

Playgrounds - Are our children safe?

Watching the children play on the playgrounds is always a pleasant sign of spring. Do we overlook their safety in the process? Are they really safe? Are playground accidents inevitable, or can they be prevented?

The United States Consumer Product Safety Commission statistics indicate that an estimated 200,000 playground-related injuries require a trip to the emergency room each year. Of these injuries, a staggering 76% occur on public playground equipment.

While the manufacturers of playground equipment continue to improve the safety design, there are still several precautions you can take to enhance the overall safety of your play area. Prudent risk management practices would include the following:

- 1 Establish a regular inspection/maintenance schedule. One individual should be assigned the responsibility of inspecting the playground and its equipment.
- 2 Maintain a written record of the maintenance work that has been requested, when it was requested, and follow up to make sure that the task was completed.

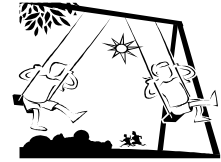
The National Program for Playground Safety's 2004 Risk Factor Survey awarded the State of Maine an overall grade of B. Although the grade for Maine is better than the C+ national rating, there is room for improvement. The survey breaks down Maine's average in three categories as follows:

Maine's School Grade	A-
Maine's Child Care Grade	B-
Maine's Park Grade	C+

Maine's most valuable asset is our children. Safety should always be our number one priority but sometimes it gets inadvertently overlooked. Prevention is the key to protecting the safety of all children.



10 WAYS YOU CAN MAKE AMERICA'S PLAYGROUNDS SAFER.



The National Program for Playground Safety has developed the following list of 10 Ways You Can Make America's Playgrounds Safer.

- 1 Make sure adult supervision is present at the playground.
- 2 Guide children to play on age-appropriate equipment.
- 3 Survey the play area and make sure it is free of apparent hazards such as glass, jagged metal, or play equipment too close together.
- 4 Check the playground surface for cushioned surfacing beneath equipment and its fall areas.
- 5 Examine equipment such as ladders, platforms, and steps.
- 6 Survey types and quality of swings. Swings should have a fall zone that is twice the height of the pivot or swing hanger in front and in back of the swing seats. The fall zone also should extend six feet to each side of the support structure.
- 7 Check out the slides. Slides should be well anchored, have firm handrails for gripping and steps with good traction, and no spaces between the slide platform and the side bed where strings of clothing could catch.
- 8 Review the seesaw area. Make sure the handles are secure and of a size and design that a child can grip easily. All pivot points should be covered to prevent pinched fingers.
- 9 Inspect the action of merry-go-rounds for proper anchoring, appropriate handles, position the merry-go-round so a child cannot slide underneath it, cover the gear box, and attach a governor to control the speed of the unit.
- 10 Be a good neighbor. Leave the area in as good condition or even better condition than you found it.

The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you 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: Kathryn Norton, CIC
Editors: Pamela Corrigan & Laurel Wentworth
Layout Designer: Tracy Pushard,
 MMA Risk Management Services
 P.O. Box 9109, Augusta, ME 04332-9109.
 1-800-590-5583 or (207) 626-5583.

For additional information including a copy of the safety report for America's playgrounds, please refer to the National Program for Playground Safety at <http://www.playgroundsafety.org/safety/index.htm>

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Quietown's Recreation Instructors Employees or Independent Contractors?

The Town of Quietown's Recreation Department has long been the pride of the municipality and has often been credited with being the mainstay of the Town's strong sense of community. Citizens of all ages are able to participate in an impressive array of sports, health, craft and social activities - from aerobics to yoga, bingo to bocce ball, watercolor painting classes to swimming lessons, and youth hockey to horse riding lessons.

The expansion of Quietown's recreation program has mutually benefited the public and local instructors. Individuals who once taught tae kwon do, dance, archery, and pottery at their private or commercial locations found that rising overhead prompted them to offer classes through the Recreation Department to cut costs. Town residents have been more than pleased with the improved access to activities and affordable pricing that the Town has been able to facilitate.

Last month, Quietown's municipal officials and recreation director were faced with some difficult issues. One of the participants in Miss Slim's aerobics class was seriously injured while using equipment furnished by the instructor and filed a claim against the Town. The same week, the owner of Clip Clop Horse Stables claimed she was working for the Town when she sustained severe back injuries while instructing a student who had signed up for riding lessons through the Recreation Department.

This past Tuesday evening, the Recreation Director, Frank Doesitall, stood tall before the Board of Selectmen who had many questions that he was not prepared to answer. How did the Town determine which instructors were employees and which were independent contractors? Had the Director submitted the necessary forms to the

Workers Compensation Board to determine if any of the instructors could be considered independent contractors? Were written contracts executed to clarify the employment relationship and specify whether the instructors or the Town were responsible for the safe use and condition of equipment? Were recreation instructors' activities supervised by the Town? Did the municipality require all independent contractors to furnish the Town with certificates of insurance for general and/or professional liability naming the Town as an additional insured? Did the Town check certificates of insurance for proof of workers compensation coverage? Did Frank have a thorough understanding of which, if any, of the instructors, were covered under the Town's liability or workers compensation coverages?

cont.

WELCOME NEW PARTICIPANTS!!!! ACCIDENT INSURANCE FOR VOLUNTEERS

Town of Brownville	Town of Sanford
City of Calais	Town of Randolph
Town of Edgecomb	Town of Willimantic
Town of Lakeville	Windsor School Dept.
Town of Parkman	Town of Winthrop
Town of Phippsburg	

For the 2004/5 year, accident coverage was provided for 1873 volunteers in 33 Maine municipalities.

Coverage underwritten by CIMA through HUB International New England, LLC

IMPORTANT NOTICE

RENEWAL IN THE ACCIDENT INSURANCE FOR VOLUNTEERS PROGRAM IS NOT AUTOMATIC. WATCH FOR THE JULY 1, 2005 - JUNE 30, 2006 ENROLLMENT MAILINGS IN APRIL.

WELCOME NEW MEMBERS!!!

Property & Casualty Pool

Rangeley Water District
Town of Machiasport
Town of Corinth

Workers' Compensation Fund

Rangeley Water District
Town of Bowerbank
Town of Corinth
Cyr Plantation



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Employers are responsible for determining the employment relationship prior to employment. Only the Workers Compensation Board can rule on whether an individual is an independent contractor and that ruling is only effective for one year. These rulings are a "Predetermination" and apply only to the future twelve months. It is also possible to challenge the status of an independent contractor and to have that predetermination status change if the Workers Compensation Board receives additional information.

Quietown's willingness to serve the community's recreational needs is to be commended, however, it failed to research, clarify and document the employment relationship with its instructors prior to commencement of classes and activities. Their failure to anticipate liability and workers compensation exposures may have placed the Town of Quietown in an untenable position. Be proactive-clarify the employment status of ALL individuals who provide services for your municipality. The MMA Risk Management Services staff invites the members of the MMA Workers Compensation Fund and the Property and Casualty Pool to contact the Underwriting Department at 1-800-590-5583, with questions or concerns.



IS YOUR MUNICIPALITY PLANNING A SPECIAL EVENT?

Coordinate with your property and casualty carrier EARLY in the process. Members of the MMA Property and Casualty Pool are asked to mail a copy of all Special Events Brochures and notices to MMA to Tracy Pushard's attention.

For questions,
contact your
a s s i g n e d
underwriter at:
1-800-590-5583.

