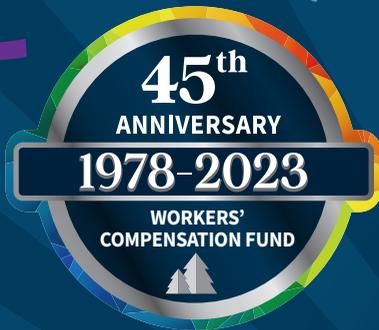


the Municipal RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

OCTOBER 2023



*Thank You
for Celebrating
with us!*



All of us at MMA Risk Management Services thank you for joining us at the 87th Annual Maine Municipal Association Convention, where we recognized and celebrated the 45th Anniversary of the Workers' Compensation Fund and Unemployment Compensation Fund. The Convention and celebration were an amazing success, full of fun, friendship, and educational resources. During the convention we distributed hundreds of pairs of ice cleats to our membership in a state-wide effort to reduce slips, trips, and falls. We hope that you get years of use from these ice cleats and enjoy a safe winter season.

We would also like to congratulate the City of Sanford and the Town of Thomaston for winning a customized water absorbent mat (Waterhog) for their communities and Cynthia Abbott with the Town of Freedom and Fred Collin with the Town of Otisfield as the winners of our Maine gift baskets.





When do I report a work-related injury?

Many employers have little to no experience with Workers' Compensation claims and are often unaware of their statutory obligations and the process that happens once an employee gives notice of a work-related injury.



Information to be aware of when a work-related injury occurs:

- An employee has no obligation to complete any paperwork. Their only obligation is to provide notice that an injury has occurred. The obligation to complete and file the First Report of Injury (FROI) is the employer's.
 - An Employee has 60 days to provide notice of a work-related injury. However, even if the notice is not timely **a FROI must be completed and submitted** to your coverage provider. Your coverage provider will determine if the lack of timely notice is a viable defense of the claim.
 - If an employee provides notice of lost time due to an injury, the FROI is required to be submitted to the Workers Compensation Board (WCB) within 7 days of notice of the lost time. The 7-day reporting requirement is calendar days including weekends, holidays etc. If the claim is reported beyond 7 days, the WCB will impose a \$100 reporting violation which will be due by the employer if they reported the claim late.
 - If you are given notice, even if you have concerns about how, or if the injury occurred, you must file a FROI. The coverage provider will conduct an investigation to determine if the claim should be denied or paid.
 - FROIs are submitted to your Workers' Compensation coverage provider who will electronically file the FROI with the WCB.
- It's important to remember that lost time is not only a missed day from work, it can be wage loss due to a change in schedule, decreased earnings due to restrictions that prevent shift work or overtime, it can also be use of accrued benefits to attend medical appointments.
 - If the claim involves medical treatment with no lost time the FROI should be submitted to your Workers' Compensation carrier as soon as possible.
 - The employer has the right to direct care for the first 10 days of treatment. For this reason, it is important to have a preferred provider that is familiar with the treatment of occupational injuries.
 - Other than firefighters, who have no waiting period, there is a seven-day waiting period before lost time benefits may be owed. The waiting period may be comprised of consecutive days, sporadic days, a decrease in earnings or use of accrued benefits to attend appointments.
 - Coverage providers have 14 days from the date of notice of lost time to either pay or deny lost time benefits. If a payment or a denial is not issued within 14 days, there can be penalties imposed by the WCB and mandatory payments may be due to the employee regardless of compensability.

Maine Department of Labor

Notification to the Maine Department of Labor (MDOL) is required within eight (8) hours of a work-related fatality and 24 hours if an injury requires hospitalization or the injury is an amputation, loss, or fracture of any body part. Notification is made by phone at (207) 592-4501.

Workers' Compensation Renewals Are Due

The 2024 MMA Workers' Compensation Fund (MMA WC Fund) renewal applications have been sent, due October 16, 2023. It is of great importance that the applications were submitted in a timely manner. The MMA WC Fund Board meets in mid-November to finalize funding. If you have returned your application, we want to say thank you. If you would like help with the completion of your application or just have questions, please contact Risk Management Services Underwriting at rmsunderwriting@memun.org or call 1-(800) 590-5583 and ask to speak with a Member Services representative.



Exit inspection requirements

Emergency exit routes are important as they provide a clear and safe way to evacuate a building in case of a crisis or disaster. First responders such as fire or police also utilize emergency exits to navigate a building during a disaster or crisis. Identifying and maintaining emergency exits and emergency exit routes are a crucial part of your workplace Emergency Action Plan (EAP).

Exit routes and exit access (i.e., fire doors) must be clear and unblocked to allow for a quick and safe exit in case of an emergency. Blocking and or obstructing exit doors and routes creates a safety hazard, and in the case of an emergency will cause delay, create panic and confusion that could prove catastrophic. Frequently we find that exit paths are obstructed by items such as boxes, workstations, locks, garbage containers and other items that can slow down the progression of getting to safety quickly. We recommend that you routinely walk your exit paths and ensure that they are always free of obstructions and ready for emergency use.

OSHA defines an emergency exit route as a continuous and unobstructed path of exit travel from any point within a workplace to a place of safety.

- What are the three parts of an exit route?
- Exit access - The portion of the route that leads to an exit. OSHA requires that exit access must be at least 28 inches wide at all points.
- Exit - The exit is generally separated from other areas to provide a protected way of travel to the exit discharge.
- Exit discharge - Leads directly outside to a street, walkway, or public way. This path must be maintained clear and usable throughout all seasons. **The exit discharge must be clear of snow equal to at least the width of the door and sanded to prevent slipping.**



We are often asked "How many exit routes does a workplace need to have?" In most cases, OSHA mandates that there be at least two emergency exit routes. However, more may be required depending on the number of employees and the size of the building. As an employer, it's your responsibility to make sure that you communicate with the **jurisdiction having authority** (Fire Marshal's office or other identified) to adhere to regulations and determine the base number of routes needed based upon the size and occupancy of your facility.

An Emergency Action Plan as well as emergency preparedness training are a must and should provide workers with an overview of the types of emergencies that may arise at their facility, how to respond to each situation, the names and numbers of parties who should be contacted if an emergency occurs, and more, all in an effort to protect your staff from harm.

If you have more questions about emergency exits in your facility, we encourage you to visit our website: <https://www.memun.org/Risk-Management/Loss-Control/Resources>, and select the Best Practices Icon and review the sample Emergency Action Plan, or contact Loss Control at rmsloss-control@memun.org.



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform members 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 for specific questions.

Publisher: Risk Management Services

Editor: Marcus Ballou

Layout Design: Sue Bourdon

P.O. Box 9109, Augusta, ME 04332 | 800-590-5583
or (207) 626-5583



What do I need when hiring a contractor?

Municipalities throughout Maine utilize the services of contractors to perform tasks that they either do not have the infrastructure to undertake or staffing to complete. So, with the hiring of contractors, the question arises as to what steps should be taken to transfer the associated liabilities. We recommend the following:

- 1. Written contracts** that clearly specify the terms of the relationship between the two entities. The municipality's attorney should draft and review the contract prior to it being executed. The contractor should agree to assume the municipality's liability arising from the contractor's operations. This is typically referred to as a "hold-harmless" or indemnification agreement.
- 2. Certificates of Insurance** should be required of the contractor prior to allowing them to begin the requested work. The insurance requirements contained within the contract need to be based on the evaluation of the hazardous nature of the contractor's operations. At a minimum, the town should require liability coverage in an amount not less than the Maine Tort Claims Act and Workers' Compensation coverage.
- 3. Additional Insured Status** is an endorsement on the contractor's policy which extends the contractor's insurance protection to the municipality for the contractor's operations. This endorsement should be shown specifically on the Certificate of Insurance the municipality receives from the contractor, and specifically required within the written agreement.
- 4. Professional Liability** insurance coverage should be required when a municipality contracts for professional services such as representation by an attorney, accountant, architect, engineer, and the like.



By implementing standardized contractual requirements, the municipality can safely engage with contractors and know that protections are in place to safeguard the municipality's interests.

*MMA Risk Management Services welcomes the
Town of Parsonsfield*

as the newest member of Property & Casualty Pool

We thank our dedicated members for their continued partnership.

FREQUENTLY ASKED QUESTIONS

How do we prepare sand & salt sheds for winter?

Sand and salt sheds are at high risk for collapse because they are usually made of light construction materials, consisting of metal sheathing on wood or metal frame, or an arched rib metal structure without internal supports, and more modern facilities are constructed with stretched fabric exteriors. Furthermore, due to the hazardous use of the building, their structure's integrity is often compromised by being struck by equipment, weakened by rust due to the corrosive nature of the salt, or by uneven vertical loading from snow sliding off one side, but not the other.

Sand & salt sheds can be protected by acting now. We recommend:

1. Removing vegetation and snow from the perimeter. When snow is allowed to accumulate against the sidewalls, it prevents snow from sliding off the roof, causing it to pile up and creating forces that may exceed design limits.
2. Avoid exceeding the Fill Line. Over filling stresses support walls and exposes structural supports to salt and corrosion.
3. Create access around the structure to allow for the plowing and removal of snow throughout winter.
4. Restrict access to authorized personnel only.

For more information please visit the RMS Loss Control Department's online Toolbox Talks located at:

www.memun.org/Risk-Management/Loss-Control/Resources or by emailing: rmsloss-control@memun.org.