



# Safety Shorts

## General Safety, Highway, & Law Enforcement

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## August Is National Back to School Month

### Slow Down: Back to School Means Sharing the Road

If you're driving behind a bus, allow a greater following distance than if you were driving behind a car. It will give you more time to stop once the yellow lights start flashing. It is illegal in all 50 states to pass a school bus that is stopped to load or unload children.

- Never pass a bus from behind – or from either direction if you're on an undivided road – if it is stopped to load or unload children.
- If the yellow or red lights are flashing and the stop arm is extended, traffic must stop.
- The area 10 feet around a school bus is the most dangerous for children; stop far enough back to allow them space to safely enter and exit the bus.
- Be alert; children often are unpredictable, and they tend to ignore hazards and take risks.

<https://www.nsc.org/community-safety/safety-topics/school-safety/back-to-school-safety-tips-for-drivers>

## HIGHWAY DEPARTMENT

**By K C Pawling, Road Safety and Loss Prevention Specialist**

### The Hidden Dangers

I started this article influenced by all the severe thunderstorms and tornados that have already occurred here in Nebraska this summer. As I was reviewing dates and occurrences of tornados, it dawned on me that this topic is relevant year-round. It can be all too easy to get tunnel vision and focus on the immediate rather than the bigger picture.

I have personally dealt with the effects of damaged powerlines during my time as a highway superintendent. I've taken calls from the sheriff's dispatch center requesting barricades because powerlines are down on any number of roads, due to high winds or ice accumulation. These calls do not seem to ever come at a convenient time, so we rush to get the road closed. Possibly, taking the shortcut past the power lines rather than driving around the section. There were also times when the calls were from the local power company asking for aid in traffic management.

When you are responding to requests involving powerlines, here are seven safety reminders:

- **Always** treat electrical lines as though they are energized or "live." If you notice downed wires or damaged electrical equipment, contact the proper utility provider. Electrical lines (sparking or not) can electrocute you if you touch them **OR** the ground near them.

- Do not assume that a downed powerline is safe simply because it is on the ground, or it is not sparking.
- Keep in mind that downed wires can energize nearby objects like fences, trees, buildings, and even other utility cables. Any objects that are metal can become energized by contacting damaged power lines.
- Electricity can spread outward through the ground in a circular shape from the point the line contacts the ground. Keep a minimum safe distance of one hundred feet.
- Avoid driving over any powerlines lying on the ground.
- If you are in a vehicle that contacts a power line, do not get out of the vehicle unless it is on fire. If possible, call for help while you are in the vehicle.
- If you must exit any equipment because of a fire or another safety reason, try to jump completely clear, making sure you do not touch the ground and vehicle at the same time. Land with both feet together and shuffle or hop away.

I also want you to keep in mind that there is another potential hazard when it comes to downed powerlines, and that is back feed from someone's improperly connected generator. It is a condition created when a temporary source of electricity, such as a homeowner's generator, is connected to a damaged system causing electricity to flow through the lines backwards with the generator being the source of power. This would be a source of power that the electrical company may not even be aware of. Any generator used should be a stand-alone source of power unless it has a properly wired bypass or an isolation connection. It should not be connected to a building's electrical system unless it is completed with a main breaker bypass to prevent electricity from flowing out of the building into downed powerlines.

A great interactive safety meeting idea is electrical safety. Contact your local power company and ask if they would be willing to bring out their demonstration trailer and speak to your department. They are often willing to do so, and it benefits all parties involved.

So, in closing, I want to say step back and look at the bigger picture. When dealing with electricity, there can be many things, unsafe things, going on behind the scenes of which you are not aware. Honestly, we should always take a step back regardless of the situation and task at hand. Take the blinders off, as they say, or lose the tunnel vision. Ask yourself if there is a better and, more importantly, safer way to do things. "We have always done it this way," is a phrase that just may get you injured or even worse. Let us make sure everyone makes it home tonight.

If you have any questions that any of us here at NIRMA can help you with, do not hesitate to contact us. I am personally available at [kcpawling@nirma.info](mailto:kcpawling@nirma.info) or 402-310-4417.

## **GENERAL SAFETY**

**By Chad Engle, Loss Prevention and Safety Manager**

### **Back Injury Prevention and the Energized Approach**

While reviewing workers' compensation loss data for a member county recently I was comparing their loss leaders, or most common types of losses, to those of the entire membership and as I expected, things have not changed.

For the last five years the most common cause of injury to NIRMA member employees, both in frequency and severity, is *Fall or Slip*. As these are much more common during the winter, I am going to wait a few months before we discuss *Fall or Slip* prevention in greater detail. The second most common cause of injury to NIRMA member employees is *Strain or Injured by*, what I refer to as sprains and strains.

Sprains and strains are caused by many different actions or activities, but my experience shows that they are a result of handling materials. Pushing, pulling, lifting, etc. Whenever we exert force on an object, we run the risk of spraining or straining soft tissue.

NIRMA continuously strives to provide our membership with resources to help them reduce workplace hazards and prevent injuries to employees. A relatively new resource that can help reduce the risk of sprains and strains is the Energized Approach from Michael Melnik. Every other Tuesday, Michael sends an email with a link to the Energized Approach's Player Page where you have access to full length training videos and dozens of brief videos ranging from 90 seconds to 5 minutes that work perfectly for starting up a toolbox talk or quick safety meeting. The link on the email is always active, so you can access the videos 24/7. If you are not receiving the Energized Approach email and would like to, please send me a message to let me know and we will get you on the mailing list.

Back injury prevention titles (available at no cost):

#### Quick Tip Short Videos

- Lifting: Keep it Close
- Lifting: Build a Bridge
- Lifting: Feel First
- Standing: Staggered Stance
- Standing: Slight Bend in the Knees
- Standing: Get a Foot Up
- Standing: Move/Fidget
- Blink! (Stretch)
- The Rule of Opposites
- Your #1 Fuel Source is Oxygen
- Warming Up
- The Brain/Body Disconnect

#### Full Length Training Videos

- A Better Way to Lift
- A Bit About Backs: Part 1
- A Bit About Backs: Part 2
- A Bit About Backs: Part 3
- Back In Step
- Blink!

- Stretching Out at Work
- Take Five: Lifting
- The Back Owner's Guide to Lifting
- The Lighter Side of Lifting
- Take Five: Ergonomics
- Take Five: Sitting
- Take Five: Standing
- Take Five: Stretching

The Energized Approach can also be used to improve (increase the energy) in your safety program's culture. The topics listed above are only a fraction of what is available to our members through the Energized Approach. NIRMA invites you to utilize the Energized Approach to simplify training employees on how to reduce the risk of back injuries, sprains and strains. Please reach out for more information, I can be contacted at [chad@nirma.info](mailto:chad@nirma.info) or 1.800.642.6671.

# **LAW ENFORCEMENT AND CORRECTIONS**

**By Todd Duncan, Law Enforcement and Safety Specialist**

## **First Amendment Audit**

### **Quick Reference Guide**

#### **What is the First Amendment?**

The First Amendment to the U.S. Constitution protects citizens' freedom of speech, religion, press, assembly, and the right to petition the government. The First Amendment was intended to prevent the government from placing limits on citizens' freedom of expression. As a county employee, you are a government representative and therefore have a duty to honor the constitutional rights of citizens, including those afforded by the First Amendment.

#### **Who are First Amendment Auditors?**

First Amendment auditors are citizens who visit government facilities or approach government employees, typically in public areas, to test government employees on their knowledge of the First Amendment. They typically have recording equipment such as video cameras, may travel alone or in groups, and often approach government employees in a way that is intended to trigger a negative reaction. First Amendment auditors frequently sue governments/government employees alleging violation of their constitutional rights. Some auditors also post their videos of encounters with government employees, especially law enforcement, on popular social media platforms in an effort to discredit government employees and generate income.

#### **What are the Risks?**

Lawsuits alleging First Amendment violations can be very costly. In 2012, an attorney arrested for using his cellphone to record police officers while they arrested a man in public received a \$170,000 settlement for damages and legal fees (*Glik v. Cunniffe*, 2012). In 2021, the City of Colorado Springs agreed to a \$41,000 settlement after Terrell Clayton was detained by police while he was observed filming marked police cars outside the police station. These are just two examples where local government agencies have paid large settlements as the result of alleged First Amendment violations.

It is imperative that government employees understand the First Amendment and honor the constitutional rights of all citizens, whether they are acting as individuals, auditors, activists, members of the press, or in any other capacity.

#### **Are There Limits to What First Amendment Auditors Can Do?**

While First Amendment auditors are members of the public and therefore have the same Constitutional rights as any other citizen, there are limits on what they can do, as illustrated in the table below.

### Auditors CAN

- Assemble and peacefully protest in open public spaces such as streets, sidewalks, and parks, unless there is a legitimate threat to the safety and rights of others.
- Enter onto or into government property or buildings that are open to public access. Examples include:
  - Open parking lots,
  - Sidewalks,
  - County courthouses,
  - Lobbies,
  - Reception areas,
  - Public restrooms, and
  - Public meeting rooms
- Ask questions of government employees or citizens.
- Record, film, or photograph employees, citizens, or other activities from an area they have a legal right to be in.
- Ask for signatures on petitions or hand out informational flyers unless local ordinances specifically prohibit such activity.

### Auditors CANNOT

- Enter private or non-public areas of county property or facilities that are restricted to employees or authorized personnel only. This may constitute criminal trespass (NRS 28-521) if notice against trespassing is clearly communicated verbally or through signage. Examples include:
  - Private offices,
  - Employee work areas,
  - Employee break rooms,
  - Storage areas,
  - Closed/Locked facilities outside of normal business hours,
  - County vehicles, or
  - Any other space within a government building that is not kept open to the public
- Obstruct or physically interfere with official county business. This may constitute Obstructing Government Operations (NRS 28-901).
- Cross crime scene barriers placed to protect evidence or maintain safety.

### How should I respond to First Amendment Auditors?

- Honor their constitutional right to assemble in public places and express themselves by asking questions and filming people or activities in public spaces.
- Stay calm, be professional, and smile, you're on camera.
- Answer legitimate questions if you know the answer but avoid engaging in debates.
- Inform the auditors of reasonable ground rules: **"You are welcome to visit our facility and film activities as long as you stay out of private or restricted areas and do not interfere with county business or operations."**
- Use tactful phrases to disengage such as, **"I'd love to talk more, but I have to get back to work."**

- Consider verbal warnings prior to law enforcement action for trespassing or obstructing.
- Protect confidential information by moving documents out of public view, closing laptops, etc.
- Do not order them to leave areas generally open to the public unless they are committing a law violation.
- Do not prohibit them from filming employees, citizens, or activities in public areas.
- Do not seize their recording equipment, phones, etc.

These are some general guidelines for minimizing risks associated with First Amendment Auditors. If you'd like to discuss specific situations on this topic, contact your county attorney or the NIRMA Legal Link at (402) 742-9240.