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Doris C. Conway, Esq.

NIRMA's

Loss Prevention and Safety Department
Monthly Newsletter

NIRMA's Safety Shorts

General Safety, Highway & Law Enforcement

December 1, 2020

Volume 8 Number 12



December
is
National
Identity
Theft
Prevention
and
Awareness
Month

Identity theft is one of the most serious crimes and one of the most rapidly growing crimes. According to the Federal Trade Commission (FTC), it is the top consumer fraud in the United States.



GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Specialist

PPE, Culture, and Injury Prevention

With the slowdown in road projects and maintenance brought on by winter, many counties shift work to removing and trimming troublesome trees in their rights-of-way. Tree trimming can be a dangerous combination of frozen, uneven surfaces, elevated working areas and running chainsaws. As a result, NIRMA adjusters normally see injuries related to tree removal such as eye injuries, head injuries, serious cuts, slip/trip and falls and even liability claims from falling trees damaging the property of others. When compared to other road department projects, tree trimming results in more injuries than most. The Centers for Disease Control advise that approximately 36,000 injuries each year are related to chainsaw operation.

If you are reading this, you are employed by a "member" county or agency of NIRMA. NIRMA is not an insurance company, we are a risk management pool created for and by our members. Risk management is part of our name. We exist to help our members reduce the risk of loss to member county employees and equipment.

To reduce the risk of chainsaw related incidents we start by ensuring that any employee tasked with operating a chainsaw has been trained on the proper way to do so and has demonstrated this ability to his or her supervisor. From the owner's manual to online videos, there are multiple training options. An employee should not be allowed to operate any piece of equipment, especially a gas-powered saw, without training and demonstrating proficiency.

Our employees now have the knowledge and skills to safely run the tool required for the job, do they have all the personal protective equipment (PPE) needed to do so? This should include, but is not limited to, safety toe boots, long pants and chainsaw chaps, gloves, helmet, hearing protection, safety glasses and a face shield. Employees shall also be trained on how to properly use and care for all the required PPE. An important part of PPE training should include the county or agency's policy that dictates when the PPE will be worn. PPE is not optional; we cannot simply provide it for their use and hope that they do so.

Employees will follow whatever county or agency culture dictates. If they see others not using PPE, and there are not negative repercussions, there is a good chance they will not use them either. To ensure all employees follow PPE policy the culture needs to instill upon them the importance of using PPE and that failure to do so will lead to progressive disciplinary action. Progressive discipline is never fun, but it is important to educate employees who choose not to follow policy that it is not allowed and will not be tolerated. This is truly for their own good. I would much rather have a discussion with an employee about using their PPE than deliver the message that they were seriously injured or killed to their family.

Loss Prevention and Safety

PO Box 85210

Lincoln, NE
68501-5210

December is often a time when [data breaches increase](#) and sensitive data gets leaked, making this month a great time to review tips and resources to help build strong habits that protect your personal information and safeguard yourself, your family, and your organization from identity fraud year-round.

Update your account passwords.

Review financial accounts for suspicious activity.

Never provide login, personal or financial information on unsecured sites.



PPE, Culture, and Injury Prevention - *continued*

Employees are now trained and understand what is expected of them regarding PPE use, our next step is to set the parameters that outline how they will remove trees. Are they able to stop work if a particular area is unsafe? If the area around the trees to be removed is steep and icy are they allowed to come back when conditions permit? Are the employees provided the proper equipment? I am referring to personnel lifts or boom trucks so that they can safely reach the upper sections of the trees. If a county or agency does not have the proper equipment to safely reach the branches or if the tree is too large, I would urge you to hire a professional tree service, the risk is simply not worth it.

Here is the cool thing, this process of training, providing the necessary safety equipment and creating a culture that supports doing the right thing works for every task, not just tree trimming. Tree trimming just happens to be what most highway departments are working on this time of year. If your crew could use some training, I can be reached at 1.800.642.6671 or chad@nirma.info. Given the spike in COVID positivity, I would recommend that we put together something that can be delivered via Zoom or video. Take care and stay healthy.

HIGHWAY DEPARTMENT

By Tim Baxter, Road Safety and Loss Prevention Specialist

Road Project Bid Documents

Many counties begin preparing for the next construction seasons' road and bridge projects in December and January. Knowing that, this topic was chosen for this month's article to better assist our member counties with their project specifications, bids, quotes, contracts, etc.

State-wide Internal Road Department Assessments were conducted in all 82-NIRMA member county road departments during the years of 2017 and 2018. This was done to determine where further assistance might be needed to improve road department safety and reduce liability. One of the deficiencies found was the lack of good contracts for armor coat, crack seal, painted pavement marking, and other construction and maintenance projects. Many counties either had no contract with the contractor or had contracts that were missing important aspects such as liability insurance, traffic control, performance bonds, etc.

The internal assessments determined that 41 of the 82 NIRMA member counties, or 50%, had contracts that were lacking or no contracts whatsoever.

Simple, comprehensive armor coat, crack sealing, and painted pavement marking specifications and contracts have been developed for use by our member counties. They are in WORD format for easy alterations and adaptations to your county. Most larger projects in counties, such as asphalt resurfacing, bridges, concrete box culverts, etc. are hopefully designed by engineers who provide the proper contracts. These contracts should include liability insurance, contractor required construction signing, traffic control, plans, specifications, etc. The internal road department assessments showed that a large number of counties do not have contracts related to armor coat, crack sealing, and highway striping.

Dollar thresholds under The County Purchasing Act, most recently revised in 2018, are as follows:

- (a) \$50,000 or more (previously \$20,000 or more) - Competitive sealed bidding process is required;

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chad@nirma.info

tim@nirma.info

terry@nirma.info

pat@nirma.info

phone

402-742-9220

fax

402-742-9230

toll free

800-642-6671

We're on the
Web

<https://nirma.info>



Road Project Bid Documents *continued*

- (b) \$10,000 or greater and less than \$50,000 (previously \$5,000 or greater and less than \$20,000) - Securing and recording at least three informal bids, if practicable; or
- (c) Less than \$10,000 (previously less than \$5,000) - By purchasing in the open market if the estimated value of the purchase is less than \$10,000, subject to section 23-3112. In any county having a population of less than 100,000 inhabitants and in which the county board has not appointed a purchasing agent pursuant to section 23-3105, all elected officials are hereby authorized to make purchases with an estimated value less than \$10,000. Section 23-3108(1).

Even if the county does not let a project by sealed bid due to project estimate being \$10,000 or greater and less than \$50,000, whereas three informal written bids are required, or the county hires a contractor for a project less than \$10,000, a contract still needs to be entered into between the county and contractor for specifications, liability insurance, performance bonds, traffic control, etc. and to hold the contractor to their quoted price and protect county liability.

Without a proper written agreement outlining the respective party's duties and responsibilities, the county might be opening itself up to unnecessary liability that should properly be the responsibility of the contractor who is actually performing the work.

Counties should NEVER pay a contractor before the work is completed. Unfortunately, this has happened and then the county is out those funds and the project is not completed.

Please contact me should you have questions related to construction projects, contracts, liability insurance, etc. or any road department safety related issues at tim@nirma.info or 402-310-4417. Be Safe.

LAW ENFORCEMENT AND CORRECTIONS

By Terry Baxter, Law Enforcement and Safety Specialist

Maintaining Fitness

The Law enforcement and correction officer occupation is an unpredictable environment and has a lot of physical demands. Due to these factors, officers are at a higher risk of sustaining on the job injuries more so than any other profession.

Due to the nature of core activities associated with law enforcement and corrections tasks, new hires are required to complete a physical and a battery of fitness testing to ensure they can meet the standards implemented through state certification requirements but also, to meet the ability of the jobs daily demands. However very few agencies offer fitness programs and usually physical fitness levels are no longer evaluated or required to maintain job status. Many of us fell under these standards, I certainly did during my career, but where I was fortunate I never got hurt in the line of duty, oh I was stiff and sore many times, but was lucky enough not to have an injury sideline me or take me out of service for an extended period of time.

Every law enforcement and correction officer must be able to run, climb, jump, left, carry, drag, push and apply physical force, you never know when this type of activity will occur. Since 1976 the Cooper Institute worked with fitness programs to shape and influence fitness programs for law

Loss Prevention
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Check It Out!

Nebraska
Highway Safety
Grants

Project Grants are available to organizations for traffic safety projects and activities. Applications for projects with the potential to impact the priority traffic safety areas are annually reviewed.

Funding assistance through mini-grants is also available to law enforcement for the following items: preliminary breath testing (PBT) units, radar units, in-car video cameras, and selective overtime enforcement. Law enforcement and other eligible non-profit organizations are also provided with funding assistance for car safety seats, traffic safety training/workshops/conferences, and public information and education activities.

<https://dot.nebraska.gov/safety/hso/grants/>

Maintaining Fitness *continued*

enforcement across the nation. The fitness testing validated an officer's ability to perform essential and critical physical demands associated with the profession.

I attended a conference in Des Moines many years back where a fitness instructor presented on job-related injuries, wellness and health. A comment he made which has always stuck with me was;

" When you accept to wear a badge, you accept responsibility, you no longer have the privilege of being unfit. Many of you in this class were required to pass physical standards to attend the academy, the reason the standards are in place you must be prepared and be ready to handle any task or physical challenge that comes your way."

I am not being hypocritical on this topic, as I mentioned before I didn't maintain a level of fitness throughout my career, and I discovered during physical confrontations I needed to quickly get the situation under control before fatigue set in. I did however try to implement a voluntary fitness and wellness programs to enhance and improve fitness levels, not everyone bought in on the concept, usually the seasoned officers, but the younger generation did, and you could clearly see the benefit. Those who participated approved in mobility, had a tolerance to fatigue, reduced being physically challenged and had minimal on the job injuries.

I remember my dad telling me when I was younger, a person who wears a badge is a cut above the rest. That doesn't mean we are better than everyone else, it basically means you are held to a higher standard, you set the bar for others. I mentioned this before, this job comes with a lot of responsibility, be proud of your profession. Stay well, stay healthy and stay safe...Hope your holidays are a quiet one.

For more information and/or training, contact

Terry Baxter, Law Enforcement and Safety Specialist –

terry@nirma.info - (402)-742-9220

As the Holiday Season is upon us, we find ourselves reflecting on the past year and on those who have helped us shape NIRMA. We value our relationship with you and look forward to working with you in the years to come.

We wish you a Happy Holiday Season and a New Year filled with Peace and Prosperity.

**be well,
be safe.**

WE CAN GET THROUGH THIS