATION:** Communications and reporting to the Department of Labor (DOL) are simplified. All mail for UC Fund members from the Maine DOL is directed to MMA. In most cases the Fund Coordinator can resolve any issues raised.

For more information, please email [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org) or call (800) 590-5583 and ask to speak with Denise Kolreg.