



# Safety Shorts

## General Safety, Highway, & Law Enforcement

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## June Is National Employee Wellness Month

The National Employee Wellness Month provides an opportunity for employers and organizations to enhance existing wellness programs and encourage their employees to adopt proactive strategies for improved physical, mental, and emotional wellbeing in the workplace.

An effective wellness program is the one that educates workers and creates a culture of health, with the aim of initiating a healthy behavioral change in workers. The most important benefit of incorporating a wellness culture into the workplace is improved health and productivity. The healthier a worker is, the less likely they are to miss work for health reasons. -

<https://www.corporatewellnessmagazine.com/article/june-is-national-employee-wellness-month>.

### GENERAL SAFETY

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

#### **Even More Money for Minutes!!**

I am very excited to announce that this year's **Money for Minutes** program has been expanded to include ten \$500 awards for safety committees that are drawn from the pool of committees that meet the **Money for Minutes** criteria. This is up from five \$500 awards last year.

During the 2023 calendar year NIRMA will continue to encourage our members to maintain an active and effective safety committee with the **Money for Minutes** program. As in years past, to qualify for the chance at one of ten \$500 Money for Minutes awards a member safety committee must do the following:

- Hold at least 4 quarterly safety committee meetings.
- Investigate and discuss every incident/claim/injury that occurred during the previous quarter and provide recommendations as to how similar events could be prevented in the future.
- Submit the meeting minutes, including the recommendations, to NIRMA for review.
- NIRMA recommends investigating and discussing near misses as well as incidents that result in damage or injury. We can learn just as much from near misses.
- Please do not simply state that an incident was deemed to be "unpreventable" or "unavoidable." Truly unpreventable incidents are incredibly rare, do your best to develop recommendations that if implemented would prevent the incident from reoccurring.

Safety committees will have until the end of January 2024 to submit their 4<sup>th</sup> quarter minutes. The ten

**Money for Minutes** winners will be drawn in early February of 2024 and notified shortly after. Safety committee meeting minutes can be emailed to my attention at [chad@nirma.info](mailto:chad@nirma.info). Please let me know if you have any questions.

# **HIGHWAY DEPARTMENT**

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

## **Are You Being Seen?**

I've had many conversations with NIRMA members lately about personal protective equipment (PPE). More specifically, safety vests. I'm often asked: "*why do we have to wear them?*" This leads to the next question: "*who is going to pay for them?*" Followed by the ever-familiar: "*it's just too hot to wear a vest during the summer.*" So, let's talk about some of these.

First, remember that the MUTCD has the force of law in Nebraska. And the MUTCD requires that road employees wear safety apparel that meets the performance class 2 requirements. The following is taken directly from the MUTCD, Section 6D.03:

***Standard: 04 All workers, including emergency responders, within the right-of-way who are exposed either to traffic (vehicles using the highway for purposes of travel) or to work vehicles and construction equipment within the TTC zone shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Safety Apparel and Headwear" (see Section 1A.11), or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure, except as provided in Paragraph 5. A person designated by the employer to be responsible for worker safety shall make the selection of the appropriate class of garment.***

The ANSI/ISEA 107 (American National Standards Institute/ International Safety Equipment Association) standard provides us the criteria for the materials used to make the safety apparel. It outlines the minimum areas, placement of materials, colors, and brightness of the garments. The intent of all this is to make us conspicuous in all light conditions, from day to night. The standard offers three class options for safety apparel use.

Now, let's touch on the different classes of safety apparel. For **Class 1** safety vests, federal law requires at least 155 square inches of reflective material and 217 square inches of background material. **Class 2** requires reflective tape or material to cover a minimum of 201 square inches. Widths of either 1.38 inches or 2 inches are required, depending on your profession. This should include a horizontal band with two bands running vertically over the shoulders. Background material of either safety yellow or safety orange should cover a minimum of 775 square inches. Class 3 requires at least 310 square inches of reflective material. Background material should cover at least 1,240 square inches.

When choosing the color of apparel, consider selecting the highest contrasting color for the jobsite. A selection of an orange color could be more effective than one with yellow-green colors, on a jobsite surrounded by foliage which could blend into the surroundings. It could also be said that if you have a lot of safety orange on the jobsite that workers could blend in with all the safety devices, orange barrels or large 42" cones that are used in some construction projects. Consider all environments and make the most appropriate choice for your employees.

Replacement of your safety apparel should take place when its useful life has been exhausted. Now I know that most safety apparel has a specific number of wash cycles listed on the tag. This states how many times the garment can be washed before it should be replaced. This will need to be managed by the wearer. I will say that I cannot remember washing my vest even once before replacing it. When the vest got soiled and faded to the point the colors were not bright, I got a new vest. If you are someone that chooses to wash your vest, that is great too! The important thing is to keep it vibrant and bright.

Some counties choose to use shirts that meet the ANSI standard. This is a good option for those employees that do not want to wear multiple layers of clothing in the hot weather environment. If you use safety shirts, it is important to pay attention to wash cycles and the fading of your garments.

I would also like to encourage counties that are not providing their employees with the appropriate safety apparel for the job, to start doing so. Here are a few reasons for doing so. One, it is ***your*** responsibility as county managers and elected officials to make sure that your employees are safe in the environment in which they are working. Two, you can control the quality and effectiveness of apparel being worn. It will be easier to make sure that the apparel meets the required standard. Three, employees are more likely to wear apparel that is provided to them, than to purchase their own safety apparel.

As noted above, the MUTCD requires the use of safety apparel. OSHA also contains requirements that address the use of PPE that are not included here because they are not specifically applicable to counties, but these should still be considered from a risk management perspective. Take some time and look at the OSHA requirements on this subject, a quick search on the internet will give you all the results you will need.

It's also a good time to mention that NIRMA offers members the opportunity to apply for ASSIST grant funds to help cover the cost of safety equipment. Applications are available on NIRMA's website.

No one wants to see anyone injured or killed on the job, and working in traffic is extremely dangerous without the right PPE. Do your part to make sure that county employees make it home every night.

If you have any safety training needs or questions about this article or other road or work safety-related subjects, you can reach me at [kcpawling@nirma.info](mailto:kcpawling@nirma.info) or 402-310-4417. My office number is 402-742-9236.

# **LAW ENFORCEMENT AND CORRECTIONS**

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

## **Six Layers of Liability Protection**

In today's world of law enforcement and corrections, putting out fires can consume a much of a leader's time and attention. Consequently, public safety leaders must prioritize where they focus their efforts and scarce resources. Whether you recently took office or are a veteran leader, the following is intended to draw attention to the six primary areas of liability protection and provide a roadmap to help you zero in on those areas that have the most impact on safety, risk, and liability.

### **Policy and Procedure**

Policies provide the foundation for operations and serve as a critical component of effective risk management and loss prevention. Sound policies are based on the law (federal and state constitution, circuit court rulings, state statutes, etc.) and professional thinking. NIRMA offers a comprehensive set of model policies and procedures for law enforcement and jail operations. Regardless of where your policies come from, it is important that they are tailored to your specific agency and accurately reflect day-to-day practices. The environment of law enforcement and corrections is always changing. When was the last time your policies were reviewed and updated? Policy review can be a time-consuming task, so why not start with the policies for high risk, critical tasks? These include:

- Response to Resistance (Use of Force)
- Duty to Intervene
- Vehicle Pursuit & Emergency Vehicle Operation
- Stop, Arrest & Search of Persons
- Transportation & Restraint of Prisoners
- Domestic Violence Misconduct & Domestic Violence Investigations
- Off-Duty Actions
- Sexual Harassment, Sexual Discrimination, Sexual Misconduct
- Hiring Practices
- Internal Affairs
- Dealing with Persons of Diminished Capacity
- Property & Evidence

### **Training**

Even the best policies are of little use unless leaders regularly review them with employees. These reviews can be a simple 10-minute discussion at the beginning of each shift or more in-depth reviews during scheduled training. Are you prioritizing the above-mentioned critical high-risk critical tasks when planning training? Is training documented to capture attendee names, instructors, topics covered, number of hours, date(s) of training, etc.? Do the number of training hours accurately reflect the areas of highest risk? For instance, in many agencies, the number of training hours provided to members of specialized units (i.e., SWAT, CSI, etc.) often dwarf the number of hours allotted to patrol deputies, yet common patrol activities like pursuits, use of force, search and seizure represent a large portion of agency liability.

### **Supervision**

First line supervisors are some of the most important members of any organization. They have a tough job of building rapport with employees while at the same time enforcing agency policies

fairly and consistently. How engaged are your supervisors? Do they show up at the complex or priority calls to provide leadership or coaching when appropriate? Do they perform periodic reviews of body worn and in car video? First line supervisors are a vital link in the chain of command.

## **Performance Management**

Regular, documented employee performance evaluations create a culture of high performance and accountability. Meaningful performance management is essential to developing employees, building high performing teams, and minimizing individual and agency liability exposure. Are your performance reviews based on substantive data such as commendations and complaints; video reviews; use of force statistics; pursuit data; preventable crashes; quality of reports; and prosecution rates on citations/arrests; or are they based on a list of numerical scores predictably hovering in the “acceptable” or “3” zone? Another way to jumpstart a performance management program is to focus on policies, training, and positive leadership to develop employees into high performers.

## **Review and Revision**

Even in a smaller agency, it is critical to continuously review what is going on within the agency in areas such as employee safety, risk management, and loss prevention. As former IBM Chairman Louis V. Gerstner, Jr. once said, “People don't do what you expect but what you inspect,” or as former President Ronald Reagan often said, “Trust but verify”.

## **Legal Counsel and Updates**

All successful public safety leaders have one thing in common—they take a proactive approach to staying abreast of changes at the federal and state levels. The law is a moving target. What is acceptable today may be declared unlawful tomorrow. Consider whether you are taking advantage of the many free legal resources tailored to law enforcement and corrections available online. Some ideas include: LLRMI, Lexipol, Daigle Law Group, Blue to Gold, AELE, Xiphos, etc. Maintaining a professional, collaborative working relationship with your county attorney is not only important to the success of your cases but also to avoiding potential liability or legal pitfalls. Lastly, the NIRMA Legal Link offers confidential consultations on non-employment matters with civil legal implications. The answering attorneys will collaborate with your County Attorney, when appropriate, to provide sound, proactive legal assistance related to county government and related agency operations. Member county officials and supervisory personnel have at their disposal unlimited access to NIRMA's Legal Link. For more information on this resource, call 402.742.9240 or email [legallink@nirma.info](mailto:legallink@nirma.info).

## **Call to action**

Today's law enforcement and corrections leaders face many difficult challenges and oftentimes resources are spread thin. Think about it: what is a first step you can take to start the journey of implementing all six layers of liability protection within your agency? Perhaps it is initiating a basic review and revision of your policies covering the twelve high risk critical tasks listed above. Maybe it is having supervisors use the beginning of each shift to facilitate a brief team discussion on a core policy to make sure everyone is on the same page? Why not subscribe to some of the free legal update resources included in this article to stay abreast of legal trends, case law, etc.? Or how about a simple upgrade to your performance management process that involves regular coaching and feedback sessions based on substantive data such as the areas listed above? Maybe it is a half day leadership retreat where the command staff meets with sergeants or first line supervisors to discuss the agency's mission, vision, and values while encouraging feedback, setting expectations, and exploring ways to enhance operations while reducing risk. Applying all six of these layers of liability protection at once can be intimidating if

not unrealistic, but as they say, a journey of a thousand miles begins with one step. So, what is your first step?

