



Safety Shorts

General Safety, Highway, & Law Enforcement

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February is National Cancer Prevention Month

According to the [National Institutes of Health](#), nearly 1.9 million people are diagnosed with cancer each year in the United States. Nearly half of those diagnoses are breast, prostate, lung, pancreas, or colon cancers. And yet, more than 40 percent of all cancer diagnoses can be linked to a preventable cause – nearly half.

National Cancer Prevention Month focuses on the things we can control to lessen our odds of developing cancer. Five of the top recommendations for lessening our risk include:

- Regular exercise
- Maintaining a healthy weight
- Eating healthy foods
- Quitting or never starting smoking
- Limiting alcohol use

Other actions that help to prevent cancer or catch it early include routine checkups, treating or preventing other health conditions, and knowing your risk factors. We can't stop every form of cancer yet, but we do have the tools to decrease our risk factors.

GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Manager

Preventing Winter Weather Related Property Damage

Within the last week the temperatures in Eastern Nebraska dipped to lows of -10 degrees while lows in the panhandle came in at -20 degrees. Severe freezing weather is dangerous to humans and animals, can cause transportation disruptions, power outages and is a common cause of very costly property damage claims. Oftentimes frozen pipes are difficult to identify until it is too late, or the incident occurs in an unoccupied building and the burst pipe leaks for an extended time before being discovered.

Let us review some steps that building owners can take to reduce the risk of suffering a water damage claim resulting from frozen pipes.

- Maintain heat in all buildings, keep thermostats above 60 degrees.
- If heat is not maintained in a building, ensure equipment is drained and the water supply is shut off.
- Keep an eye on crawl spaces and basements.

- Cover exposed pipes with insulation sleeves.
- Seal cracks in walls, around doors and windows.
- Turn off/drain outdoor faucets. Disconnect exterior hoses.
- Identify water main valves and ensure accessibility in the event they need to be closed.
- Monitor temperatures in the building on freezing days to identify vulnerable areas.
- If you've had pipes freeze in the past, pay close attention to those areas.
- Check buildings regularly to identify leaks as soon as possible.
- Ensure backup generators are fueled and functioning in the event of a power loss.
- Watch for excessive snow buildup and ice dams on roofs and gutters. Thick icicles can indicate an ice dam.

It is important to note that effective 7/1/24, a Failure to Maintain Heat exclusion has been added to NIRMA's coverage document to address losses that result from freezing when a member fails to maintain heat in a structure or does not drain equipment or shut off the water supply to plumbing in a structure that does not have heat.

Additionally, if a structure is protected by a wet pipe sprinkler system, the areas that it protects should never fall below 40 degrees, according to the National Fire Protection Association (NFPA 25). A frozen wet pipe sprinkler system does not provide protection from fire, and it will likely lead to a severe water damage claim.

Low temperature alarms that monitor room temperature and notify the owner when the temperature falls below a set threshold can be used to supplement your freezing weather program. There are also devices that once installed monitor areas for potential leaks and can shut off the water supply main and greatly reduce the resulting water damage. While NIRMA does not endorse any particular device, there are [multiple reasonably priced options](#).

Taking proactive measures when the forecast calls for severe freezing weather will help prevent costly claims, repairs and the downtime associated with both. As always, I can be reached at chad@nirma.info and 1.800.642.6671.

HIGHWAY DEPARTMENT

By K C Pawling, Road Safety and Loss Prevention Specialist

Safer Equipment Operation Could Begin with A Distracted Driving Course.

Distracted driving has become one of the leading causes of traffic accidents, injuries, and fatalities nationwide. With the rise of smartphones, in-car entertainment systems, and other distractions, it's more important than ever for drivers to remain focused on the road. Distracted driving claims thousands of lives each year and affects people of all ages, making it a public safety issue that demands immediate attention and action.

What is Distracted Driving?

Distracted driving occurs when a driver's attention is diverted away from the primary task of driving. Distractions can be classified into three main categories: **visual**, **manual**, and **cognitive**.

1. **Visual distractions** occur when drivers take their eyes off the road, such as when they look at their phone or a GPS device.
2. **Manual distractions** involve taking hands off the steering wheel, like texting, adjusting the radio, or eating while driving.
3. **Cognitive distractions** occur when a driver's mind is not focused on driving, such as when they are engaged in an emotionally charged conversation, daydreaming, or thinking about something unrelated to driving.

While these distractions may seem minor, they significantly impair a driver's ability to make quick decisions, react to hazards, and keep control of the vehicle.

The Impact of Distracted Driving

According to the National Highway Traffic Safety Administration (NHTSA), distracted driving was a factor in nearly 3,000 fatalities in 2021 in the United States alone. The consequences of distracted driving are far-reaching, affecting not only the drivers themselves but also passengers, pedestrians, and other road users. Even seemingly small distractions can lead to devastating crashes. In fact, texting while driving makes a driver 23 times more likely to crash than undistracted driving.

While distracted driving is a great concern, distracted operation of heavy equipment can also have significant impacts to a road department's safety program. A distracted operator of a motor grader may not see the approaching vehicles on county roads, or even the approaching trains at grade crossings. It may also be contributing to the roadway departures of the county motor graders.

Preventive Measures and Safe Driving & Operating Habits

By adopting safer habits and making a few simple adjustments, drivers and operators can significantly reduce the risk of an accident.

1. **Put the Phone Away:** One of the most common distractions is texting or using your phone while driving. To avoid the temptation, turn off notifications, place your phone in the glove compartment, or use hands-free technology if necessary. Many smartphones

now have "Do Not Disturb" modes while driving, which can help reduce the urge to check texts or emails.

2. **Plan Ahead:** Before getting behind the wheel or in the operator's seat, take a few minutes to set your GPS, adjust your mirrors, and choose your playlist. This will reduce the need for adjustments while driving, minimizing distractions.
3. **Pull Over if Needed:** If you absolutely must make a phone call, send a message, or deal with any other distractions, pull over safely to the side of the road. Taking a few extra minutes to stop and handle your business is far safer than attempting to multitask while driving or operating.
4. **Enlist Your Passengers:** Passengers can be a helpful resource in managing distractions. If you need to adjust the radio, read directions, or take a phone call, ask your passenger to assist so that you can keep your attention on the road.
5. **Stay Focused:** Avoid engaging in emotionally intense conversations while driving and during machine operation. Cognitive distractions, such as arguing or deep thinking, can divert your attention from the task at hand and slow your reaction time. Wait until breaktime to return phone calls, especially those that will be emotionally charged.

Education and Awareness

Preventing distracted driving requires a collective effort from individuals and employers. Many states have enacted laws to curb distractions, such as banning texting while driving or requiring hands-free devices for mobile phone use. However, laws alone are not enough. A cultural shift toward prioritizing safety and responsibility on the road is essential for long-term change.

Conclusion

Distracted driving is a serious and preventable issue that affects everyone on the road. By staying focused, limiting distractions, and adopting safer driving habits, we can help reduce the risks of accidents and make our roads safer for all. It's time for drivers to put down their phones, pay attention, and take responsibility for their own safety and the safety of others. Let's work together to make distracted driving and operating a thing of the past.

If you would like to schedule a Defensive Driving Class, Chad Engle or I can help you. We are both certified defensive driving instructors through the National Safety Council. Call me at 402-310-4417 or email kcpawling@nirma.info to schedule a class. I look forward to hearing from you.

LAW ENFORCEMENT AND CORRECTIONS

By Todd Duncan, Law Enforcement and Safety Specialist

Hiring and Retention

Disclaimer: The primary focus of this article is the liability associated with negligent hiring and retention of law enforcement officers (LEOs) as well as specific legal requirements for hiring set forth in Nebraska law. Comprehensive background checks, which agencies should complete on every applicant, go well beyond the minimum legal requirements outlined below.

The Role of Applicant Background Checks in Reducing Risk and Liability

Negligent hiring and retention in law enforcement refers to the failure of an agency to exercise due diligence in the selection and continued employment of officers, potentially leading to misconduct and legal liability. When an agency hires or retains an officer whom it either knew, or should have known, posed a risk due to past behavior or qualifications, it can in some circumstances be held liable for resulting harm.

Risks and Legal Liability

Employing officers without thorough background checks or ignoring prior misconduct can result in significant legal and financial repercussions for law enforcement agencies. Negligent retention occurs when an agency continues to employ an officer despite being aware of conduct that renders them unfit for duty. This negligence can lead to incidents of physical harm, violations of civil rights, and other forms of misconduct, which can result in lawsuits, financial settlements, and damage to the agency's reputation. A recent report by the Dolan Consulting Group¹ emphasizes that negligent hiring is fundamental to every aspect of law enforcement operations, both in the near future and in the long term.

Legal Requirements for Screening in Nebraska

Nebraska has enacted specific statutes to ensure the proper screening and hiring of law enforcement officers, aiming to mitigate the risks associated with negligent hiring and retention.

Nebraska Revised Statute 81-1414.15 requires agencies employing law enforcement officers to submit a Change in Status form (TC-001) to the Nebraska Law Enforcement Training Center (NLETC) upon an officer's hiring, termination, or resignation. This form must include details such as the reason for termination or resignation, and whether it was in lieu of termination. Agencies are also required to maintain records of any misconduct that could lead to revocation or suspension for the duration of the officer's employment and for ten years following separation. Failure to comply with this law constitutes neglect of duty.

Nebraska Revised Statute 81-1414.11 requires that persons seeking employment as law enforcement officers provide a signed waiver to the prospective employer upon receiving a conditional offer of employment. This waiver allows the prospective

employer to contact the applicant's former employer to obtain records related to any misconduct that could be grounds for revocation or suspension. The prospective employer must contact former law enforcement employers and obtain these records *before* hiring the applicant.

The purpose of these statutes is to create a process that prevents officers who have been terminated or who have resigned in lieu of termination for certain acts of serious misconduct from gaining employment as a law enforcement officer at another agency. But for this important process to work, there must be consistent adherence to Nebraska law enforcement officer hiring laws, interagency cooperation, and candid communication during the reference check stage.

Summary of Legal Requirements During the Hiring Process

1. Prospective Employers:
 - a. Check with the Nebraska Law Enforcement Training Center to determine if an applicant's certification is "791 locked". If the applicant is on the "791" list, they can't be hired.
 - b. Obtain a signed Authority to Release Information to Prospective Employer form/waiver (TC-919) from the applicant.
 - c. Complete the background check process as outlined in the Nebraska Administrative Code Title 79, Chapter 8, Section 005.04B.
 - d. As part of the background check, contact all known previous law enforcement employers, provide them with the Previous Law Enforcement Employment Reference Check form (TC-920) and waiver (TC-919), and obtain as much information as possible about the officer's prior employment history and performance.
2. Current/Former Employers
 - a. Submit a Change in Status form (TC-001) to NLETC within seven days of the hiring, termination, or resignation of a law enforcement officer.
 - b. Within ten calendar days after receipt of an Authority to Release Information to Prospective Employer form/waiver (TC-919), provide the prospective employer with the completed Reference Check form (TC-920) and access to or copies of any records regarding the
 - i. Reason for, and circumstances surrounding, the former officer's separation from the agency, and
 - ii. Officer's conduct which could constitute grounds for revocation or suspension of a law enforcement certification.

Conclusion

When it comes to hiring, "an ounce of prevention is worth a pound of cure." Law enforcement agencies must implement comprehensive screening processes and diligently maintain records to mitigate the risks associated with negligent hiring and retention. Adhering to Nebraska's statutory requirements is essential in ensuring that only qualified and fit individuals serve as law enforcement officers, thereby protecting the agency and the public from potential harm.

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.

