



SAFETY SHORTS

General Safety • Highway Departments • Law Enforcement & Corrections

February 2026

GENERAL SAFETY

By: Chad Engle, Loss Prevention Manager and Safety Specialist

Announcing the Money for Minutes Winners!

Now that we've wrapped up 2025 and started our work toward a productive and safe 2026, we want to recognize the outstanding safety committees whose dedication helps make our counties and county-related entities safer places to work. One of the ways we recognize this ongoing commitment is through NIRMA's annual **Money for Minutes** program.

This program rewards safety committees that stay engaged, stay consistent, and stay focused on reducing risk across their organizations. This year, Committees that met the program requirements were entered into a drawing for one of nine \$500 awards—and one committee was selected to earn the coveted **\$2,500 Super Award** for exceptional effort in safety and loss prevention.

A Record-Setting Year for Participation

I'm especially pleased to share that **52 member safety committees submitted at least four sets of meeting minutes for 2025**. That's an impressive **28% increase over last year**, and the **highest level of participation since the program began**. This is a tremendous indicator that safety engagement is growing across the membership, and we sincerely hope this positive trend continues in the years ahead.

NIRMA thanks each of you for your ongoing risk management efforts—**they truly do not go unnoticed**.

How the Program Works

To qualify, member safety committees must complete four simple but meaningful steps:

1. **Meet once each quarter**
2. **Review all incidents and events from the previous quarter**
3. **Identify practical, realistic ways to prevent similar events in the future**
4. **Submit their meeting minutes—including recommendations—to NIRMA**

These actions strengthen workplace safety cultures, improve communication, and help reduce claims across the pool.

Celebrating the 2025 Winners

We are pleased to congratulate the following \$500 award recipients:

- **Cedar County**
- **Cheyenne County**
- **Cuming County**
- **Dawes County**
- **Deuel County**
- **Dodge County Courthouse**
- **Jefferson County**
- **Johnson County**
- **Sherman County Roads**

Each of these committees demonstrated consistent engagement, thoughtful review of incidents, and a commitment to continuous improvement.

2025 Super Award Winner: Fillmore County

A special congratulations goes to **Fillmore County**, the winner of this year's **\$2,500 Super Award**. Their safety committee stood out for exceptional dedication to loss prevention, including strong use of NIRMA's **Best Safety Practices for Members**. Their proactive approach serves as an example for all member entities.

Thank You to All Participating Committees

Whether your committee received an award this year or not, your efforts truly matter. Reviewing incidents, discussing hazards, and sharing recommendations are essential steps in loss prevention, risk management and controlling costs—both for your entity and for the NIRMA pool as a whole.

We appreciate the time, attention, and professionalism you bring to your safety responsibilities each year. Keep up the great work, and here's to a safe and productive 2026!

HIGHWAY/ROAD DEPARTMENTS

By: KC Pawling, NIRMA Road Safety and Loss Prevention Specialist

Preparing for Construction and Maintenance Season

As NIRMA member counties gear up for another busy construction and maintenance season, now is an ideal time to reinforce a strong culture of safety within road departments. A proactive focus on work zone safety not only protects employees and the traveling public, but also supports NIRMA's shared goal of reducing injuries, claims, and preventable losses across member counties.

Holding preseason safety meetings allows counties to discuss the risks associated with construction and maintenance work and to review best practices for traffic control and proper signage. Emphasizing safety before projects begin can help set expectations for the entire construction season and ensure crews are prepared for the hazards they will encounter.

Key Safety Training Areas

Safety training should address multiple aspects of work zone and equipment safety, including:

- Temporary traffic control and proper barricading
- Work zone signage and layout
- Flagger training and responsibilities
- Managing traffic through active work zones
- Heavy equipment operation
- Trenching and excavation hazards, including culvert installation

Creating a safe work environment requires attention to both physical conditions and human factors. The following areas deserve special attention as the construction season begins.

Fatigue

Staying aware of hazards on a job site is difficult even when employees are alert and well rested. Fatigue significantly increases risk and can impair judgment and reaction time in ways similar to alcohol impairment. Many counties operate on four day, ten-day, ten-hour schedules, which can contribute to fatigue over the course of a long workweek.

Flaggers are particularly vulnerable, as they often stand in one place for extended periods while maintaining constant awareness of traffic. Best practice is to rotate flaggers every couple of hours to allow for rest and recovery. For example, during a crack sealing operation, another crew member can periodically relieve the flagger. All county road department employees should complete Flagger Certification Training, with recertification every two years, to ensure consistency and compliance across member counties.

Distractions

Distractions on construction sites can quickly lead to serious incidents. Cell phones and other electronic devices are among the most common sources of distraction. Using these devices delays reaction time and reduces awareness of surrounding hazards.

Flaggers should be strictly prohibited from using phones or other devices while actively controlling traffic. A distracted flagger creates a dangerous situation not only for themselves, but for coworkers and motorists entering the work zone.

Speed Control in Work Zones

Motorist speed is a significant risk factor in many work zone incidents. Drivers may fail to slow adequately when approaching construction warning signs, even when workers are present.

To help address this issue, counties should consider adding an advisory speed plaque beneath the first advance warning sign, such as "Road Work Ahead." On operations like crack sealing or patching, an advisory speed of 35 mph or lower can help reduce vehicle speeds before motorists reach the flagger. This advance warning provides drivers more time to react and stop safely if required.

Proper use of advance warning signs and advisory speeds not only improves safety for workers and motorists but also helps NIRMA member counties demonstrate reasonable care if a claim arises. On high-volume or high-volume or high-speed roadways where compliance is an issue, coordination with the sheriff's office for enforcement may be necessary.

Personal Protective Equipment (PPE) and Equipment Readiness

All employees should be provided with and required to use appropriate PPE, including:

- High-visibility safety vests (Class 2 for daytime use, Class 3 for nighttime work)
- Eye and hearing protection
- Gloves and other task-specific-protective equipment

First aid kits and fire extinguishers should be present in all county vehicles and readily accessible. Crews should also conduct daily walk-around inspections of equipment before use, correcting identified issues before work begins.

Contract and Project Review

The start of construction season is also a good time to review construction contracts to ensure:

- Required insurance coverage is clearly defined
- Responsibility for temporary traffic control is clearly assigned
- Signage requirements meet current standards
- Project timelines and completion expectations are documented

Thoughtful planning and consistent safety practices help protect employees, contractors, and the public while supporting the loss prevention-prevention goals shared by **ALL NIRMA member counties**.

By addressing these key areas, counties can begin the construction season with confidence, knowing they are taking practical steps to promote safety, reduce risk, and support a successful and incident free-free year.

If you need to get a training scheduled, you can contact me via email at kcpawling@nirma.info or phone at 402-310-4417. Let's start the year with a focus on safety!

LAW ENFORCEMENT AND CORRECTIONS

By: Todd Duncan, Law Enforcement and Safety Specialist

Constitutional Awareness: How Protecting Speech Protects Your Agency

As a law enforcement officer, your sworn oath to support the Constitution means understanding and honoring citizens' civil rights, including those established by the First Amendment. The First Amendment prohibits the government, including law enforcement, from restricting freedom of speech, the press, or the right to peaceably assemble and petition the government. Many courts have specifically interpreted the First Amendment to protect the right of citizens to film law enforcement activities in public places.

The Right to Free Speech and Assembly

The U.S. Supreme Court "has repeatedly held that law enforcement officers may not interfere with orderly, non-violent protests merely because they disagree with the content of the speech or because they simply fear possible disorder." *Jones v. Parmley*, 465 F. 3d 46, 57 (2d Cir. 2006) (citing, *Cox v. State of Louisiana*, 379 U.S. 536 (1965)). However, once a protest reaches a point that poses a "clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order," law enforcement may take action to disperse those protests. See *Parmley*, at 57-58 (citing *Cantwell v. Connecticut*, 310 U.S. 296 (1940)).

Use of Force During Demonstrations, Protests, Riots

Under the U.S. Constitution, the use of force by law enforcement during riots, protests, or demonstrations is governed by the same legal standard that applies to any other law enforcement encounter. As established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), all uses of force are evaluated under the Fourth Amendment's objective reasonableness standard, which asks whether the deputy's actions were reasonable from the perspective of a similarly trained deputy on the scene, given the facts and circumstances known at the time. The existence of a crowd, heightened tension, or civil disorder does not lower this standard or create a separate legal rule. Under *Graham*, each application of force must be justified based on:

1. The severity of the offense,
2. Whether the individual poses an immediate threat, and
3. Whether the individual is actively resisting or attempting to flee, without the benefit of hindsight.

The Public's Right to Record Law Enforcement

The U.S. Supreme Court has not yet issued a decision squarely holding that citizens have a First Amendment right to record (film) law enforcement officers, but its precedent makes clear that peaceful observation and documentation of law enforcement activity in public is protected expressive conduct. In *City of Houston v. Hill*, 482 U.S. 451 (1987), the Court emphasized that the First Amendment protects the right of citizens to observe, criticize, and challenge law enforcement action without fear of arrest, recognizing that officers must tolerate scrutiny and public oversight. The Eighth Circuit Court of Appeals, which sets binding legal precedent for Nebraska officers, has likewise referred to citizens' right to observe police-citizen interactions without interference, albeit in the context of a Fourth Amendment analysis. *Chestnut v. Wallace*, 947 F.3d 1085 (8th Cir. 2020). Several other federal courts

have discussed that recording law enforcement officers in public is a protected means of gathering information about government officials performing their duties, so long as the recording does not interfere with lawful police activity. *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011).

Ultimately, effective policing and constitutional policing are inseparable. Upholding the constitutional rights of citizens is not a barrier to public safety, it is the foundation of legitimacy, trust, and lawful authority. When deputies respect constitutional limits, they protect not only the public they serve, but also themselves, their agencies, and the rule of law. In every encounter, adherence to the Constitution reinforces the principle that law enforcement authority exists to safeguard rights, not to override them, and a cautious approach goes a long way toward minimizing liability risks.

Need a policy on crowd management or recording law enforcement activity? Contact NIRMA at (402) 742-9238 or email Todd Duncan at 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

Stay professional. Stay accountable. Protect the badge.