

PRIVATE USE OF PUBLIC PROPERTY



Question: We have a facility full of tools and equipment that employees don't have at home. Why not let employees use them? It would create good will and what harm can it do?

Answer: It could lead to property, liability and workers compensation claims for the public entity.

Permitting publicly owned facilities, equipment, and tools to be used by employees, either on or off duty, raises a number of concerns. Tools and equipment can be damaged, lost, or stolen. Building security can be compromised. The likelihood of property damage or fire loss increases as accountability decreases. The damage may not be limited to the property of the employer but may also impact neighboring properties. If an off duty employee, volunteer, or member of the public is injured while using publicly owned tools or equipment, there are significant exposures for the public entity in the area of liability and possible workers compensation claims. If a facility is damaged, destroyed, or equipment is lost as a result of off duty employee or non-employee actions, the entity's insurance provider will likely pursue recovery for the damage from the responsible party.

Serious problems can also arise if a public entity provides services for some citizens that exceed what is normally provided to all citizens. Examples of this include towing of privately owned vehicles with a town owned truck, cleaning of residential chimneys by the fire department, and the "jimmying" of a locked vehicle door in a non-emergency situation. Even with the best of intentions it is important to understand the exposures if a vehicle is damaged while towing, a roof or chimney is damaged while cleaning, or if a window is broken or electronic door locking system is damaged while unlocking a vehicle door. The public entity as well as the person or persons involved could become liable for damages or bodily injury.



It is in the best interest of all public entities to establish written policies restricting the use of publicly owned facilities, equipment, and tools. Such policies should define services that will not be provided. Employees should be made aware of the potential exposures that may result from "the right thing, gone wrong". In most cases, a sound policy, coupled with good common sense, is the best protection a public entity can have.



Scholarship Grants

Scholarship Grants provide financial assistance for employees who wish to advance their skills in the area of safety or risk management. Scholarships are granted throughout the year with individual awards up to \$500. Applications must be submitted at least forty-five days prior to the intended educational event.

New For 2003...

- ⇒ The application form and instructions for both programs have been reformatted. The new form is easier for you to use and for us to evaluate.
- ⇒ The applications and relevant information can be downloaded from MMA's website (www.memun.org.) We regret that applications cannot be submitted electronically because of the requirement for cost estimates and other supporting documents.

For more information or to receive a copy of the Scholarship Program guidelines and application, please call Deb Balmer, Ed MacDonald, or your assigned Loss Control Consultant at 1-800-590-5583.

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.

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SAFETY ADVISORY ON BASKETBALL BACKBOARDS

Risk Management Services has become aware of a potential problem with some basketball backboards that may be in use in various school and municipal facilities.

The type of backboard in question is attached to a wall-mounted steel frame. There is a threaded rod attached vertically in the center on the rear of the backboard. The rod is threaded through the steel frame of the wall mounting and allows the backboard to be raised or lowered by a hand-crank to various heights. The rod has a welded steel nut on the top and may also have a steel pin inserted through a hole near the top of the rod. The nut and pin are intended to prevent the rod from being moved too far so that it disengages from the frame and allows the backboard to fall.

We recommend that appropriate personnel, or an outside service vendor, inspect all backboards to ensure that the rod cannot be accidentally disengaged. It is also critical that an inspection be done immediately following any maintenance work to ensure that all the components were replaced.

POLICE CHIEFS TAKE NOTE:

EMERGENCY VEHICLE OPERATION

Response & Pursuit Issues

Maine Municipal Association Risk Management Services and Maine Chiefs of Police Association are pleased to present two day-long seminars by Randy Means. The topic, EVOC, is now required training annually. The two sessions, for all law enforcement personnel, will be June 4 in Wells and June 6 in Augusta. Further information will be mailed to all Chiefs of Police and Training Officers.

Registration may be accomplished by mail or internet (www.memun.org/RMS/EVO.htm).



UC Dividend Check Deliveries Around the State



Caribou



Easton



Gray



Littleton



Regional Waste Systems



Cherryfield

**UNEMPLOYMENT
COMPENSATION
FUND DIVIDEND
RETURNS
\$393,942**

In January 2003, Risk Management Services personnel spread out across the state, delivering dividend checks to MMA UC Fund members. From Kittery Water District to Madawaska, from

Jackman to Calais, the UC Fund returned \$393,942 to 182 happy members. This money represents each member's own money, as the MMA UC Fund is a group of individually self-insured entities. The UC Fund Actuary has deemed that this is surplus money from the completed Fund year 2001. This represents the 8th consecutive year that the UC Fund has been able to return dividends to its members.



WELCOME NEW MEMBERS!!!

Property & Casualty Pool

Town of Monson
 Monson Utilities District
 Northern Aroostook Reg. Incin. Facility
 Town of Charlotte
 Town of Brooks
 Town of Frankfort
 Manchester Sanitary District

Workers' Compensation Fund

Town of Dennysville
 Town of Northport
 Northern Aroostook Reg. Incin. Facility
 Sagadahoc County
 Town of Northfield
 Town of Orient
 Winter Harbor Utilities District
 Kennebec County
 Monson Utilities District
 Town of Naples
 Town of Newport
 Orrington Vol. Ambulance Service
 Waldo County

Playground Safety - Protecting Your Community's Children

The playground should be a fun-filled, memory-provoking experience for both parents and children. However there has been a dramatic increase in playground-related injuries over the past two decades. Some of the statistics from the U.S. Consumer Product Safety Commission (CPSC):

- ☛ In the United States, a child is injured on a playground every 2 & 1/2 minutes.
- ☛ More than 200,000 children each year are treated in emergency departments for playground-related injuries.
- ☛ More than 75% of playground injuries occur on a public playground.
- ☛ Most playground injuries involve falls, and over half of the time the child's head and face is hurt.
- ☛ Most of these injuries are preventable with proper supervision and safer playground equipment and design.

The National Program for Playground Safety was established in 1995 to address playground safety issues. The following is a list of 10 steps to a Safer Playground to help make your community or school playground safer.

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 to see if they are in good condition and have appropriate guardrails/protective barriers.
- 6 Survey types and quality of swings for appropriate type of seats, swings not attached to other equipment, limit of only two swings in each bay and appropriate fall zone.
- 7 Check out the slides to make sure they are appropriately anchored, have firm handrails, steps with good traction and no spaces where strings from clothing could catch and cause strangulation.
- 8 Review the seesaw area so that the handles are secure, pivot points are covered to prevent pinching and the design is appropriate for children.
- 9 Inspect the action of merry-go-rounds for proper anchoring, appropriate handles, proper surface under the bed so children cannot slide underneath, covered gear box so fingers cannot get caught and a governor should be attached to control the ultimate speed of the unit.
- 10 Be a good neighbor - leave the area in as good a condition or better condition than you found it.



For additional information, please refer to the National Program for Playground Safety at <http://www.uni.edu/playground/home.html>.