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## May Is Employee Health and Fitness Month

The goal is to promote the benefits of a healthy lifestyle to employers and their employees through worksite health promotion activities and environments.

Regular physical activity is good for everyone's health, and people of all ages and body types can be physically active.



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### GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Specialist

#### May is National What Month?

As I sit and think about a topic for this month's newsletter article, I look out the window at Highway 2, it helps me focus. What goes by? A motorcycle, at what appears to be a speed far higher than the 55 mph limit for this stretch of road. A little digging revealed that May is national motorcycle month, and national bicycle month as well. It makes sense to me; weather is getting warmer and there are more and more bicycles and motorcycles on the road each day. Let's talk about what we can do as riders and as automobile drivers to keep everyone on the road safe this summer.

The National Highway Traffic Safety Administration (NHTSA) urges everyone to share the road and be alert, they also remind motorcyclists to make themselves visible, to use DOT-compliant helmets and to always ride sober. In addition to proper helmets, arms and legs should be completely covered when riding, ideally by leather or heavy denim. Boots or shoes, high enough to cover your ankles and gloves that provide a better grip and protect your hands in the event of a crash. Brightly colored and reflective clothing will help make riders more visible to other vehicle drivers. For more information on how to operate motorcycles safely please visit [www.nhtsa.gov/road-safety/motorcycle-safety](http://www.nhtsa.gov/road-safety/motorcycle-safety).

NHTSA has a few things to say about bicycle operation safety as well. They encourage safer choices while on the road to reduce deaths and injuries. Much like motorcycle riders, bicyclists are urged to wear a properly fitting helmet as well. There are two main types of crashes for bicyclists: falls and crashes with cars. To decrease your risk of a crash you should do the following:

- Ride a bike that fits you
- Where reflective/hi-vis gear and use lights at night (white for front/red for rear)
- Plan your route-choose the safest route with the least amount of auto traffic
- Drive with the flow of traffic and obey the rules of the road
- Ride predictably and work on improving your bike handling skills



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**Safe drivers just  
drive!**

Ignore your phone,  
concentrate on your  
own driving instead  
of the slowpoke  
ahead of you or the  
tailgater behind you  
and do whatever it  
takes to be as safe  
as possible.



## May is National What Month? *continued*

For more details on bicycle safety visit: [www.nhtsa.gov/road-safety/bicycle-safety](http://www.nhtsa.gov/road-safety/bicycle-safety).

As an automobile driver we need to remember that there are other lawful users of our roadways and that we need to be considerate and careful. We have all heard the saying "share the road". This applies to automobile drivers as they interact with both motorcycles and bicycles. Yield just as you would to other automobiles. Give them both room when you pass. Remember to "Look Twice – Save a Life", when looking twice while driving we are keeping an eye out for motorcycles, bicycles, pedestrians, even other cars. Doing this can save someone's life, perhaps yours.

All this talk of traffic safety is a great segue into training. The National Safety Council recently released the 10<sup>th</sup> edition of their Defensive Driving Course, 4-hour, aka, DDC 4. As you know, I'm certified to present this course to our members. I would love the opportunity to come out to your county or agency and talk with your employees about defensive driving, this course covers interactions with motorcycles and bicycles too. DDC 4 is presented at no cost to our members, please give me a call at 1.800.642.6671 or email me at [chad@nirma.info](mailto:chad@nirma.info) if you would like to set up a session of DDC 4. Have a safe summer!

### **HIGHWAY DEPARTMENT**

**By Tim Baxter, Road Safety and Loss Prevention Specialist**

#### **Operating Vehicles/Equipment Against Traffic**

NIRMA continues to receive claims where county employees willingly violate Neb. Rev. Stat. §60-6,131, which states a motor vehicle shall be driven on the right half of a roadway, with certain exceptions. These exceptions do not include reckless use of a county vehicle or equipment when performing maintenance work against the flow of traffic without first having adequate safety measures in place.

NIRMA has warned of, trained on and explained the dangers of this topic since its inception in 1988, yet, county employees still violate the law by operating against traffic.

The most recent incident involved a county road department employee spraying weeds against traffic on a county gravel road. The employee was driving the county spray truck up a hill against traffic when he was hit head on by a pickup pulling a stock trailer. Both vehicles were totaled and both drivers were injured. It was fortunate no one was killed.

NIRMA settled the case due to the county employee's improperly operating his spray vehicle against traffic in direct violation of §60-6,131. The county employee was personally sued along with the county. NIRMA ultimately settled the plaintiff's claim for \$101,325, which could have been much more if the case would have gone to trial. Defense expenditures exceeded \$33,150 for approximately 13 months of litigation.



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Drivers of large  
heavy equipment  
must use extra  
caution in order  
to safely  
navigate and  
share the roads  
with smaller  
vehicles.



## Operating Vehicles/Equipment Against Traffic *continued*

Workers' Compensation expenditures exceeded \$95,700 for the county employee's injuries. The NIRMA pools together spent in excess of **\$230,175** for this claim where the county employee violated the law by operating a county vehicle against traffic.

As with every responsible insurance company, there are exclusions in your liability coverage document for knowingly and willfully violating the law and for intentional acts where injury or damage might be expected as a result of the insured's actions. Operating vehicles and equipment against traffic is a violation of §60-6,131 and could be considered an intentional act where injury or damage might be expected. It should not be presumed that the county or the offending employee will be afforded coverage in the future in the event of an accident stemming from this dangerous practice. Why risk the possibility of not being covered, knowing the county, or its employee could be 100 percent responsible for damages?

Each county should adopt a policy, of which NIRMA has a sample, explaining to its county employees that operating against traffic will not be allowed except under emergencies, when the road has been properly closed as required by MUTCD standards, and/or if flaggers are present controlling traffic. Each case should be reviewed individually, should an employee violate the policy, to determine whether the case was an emergency situation or could have been avoided. Disciplinary action should occur if the situation is determined not to be an emergency.

Cases such as these obviously increase motorist/employee accidents and injuries as well as increase member county premiums. Accidents happen, but shouldn't due to willfully violating state law. Please contact Tim at 402-310-4417 or [tim@nirma.info](mailto:tim@nirma.info) with any questions. Be Safe.



Road Safety starts with you!

Loss Prevention  
and  
Safety

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## LAW ENFORCEMENT AND CORRECTIONS

**By Terry Baxter, Law Enforcement and Safety Specialist**

### The Importance of Body Armor

Survival is a matter of preparation. You must take your safety into your own hands and wear the vest you are issued or purchased. The vest does no good laying in the backseat of a patrol unit and is only effective when properly worn.

Predicting when a deadly encounter will occur is impossible to detect but being ready for a deadly encounter is easy. It only takes a few minutes to put on a bullet resistant vest, but it only takes a few seconds for a gun to fire or a situation to turn into a deadly situation.

I know many do not wear their vests and it will take a deadly situation you survive to change your way of thinking. I do however commend the younger generation of officers as I hardly see a young officer without body armor. That's not to say that every seasoned law officer does not wear a vest, as many agencies have made wearing of vests mandatory policy for their staff while on duty or even when wearing their uniform, they too are applauded.

The sad fact is, law enforcement officers will continue to die in the line of duty, but many will be saved by simply wearing a piece of issued or purchased personal protective equipment known as body armor.

Yes, there are law enforcement officers that met their demise while wearing body armor, but the chances of survival increase when body armored is used compared to no vest. USA Today reported on an FBI analysis of law enforcement deaths and revealed troubling and persistent pattern in which a substantial number of officers were not wearing body armor when they encounter deadly situations.

Law enforcement has always been a dangerous profession, but our culture of safety needs to be enhanced through awareness and training that identify trends to prevent line of duty deaths and injuries.

#### **Remember Below 100 Concept:**

**Wear Your Seat Belt**

**Wear your Vest**

**Watch Your Speed**

**WIN: What's Important Now?**

**Remember: Complacency Kills!**

As of April 2019 (35) law enforcement officers have been killed in the line of duty, so be careful out there!