

**NIRMA's**

Loss Prevention and  
Safety Department  
Monthly Newsletter

Agenda Item # 216

Date 4/8/20

# NIRMA's Safety Shorts



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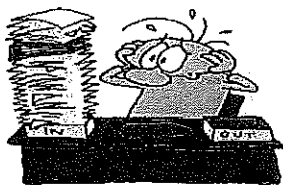
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## April Is Stress Awareness Month

Stress can be debilitating, and it can cause and/or aggravate health problems.

A survey by the American Psychological Association found that the five factors most often cited as a source of stress were money, work, family, economic outlook and relationships.



### GENERAL SAFETY

**By Chad Engle, Loss Prevention and Safety Specialist**

### **Safety Committee Meetings**

I'm writing this article on March 24<sup>th</sup> and so far, I have received safety committee minutes from 39 of our 104 members. This leaves five days to get safety committee meetings completed for the first quarter of calendar year 2020. Just a friendly reminder that you need to hold all four quarterly meetings to qualify for this year's Money for Minutes drawing, and you can't get all four quarterly meetings held if you miss the first one. 2020 will be the third year NIRMA will offer two \$500 awards for members that hold four quarterly safety committee meetings, discuss all incidents/events/injuries and submit the meeting minutes to my attention for review.

If your safety committee was unable to meet during the first quarter of 2020 due to the Coronavirus restrictions, I will extend the first quarter meeting deadline to April 17<sup>th</sup>. Please forward the minutes as soon as possible.

If your schedule is anything like mine, it probably opened up quite a bit for the foreseeable future due to the Coronavirus gathering restrictions. To maintain our ability to provide loss prevention resources to our members, we are now able to provide some of our trainings via Zoom web/telephone conferencing. While reviewing safety committee minutes, I realized that these meeting restrictions could possibly reduce the number of safety committee meetings being held. I can't let that happen. If your committee is unable to meet due to the gathering restrictions, please contact me and I will host a Zoom tele-meeting for your committee.

I'm also planning to conduct Safety Committee Audits via Zoom for the next couple of months. I can share my screen which will allow us to review handouts, we can discuss the resources NIRMA currently offers along with what your committee is currently doing. I'd much rather meet in person, but this will have to do for now.

We are still here, doing our best to support your loss prevention and safety programs. Please don't hesitate to reach out if you have questions or want to schedule a tele-meeting. I can be reached at [chad@nirma.info](mailto:chad@nirma.info) and 1.800.642.6671.

"At the end of the day, the goals are simple: Safety and security."

*- Jodi Rell, former Governor of Connecticut.*

Loss Prevention  
and  
Safety

**If you operate  
heavy  
equipment in  
the maintenance  
of public roads,  
a valid driver's  
license  
is required.  
Your Nebraska  
Driver's License  
is one of the  
most important  
things you  
have in your  
job.**

**Drive safe**



## HIGHWAY DEPARTMENT

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

### **DRIVER'S LICENSE'S AND HEAVY EQUIPMENT OPERATION**

Questions have been asked over the years if a valid Nebraska driver's license is required to operate county motor graders and other heavy equipment while maintaining county roads. Some believe that because this heavy equipment is not plated, a license to operate is not required.

After a recent question, numerous phone calls were made concerning this topic, in an effort to get more information. This included calls made to the Nebraska State Patrol and Nebraska Department of Motor Vehicle legal departments for assistance in interpreting the law.

Neb. Rev. Stat. §60-471 and §60-484 were quoted and used as the legal authority in stating that yes, county motor graders and most other heavy equipment that travel on and certainly vehicles that are used to regularly maintain public roads are required to have operators with valid driver's licenses when performing work on county roads. Failure to maintain a valid driver's license for the class of vehicle involved could result in tickets issued by law enforcement, or worse, the failure to have a license could be evidence used against the county should an accident occur involving the operator with no driver's license. Tractor/mower operators, part-time and full-time, would need a valid driver's license since they would be mowing public rights-of-way, which is considered part of the road, and they have to travel to and from mowing locations.

Commissioners/Supervisors and Highway Superintendents need to be aware that employees who lose their licenses for DUI or other reasons cannot legally operate county heavy equipment on public roads, except for off road situations, such as working in the county yard. Unfortunately, since this restricts the employee to minimal opportunities to work, he/she may have to assist the sign tech in replacing signs, assist mechanics in their work, or other work that does not require a driver's license, at least until his/her license is reinstated. Members should also be aware that your Liability Package Policy has a Common Policy Exclusion addressing claims or suits resulting from acts or omissions by the insured who knowingly or willfully violates a law. This is a standard exclusion in the insurance market. It is also prudent to consider whether the job description for the affected employee's position makes having a valid driver's license a mandatory requirement.

This is a topic that should be covered in a safety meeting so that all employees are aware if they lose their license there could be minimal opportunities for them to keep their job, unless "busy" work could be found.

I have received calls about this and the most concerning thing about this is if a county board allows an individual to operate a motor grader due to the loss of his driver's license, what's to keep that operator from continuing to smoke marijuana or drink alcohol while operating the motor grader. This individual would be operating a 16-ton piece of equipment in traffic which is not very conducive to safety. Think of the consequences before allowing operators in heavy equipment who you think may be

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## **DRIVER'S LICENSE'S AND HEAVY EQUIPMENT OPERATION** *continued*

either intoxicated or under the influence of drugs. That is why the "Reasonable Suspicion" training is so critical for management. Hopefully, the trained individual can recognize those employees who may be under the influence and not allowed to operate equipment.

Contact Chad Engle at [chad@nirma.info](mailto:chad@nirma.info) if you wish to attend a Reasonable Suspicion training.

This is a sore subject as sometimes the employee may be one of your best employee's, but you still need to consider the ramifications of keeping such an individual employed. Should you have labor questions about this topic, it would be best to contact Pam Bourne, with the NIRMA employment law help line at 1-866-896-6423.

Be careful when making decisions under these circumstances. Please contact Tim at 402-310-4417 or [tim@nirma.info](mailto:tim@nirma.info) with any questions. Be Safe.

## **LAW ENFORCEMENT AND CORRECTIONS**

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

### **Infectious Disease Control**

The virus named SARS-CoV-2 and the respiratory illness it causes has been named coronavirus disease 2019 and abbreviated to COVID-19. It is thought the virus spreads mainly from person to person via respiratory droplets, coughs and sneezes, among those in close contact. COVID-19 has turned the world upside down, closing schools, shutting down businesses or placing restrictions on public service. The lack of availability to paper products such as toilet paper, paper towels and disinfectant supplies, disrupting daily lives and at the present time there appears to be no end in sight. Many businesses are permitting staff to work from home, but in the law enforcement and correction professions this is just simply not an option.

Law enforcement and correctional staff still need to have face to face contact with the public and though some of the interactions can be done following some precautionary recommendations, unfortunately not all contacts can be, especially during certain apprehensions. So, in some instances refining on how all aspects of law enforcement and correction operations respond is difficult.

I am not an expert by any means when it comes to this or any other infectious disease, but I have done extensive research on the effects of the virus and the impact it can easily have, not just to the profession I serve, but also for the protection of my fellow staff members and more importantly my family . NIRMA being proactive in assisting our member agencies have provided information and on-line training access addressing COVID-19 on our website [www.nirma.info](http://www.nirma.info).

The main goal is to assist with eliminating exposures to our staff conducting jail and law enforcement operations, or at the very least slow the spread of COVID-19.



## Infectious Disease Control *continued*

### Loss Prevention and Safety

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Attorney Jack Ryan, Legal and Liability Risk Management Institute (LLRMI) issued a memorandum relating to recommendations for law enforcement, NIRMA issued a memorandum relating to jail operations, both LLRMI and NIRMA memorandums were emailed to all our member Sheriff's for review and the information was also placed on the NIRMA website.

[www.nirma.info](http://www.nirma.info).

I know Sheriff's and Jail Administrators have implemented forms of precautions relating to COVID-19 to assist with protecting staff, inmates and the community they serve, as everyone needs to consider how to best decrease the spread of COVID-19 and lower the impact it can have in the workplace. This is a trying and uncertain times for everyone, as information on the virus comes through the news daily and it was quickly discovered no community is immune from the effects of COVID-19.

According to the Occupational Safety and Health Administration (OSHA) most American workers will likely experience low (caution or medium exposure risk levels) at their place of employments, that is why it is so important to coordinate with state and local health officials as well as implement infectious disease control protocols to reduce transmission among employees and maintain a healthy work environment.

Hopefully this life event will soon pass, and daily routines can get back to normal, but in the meantime extra precautions need to be taken. If you touch it or wore it, disinfect it, wash your hands for (20) seconds, use alcohol-based sanitizer with at least 60% alcohol. Use appropriate Personal Protective Equipment (PPE) and properly dispose of your PPE when you are finished and clean surfaces, door handles, etc. regularly.

The majority of precautionary recommendations associated with COVID-19 is the same protocols listed in many bloodborne pathogens and infectious disease control policies, something not new to this profession and standards that should have always been in place and routinely practiced prior to the COVID-19 outbreak.

### Important! DOL Poster Download and FAQs

On March 25, 2020, the U.S. Department of Labor (DOL) Wage and Hour Division published a poster for covered employers (all state and local public agencies and all private companies with fewer than 500 employees) to post in their workplace. DOL also published a Frequently Asked Questions (FAQs) document which includes an answer to the question, "Where do I post this notice? since most of my workforce is teleworking, where do I electronically "post" this notice?"

- POSTER: [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)

EMPLOYER FAQs: [Families First Coronavirus Response Act Notice](#)