

NAVIGATING COMMUNITY INTERACTIONS – MUNICIPAL STAFF



Member owned. Member driven.

We Are You.

Montana Municipal Interlocal Authority (MMIA) recognizes that as a municipal employee there is a wide variety of information and responsibilities that you may encounter in your career. One such area is the self-funded coverages your municipality participates in as a member-owner of MMIA.

MMIA created this resource to assist you in instances when you're approached by the general public with issues that intersect with the municipality's self-funded coverage so you can avoid causing or exasperating a claim. MMIA recommends that you learn your city or town's claim filing process for the public, and the policies/processes for how hazards reported by the public are documented and followed up on. For more information on MMIA and self-funded coverages visit mmia.net.

Photo Credit:
City of Livingston,
Photo courtesy of Travel Montana

YOU'RE AN EMPLOYEE OF ANYTOWN, MONTANA:

► SCENARIO 1:

You're approached by a citizen while responding to a call of a lift pump that has failed. The citizen is upset about a sewer backup that occurred in their residence.

WHEN RESPONDING:

DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Let them know who to contact at the city/town to report the occurrence as a claim.
- Let them know the occurrence will be investigated.
 - Use phrases like "We'll look into this to identify what happened" or "We'll get to the bottom of it" or "We'll investigate to determine the cause."
- Let the designated city/town contact know the citizen may contact them to file a claim for the occurrence.

DON'TS:

- Don't accept liability or admit fault for the occurrence.
 - Don't use phrases that could be interpreted as admitting fault such as "We'll take care of that" or "We'll handle it" or "We'll fix the problem."
- Don't say the occurrence isn't the city/town's fault.
- Don't be evasive.
- Don't invalidate their concern.

*Resources:
MMIA Liability Memorandum of Coverage, Section 17.3*

WHY

Just because an occurrence happened, doesn't mean the municipality will be liable or responsible for paying for the remedy. Liability for the occurrence can't be determined until a claim has been filed by the citizen with the city/town, and MMIA completes an investigation.

If you were to communicate liability would be accepted or could be interpreted as communicating liability would be accepted prior to MMIA's investigation; you'd place your city/town at risk to be financially responsible for the occurrence without the coverage from MMIA, which could result in your city/town paying thousands of dollars in unbudgeted costs!

➤ SCENARIO 2

You receive a report from a citizen complaining about potholes on their street.

WHEN RESPONDING:

DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Let them know the conditions will be investigated.
 - Use phrases like “We’ll look into it” or “We’ll review the situation” or “We’ll see what’s going on.”
- Document the report.
- Investigate the reported conditions and document the findings.
- Implement appropriate actions to address conditions in accordance with your city/town’s policies.
- Document the actions taken.

Resources:

- *MMIA Liability Program Agreement, Section 2.1*
- *Municipal Ordinances*

DON'TS:

- Don't make promises about when or how the conditions will be addressed.
 - Don't use phrases that could be interpreted as admitting fault or making promises such as “We’ll take care of that” or “We’ll handle it”.
- Don't invalidate their concern.

WHY

It's critical to follow your city/town's process for investigating reported hazardous conditions and documenting the findings and actions taken. Prompt investigation and implementation of appropriate remedial actions in accordance with your city/town's policies helps prevent claims, and thorough documentation is key in defending the city/town should a claim arise in the future.

➤ SCENARIO 3

You are working at the municipal pool when a child nearly drowns and is transported by an ambulance to the local hospital.

WHEN RESPONDING:

DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Request all individuals involved to stay until their contact information is documented.
- Document the date, time, names and contact information for people involved, names and contact information for witnesses, and a description of what happened as soon as possible.
- Report the occurrence to your city/town's designated contact as soon as possible.
- Provide the documentation to your city/town's designated contact as soon as possible.
- If asked, let the individual(s) know the occurrence will be investigated.
- Use your city/town's Employee Assistance Program (EAP) for self-care after the occurrence.

Resources:

- *MMIA Liability Memorandum of Coverage, Section 17.3*

DON'TS:

- Don't accept liability or admit fault for the occurrence.
 - Don't use phrases that could be interpreted as admitting fault such as “I'm sorry” or “If I'd only got to them sooner” or “I should have been paying more attention”.
- Don't say it isn't the city/town's fault.
- Don't be evasive.
- Don't invalidate any concerns.

WHY

Liability for the occurrence can't be determined until a claim has been filed by the citizen with the city/town, and MMIA completes an investigation. If you were to communicate liability would be accepted or could be interpreted as communicating liability would be accepted prior to MMIA's investigation; you'd place your city/town at risk to be financially responsible for the occurrence without the coverage from MMIA, which could result in your city/town paying thousands of dollars in unbudgeted costs!