



Risk Management Solutions



Winter 2022

A Quarterly Newsletter of the AMIC/MWCF Loss Control Division

Loss Control Division Turns 20!

The Alabama League of Municipalities established the Municipal Workers Compensation Fund, Inc. (MWCF) in 1976 to provide workers compensation insurance to municipalities, housing authorities, utility boards and other city and state agencies (www.almwcf.org). The League then founded the Alabama Municipal Insurance Corporation (AMIC) in 1989 as a mutual insurance company that writes many lines of insurance and is owned by its member municipalities (www.amicentral.org). In January 2002, AMIC and MWCF created a joint **Loss Control Division** (www.losscontrol.org) allowing both insurance programs to provide additional staff and expanded services at a much reduced cost to their members. For the past two decades, the Loss Control Division has offered a variety of resources, including an Employment Practices Hotline, regional and on-site training programs on a number of loss prevention topics as well as exclusive, state-of-the-art training such as the SKIDCAR defensive driving program and the Firearms Training System (FATS). Four loss control representatives are assigned a specific region and visit members throughout Alabama, and four police safety representatives provide specialized services statewide. The many programs AMIC and MWCF have implemented since 2002 are designed specifically to deal with liability and work comp issues Alabama's municipalities face daily. Additionally, the Loss Control Team is highly skilled and provides expert support throughout the entire state.

MWCF Operations Manager Richard Buttenshaw served in the Loss Control Division for 11 years as AMIC/MWCF's South Alabama Loss Control Representative before moving to MWCF. "Having served in the Loss Control Division for many years, I am uniquely acquainted with our services as well as the importance of the resources provided to our members by our team," he said. "Our loss control and public safety representatives meet face-to-face with our members more frequently than any other AMIC, MWCF or League staffers. This has allowed us to evolve and develop our services to meet our members' needs as their needs have evolved over the past 20 years. Thanks to the diligence of our team, workplace safety has improved significantly for our members and their employees. Additionally, our loss control services have helped reduce the number of claims handled annually; and our economies of scale have allowed AMIC/MWCF to provide intensive hands-on programming, such as our SKIDCAR and FATS programs, that smaller member communities would not likely have access to otherwise. Our team is constantly reviewing services provided by other states to ensure that we stay on the cutting edge for our next 20 years – and the fact that we are still going strong while continuing to add value-added resources and services speaks to the success and importance of this division." ■



Visit www.losscontrol.org to learn more about AMIC/MWCF's dedicated Loss Control Team.

Another service provided by the Alabama Municipal Insurance Corporation (AMIC) and the Municipal Workers Compensation Fund (MWCF) founded by the Alabama League of Municipalities (ALM).

www.losscontrol.org PO Box 1270 535 Adams Avenue Montgomery, AL 36102 334-262-2566

Building Better Public Safety One Officer at a Time

Terry Sanders • Police Safety Consultant • AMIC/MWCF



You're only as good as the people you hire.

~ Ray Kroc, Founder of the McDonald's Corporation

Over 300 police agencies are assessed each year by AMIC/MWCF's Loss Control Division affording the opportunity to observe risk patterns and potential pitfalls. By developing recommendations, we not only help individual agencies address their risk but aid other agencies across the state.

More than 25 years ago, now retired Police Safety Consultant Roger Owens developed our first Police Risk Management program. Roger evaluated police departments across the state and began a process of developing "Best Practice" Law Enforcement (LE) Recommendations. Based on police department audit results, Best Practice LE recommendations were provided to police chiefs. This process has continued to work well and recommendations are amended or added as best practices, laws and procedures change.

The pre-employment selection procedures for hiring police officers have been identified as one of our more important LE recommendations. Clearly, hiring unqualified or unethical personnel increases your overall risk of liability. Many have witnessed the impact the small number of "toxic" employees can have on our profession. Agencies without adequate selection procedures are more susceptible to hiring unsuitable officers. Many times, when these officers are employed and APOST certified, they move from agency to agency leaving a trail of complaints, claims and lawsuits. The main purpose of this article is to help police departments avoid being caught on the "trail". Many of our recommendations are born out of pitfalls other agencies have experienced. This article should serve as a guide to help agencies develop and implement effective pre-employment procedures and avoid costly mistakes.

Agencies with no written procedures for hiring are provided the following recommendations:

Written Hiring Procedures involving pre-employment screening and testing measures should be in place for all agencies. Procedures should be applied equally to all applicants including both new hire recruits and APOSTC certified officers. Current Alabama law, Act 2021-268, mandates certain requirements before the employment or appointment of any law enforcement officer, including a fingerprint and criminal background

check and a review of all the following: employment history, residential address history, social media accounts, professional references, credit history and the APOSTC database. Officers that have been POST certified in other states should also be checked through the **National Decertification Index (NDI)** at www.iadlest.org. Additionally, psychological evaluations, polygraph testing, motor vehicle driving history, drug testing, physical agility/ability testing and pre-employment medical exams should be conducted. The goal is to acquire the best-suited employees possible while avoiding any discriminatory tendencies or impropriety.

Agencies that do have procedures in place may overlook important steps. Once these areas are identified during loss control audits the following recommendations are made:

Pre-employment Physicals should be performed on all applicants, including APOSTC certified officers, prior to a final offer of employment. An often-overlooked aspect of hiring is ensuring the applicant possesses the necessary physical health to perform the essential job duties.

Pre-employment Drug Screens should be conducted on all applicants, including APOSTC certified officers. Failing to test all applicants could be considered unfair hiring practices.

Psychological Evaluations should be given to all law enforcement applicants regardless of prior experience, certification or any other factors. APOSTC requires a psychological evaluation on all applicants selected to attend the Law Enforcement Basic and Lateral/Refresher academies. In addition, effective mid-2022, departments insured through AMIC are *required* to conduct psychological evaluations on all newly hired officers unless they have satisfactorily passed one within the last two years. All psychological evaluations should comply with APOSTC rules.

Polygraph Tests should be administered to all law enforcement applicants regardless of prior experience, certification or any other factors. Polygraph testing can confirm validity of information provided by the applicant or reveal information they may have concealed.

Reference Checks must be conducted on all prior employment for all law enforcement applicants regardless of prior experience or certification. The reference checks should be properly documented in the employment background investigation.

APOSTC Database search must be completed for all law enforcement applicants.

Motor Vehicle Driving Record (MVR) must be completed on all law enforcement applicants.

Criminal Background Check must be completed on all law enforcement applicants. This background check must include a fingerprint check and criminal history through NCIC.

There are two Risk Management Solutions articles related to the employment of police officers that can be found at www.losscontrol.org under "Publications": Winter 2019 article "Effective Procedures for Hiring Law Enforcement Officers" and Summer 2021 "Psychological Evaluations: Another Tool in the Tool Box". These articles re-enforce the importance of having good hiring procedures. An excellent **Pre-Employment Process for Law Enforcement Applicants SOP** can be downloaded at www.losscontrol.org - under the **Quicklinks** side menu, click on **Reference Documents**; then enter **Law Enforcement Hiring SOP** in the Search Field. This SOP includes checklists to be completed on all applicants. This will ensure agencies complete all required selection procedures. The SOP provides instructions and covers additional pre-employment procedures in the order to be completed. ■

Lawn Mower Safety

Wade Campbell • GSP • Loss Control Representative • AMIC/MWCF

Mowing grass this time of the year is probably the last thing on your mind. However, spring will be here before you know it, which means mowing season will be here before you know it as well. Now is the time to start thinking about equipment safety and begin preparing for the strain that will be placed on your equipment during the spring and summer. Winter is the season to make sure blades are sharpened, repairs are done and necessary maintenance is performed. It is also the perfect time to make sure your mower is up to safety standards. Workers operating mowers can face serious safety issues so employers should make sure the mowers in use are designed and maintained with safety in mind; the workers are trained in avoiding hazardous areas; and mowing operations are performed safely.

Equipment safety

Employers must ensure their mowers have the correct safety features. Pay attention to the following points:

- Some mowers are designed by their manufacturer to be equipped with a roll-over protective structure (ROPS).
- If the mower workers will be using does not have a ROPS, look for unused bolt holes or brackets near the seat or frame to determine if the mower should be equipped with a ROPS. Do not operate any mower without a ROPS that is intended to be equipped with a ROPS. In many cases, one can be installed. Contact your manufacturer to see if you can get one installed for your mower.
- Mowers with ROPS should also be equipped with a seat belt. Provide and use approved seat belt assemblies on all mowers that have had a ROPS installed.
- When you are not able to have your ROPS raised due to your surroundings, the ROPS may be temporarily lowered and placed in an inactive position. Also, workers should not wear a seat belt while operating a mower with the ROPS in a lowered position. Return the ROPS to the raised position as soon as the mower is in an area where the vertical clearance allows its use and reconnect the seat belt.
- Equip mowers with an operator presence control system that shuts off blades when the operator dismounts the machine or rises out of the seat.
- Make sure the mower is equipped with interlocks that ensure the engine cannot start while the mower is in gear or if the blade is engaged. Inspect mowers to ensure that the operator presence system and all safety features are always in place and operable.
- Make sure to have a checklist for general inspections of the mowers before use. For example, the checklist should include checking tire pressure and checking for missing or damaged guards, etc.
- Experienced service personnel should inspect riding mowers for the necessary safety features and overall maintenance at least yearly. Only qualified personnel should service and repair riding mowers.

Determine Surroundings

Employers should be familiar with the conditions of the terrain on which their mowers are being used. Employees should take the following precautions:

- Do not operate mowers on slopes that exceed the angle limits specified by the manufacturer. There should be a label on the mower with this information.
- When the manufacturer's instructions are not available or do not specify angle limits for operating on sloped surfaces, evaluate the terrain and slope conditions to ensure that the mower is operated safely.
- Always remove the key when you are leaving the mower unattended, but never leave the mower unattended on a slope. After turning off a mower, the rider/operator should set the brake, remove the key and wait to make sure that all moving parts have stopped before leaving. The rider cannot assume that the moving parts will stop.
- Do not operate mowers in areas where the drive wheels are within five feet (as measured from the outside wheel edge) of the unprotected edges of retaining walls, embankments, leaves ditches, culverts, excavations or similar locations that present an overturn or roll-over hazard.
- When it is necessary to operate riding mowers near ponds, creeks, reservoirs, canals, sloughs, lakes, golf course water hazards and similar bodies of water, evaluate the terrain and any slope conditions. Establish a safety zone to ensure that the mower is operated at a safe distance from such hazards.

Training for Workers

Employers are responsible for providing workers with training before they operate any lawn-mowing equipment. Training ensures that each operator is competent to operate a riding mower safely. Training must be provided in a language and vocabulary that workers can understand, including:

- Safe operation of specific riding mowers and other equipment that workers will use.
- Review of all safety devices to ensure that ROPS, guards, seat belts and shields are securely in place and properly used.
- The importance of surveying surroundings.
- Reading and understanding the operations, maintenance, limitations and warning sections of the equipment manual.
- Speed control, steering and maneuvering.
- Wearing proper PPE.

The spring and warm weather will be here before you know it. Now is a great time to make sure your mowing equipment is up to standards and employees have the proper training. For more information, visit osha.gov. ■

It's Time for Workers Comp Payroll Audits

It is time for the annual payroll audits to be processed for 2021. Some MWCF members will be subject to an independent audit from Accelevant Premium Audit, and those members will be contacted to set up an appointment. Members who are not subject to the independent audit will be receiving an Audit Request Form in the mail. Please fill in this form according to the instructions provided and return as soon as possible to our underwriters at Millennium Risk Managers.

All audit information is due by March 31, 2022. If you have not received a request by 1/31/22 or have any questions, please call Carla Thienpont at Millennium Risk Managers 1-888-736-0210.

Defining Moment

CLAIMS MADE VS. OCCURRENCE

The first determination to be made in reviewing a liability coverage form is whether the policy is written on a claims-made or occurrence basis. This should be clearly labeled on the policy form. If not, then you must look into the insuring agreement.

Claims-made policies cover insured events only if the claim is filed during the policy term, regardless of when the event took place. By contrast, coverage under an occurrence form is determined by when an insured event took place, regardless of when the claim is made.

Source: *Risk Management Manual: A Reference Tool for Small Local Governments*

2022 SKIDCAR Schedule

Through an advanced, computer-controlled driver training vehicle known as the SKIDCAR System, trainees learn how to react quickly and safely to a range of hazardous driving conditions. Training is conducted throughout the state at a minimal cost.

If you would like to schedule or host a SKIDCAR session in your area, please contact **Donna Wagner at (334) 386-8125**.

Jan. 31 – Feb. 4	Montgomery	July 11 – 15	Andalusia
Feb. 8 – 18	Orange Beach	August 16 – 26	Decatur
March 8 – 18	Demopolis	Sept. 12 – 23	Anniston
April 4 – 15	Muscle Shoals	Oct. 10 – 21	Oneonta
May 9 – 13	Alabaster	Nov. 8 – 18	Scottsboro
June 7 – 17	Valley	Dec. 6 – 16	Adamsville



Register and pay online at www.losscontrol.org!



Loss Control Division

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Winter Safety DVDs

- 5.058-DVD - Driving Safely in Winter Conditions
- 5.061-DVD - Road Rage: Highway Havoc
- 5.062-DVD - A DUI Story... What If?
- 5.063-DVD - Defensive Driving for Government Employees
- 5.067-DVD - Distracted Driving (Focus on Texting and Driving)
- 5.068-DVD - Defensive Driving: 15-Passenger Vans
- 5.069-DVD - Defensive Driving: When Good Weather Goes Bad
- 5.079-DVD - Driving Safely in Hazards of Winter
- 7.044-DVD - Space Heaters
- 7.109-DVD - Working Safely in Cold Weather
- 7.130-DVD - Drowsy Driving: It's Your Wake Up Call
- 7.133-DVD - Resisting the Flu
- 18.002-DVD - Slip Sliding Away

**Video/DVD requests to: Sonya McCarley at: 334-386-8114
smccarley@almonline.org or FAX at 334-262-2809**

Need Help Filing Work Comp Claims?

For step-by-step instructions, visit:

www.almwcf.org

Employment Practices Law Hotline

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30-minute consultation.

www.losscontrol.org