



the Municipal
RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

APRIL 2023

A message from the Director

I am excited to announce the roll-out of "The RMS Express." The first issue went to all Risk Management Services (RMS) contacts in January of 2023. By now, you should have received Issue 03 which was emailed in March. We have received favorable feedback on the one-page, easy to read publication. It is designed to alert our membership to upcoming trainings, grant opportunities, coverage updates, and general topics in real time. Of great importance, we have an "In Your Inbox" section that will highlight important emails that have been distributed to our membership.



*Michelle Pelletier, Director,
Risk Management Services*



During 2023, the **MMA Workers' Compensation Fund (Fund)** continues to celebrate its **45th Anniversary**. We have a dedicated team that provides all your Underwriting, Claims, and Loss Control needs. The Fund developed the **Workers' Compensation Safety Incentive Program (WCSIP)**, exclusively for all Fund members. If you have not joined this program, now is the time. Participation is voluntary, and each qualifying member may receive an incentive credit on the January 1, 2024 Fund contribution of up to 10%. We have seen positive safety efforts, improved claims experience and contribution savings of over \$1.7 million from the over 140 members that are part of this program. The deadline to join is July 1, 2023, for more details visit the www.memun.org website or contact the Loss Control team for assistance.



The **MMA Unemployment Compensation Fund** also celebrates its **45th Anniversary**. The Unemployment system is complicated, and our dedicated team is available to provide technical guidance with fact findings, appeals and the reporting of wage reports.

The **MMA Property & Casualty Pool (Pool)** renewal is July 1, 2023. As we approach this renewal, the national market trend, specifically for property, has seen rates increasing, from a minimum of 15% to as high as 40%. As a member of the Pool, due to our longevity and favorable experience, we fully expect to see rate changes below the minimum. This is a result of your efforts, we appreciate the risk mitigation techniques of our members. Knowing that our membership monitors their buildings, maintains equipment, drives safely, salts sidewalks, and plows roads, we are able to continue to provide rate stability and broad coverage.

Please contact me directly at mpelletier@memun.org if you have any questions or suggestions.



*MMA Risk Management Services is happy
to welcome its newest member of the:
Property & Casualty Pool*

Town of Oxford

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



Moving forward with better backing policies

AUGUST – It's 3 a.m. and you've just rolled on to the apron in front of the firehouse. You're cold, wet and tired. It has been a long night as the evening's rainstorm has resulted in call after call with a car crash, multiple downed power lines and the usual false alarms. All you want to do is climb into bed and nap for three hours. The engine's driver takes pity on you. "Don't worry about getting out and spotting me. You're wet enough as it is. I've got this." You breathe a sigh of relief as the veteran driver smoothly slips the Pierce pumper into reverse and begins to back up as he has a hundred times before and then you hear it, the sickening sound of metal crunching metal as the engine comes into contact with the overhead door.

Accidents involving emergency vehicles backing into the station, trees, cars, signs and other items are quite common. One agency has estimated that up to 16% of all reported emergency vehicle accidents involve backing up.

A significant number of insurance claims are filed annually, both here at MMA Risk Management Services and nationwide. Sometimes the incident only results in a slight crease in the tailboard, a bit of a dimple in the siding, and a whole lot of ribbing for the unfortunate driver. Sometimes the damage is more extensive when the driver takes out an entire overhead door which average \$2,000-\$3,000 per door, or runs into a \$50,000 pickup truck.

From 2015-present, fire apparatus and ambulances backing into fire station walls, overhead doors, vehicles and other assorted obstructions resulted in \$447,718 in damages. Emergency vehicles backing into other vehicles, typically after the emergency is over and everyone is returning to the station, is the number one type of claim with \$129,081 paid out to other vehicle owners – that's enough money to purchase a Porsche 911 and still have some decent pocket change to fuel up your sports car and buy a value meal.

Accidents involving backing into the fire station and striking the overhead door, bollards, walls, parked apparatus and ripping off open compartment doors is the second leading type of incident involving fire and EMS vehicles backing up. Approximately \$96,901 in claims due to damage to either the fire station or apparatus were made at MMA with an average \$3,460 pay out. Sometimes the damage was too slight to report with just a bit of scuffed trim, broken mirror and hurt pride; sometimes the damage was more severe as was the case when a compartment door left open on a fire truck ripped into the station like a P-38 can opener causing nearly \$7,000 in damage to both the truck and fire house.

Two of the largest claims related to reversing fire and EMS apparatus do not even involve vehicle-to-building contact. The largest claim has been just north of \$22,000 and occurred when the driver accidentally backed into a ditch. Over the years MMA has seen some fairly expensive tree-related inci-

dents, as was the case last year when a fire truck backed into a tree causing \$20,000 in damages.

Sometimes the incident can be tragic as was the case in February 2010 when a Fire Chief in Kansas was crushed between a parked tanker and a fire engine backing up. The experienced driver said he had seen the Chief outside just seconds before backing up and never saw him re-enter the building. It wasn't until after he had parked the truck and got out that he discovered what had happened.

Surprisingly calls involving firefighters being backed over are more common than one would think. As recently as 2021, a quick search reveals three deaths (Delaware, New Jersey and New York) where firefighters were run over. In 2009, a California Fire Captain nearly had both of his legs amputated when he was pinched between a parked and reversing truck.



These types of tragic deaths and property damage are sadly easily avoidable in most every instance. Here's what your fire department can do to help minimize the chance of being involved in these types of incidents:

■ Use a spotter. Having a spotter who can ensure the driver is lined up, there are no other people, vehicles, or other obstructions in back of the truck and – if backing into the station – that the overhead door is all the way up can make a huge difference. Consider making the use of a spotter a policy, as part of the department's SOPS/SOGs, and enforce it. So often a spotter policy is adopted, but over time it is easy to become complacent and before you know it no one is spotting the driver. Progressive fire departments however, will make sure they always have one or even two spotters.

- The spotter should be trained to do more than just stand there. They should take a quick look to make sure none

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Meet Your Workers' Compensation Medical Technicians

The MMA Workers' Compensation Fund medical technicians are the first point of contact for all submitted first reports of injury. Our unit consists of two workers' compensation claims technicians, one senior workers' compensation claims technician, and the workers' compensation claims supervisor. We investigate claims ranging from sprains and strains to concussions. Every report filed varies in severity and fact-specific scenarios affect how a claim is handled.

Our investigation starts with you, the member, who's occupational and employment knowledge is vital to the investigation of the injury. The technicians then contact each injured employee to ensure their injury arises in and out of the course of employment while coordinating prompt medical care. Along with medical care, the team will confirm that all workers' compensation board lost time reporting guidelines are adhered to.

Through the life of a claim, our team will touch base with each injured employee for progression and treatment updates. Consistent check-ins can be essential for an injured workers' morale and motivation for a successful return to the workplace.

The technicians will coordinate and approve specialist referrals, such as physical therapy, occupational therapy, dental work, chiropractic treatment, or orthopedic providers. Prompt communication and established professional relationships with these health care facilities ensures a successful treatment regimen for your employees.

In the rarer instances, when a claim's compensability is disputed, the medical technicians will participate in the dispute resolution process. The file is reviewed holistically to confirm what the best course of action is for either resolution or continued denial of a file. Your workers' compensation team will handle this mediation process for the member.

Each technician is assigned their own territory of participating members. This allows for one point of contact for all medical claims. The technician team prides itself in building these relationships with the membership.

Michelle Emery has been with Maine Municipal Association for 18 years. She was hired as a medical technician and has since been promoted to senior medical technician within the department. Prior to her employment with Maine Municipal Association, Michelle worked in claims administration for New Hampshire Insurance. In 1989, Michelle started working as an underwriting assistant where she stayed employed for 16 years. Michelle's vast insurance knowledge has been a huge asset to our team. Outside of work, Michelle enjoys crafting and baking whoopie pies along with spending time with her husband of 32 years, children and two grand-dogs.

Sherry Tanner has been with Maine Municipal Association for five years as a medical technician. She holds a master's degree in library science and distance learning. Prior to working for Maine Municipal Association, Sherry worked as a college librarian for 10 years. She also worked in the mental health field in the Human Resources Department. Sherry brings safety experience from the



Left to right: Zachary Martel, Jennifer Harrow-Mortelliti, Michelle Emery, and Sherry Tanner

manufacturing industry, along with workers' compensation specific skills from New Balance, which she had worked at since 2012. Sherry is always willing to assist with extra tasks if there is transition within our department. Outside of work, Sherry is a proud single mother of four boys.

Zachary Martel is the newest addition to our unit. Zachary has been with Maine Municipal Association since June 2022 as a medical technician. Zachary holds certificates in Microsoft Security Fundamentals for PC repair and networking. After realizing the IT industry was not for him, Zachary sought employment with Liberty Mutual where he worked for six years as a business rater for auto commercial quotes and as a contractor in the workers' compensation claims department. Zachary is excited to grow in his current position as a medical technician. Outside of work, Zachary is the proud single father of a little girl. In his free time, he enjoys learning about ancient history and is an avid video gamer.

Jennifer Harrow-Mortelliti has been with Maine Municipal Association for seven years. She was hired as a medical technician and has since been promoted to lost time claims representative, senior lost time claims representative and most recently, in August of 2021, to the workers' compensation claims supervisor. She holds a bachelor's degree in paralegal studies and was inducted into the paralegal national honor society. Prior to being hired by Maine Municipal Association, Jennifer worked for five years with OHI, a non-profit agency supporting individuals with mental illness. During her seven-year career at Maine Municipal Association, Jennifer has also worked on both workers' compensation TPA accounts as their claims representative. Outside of work, Jennifer enjoys spending time with her two sons, husband, and puppy. You can usually find Jennifer at various concert venues enjoying metal shows.

Consistent communication between the member, the employee, the healthcare providers, and our workers' compensation team are the foundation for positive claims management. Our technicians also work closely with MMA Risk Management Services nurse case manager for complex medical issues.

For any questions or concerns on claims management, please feel free to reach out to Jennifer Harrow-Mortelliti at jharrow-mortelliti@memun.org.



of the compartment doors are open, make sure the driver is lined up and keep an eye on any people or possible obstructions nearby.

- The spotter should never turn their back on the truck and should always be sure they can see the driver's mirrors.
 - The spotter should use standard and distinctive hand signals to communicate to the driver as to which way they need to turn, if they should stop, etc. Having a two-way radio can also improve communication as they can then provide the driver with additional information.
- Drivers need to exercise caution when reversing whether it be at the fire scene or at the station. While having had EVOC/AVOC training is useful, there really is no replacement for experience. Knowledge and repetition of safe practices should help make backing up procedures second nature.
- Go slow and watch the mirrors and your spotter. If you cannot see your spotter immediately stop the truck. Do not open your door and attempt to look around the truck. If you need to take a look, stop the truck, put it in park and get out.
 - Listen. Roll down the window and listen to any possible commands from your spotter. If your spotter is using a two-way radio, keep one ear tuned.
 - Back up cameras can be useful, but don't rely on them, and never attempt to use them while in motion. Instead use a spotter and your mirrors, and be sure the mirrors are clear of snow, ice, and fog.
- Engineering can also help reduce the likelihood of an incident.
- Use painted lines on the fire station floor and extend them on to the apron to help the driver align the truck as they back up.
 - Bright (but not glaring) lights in the station and overhead can help the driver get a better visual of what is around and behind them. Consider the use of scene lights on the truck, when necessary, especially when backing up following an incident.
 - Installing bollards and painting them in a bright color such as orange, yellow or red can help the driver both in terms of outlining the edge of the doors and mitigate damage to the truck and fire station if they do happen to back up and are not lined up correctly.
 - Every once in a while, there are some claims where the overhead door is damaged as firefighters leave the station before the door has reached its full height. Using a spotter, installing warning lights to indicate the door is not fully open or simply changing a procedure (i.e. hit the button to open the door and then doing a walk around first and donning the bunker gear to give the door time to open) may help in these cases.

The firefighter mantra, our mission or call to duty if you will, has always been "Save Lives, Preserve Property." Perhaps those in the fire service industry would be wise to remember that mission also applies to them as well when backing the pumper, ladder or rescue vehicle at the fire scene or back at the fire house at the end of a call.

FREQUENTLY ASKED QUESTIONS

What is Equipment Break-down Coverage?

Cities, towns, and utility districts have numerous equipment exposures that are often overlooked, and when this unexpected mechanical, electrical or pressure failure occurs, it can be costly to repair or replace.

A good first step is to avoid the unforeseen risk, by identifying exposures and instituting safeguards. The Property & Casualty Pool coverage includes equipment breakdown coverage designed to meet the unique exposures of our members. We have the expertise through a partnership with Travelers BoilerRe, to identify establishment-specific equipment exposures and assist you by reducing losses and by providing a safe environment for your staff and the public.

The benefit to your municipality:

- Inspection and identification of exposures provides safeguards against equipment losses, labor costs and expenses in the event of a loss.
- Coverage for indirect losses such as extra expense, service interruption, spoilage and business interruption.
- State-mandated boiler and pressure vessel inspections are included with your coverage.
- Claims adjusted by professionals solely dedicated to the equipment breakdown insurance business.

If you have a question you would like to ask, please email Marcus Ballou at mballou@memun.org



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.

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