



# **Safety Shorts**

## **General Safety, Highway, & Law Enforcement**

November 2023

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## **November Is National Healthy Skin Month**

November is National Healthy Skin Month, so it's a great time to teach your employees how to protect their body's natural armor.

Weighing in at 6 to 9 pounds, with a surface area of about 2 square yards, the skin is the body's largest organ and its first line of defense against the outside world. It helps the body fight infection and injuries as well as maintain the body's temperature. The skin also makes vitamin D, which is crucial to calcium absorption and strong bones.

If you have employees who work outdoors, be sure to provide plenty of education about the importance of sunblock—including on tops of ears, backs of necks and exposed skin on top of head—and protective clothing. And remember, sun protection isn't just for summer. UV rays from the sun can still cause skin damage in the winter months, especially on reflective surfaces like snow or ice. - <https://ehsdailyadvisor.blr.com/2016/11/skin-care-tips-workers-national-healthy-skin-month/>.

### **LAW ENFORCEMENT AND CORRECTIONS**

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

#### **Open Carry in Public Buildings**

If you attended this year's NIRMA Self Defense for County Officials conference in Kearney, you may have sat in on my session titled, Packing Heat, No Permit: Understanding [LB 77](#). During this session, there was quite a bit of discussion around the issue of Nebraska's open carry firearms laws, particularly as they apply to courthouses. So much so that we thought it would be worthwhile to follow up with additional information on Nebraska's open carry laws in this month's Safety Shorts.

While LB 77 resulted in changes to Nebraska laws related to carrying concealed handguns, there were no changes pertaining to openly carrying firearms in public places, therefore State law remains relatively silent on the subject. With the exception of NRS [28-1204.04](#) which prohibits possessing any firearms on school property, at school-sponsored events, and in school vehicles, Nebraska law generally permits openly carrying firearms in public places, including publicly owned buildings or other public facilities.

Neither the U.S. Supreme Court, 8<sup>th</sup> Circuit Court of Appeals, or Nebraska Supreme Court have issued a definitive, universally applicable stance on open carry of firearms in courthouses or other publicly owned buildings. And NIRMA members are not the only group seeking clarification on this issue. In 2019, the American Bar Association issued the following resolution:

*"RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal courts and legislatures to develop policies and protocols as to who may carry firearms in courthouses, courtrooms, and judicial centers that allow only those persons necessary to ensure security, including approved safety officers, judges, and court personnel, have weapons in the courthouse, courtroom, or judicial center, including common areas within the buildings as well as the grounds immediately adjacent to the justice complex, and that require training for those who are permitted to carry firearms."*

To its credit, the Nebraska Supreme Court has taken steps to address this issue. [Nebraska Supreme Court Rule § 6-1511](#), Courtroom Decorum, states that "No person shall possess any firearm or other dangerous weapon in the courtroom or in any public area adjacent to it without the permission of the court." Arguably, many if not all offices within a courthouse could be considered adjacent to a courtroom, but NIRMA recommends consulting your local judge(s) and county attorney to discuss the enforcement of this rule.

Even though Nebraska statutes are relatively silent on where citizens may openly carry firearms, state law does establish restrictions on who can possess firearms, the type of firearms that may be possessed, and the conduct of the person possessing the firearm, i.e., Terroristic Threats, Disturbing the Peace, Unlawful Discharge, etc. These are important considerations for law enforcement when contacting individuals who are in possession of a firearm, whether in a public facility or any other location.

Until the courts or legislature provide clarification on the issue of open carry in public facilities, it is up to county officials to establish legally defensible policies and procedures that balance public safety with constitutional rights. The following table is intended to serve as a quick reference guide as counties consider this issue:

	Public Places	Private Property
<b>Open Carry Firearms</b> <ul style="list-style-type: none"><li>• Must be 18 years old to possess a handgun (NRS <a href="#">28-1204</a>)</li><li>• Must not be a prohibited person (NRS <a href="#">28-1206</a>)</li><li>• Short shotguns, short rifles, and machine guns prohibited (NRS <a href="#">28-1203</a>, exception-those qualified under federal law, i.e., National Firearms Act)</li></ul>	Nebraska law does not prohibit openly carrying a firearm in public places other than schools (NRS <a href="#">28-1204.04</a> ). Government owned facilities and property are generally considered public places. This includes county owned property.	The owner or person in control of private property may prohibit persons from possessing any weapons, including firearms carried openly, onto or into their property. If a person in possession of any firearm, open or concealed, refuses to leave the premises upon order of the owner or person in control of such property, they may be subject to arrest for trespassing under NRS <a href="#">28-521</a> .

<b>Concealed Carry of Handguns</b> <ul style="list-style-type: none"><li>• Must be 21 years old (NRS <a href="#">28-1202.01</a>).</li><li>• Must not be a prohibited person (NRS <a href="#">28-1206</a>).</li></ul>	NRS <a href="#">28-1202.01(3)</a> prohibits carrying a concealed handgun into or onto any police, sheriff, or State Patrol station or office; detention facility,	NRS <a href="#">28-1202.01(3)</a> prohibits carrying a concealed handgun into or onto any financial institution; professional or semiprofessional athletic event; building, grounds,
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<ul style="list-style-type: none"> <li>• No residency requirement.</li> <li>• Carrying a CHG while consuming or under the influence of alcohol or drugs is prohibited (NRS <a href="#">28-1202.02</a>).</li> <li>• Must carry proper ID (NRS <a href="#">28-1202.03</a>).</li> <li>• Must inform law enforcement and EMS during official contact (NRS <a href="#">28-1202.04</a>).</li> </ul>	<p>prison, or jail; courtroom or building which contains a courtroom; active polling place; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; or building, grounds, vehicle, or sponsored activity or athletic event of any public elementary, vocational, or secondary school. Exceptions apply, i.e., law enforcement officers.</p>	<p>vehicle, or sponsored activity or athletic event of any private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; or any other place or premises where handguns are prohibited by state law. Exceptions apply, i.e., law enforcement officers.</p>
		<p>NRS <a href="#">28-1202.01(3)</a> prohibits carrying a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.</p>

When developing a strategy on this issue, NIRMA encourages county leaders to consider the following recommendations:

- Ensure the county has a workplace violence prevention policy addressing firearms and other weapons in the workplace. A model workplace violence policy can be found on page 43 of the employee handbook within NIRMA's Guide to Creating a Personnel System.
- Conspicuously post "No Firearms or Weapons" signs at the entrances to all county facilities. While the enforceability of a ban on open carry has not been tested by the courts, NRS 28-1202.01(3) clearly prohibits carrying a concealed handgun into or onto most county facilities including any sheriff's office facility; jail; courtroom or building which contains a courtroom; active polling place; or meeting of the governing body of a county.

- Have a plan. It is important that county leadership is on the same page on this issue and that a plan is in place for responding to situations where individuals bring firearms into county facilities, whether the firearm is concealed or carried openly.

For questions regarding this topic, please contact your local county attorney or the NIRMA Legal Link at 402.742.9240 or by email at [legallink@nirma.info](mailto:legallink@nirma.info).

*DISCLAIMER- No action on the following recommendations should be taken by any member without first involving the county sheriff, county attorney, and county board in the conversation and decision-making process. Some details and exceptions listed in the listed statutes were omitted for brevity. Please read the laws in their entirety.*

## **GENERAL SAFETY**

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

### **Winter in Nebraska, a.k.a. Slip and Fall Season**

Last weekend Nebraska experienced its first snow fall of the season with reports of 2 – 3 inches in the panhandle area and flurries throughout the rest of the state. I hate to say it, but old man winter is here.

According to my most recent workers' compensation loss report, *Fall or Slip* is the leading cause of loss as NIRMA member employees have incurred approximately \$4.9 million in the last five years because of falls in the workplace. Of that \$4.9 million, 33% or \$1.6 million were the result of falls on ice and snow. During that same timeframe, 663 falls occurred with 41%, or 266 of those due to falls on ice and snow.

Falls on ice and snow are preventable; this month's article will highlight the ways our members can protect their employees and customers from falls on ice and snow and how individuals can prevent themselves from suffering an injury from a slip and fall.

#### **Hazard Prevention**

- Timely, thorough, and documented snow removal. Get snow cleared before employees and customers arrive. Parking lots and walkways all the way to the entrance.
- Follow-up parking lot and walkway inspections and snow removal.
- Documented use of salt/ice melt on parking lot and walkway problem areas.
- Warn employees and customers of hazardous areas.
- Manage snow piles near walkways to avoid melting snow freezing on the walkway.
- Pile snow below the grade or walkways to minimize downward flow back onto parking lots and walkways.
- Designate safe paths of travel to and from buildings to discourage potentially dangerous shortcuts.
- Maintain safe entrances. Mats should lie flat to the floor, with no curled edges or wrinkles. Mats replaced if soaked through. Floors monitored and dry mopped when needed. "Caution: Wet Floor" signs used if needed.

#### **Personal Safety Precautions**

- Monitor the weather. Be prepared for the current weather conditions when you head out of the house.
- Wear the proper footwear for the weather conditions. Non-slip footwear with cleats (when icy) and then change into casual footwear once you arrive at the office.
- Take it slow and avoid distractions. Walk slow and watch where you are stepping to avoid ice.
- Walk like a penguin. Walk flat footed and take short steps to keep your center of balance over your feet.
- Step down, not out, from curbs and cars. Parking lot falls are common – step flat-footed off curbs, step down with both feet when exiting your vehicle. Park in areas that are ice and snow free if possible.
- Report icy conditions to your supervisor or the maintenance person so that hazardous areas can be salted or shoveled.
- If you spot an icy area and ice melt is available apply it yourself.
- Do not attempt to walk "safely" over an icy area, go around it.

Property owners are responsible to take reasonable precautions to remove snow and ice, monitor their walkways and maintain them in a safe condition. Employees and visitors are also responsible for taking reasonable personal precautions to avoid injury. Together, we can avoid painful and costly slips and falls this winter. Please reach out if you have any slip and fall related questions. I am also available for training on this topic and can be reached at 1.800.642.6671 or [chad@nirma.info](mailto:chad@nirma.info).

# **HIGHWAY DEPARTMENT**

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

## **Please, Manage the Risks**

I'm writing this about two weeks after a local (to where I live) NDOT employee was fatally injured by a vehicle while responding to a call which involved cleaning some corn gluten off a State highway. County forces were also on the scene lending aid to NDOT.

Many of us that work with the motoring public understand that there are inherent risks when dealing with drivers. There are many circumstances that drivers could be involved in that lead to three different types of driver distractions: visual, manual, and cognitive. A visual distraction is anything that causes you to take your eyes off the road. Manual distractions are those that require us to take our hands off the road. The final type is cognitive, which is a mental distraction. It's important to note that there are scenarios where we have all three types of distractions at once.

The focus of this article is to make you think about and understand the drivers we encounter. At any time or place on the road system drivers can be distracted. Honestly, the work we are doing out on the roads can be a distraction for the driver. We need to ask ourselves if we are doing what we can to control the risks the road crews are encountering on worksites.

First, we all know it is required that anyone working on the road right-of-way should be wearing a Type II safety vest. Is your county providing the PPE that is necessary to keep your road crews safe while meeting the requirements of the law? If you are not, I am strongly encouraging you to start. And, if need be, make a written policy for your department to wear appropriate PPE and then enforce the policy with disciplinary action.

Second, are you controlling the environment in which employees are working? Obviously, we cannot control the weather, but the environment that I am speaking about is the work zone. Do you have adequate signing for the situation? Do you need flaggers to stop and control the movements and flow of traffic? Are we communicating our needs or intentions effectively with drivers passing through the work zone?

Finally, are your crews trained for the circumstances in which they will be working? Have they had temporary traffic control training? Are they certified flaggers, and when did they last complete flagger training? Do they understand the challenges of operating equipment under the pressure of passing traffic? Are you regularly talking on the job about how the decisions they make out in the work zones will affect not only themselves, but also their co-workers and family?

If you answer no to any of the questions above, I encourage you to change your practices. Injuries or fatalities should not be part of the job. Especially when you can train, train and train some more. The way your employees feel about the PPE requirements or training should not be any concern. Keeping them safe should be the greatest concern you have!

If you have any questions about the necessary PPE or training opportunities that your departments have, please contact me. Let's talk about any of the concerns or questions you may have. Our county road departments have some great people, and I hope nothing happens to any of you. Remember, the risk can be managed. I can be reached at [kcpawling@nirma.info](mailto:kcpawling@nirma.info)

or 402-310-4417. I should also mention that we do provide distracted driver training for NIRMA members. Be safe!