

# the Municipal RISK MANAGER

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## Slip Sliding Away in the Snowy Months

*Slips, trips and falls are one of the leading causes of workplace injuries year-round, but when the weather turns nasty the chances of falling and being injured increases dramatically.*

"It could have easily been prevented," said the Human Resources Director from a mid-sized town in Central Maine. "It had been snowing and for some reason this employee decided to save himself a few steps and cut across the snow-covered lawn instead of staying on the walkway which had been shoveled and sanded. He ended up slipping and sprained his ankle which kept him out of work for a few days."

Slips, trips and falls are the second leading causes of workplace injuries according to the National Safety Council. The Council states that over one quarter of workplace injuries (27.4%) and 16.5% of all workplace-related fatalities are caused by slips, trips and falls.

These injuries come at a steep price – both financially and physically. The U.S. Center for Disease Control (CDC) says the average cost of a slip, trip or fall is between \$30,000 and \$40,000 (\$48,000 on average if it is a fall related to snow or ice). Over \$50 billion is paid out by insurers every year for these types of injuries.

While 5% of these incidents result in broken bones, slips, trips and falls are the leading cause of brain and head injuries – potential life-altering events. On average the CDC says these claims result in 11 days of lost work by the employee. In Maine we see an average of 3,000 occupational slip, trip and fall cases every year.



Loose rugs, falling off ladders or tripping over a cluttered workspace are common year-round, but here in Maine when the last of the autumn leaves drop, typically the next thing to fall from the sky are snowflakes.

Wintertime can be especially risky in terms of slips, trips and falls for a variety of reasons. While snow- and ice-covered walkways, ramps and stairs are an obvious hazard, wet floors and floor mats from snow being tracked inside a lobby can be problematic as many folks who would normally be extra careful while walking from the snow-covered parking lot to inside let down their guard once they enter the building.

Sometimes the risk occurs even earlier while exiting the vehicle. One misplaced step on to a patch of black ice while stepping out of the SUV can lead to an unexpected visit to the local emergency room. When exiting your vehicle, maintain three points of contact at all times and use your vehicle for support so if you do slip on that icy patch, you will be less likely to fall.

Staying safe and out of the ER in the winter starts with adopting a different kind of mindset. You know to slow down and take it easy when you're driving into work on a snowy day. The same idea applies when walking into work. When it's slippery out adjust your walking by bending your knees slightly and take short, slow steps. Now is not the time to check your phone or answer that text . . . keep your focus on the path ahead.

Of course, choosing the proper footwear is equally as important. When the meteorologist calls for a chance of snow, consider going with winter boots vs. the dress shoes. For folks who routinely work in the snow and ice, slip on ice grippers are a wise choice. While some folks may shun the idea of throwing on what looks like combination tire chains/ice crampons over their black-polished dress boots, one should realize there are a lot of other different styles which can work just as effectively, be less obtrusive and even slip out of the



## Transitional Return to Work, why is it Important?

As municipal entities, your employees wear many hats. At times, especially when budgets are wearing thin and holes in the workforce are apparent, burn-out is common and mistakes are destined to occur. Inevitably, we start to see increases in workplace injuries.

Unprecedented circumstances of a global pandemic have also impacted the workplace environment along with the turnover of employment; however, it has opened a path for new generations of municipal officials to be hired.

These changes come with their own set of challenges, but it also presents ample opportunities for growth to better serve the employees who continue to strengthen the communities they serve throughout Maine. Perhaps you work in a municipality that has a strong safety program already in place, or you work in a municipality where safety has not been a top priority; whichever background these communities come from, one must stop and evaluate why safety and promotion of the employee's well-being should be a top priority.



tive patrol officer; however, their employer has a strong transitional return to work program in place for light duty tasks. The officer can still come into the department and work on evidence logging and reports. The work they are performing is not what we call, "busy work" but essential to the functionality of their position as a police officer. The injured employee has daily interactions with their peers and supervisors while they recover from an injury caused by the nature of their position. Often, the injured officer in this scenario will continue to feel contributory towards their position and recovery times will be substantially shortened.

In the second scenario, we have a public works employee who has a 50-pound lifting restriction. The municipality the employee works for does not allow for any transitional return to work and the injured employee remains at home while on light duty. The employee is removed from the community of their peers and is not contributing towards a necessary function of their job. In our professional experience, the removal of a daily routine causes employees to become detached from their peers. This can decondition their injury progression and extend the amount of time an employee is out of work for the injury.

A transitional return to work program is not only beneficial for the progression of our injured employees but can be beneficial for the employer. Some key points to remember are:

1. Indemnity, or time the employee spends out of the office, are weighed heavier on your modification rates when calculating contribution amounts.
2. A transitional return to work policy retains valuable employees who may have specific skills and/or training that can be shared, even while on light duty.
3. These policies can help the department complete tasks that are meaningful but may not be possible due to staffing issues or other barriers.
4. Accommodating the restrictions can curtail the need

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With employee wellness in mind, one issue that commonly arises in workers' compensation is a transitional return-to-work program. When injured employees are given light duty work from a health care provider, it is strongly encouraged that the employer attempts to bring employees back on modified duties. The employees can perform meaningful work while recovering from their work-related injury. Why is this so strongly encouraged in the workers' compensation world? In our opinion, a transitional return to work program is essential for the employee's physical and mental recovery from a work-place injury. How can working light duty be an essential puzzle piece to the recovery process? Let's imagine two different scenarios that can commonly occur after an injury happens at work.

In the first scenario, we may see a police officer who has a limited gripping restriction with their dominant hand. It could be dangerous for the employee to work light duty as an ac-

### *Transitional Return to Work...cont'd from page 20*

for other employment issues or extended leaves of absence.

The workers' compensation department would be happy to assist our members with starting and implementing a strong transitional return to work program. We employ a nurse case manager that can assist with identifying specific tasks and job duties that would be appropriate for light duty employees. One of the great things about our state, which may be unique to Maine, is that other municipalities support the strengthening of all our communities. The workers' compensation team has contacts across the state who already implement strong transitional return to work programs and can connect municipal officers with policy.

As I am sure the membership knows, retaining employees is a different ballgame than it has been in the past. The better the work environment we create, the better we can serve our communities.

For more information on transitional return to work programs for your municipality, please reach out to your workers' compensation contact or you can email Jennifer Harrow-Mortelliti, WC Claims Supervisor at [jharrow-mortelliti@memun.org](mailto:jharrow-mortelliti@memun.org). 

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way when the extra grip is not required (i.e. when going inside).

When using stairs, ramps or other walkways, if there is a handrail use it. Again, it offers an extra margin of safety in case you begin to slip, trip or fall.

Adopting a preventative mindset is also helpful in reducing injuries during the winter months. Be extra vigilant in ensuring lobby floors – wet from snow being tracked inside or from frequent mopping – are dried as quickly as possible. Wet mats should be removed and replaced with dry mats. Caution signs should also be in use when needed.

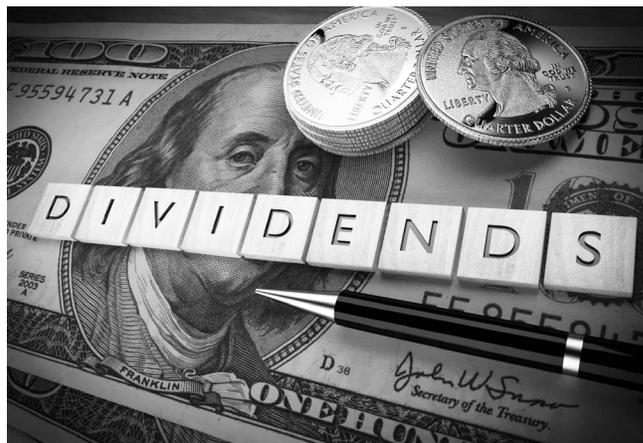
Keeping walkways, stairs and all exits free of snow and ice can sometimes be a challenge with some storms, but this is really the first line of defense in preventing slips, trips and falls during the winter months.

Finally, one can only do so much in terms of reducing the likelihood of slipping or falling in the winter. In the end, sometimes it comes down to the employee making a better choice. If given the choice of walking 50 feet on a plowed, snow-free area as was the case at one transfer station facility or walking down a steep, snow-covered 14-foot hill, time and experience has shown that human beings often will take the riskier and easier choice. In these cases it often boils down to safety education . . . which is always a step in the right direction.

For more information: <https://www.memun.org/Insurance-Services/Risk-Management-Services/Loss-Control/Safety-Shorts> 

## Safety Pays Dividends

The MMA Workers' Compensation Fund and Property & Casualty Pool are pleased to announce that we delivered over **\$1.3 Million in Dividend Distributions this year**. Since 1997, MMA Risk Management Services have returned more than **\$26 million** in dividends to eligible members. These dividends are a direct result of member dedication to safety, loss prevention, and sound risk management practices.



For more information about any of the MMA Risk Management Services programs, including dividend distributions, online training programs, grants, scholarships and other available services, please visit our website at [www.memun.org](http://www.memun.org) and click on the Risk Management Services link, or call 1-800-590-5583 and ask to speak with a RMS Member Services representative. 

MMA Risk Management Services is happy to welcome the newest member of the Property & Casualty Pool:

**Town of New Vineyard**

*We thank our dedicated members for their continued partnership.*

### 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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# MMA Workers' Compensation Safety Incentive Program

The MMA ***Workers' Compensation Safety Incentive Program*** (WCSIP) is a voluntary program that rewards our members with the opportunity to earn up to 10% in contribution credits and financial incentives by improving workplace safety. The program is designed to help control costs by improving your loss experience, minimizing workplace disruptions, and increasing eligibility for *Performance or Claims Management Credits*. The program is available to all Workers' Compensation Fund members and currently has **121 members enrolled who have received over \$1.7 Million in contribution credits**. Therefore, we encourage you to enroll now and start seeing savings in 2024.

The goals of this program are to:

- Reduce the incidence of injury and illness throughout operations
- Improve overall safety in the work environment
- Create and maintain lines of communication with all employees
- Promote a self-sustaining safety culture
- Institute claim management best practices
- Provide financial incentives which reward our partnership toward safety

Our dedicated team of professionals will work with you to help manage your workplace safety efforts by providing sample safety policies and programs, training opportunities, and additional resources to help you obtain maximum benefit from your workplace safety efforts.

Enrollment in WCSIP is easy, complete program details can be found on the MMA website: <https://memun.org/WCSIP> 

## Workers' Compensation Renewal Reminder

It is renewal time again. The 2023 renewal applications for the Workers' Compensation Fund were due by October 17, 2022. We want our members to know that we are available to assist you. If you would like help with the completion of your application or just have questions, please contact RMS Underwriting at [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org) or 1-(800) 590-5583.

*Serving Maine Communities Is What We Do  
And All We Do* 

## FREQUENTLY ASKED QUESTIONS

### WHAT IS A WORKERS' COMPENSATION AUDIT?

Once a year, payroll audits are performed for the members of the MMA Workers' Compensation Fund. The Fund is required to complete these audits during the first quarter of each year for the previous coverage term.

**THE FUNCTION OF THE AUDIT:** The audit compares the estimated annual payroll projections (which you provided to us the year prior) to the actual payroll totals at the end of the year. Therefore, if you overestimated your payroll, you may have contribution due to be returned to your entity or the opposite could occur. The audit process is important and with some planning can be completed with ease. Therefore, we recommend that you start now and consider the following:

- **PROPER CLASSIFICATION OF EMPLOYEES** Be sure to classify all employees in the correct payroll classifications. Typically, municipal payroll software allows you to update the employee record to include the Workers' Compensation payroll class code. Once the class codes have been entered, you will have the ability at year end to generate a detailed report by employee that exports the gross payroll including the class code.
- **CERTIFICATES OF INSURANCE FOR CONTRACTED WORKERS** If your entity uses contractors or subs during the year, you must obtain a certificate of insurance, that provides evidence of Workers' Compensation coverage or an approved "Predetermination of Independent Contractor Status" (WCB 266). If your entity does not obtain and keep records of certificates of insurance from all contractors or proof of a Predetermination of Independent Contractor Status, we must include what you paid them in your payroll totals, which will affect your contribution.
- If you did not obtain evidence of Workers' Compensation coverage, do not panic. You can either reach out to the contractor now and request a certificate of insurance or visit the Maine Workers' Compensation Board website and utilize their insurance verification tool located at:

<https://www.maine.gov/wcb/Departments/coverage/verification.html>

Please note that during the 2023-2024 legislative session, the Legislature is considering a change to the predetermination process, and MMA will keep our members informed of changes to the predetermination process. 