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“If you don’t like something, change it. If you can’t change it, change your attitude.”

— Maya Angelou

Are you keeping seasonal employees safe?

Everyone knows how to mow a lawn, right? Inexperience puts new employees at higher risk for accidents and injuries. Never assume a new employee knows how to complete a task safely.

see Seasonal Employees Require Safety Training, pg. 4

Spring Tune-Up for Playgrounds

About 75% of nonfatal injuries related to playground equipment occur on public playgrounds, and about 45% of playground-related injuries are severe—fractures, internal injuries, concussions, dislocations, and amputations. Many of these injuries can be prevented with regular inspection and maintenance of playground equipment and surfacing.

Without routine inspection and repair, any equipment will deteriorate and pose a hazard to children using the equipment. An effective routine inspection will check for:

- Broken or missing parts
- Dangerous hardware, such as protruding bolts or open S hooks
- Noticeable gaps on equipment
- Head entrapments (openings

between 3.5 and 9 inches wide)

- Rust or splinters
- Cracks or holes
- Adequate surfacing free of hazards

You don’t need to be a certified playground inspector to find hazards. Common sense and some basic safety knowledge will go a long way toward finding and correcting playground hazards. For example, common sense tells you that a protruding bolt could cause serious injury to a child that runs into or falls on the protrusion. Therefore, it is important to use correct sized bolts when making any repairs. Likewise, only parts approved by the equipment manufacturer should be used to replace worn or broken parts.

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Volks Rule Overturned

A controversial OSHA rule known as the Volks rule has been overturned. The rule, which became effective January 18, attempted to affirm OSHA’s stance that the agency could issue citations to employers for failing to record injuries or illnesses beyond the six-month statute of limitations set out in the Occupational Safety and Health Act.

Although OSHA is now prohibited from issuing citations beyond the six-month statute of limitations, employers are still required to maintain injury and illness records for five years. Employers should also update their OSHA injury logs when they discover new or additional information during the five-year retention period.

If you have any questions about OSHA recordkeeping, contact your AMLJIA Risk Control Specialist at 800-337-3682.



In Good Company

Kevin Smith, Executive Director

Review Your Exposure Questionnaire

Each spring, the AMLJIA sends Exposure Questionnaires to every member. These questionnaires are your opportunity to make sure that your entity is properly protected by providing the AMLJIA with accurate, up-to-date information. Having accurate exposure information makes our program that much more attractive

to reinsurers and enables us to bargain for the best possible rates. The time you spend on these questionnaires will not only benefit your entity but will help to bring increased stability and strength to the entire membership.

The Exposure Questionnaire is a tool for both you and the AMLJIA. You should use the Exposure Questionnaire to review your existing coverage and determine whether you need to make any changes. For example, if you sold a covered vehicle, you can delete it from your schedule so that you are not paying for coverage you do not need. You can select coverage limits and deductibles.

If you need to add a property, please provide as much information as possible. The AMLJIA coverage is considered "replacement cost" coverage. Therefore, buildings, contents, electronic data processing equipment (EDP), and fine arts must be scheduled at full replacement cost. Verify that the values on the property schedule are accurate.

You will need to provide estimated payroll for Workers' Compensation and Liability coverage. We recognize that payroll fluctuates for a variety of reasons. We ask that you make your best estimate based on current staffing projections for FY2018. The AMLJIA conducts a payroll audit at the end of each fiscal year and will issue a debit or credit accordingly.

Our Underwriter, Paul Bryner, is already working to get you the best rate for the new fiscal year. Your completed Exposure Questionnaire helps him in his task of finding you the best coverage at the best price, and it will help us to give you an accurate quote.

Remember, your Exposure Questionnaire was expected to be returned by April 17, 2017, but you can still submit your Exposure Questionnaire before the new fiscal year if you missed the deadline. If you have any questions or need assistance, contact your AMLJIA Risk Control Specialist or Underwriter at 800-337-3682.

POOL NEWS

Ice Gripper Program Gains Traction

Even on days when it is icy, most employees don't wear ice grippers to and from work—that is, until the employee slips on ice and he/she is injured. Studies show that after an injury, an employee is more aware of hazardous conditions and is more open to changing their behavior to prevent another injury from occurring.

In January 2017, the AMLJIA began offering a pair of free ice grippers to any member employee that slipped on ice during their workday. Ice grippers are the equivalent of studded tires for your feet. These devices are similar to slippers that slide over the outside of your shoe and can be easily put on and removed when you exit and enter a building.



If you have an employee that suffered a slip/fall incident or due to icy conditions, treat it as you would any other incident or accident and provide training to help prevent a recurrence. The AMLJIA Online University has an excellent course, Preventing Slips, Trips, and Falls, which is available free to any member with computer access.

Ice grippers are a cost effective way to reduce injuries in the workplace and can be purchased with funds from your Safety Savings Account. Don't wait until winter returns and your employees suffer injuries from slipping on ice. Contact your AMLJIA Risk Control Specialist at 800-337-3682 and learn how to put an effective ice gripper program and training in place to protect employees and reduce injuries.

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Honorable Mention

"This [Public Entity Risk Management] conference was more than I expected, and I learned a number of things that will be valuable to me and my district in the future."

Woody Wilson, Superintendent, Pelican City School District

**POLICE
LIVES
MATTER**

At Your Service

BALLISTIC VEST REIMBURSEMENT PROGRAM

Recognizing the value of ballistic vests for the protection of our law enforcement officers, the AMLJIA has instituted the Ballistic Vest Reimbursement Program to help our member police agencies and their officers obtain life-saving protective gear. AMLJIA member police agencies may apply for reimbursement up to 50% of the purchase price of ballistic vests for law enforcement officers.

Call 800-337-3682 or email rochellem@amljia.org to request a Ballistic Vest Reimbursement Program application.

RISK CONTROL

continued from page 1

Providing proper surfacing under and around the playground equipment is a crucial element in providing a safe play environment, and it is also one of the biggest challenges in Alaska. Materials such as poured in place rubber and rubber tiles are expensive and impractical, both logistically and economically, in most of the state. Even chopped rubber, a recycled material quickly gaining popularity, is cost prohibitive due to shipping costs. This leaves sand, pea gravel and wood chips as the most readily available surfacing materials.

To calculate how much surfacing material you will need, you first need to determine the fall heights and use zones for each piece of equipment. For example, the fall height of a slide is the maximum height of the slide platform, and the use zone would extend six feet in all directions from the perimeter of the slide. If you have a slide that stands five feet tall, your surfacing material

would need to fill the entire use zone to a depth sufficient to protect from a fall from that height. For this example, you would need six inches of wood chips or twelve inches of coarse sand or six inches of fine gravel.

The Public Playground Safety Handbook, published by the Consumer Product Safety Commission (CPSC), has all the information you need from design and layout to maintenance and surfacing. There's even a general maintenance checklist and templates you can use to check for entrapments. You can download a free copy from the CPSC website:

<https://www.cpsc.gov/s3fs-public/325.pdf>

Contact your AMLJIA Risk Control Specialist at 800-337-3682 with any playground safety concerns you may have or to schedule an inspection if you would like assistance.

Welcome New Board Member

Deven Mitchell has been appointed to the AMLJIA Board of Trustees to fill the seat vacated by former mayor Bob Harcharek. Mr. Mitchell is the Executive Director of the Alaska Municipal Bond Bank Authority and serves as the AGFOA representative on the Alaska Municipal League Board of Trustees.

You can find the complete AMLJIA Board of Trustees list and contact information at www.amljia.org/about-us/board-of-trustees.html.



RISK CONTROL

Seasonal Employees Require Safety Training

It was Bob's first day on the job as a seasonal employee at the city Parks and Recreation department. The 32 year old was directed to clear weeds around the sidewalks of the local park. The "weed whacker," or trimmer, has a thick line that spins around and puts you at higher risk for things getting flicked into your eyes. Before the end of the day, Bob hit a large rock which caused the line to break off and hit him in the eye at great force. Bob was not provided eye protection and had not received training on how to safely operate a weed whacker. The eye injury was very severe, and Bob almost lost his eye.

These circumstances—a new workplace in a hazardous environment with little or no safety training or protective gear—are all too common for seasonal employees. Too often, the perception is that seasonal workers are disposable because of the short term of their employment.

Local governments use seasonal employees to perform many tasks during the summer months. Tasks might include mowing grass, painting, and collecting trash. Seasonal employees work alongside permanent employees and face the same workplace hazards as permanent employees. Employers are required to provide the same level of protection

to seasonal employees as permanent employees.

Safety should be a priority, and it all starts in the interview process. It continues into staff meetings and formal training sessions. The more your safety is reinforced with permanent employees, the more important it is to the seasonal employee. Make sure that supervisors do not contradict safety training with production demands and shortcuts.



Never assume new workers understand the job or that they will figure things out as they do their job. Everyone knows how to mow and paint—or do they? Training is critical, but it is easy to overlook training for employees performing routine tasks. Training and evaluation is the only way an employer can know that seasonal employees have the knowledge and skills to do the job safely.

One good way to train and supervise your inexperienced seasonal employee is to

team them up with a skilled employee who can teach them how to do the job safely and provide feedback on their skill development. Safety procedures and training should be constantly reinforced through supervision, follow-up, and consequences.

Personal protective equipment (PPE) should be readily available for all employees. Employers must evaluate the hazards faced by workers and identify the PPE needed for the task that they perform. If an evaluation identifies hazards to a worker's hand which require employees to wear gloves, then seasonal employees doing the same job must also wear protective gloves.

Beware of fatigue. Extended daylight hours and warm weather encourage many employers to extend work hours, which may cause fatigue. A longer workday is fine as long as there are appropriate breaks and attention to safety.

Employers must be aware of restrictions on young employees. The Alaska Department of Labor and Workforce Development has identified a list of hazardous occupations which cannot be performed by those under the age of 18. These restrictions are listed in the Summary of Alaska Child Labor Law at <http://labor.alaska.gov/lss/childlaw.htm>.



Young workers between the ages of 15 and 24 make up the largest percentage of the temporary and seasonal workforce. They are at higher risk of workplace injury not because of their age but because of their inexperience. An inexperienced worker may hesitate to ask questions and may not recognize dangers in the workplace.

Encourage all employees to ask questions about workplace safety even if they feel they're asking something that might be obvious, and don't assume that an employee knows how to safely complete a task they have been assigned. Every employee should have answers to these questions:

- What are the hazards of my job?
- Will I be working with equipment or machinery that could put me at risk?
- Will I need personal protective equipment (PPE)?
- Who should I talk to if I don't understand how to perform a task?
- How do I recognize and report unsafe conditions?
- What do I do if I am injured on the job?
- What is my role in the organization's safety program?

RISK CONTROL

Walking-Working Surfaces, PPE Standards Updated

Falls—both falls from heights and falls on the same level—are among the leading causes of serious work-related injuries and deaths. In January 2017, OSHA issued a final rule to update its general industry walking-working surfaces and fall protection standards. The final rule better protects workers in general industry from fall hazards by updating and clarifying standards and adding training and inspection requirements.

The rule updates the general industry standards addressing slip, trip, and fall hazards and adds requirements for personal fall protection systems. OSHA estimates that this rule will prevent 29 fatalities and nearly 6,000 lost-workday injuries every year. Employers benefit by gaining greater flexibility in choosing a fall protection system. OSHA has also aligned fall protection requirements for general industry with those for construction as much as possible, so compliance will be easier for employers who perform both types of activities. For example, the final rule replaces the outdated general industry scaffold standards with a requirement (1910.27(a)) that employers comply with OSHA's construction scaffold standards.

The final rule includes a number of revisions to the existing general industry standards. These changes and new requirements include:

☑ **Fall protection flexibility (§1910.28(b)).**

The final rule allows employers to protect workers by choosing from a variety of accepted fall protection systems, including personal fall protection systems. It eliminates the existing mandate to use guardrails as the primary fall protection method, giving employers the flexibility to determine what method they believe will work best in their particular workplace situation. The construction industry has successfully used this approach since 1994;

☑ **Updated scaffold requirements (§1910.27(a)).** The final rule replaces the outdated general industry scaffold standards with the requirement that employers comply with OSHA's

construction scaffold standards;

- ☑ **Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders (§1910.28(b)(9)).** The final rule phases in over 20 years a requirement to equip fixed ladders that extend over 24 feet with ladder safety or personal fall arrest systems and prohibits the use of cages and wells as a means of fall protection after the phase-in deadline. There is wide recognition that cages and wells do not prevent workers from falling from fixed ladders or protect them from injury if a fall occurs. The final rule grandfathers in cages and wells on existing ladders but requires during the phase-in period that employers equip new ladders and replacement ladders/ladder sections with ladder safety or personal fall arrest systems;



- ☑ **Rope descent systems (RDS) and certification of anchorages (§1910.27(b)).** The final rule codifies OSHA's memorandum for employers who use RDS to perform elevated work. The final rule prohibits employers from using RDS at heights greater than 300 feet above grade unless they demonstrate it is not feasible or creates a greater hazard to use any other system above that height. In addition, the final rule requires building owners to provide and employers to obtain information that permanent anchorages used with RDS have been inspected, tested, certified, and maintained as capable of supporting at least 5,000 pounds per employee attached;
- ☑ **Personal fall protection system performance and use requirements**

(§1910.140). The final rule, which allows employers to use personal fall protection systems (i.e., personal fall arrest, travel restraint, and positioning systems), adds requirements on the performance, inspection, use, and maintenance of these systems. Like OSHA's construction standards, the final rule prohibits the use of body belts as part of a personal fall arrest system;

- ☑ **Inspection of walking-working surfaces (§1910.22(d)).** The final rule requires that employers inspect walking-working surfaces regularly and as needed and correct, repair, or guard against hazardous conditions; and
- ☑ **Training (§1910.30).** The final rule adds requirements that employers ensure workers who use personal fall protection and work in other specified high hazard situations are trained, and retrained as necessary, about fall and equipment hazards, including fall protection systems. Employers must provide information and training to each worker in a manner the worker understands.

The final rule took effect on January 17, 2017. OSHA provides delayed or phased-in compliance dates for several requirements in the final rule, including:

- Training workers on fall and equipment hazards—6 months;
- Inspection and certification of permanent building anchorages—1 year;
- Installation of ladder safety systems or personal fall arrest systems on new fixed ladders (over 24 feet) and replacement ladders/ladder sections—2 years; and
- Installation of ladder safety systems or personal fall arrest systems on all fixed ladders (over 24 feet)—20 years.

If you have any questions, contact your Risk Control Specialist at 800-337-3682.

HUMAN RESOURCES

Trust Improves Outcomes

The Law At Work

Can trust in the workplace and positive communication between injured workers and their employers reduce claims costs and lost work time? Yes, according to research presented recently at the Workers' Compensation Research Institute's annual conference.

Although studies show that many factors impact an injured employee's return to work, research focusing on trust in the workplace revealed that lack of trust may play a major role on claim outcomes. The evidence revealed that among injured workers who had the worst claim outcomes, nearly half stated they feared being fired due to the workplace injury.

The workplace supervisor's initial response to an employee's report of injury has a significant impact on the outcome. In fact, research has shown that injured workers that received more than one negative response from employers were out of work twice as long than workers who didn't receive a negative response.

How can you increase workplace trust and improve claims outcomes? Positive communication during initial contact with the injured employee is crucial. Sometimes the words we use, like "claimant" or "pending investigation," focus on conflict and ignore the person who was injured. Avoid coming across as unsupportive, blaming the employee for their injury, being angry at the employee, expressing disbelief that the employee was injured, or telling the employee not to file a workers' compensation claim.

Trust should be embedded in your organization's culture so that employees feel comfortable and respected enough not to be afraid to report work injuries or accidents. Express empathy and compassion when talking to the injured employee, and maintain contact with them while they are out of work to let them know they are still a valued member of your team.

Q. Some of our staff are constantly requesting pay advances. It is a hassle to track these and to make sure that the advances are repaid. Should we try to break this pattern?

A. Pay advances are often limited to emergencies, with a handful of employees having constant "emergencies." Some employers place a limit on the number of advances per year to stop this. If routine advances are allowed, make sure to have in place a clear, documented process for approving advances before they are paid, tracking pay-outs accurately, and making sure that advances are repaid in full by the next payroll. When these systems are weak, your entity takes a financial risk. Cross-controls are essential if the person seeking the advance can also be involved in issuing the advance or tracking repayment. If top personnel are allowed to seek pay advances, then the Mayor or Council might be put in the awkward position of policing and monitoring advances—without the skills, access or time to do so. To avoid losing employees who might be tempted to abuse pay advances, don't put temptation in their path. Review your current policy and practices to prohibit or at least minimize pay advances.

Q. We had an employee quit, who owed \$1,500 in pay advances. She says we can't take this out of her last paycheck, or her accrued leave pay-out, and that we have to pay her overtime and minimum wage at least. Is she right?

A. No. If you have good documentation that a pay advance is still outstanding, you have already paid the employee those wages and can credit the wage payment against the paycheck or leave payout, even if this means that the employee receives no pay. If you don't have good documentation, review the first question above. Make sure employment taxes and other required deductions on the regular paycheck are taken before subtracting the advance from net pay. Do not fail to make the federal withholdings and tax deposits that are required by law on pay advances. If the employee's net pay after taxes is not enough to cover the advance, document the remaining advance to recover from the employee directly. Virtually all payments to employees generate payroll tax liability for the employer and employee, so make sure that your finance officer is aware of any outstanding advances and your efforts to recover them.

Q. Our staff like to cash-out their vacation when they run short of funds. Should we do this?

A. Like pay advances, cashing-out leave is a practice that attracts abuse and undermines the original purpose of offering leave, which is to support employee health, well-being, emergency and family needs. When cashing out leave becomes a policy or practice, some employees will hoard leave and fail to use it when they are sick or contagious, or when they need a break from work stress. This impacts health and performance for everyone. If you decide to continue allowing leave cash-out, make sure controls are in place (see first question, above). In deciding to allow a cash-out, focus on the workload of the organization, not on the employee's financial need. If the workload was so high that the employee was unable to take leave, and taking leave now could harm the organization, then cash-out might be appropriate. Always review your personnel policies to determine what is and is not allowed, and make sure the policies accurately lay out the rules.

"The Law At Work" is written by Kim Dunn of Landye Bennett Blumstein, LLC. Ms. Dunn answers your employment law questions through the Employment Law Hotline, a free service to AMLJIA member managers, mayors, superintendents and supervisors. Call 877-4AMLJIA (877-426-5542) for a free 30-minute consultation before taking personnel action.



ABOVE THE GRADE

Does Your Playground Make the Grade?

The National Program for Playground Safety, www.playgroundsafety.org, wants to ensure children have access to S.A.F.E. playgrounds. A S.A.F.E. playground must have:

- Supervision
- Age-appropriate Design
- Fall Surfacing
- Equipment Maintenance

How do you know if your playground makes the grade? For each of the criteria listed, answer yes or no:

Supervision

- Adults are present when children are on equipment.
- Children can be easily viewed on equipment.
- Children can be viewed in crawl spaces.
- Rules are posted regarding expected behavior.

Age-Appropriate Design

- Playgrounds have separate areas for children 5 years and under and 5 years and older.
- Platforms have appropriate guardrails.
- Platforms allow change of directions to get on/off structure.
- Signage indicating age group for equipment is provided.
- Equipment design prevents climbing outside the structure.
- Supporting structure prevents climbing on it.

Fall Surfacing

- Suitable surfacing materials are provided.
- Height of all equipment is 8 feet or lower.
- Appropriate depth of loose fill is provided.
- Six foot use zone has appropriate surfacing.

- Concrete footings are covered.
- Surface is free of foreign objects.

Equipment Maintenance

- Equipment is free of noticeable gaps.
- Equipment is free of head entrapments.
- Equipment is free of broken parts.
- Equipment is free of missing parts.
- Equipment is free of protruding bolts.
- Equipment is free of rust.
- Equipment is free of splinters.
- Equipment is free of cracks/holes.

Give yourself one point for each “yes” answer. If you scored:

20–24 points = A

17–19 points = B

13–16 points = C

8–12 points = D

7 or below = F

LAW ENFORCEMENT

Fit for Duty, Fit for Life

Law enforcement can be a physically demanding job, and physical training is an important part of recruit training. The physical training you undergo as a recruit will not sustain strength and conditioning throughout your law enforcement career, but a personal commitment to fitness, health, and wellness will.

You have probably heard the alarming statistics:

- Police officers live, on average, 15 years less than the average American.
- Almost half will die from heart disease within five years of retirement.
- LEOs are 25 times more likely to die from cardiovascular disease than from the action of a suspect.

The frequency and severity of cardiovascular incidences among law enforcement officers is increasing each year. Meanwhile, health and fitness among the law enforcement communities is on the

decline. As a consequence, those in the law enforcement profession increase their vulnerability to on-duty injury and illness and suffer a loss of respect by the public.

You don't have to become one of these statistics. If your agency has a voluntary fitness or wellness program, take advantage of the resources available to you. If not, you can still take charge of your personal fitness to maintain or improve your physical and mental health.



Stop smoking. Cigarette smoking is a major cause of cardiovascular disease. Recent studies show that e-cigarettes may also contribute to cardiovascular disease.

Until more research is conducted, the safest option is to not smoke at all.

Maintain a healthy weight. If you are overweight, even a 5-10% reduction in weight will improve your cholesterol, blood pressure, and blood sugar levels.

Be physically active every day. You should aim for at least four 40-minute sessions per week involving moderate to high intensity physical activity.

Manage stress. Law enforcement is a stressful profession, but you can learn healthy ways to manage stress. A healthy diet, adequate sleep, and physical activity will help. You may have additional resources through your Employee Assistance Program, or talk to your health care provider.

Take control of your personal health and wellness. The choices you make today will not only contribute to your successful law enforcement career, they will help you to enjoy a well-earned retirement.



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Building on Tradition.
Protecting Your Future.

Calendar

May – July 2017

IIMC Annual Conference	Montreal, QC	May 21-24, 2017
GFOA Annual Conference	Denver, CO	May 21-24, 2017
AMLJIA Loss Control Incentive Program FY 2018 Resolutions due	Anchorage, AK	July, 2017
NAESP/NASSP National Principals Conference	Philadelphia, PA	July 9, 2017
NACo Annual Conference & Exposition	Columbus, OH	July 21-24, 2017
ASA/DEED Summer Meeting	Juneau, AK	July 29-31, 2017