



# Safety Shorts

## General Safety, Highway, & Law Enforcement

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## August is National Back to School Month

For students, teachers, parents, and guardians across the nation, the arrival of August signals the end of summer vacation and the arrival of back-to-school season. For many, the month is filled with school supply shopping, schedule planning, and otherwise preparing for the academic year to come, so it's no surprise that August is also known as National Back to School Month.

**Did You Know:** School buses are the most regulated vehicles on the road; they're designed to be safer than passenger vehicles in preventing crashes and injuries; and in every state, stop-arm laws exist to protect children from other motorists.

### If you are driving, remember these simple rules:

- Yellow flashing lights indicate the bus is preparing to stop to load or unload children. You should slow down and prepare to stop your vehicle.
- Red flashing lights and extended stop arms indicate the bus has stopped and children are getting on or off. You must stop your car and wait until the red lights stop flashing, the extended stop-arm is withdrawn, and the bus begins moving, before you can start driving again.
- Even when lights aren't flashing, watch for children, particularly in the morning or mid-afternoon, around school arrival and dismissal times. Be alert as you back out of a driveway, or drive through a neighborhood, school zone or bus stop.

## LAW ENFORCEMENT AND CORRECTIONS

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

### Sexual Misconduct

#### Sexual Misconduct

Employee sexual misconduct is a high-risk area for law enforcement and corrections agencies. Sexual misconduct takes many forms, including workplace sexual harassment and sexual abuse of those in custody. Some of the costliest claims in the NIRMA pool have resulted from sexual misconduct. The focus of this month's Safety Short will be sexual abuse of persons in law enforcement or jail custody.

### Key Legal Definitions

- Sexual Contact: Intentional touching of intimate parts or clothing covering intimate parts for sexual gratification.

- Sexual Penetration: Any intrusion, however slight, of any part of the body or object into the genital or anal openings.
- Inmate or parolee means any individual confined in a facility operated by the Department of Correctional Services or a city or county correctional or jail facility or under parole supervision.

## Overview

Nebraska law strictly prohibits any sexual contact or penetration between law enforcement or correctional personnel and individuals in custody as a criminal offense. Two statutes govern this area:

- **NRS 28-322.05 – Sexual Abuse of a Detainee**  
NRS 28-322.05 applies primarily to law enforcement officers (e.g., patrol officers) and makes it unlawful to have sexual contact or penetration with a person in temporary custody, such as during transport or field detainment.
- **NRS 28-322.01 – Sexual Abuse of an Inmate or Parolee**  
NRS 28-322.01 applies primarily to jail personnel and makes it unlawful to have sexual contact or penetration with an inmate, parolee, or individual confined in a jail or similar facility.

**It is critical that employees understand that consent is NOT a defense.**

Under Nebraska law, detainees and inmates cannot legally consent to sexual contact or penetration with law enforcement or corrections personnel—regardless of perceived willingness, initiation, or relationship status. Violations of either statute are classified as felonies, and offenders are subject to termination, decertification, and criminal prosecution.

## Risk Reduction Strategies

- Hiring & Screening
  - Conduct thorough background checks.
  - Screen for prior misconduct or red flags.
- Clear Policies
  - Establish and enforce zero-tolerance policies for sexual misconduct.
  - Include reporting procedures for inmates and employees as well as disciplinary actions.
  - Model law enforcement and jail policies are available through NIRMA.
- Training & Awareness
  - Regularly train staff on boundaries, ethics, and applicable laws.
  - Reinforce that detainees/inmates cannot consent under any circumstance.
- Supervision & Monitoring
  - Ensure that female employees provide around-the-clock supervision of all female inmates (Jail Standards 2-004.02A).
  - Prohibit male employees from entering female housing areas unless accompanied by a female employee.
  - Use cameras and logs to monitor interactions. This is an opportunity to reward and reinforce good performance while also addressing potential performance issues.
  - Ensure staff are never alone with detainees/inmates in private settings.
- Prompt Reporting
  - Encourage immediate reporting of any suspected misconduct.
  - Protect whistleblowers and ensure transparency in investigations.

## **Conclusion**

The integrity of law enforcement and corrections work depends on trust, discipline, and strict adherence to legal and ethical standards. Violations of NRS 28-322.05 and NRS 28-322.01 are grave breaches of that trust. Remember: There is no such thing as consensual sex with a detainee or inmate under Nebraska law.

**Stay professional. Stay accountable. Protect the badge.**

**For questions or more information on training opportunities, contact NIRMA's Law Enforcement and Safety Specialist Todd Duncan at (402) 742-9220 or [tduncan@nirma.info](mailto:tduncan@nirma.info).**

***NIRMA Member Officials, Supervisors, and Managers:***

***Have a human resource question or issue? Contact NIRMA's Human Resources Helpline at (866) 896-6423.***

***Have a non-HR legal question or issue? Contact NIRMA's Legal Link at (402) 742-9240 or by email at [legallink@nirma.info](mailto:legallink@nirma.info)***

# GENERAL SAFETY

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

## **Mental Health in the Workplace: A Call to Action for Nebraska County Leaders**

In today's workforce, mental health is no longer a silent struggle, it's a defining issue. Public sector employees, including those in Nebraska's county government, face increasing stressors: rising workloads, public scrutiny, and the lingering effects of the pandemic. According to the Nebraska Division of Behavioral Health, nearly one in five Nebraskans experience a mental illness annually. For county officials, this isn't just a human concern—it's a critical issue with far-reaching implications.

### Current Challenges

- **Stigma and Silence:** Employees may fear judgment or retaliation, leading to underreporting and untreated conditions.
- **Burnout and Turnover:** Chronic stress contributes to absenteeism, reduced productivity, and loss of experienced staff.
- **Absenteeism:** Employees with anxiety or depression take an average of 4.6 more sick days annually according to an article by Jennifer Santisi published at Integrated Benefits Institute. Productivity losses linked to absenteeism cost U.S. employers over \$225 billion each year according to the CDC.
- **Turnover:** Replacing employees is time-consuming and very costly and burnout is a leading cause.
- **Limited Resources:** Counties may lack access to mental health professionals or wellness programs.

### What County Leaders Can Do

1. **Normalize Mental Health Conversations**  
Encourage open dialogue. A simple "How are you doing—really?" from leadership can foster trust and reduce stigma.
2. **Train Supervisors**  
Equip managers to recognize signs of distress and respond appropriately. The Nebraska Division of Behavioral Health offers training resources for public agencies.
3. **Promote Flexible Policies**  
Consider hybrid schedules, quiet workspaces, or extended leave options. These accommodations can make a significant difference.
4. **Leverage State Programs**  
Tap into initiatives like the Nebraska Family Helpline and the Recovery Friendly Workplace Initiative to support staff and connect them to care.
5. **Model Wellness from the Top**  
When elected and appointed officials prioritize their own mental health, it sets a powerful example.

### ADA Protections for Employees

Under the Americans with Disabilities Act (ADA), employees with mental health conditions—such as depression, anxiety, PTSD, or bipolar disorder—are entitled to:

- **Protection from Discrimination:** Employers cannot fire, demote, or deny promotions based on a mental health diagnosis.

- **Reasonable Accommodations:** This may include modified schedules, remote work, or changes in supervision style.
- **Privacy Rights:** Mental health information must be kept confidential and shared only on a need-to-know basis.

Employers must engage in the interactive process when accommodation is requested and cannot rely on stereotypes or assumptions when evaluating an employee's ability to perform their job. For guidance on ADA related issues, NIRMA provides our members with access to experienced human resources attorneys via the HR Helpline at 1-866-896-6423.

By understanding the mental health challenges facing public employees, implementing supportive policies, and upholding ADA protections, county officials can lead the way in creating a workplace where all employees feel valued and supported. Investing in mental health is not just a moral obligation, it's essential for strong, effective local governance.

As always, I can be reached at [chad@nirma.info](mailto:chad@nirma.info) and 1.800.642.6671.

# **HIGHWAY DEPARTMENT**

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

## **August is National Back to School Month: A Call for Road Safety and Visibility Awareness**

As August marks the return of the National Back to School Month, communities across the country are preparing for the renewed presence of school buses on our roads. This annual transition serves as a critical reminder for county road departments and motorists alike to prioritize safety—especially when it comes to visibility and awareness on rural and county roads.

With school buses once again transporting children to and from school, extra caution must be exercised by all drivers, particularly those operating county road department trucks and heavy equipment. These vehicles often travel on less-trafficked rural roads where visibility can be compromised by overgrown vegetation or tall crops. Now is the ideal time to inspect intersections and roadside areas where weeds, bushes, or other obstructions may hinder a clear view of oncoming traffic.

According to roadway safety standards, the minimum line of sight at intersections should be maintained at a height of three and a half feet above the road surface per the Manual on Uniform Traffic Control Devices (MUTCD). Any vegetation or obstacles that exceed this height can significantly impair a driver's ability to see approaching vehicles, including school buses and young drivers. Road crews should be tasked with identifying and removing these hazards to ensure safe travel for all road users.

One of the most common seasonal visibility concerns is tall corn, which by late summer can reach heights that severely limit sight distance at intersections. While counties have limited authority over crops grown on private land, they do have jurisdiction over county rights-of-way. If corn has been planted within these areas, it should be removed after a *documented* respectful and informative discussion with the landowner or tenant. Not only does this pose a serious safety risk to school buses and other motorists, but it also introduces potential legal liability for both the county and the farmer. Landowners are responsible for maintaining safe conditions on their property, and counties must ensure that public rights-of-way remain clear of all unnecessary obstructions.

In addition to physical maintenance, communication and education are key. County supervisors and road department leaders should hold brief but impactful safety meetings with all employees who operate vehicles and equipment on county roads. These meetings should emphasize the increased presence of school buses, young drivers with school permits, and parents transporting children—many of whom could be distracted or inexperienced. Reinforcing the importance of defensive driving, reduced speeds, and heightened awareness can go a long way in preventing accidents.

The unfortunate reality is that school bus-related accidents have occurred far too often in recent years. Many of these incidents could have been prevented with better visibility, more cautious driving, and proactive safety measures. As public servants and community members, we all share the responsibility of protecting our children and ensuring they arrive at school—and return home—safely.

Let this back-to-school season be a time not only of preparation and excitement but also of renewed commitment to road safety. By addressing sight distance concerns, engaging with local landowners, and educating our teams, we can make a meaningful difference in the lives of our youngest and most vulnerable road users.

For questions or more information on training opportunities, contact NIRMA's Road Safety Specialist, K.C. Pawling at [kcpawling@nirma.info](mailto:kcpawling@nirma.info) or 402-310-4417.

**Be alert. Be proactive. Be safe.**



**NIRMA** maintains an extensive database containing the names of officeholders, their mailing addresses, email addresses and telephone numbers. This information is used when sending out this monthly Safety Shorts newsletter, our monthly **Interchange** magazine, periodic mailings, or when it is necessary to contact someone directly.

Next time a change occurs in your county or agency, please forward your updated information to Pat Clancy at [pat@nirma.info](mailto:pat@nirma.info).