

**FALL 2016**

- 1 Introducing MMIA Scripts
- 2 MMIA/MACo Collaborate to Better Serve Montana Communities
- 3 No Good Deed Goes Unpunished
- 5 Employee Spotlight: Merna Lechman
- 5 Good Bye, and Good Luck - MMIA Board Chair Kevin Myhre Retires, Directors Wanted
- 6 MMIA Loss Control Awards
- 6 BWRMAA Winner Announced!
- 7 MLCT Conference - So Much to see, Hear, and Do!
- 8 Calendar of Events



**Introducing MMIA Scripts**

*By Randi Miller, Employee Benefits Member Relations Strategist*

**M**MMIA Employee Benefits program participants have received information explaining the voluntary MMIA Scripts Mail Order Prescription Program. Many MMIA members have begun using the MMIA Scripts program and have saved thousands of dollars in copayments.

How can the MMIA offer such cost savings? MMIA Scripts takes advantage of prescription drug prices negotiated between other developed nations and the pharmaceutical companies. Due to heavy lobbying in Washington, the U.S. does not negotiate any medication costs.

MMIA Scripts contracts government-licensed and accredited pharmacies in Canada, Australia, New Zealand, and the UK, all Tier-One countries (those with standards that meet or exceed those of the United States), as designated by Congress to supply brand name medications, packaged and sealed by the original manufacturer, for direct mail delivery to all participants.

The mail order maintenance medications offered by MMIA Scripts are the exact same medications found in any American drugstore. There are no substitutions! Each international order is reviewed and prescribed by a practicing physician, dispensed by a licensed pharmacist, then packaged at an accredited pharmacy, and shipped directly to you.

It has always been our goal to offer the best benefits possible to our MMIA Employee Benefits program members. Using the MMIA Scripts program for eligible medications, participants will pay \$0 in copays for each 90 day supply. That's right! \$0 copay! For example, you may have seen the skyrocketing costs of

*MMIA Employee Benefits Participants can get many of their Brand Name Drugs for a \$0 Co-Pay*

EpiPens in the US news recently. Through the MMIA Scripts program, the cost is \$0. MMIA is seeing such a cost savings on this medication through the program that we are able to pass this onto participants at no cost. The MMIA Employee Benefits

*Continued on PAGE 2...*

**MMIA BOARD OF DIRECTORS**

**Jerry Jimison**  
Chair, City of Glendive

**Ron Alles**  
Vice Chair, City of Helena

**Doug Kaercher**  
Treasurer, City of Havre

**Anna Rosenberry**  
Secretary, City of Bozeman

**Mark Shriver**  
Member at Large, City of Polson

**Ted Barkley**  
City of Belgrade

**Larry Bonderud**  
City of Shelby

**Greg Doyon**  
City of Great Falls

**Rich Hickel**  
City of Kalispell

**Eileen Joyce**  
Butte-Silver Bow County

**Marlene Mahlum**  
City of Wolf Point

**Bruce McCandless**  
City of Billings

**Jim Nugent**  
City of Missoula

**Doris Pinkerton**  
City of Forsyth

# MMIA/MACo Collaborate to Better Serve Montana Communities

By: Alan Hulse, CEO

**Y**ou have heard MMIA talk a lot about collaboration over the past 18 months (see past newsletters) — collaboration with the Montana League of Cities and Towns, collaboration with the Local Government Center, collaboration with MACo. Collaboration is a word that sounds good, but what does it really accomplish, and more importantly, what does it do for you?

In August of this year, the MMIA issued to all members an endorsement to our Memorandum of Liability Coverage which expanded coverage to include all City/County Planning Boards. Prior to issuing this endorsement, our members did not have coverage for the actions of their City/County Planning Boards. These boards are not truly city boards, are not controlled by the city, and therefore were not considered a covered party under the MMIA Memorandum of Liability Coverage. MACo did not cover these boards either, and the result was a total gap in coverage for cities and counties who utilized City/County Planning Boards.

---

***At our June Board of Directors meeting the MMIA Board voted unanimously to enter into a Memorandum of Understanding with the Montana Association of Counties to jointly cover City/County Planning Boards. MACo's Board also approved this proposal.***

---

This is where the word collaboration takes on meaning and provides results for you! Through discussions with MACo, we defined the problem, and by working together we proposed a solution to our respective Boards. At our June Board of Directors meeting, the MMIA Board voted unanimously to enter into a Memorandum of Understanding with the Montana Association of Counties to jointly cover City/County Planning Boards. MACo's Board also approved this proposal.

---

## Introducing MMIA Scripts (cont'd)

program also saves approximately 60% compared to our normal plan costs, which in return helps with our yearly rate adjustments. It's a WIN-WIN for everyone.

Many people do not realize that the pharmaceutical industry manufactures many of their brand name drugs in FDA approved facilities world-wide. The MMIA Scripts program, simply allows access to these same medications at a fraction of the cost due to the aggressive negotiations that occur in the four Tier 1 countries mentioned previously.

For MMIA and MACo members, effective July 1, 2016, any liability associated with a decision or recommendation a City/County Planning Board is involved in will be covered. The way the agreement works is that any liability associated with a decision of the Board relating to matters within the city limits will be covered by the MMIA. Any liability associated with a decision of the Board relating to matters in the County will be covered by MACo. Any liability that falls into a grey area that implicates both city and county will be jointly covered by MMIA and MACo. For those members who reside within a county that does not participate in the MACo Trusts, we will still cover liability relating to decisions within the city's jurisdiction, but cannot guarantee coverage of claims within the county's jurisdiction or in the grey areas.

**CEO'S CORNER**



We are also in discussions with MACo about finding solutions to other city/county boards that aren't currently being covered. This is a great example of how a culture of collaboration provides positive results for our members!!!! ■

---

Not all medications are eligible through the MMIA Scripts program. To find out if medications are eligible and for more information on how to enroll, visit [www.mmiascripts.com](http://www.mmiascripts.com) or call a customer service representative today at 1-866-488-7874.

This program is a cost savings to not only participants, but also the MMIA Employee Benefits pool as a whole. By using MMIA Scripts, participants are directly contributing to the cost savings of our program which in turn helps maintain our stable rates.

Please help us encourage employees on an MMIA medical plan to take full advantage of this innovative new program! ■

# No Good Deed Goes Unpunished

By Linda Coombs, Sr. Liability/Property Claim Adjuster

**M**MIA has discovered that several of our members are offering the use of member owned vehicles to others to use, others meaning non-covered parties as per our Memorandum of Coverage.

This has come in the form of providing vehicles to other organizations for their unlimited use with the member carrying the liability and property coverage on those vehicles. In some cases, our members have provided member owned vehicles to other law enforcement agencies for use in providing law enforcement services to our member. On the surface this sounds like a great arrangement but when you start thinking about the ramifications, it sends chills down your spine. Remember, in the State of Montana liability coverage follows the vehicle, not the driver. That could mean that if the driver of that vehicle is involved in an accident which results in damage to someone else's vehicle or even worse, bodily injury, the owner of the vehicle, that being our member, could be held liable for those damages even if you did not cause them. You have no control over the use of that vehicle. Very recently one such accident happened involving this exact scenario. The law enforcement agency that had full use of the vehicle was involved in an automobile accident in which the officer was at fault. There was both property damage and bodily injury and guess who's door the claimant knocked on. There was a rather messy interlocal agreement, entered into prior to the accident that provided very little protection to our member. In this situation it would be best if the member leased the vehicle to the other agency and required that agency to fully insure the vehicle with both liability and property coverage and name the member as an additional insured on the policy. There should be a very well written use agreement between the two parties to include roles and responsibilities of each party, as well as hold harmless and indemnification language. Your City attorney should be involved in the writing of the agreement.

This also comes in the form of providing courtesy vehicles at member owned airports with the member providing the liability and property coverage on those vehicles. This situation is even more problematic due to the fact that you have no idea who is using the vehicle, have no control over the conditions in which the vehicle is being operated, where it is being operated and in one recent situation, whether it will even be returned. Our members have vehicles located at their local airports with the keys to the vehicle available to anyone. You have no control over the use of the vehicle, and should that individual be involved in an accident, you could be held liable, at the very least, for negligent entrustment.

Anyone using your vehicle assumes they are covered by your coverage in the event they are involved in an accident. They do so based on commercial insurance permissive user clauses in insurance policies. The MMIA's Memorandum of Liability does

not provide coverage to that individual. In the event of an accident resulting in damages, they would not be provided coverage by MMIA. Only a covered party will be provided coverage for claims asserted against them. I refer you to SECTION 5. COVERED PARTY



Each one of the following is a COVERED PARTY under this Memorandum:

- 5.1 The Entity
- 5.2 While acting within the scope of his or her duties for the Member Entity:
  - 5.2.1 Those individuals who were, or are now, elected or appointed officials of the Entity, whether or not compensated, including city or town attorneys appointed pursuant to statute or ordinance, members of the Entity's governing body or any other committees, boards, commissions or special districts of the Entity, while acting for or on behalf of the Entity during the COVERAGE PERIOD.
  - 5.2.2 Past or present employees of the Entity, whether or not compensated, while acting for or on behalf of the Entity during the COVERAGE PERIOD.
  - 5.2.3 All persons who perform a service on a volunteer basis for a Member Entity provided such performance is under the direction and control of the Member Entity.
  - 5.2.4 Any peace officer or law enforcement entity which may render assistance during the COVERAGE PERIOD upon request of a peace officer or law enforcement organization of the Entity pursuant to applicable law.
  - 5.2.5 Any firefighter or firefighting entity which may render assistance upon request of a firefighter or firefighting organization of the Entity pursuant to a Mutual Aid Agreement entered into under the authority of Mont. Code Ann. 7-33-4112, (2007), or pursuant to a request for assistance made under Mont. Code Ann. 10-3-209, (2007), as the same may be amended from time-to-time.
- 5.3 An agency, board or commission which is established by the Entity pursuant to resolution, ordinance, charter or statute to perform such functions as prescribed in a resolution, ordinance, charter or statute for the Entity; provided, however, that any such agency, board or commission which is required by resolution, ordinance, charter or statute to obtain separate insurance to cover such functions or has obtained coverage from some other source to cover such functions, whether or not

Continued on PAGE 5...

# How to Organize your Personnel Files

By Angela Simonson, *Human Resource/Employment Practices Specialist*



**P**ersonnel Files are essential for proper records management and are important for documenting employment status, performance management, discipline, and other important aspects of employment.

Understanding best practices for what belongs in a personnel file and what is best to be filed elsewhere can help you to avoid sharing personal medical information or information regarding a possible protected class with managers and outside auditors needing access to personnel files.

Use the following table as a guideline to help your City/Town manage personnel records, keep all items listed below in a locked cabinet, and consult with your City/Town Attorney or contact MMIA at 406-495-7017 if you have questions.

Keeping I-9 forms in two separate files (active employees and terminated employees) will help you to manage the destruction of them per the federal retention requirements. Federal retention requirements are to keep I-9 for duration of employment. Upon termination, destroy one year after termination OR three years after initial hire date—whichever is longer. While federal retention may allow for destruction, reference your record retention schedule for steps to take prior to destruction.

Keeping all Safety Training records in one binder will allow you to easily provide this information to Department of Labor and

*Continued on PAGE 5...*

Main Personnel File—all employees	Medical/ADA File—if applicable—(not to be viewed by supervisor)	Payroll File—all employees	I-9 File	Safety Training File
<ul style="list-style-type: none"> <li>• Employment Application/Resume/Cover Letter</li> <li>• Offer Letter</li> <li>• Signed Job Description</li> <li>• Performance Evaluations</li> <li>• Disciplinary Documents/Letters</li> <li>• Personnel Policy Handbook Receipt</li> <li>• New Employee Orientation Checklist-signed</li> <li>• Promotion Letters or Pay Increase Notices</li> <li>• Emergency Contact (can keep in a separate file)</li> <li>• Training and Development Summaries/Certificates (see comment on next page regarding safety training)</li> <li>• Grievances from employee</li> </ul>	<ul style="list-style-type: none"> <li>• Workers' Compensation Information</li> <li>• Medical/Dr Notes</li> <li>• ADA Information</li> <li>• Drug Testing Information</li> <li>• EEO Survey</li> </ul>	<ul style="list-style-type: none"> <li>• W4</li> <li>• Time Sheets</li> <li>• Attendance Records</li> <li>• Garnishments/Records</li> <li>• Direct Deposit Information</li> <li>• Death Warrant</li> <li>• Any other Payroll related files</li> </ul>	<ul style="list-style-type: none"> <li>• Separate from personnel file and divided by Active Employees and Terminated Employees</li> <li>• Suggest keeping a binder or file folder.</li> </ul>	<ul style="list-style-type: none"> <li>• Safety meeting sign-in sheets &amp; materials (i.e. toolbox talks, etc.)</li> <li>• Safety training sign-in sheets &amp; materials (i.e. lockout/tag-out, HAZCOM, etc.)</li> <li>• Task specific training sign-in sheets &amp; materials (i.e. skid steer, mower, chain saw, etc.)</li> </ul>

## Employee Spotlight:

### Merna Lechman

Chief Financial Officer

**M**erna Lechman joins MMIA from D.A. Davidson Companies, where she was Vice President, Assistant Controller. Previously, she held various financial management positions with Anderson ZurMuehlen, Century Companies, Inc. and Big O Tires, Inc.



Merna is a native Montanan. She grew up in Great Falls, then moved to Missoula to attend the University of Montana, graduating with a degree in Business Administration.

After spending twenty years in the Denver area, she found her way back home to Montana.

Merna is active with the Montana Society of Certified Accountants as a Board Member, and also as a member of the Continuing Education and Industry Group committees.

Merna, husband Steve and children Troy, April, and Joel have had a busy summer so far, in addition to a job change they have celebrated two college graduations (one from UM and one from MSU), and a wedding. During their free time they enjoy traveling, and outdoor and family activities.

***Welcome to MMIA Merna, we are excited to have you!***

## Good Bye, and Good Luck - MMIA Board Chair Kevin Myhre Retires, Directors Wanted

**W**e would like to congratulate Kevin Myhre on his retirement from the City of Lewistown, and, as a result, his resignation as Board Chair from the MMIA.

Good Luck Kevin, we appreciate your seven years of service as an MMIA Board Member, and your dedication to the cities and towns of Montana.



Elections for MMIA Board members will be held during the Annual Business Meeting at the Montana League of Cities and Towns Conference on October 7th. ■

## No Good Deed Goes Unpunished (cont'd)

- required to do so, shall not be a COVERED PARTY.
- 5.4 A quasi-governmental or intergovernmental agency, board or commission which is governed directly by the Entity by having a majority of the members of such agency, board, or commission representing or appointed by the Entity; provided, however, that any such agency, board or commission that is required by the Entity or pursuant to resolution, ordinance, charter or statute to obtain its own separate insurance coverage or has obtained coverage from some other source to cover its activities and functions, whether or not required to do so, shall not be a COVERED PARTY. Any quasi-governmental or intergovernmental agency, board or commission which is autonomous from the Entity is not a COVERED PARTY. For purposes of this paragraph 5.4 indicia of autonomy shall include but not be limited to the ability to hire employees, collect fees or other revenues, enter into contracts, or purchase equipment or materials. An Entity desiring coverage for a quasi-governmental or intergovernmental agency, board or commission not otherwise covered under this Memorandum may apply to the Authority requesting that such agency, board or commission be endorsed as an Additional Covered Party under this Memorandum, and the Authority may at its discretion grant such application by issuing an ENDORSEMENT or amendment to this Memorandum.
- 5.5 Additional Covered Party. An Additional Covered Party means any other entity, agency, board, commission, person, or other private party named by ENDORSEMENT to this Memorandum as an Additional Covered Party pursuant to Section 6 of this Memorandum.

This information is being provided to our members in the event you are providing, or are thinking of providing, member owned vehicles to those who do not fall within the definition of a covered party. Should another party, other than a covered party, be involved in an accident with a member owned vehicle for which our member becomes liable for payment of those damages, MMIA has full right of subrogation against that party. The member shall do nothing, including waiver of subrogation via contract, to prejudice MMIA's right and must do everything necessary to secure MMIA's rights. ■

## How to Organize your Personnel Files (cont'd)

Industry when audited, without having to shuffle through personnel files for such information.

Finally, all notes from investigations should be kept separate from the personnel file. Only the results of such investigations, if a form of discipline, will go into the personnel file. Security and retention of this investigation file is of utmost importance as it may be requested if an HRB or other type of claim were to present itself. ■

# MMIA Loss Control Awards

*Britani Laughery, Internal Operations Manager*

Each year the MMIA analyzes the losses of our members in the Liability Program and the Workers' Compensation Program to identify the members with the lowest claim expenditures over the previous five years by population class. Awards are given for both the Liability and Workers' Compensation Programs to the members with the lowest claim expenditures/number of employees in the First Class Cities, Second Class Cities, Third Class Cities, and Towns.

Members with low incurred expenditures can represent significant cost savings, not only to the municipality itself, but also to the entire MMIA pool. The Loss Control Awards recognize members of all classes who have achieved such success.

## 2015/2016 Loss Control Awards for the Liability Program:

### First Class Cities

Havre

### Second Class Cities

Whitefish

### Third Class Cities

Plentywood

### Towns

Fort Peck

## 2015/2016 Loss Control Awards for the Workers' Compensation Program:

### First Class Cities

Havre

### Second Class Cities

Livingston

### Third Class Cities

Sidney

### Towns

Belt

## BWRMAA Winner Announced!

*Janel Favero, Communication Specialist*

In the last newsletter, we announced changes that were coming for the Bob Worthington Risk Management Achievement Award - we were so excited to see cities and towns nominating those who deserved recognition!

The nominees for this year were:

- Linda Wilkins – Human Resources, Miles City
- Mayor James Schell, East Helena
- Joe Voss – Public Works Director, Cascade
- City of Bozeman
- Helena Fire Department
- Helena Police Department
- Missoula Sewer Department
- Bozeman Solid Waste Department:
- Jim Nugent – Attorney, Missoula
- Angela Swingley –Risk Manager, Great Falls

As part of a continuing tradition, we put out the nominees to MMIA staff, and they selected the winner.

You can nominate a candidate today, simply by going to the MMIA Website>Risk Management>BWRMAA, and completing the form; you can also see the above nomination details in full on this page. If you have any questions, please contact Janel Favero at (406) 495-7016 or [jfavero@mmia.net](mailto:jfavero@mmia.net). ■

### The FY 2016 Bob Worthington Risk Management Achievement Award Recipient is:

*Joe Voss - Town of Cascade Public Works Director*

We would love to nominate Joe Voss, our Public Works Director, for the Bob Worthington Risk Management Achievement Award. Mr. Voss goes above and beyond on a daily basis. Joe is the only person in the public works department, which is in charge of water, sewer, parks, streets, sidewalks, the pool, two cemeteries, and everyday maintenance. In his 26th year for the Town of Cascade, Joe makes sure that our water and wastewater systems are in great condition. With his assistance, our water mains have been entirely replaced and all of the bad areas of our sewer have been replaced. With this, he no longer is opening the streets to repair lines, lessening the risk for liability. Mr. Voss plays a key role in keeping our Capital Improvement Plan updated annually to upgrade our facilities to provide the safest environment possible. We recently replaced/overlaid 13 blocks of streets, eliminating potholes and cracks that pose a risk to our residents and their vehicles. Joe attends safety trainings and passes information along to our seasonal employees, making sure proper procedures are being used in each task and with Town equipment. This reduces the risk for injuries, which our claim history proves. In closing, Joe makes himself available 24/7 almost every day of the year to make sure the Town of Cascade is running efficiently and safely. We applaud his work ethic and dedication to the Town of Cascade.

# MLCT Conference - So Much to See, Hear, and Do!

Janel Favero, *Communication Specialist*



## 85<sup>th</sup> ANNUAL CONFERENCE

guided jog by local non profit Run Wild Missoula, a guided walk by The Run Wild Missoula walking group, or guided bike tour with Missoula Parks and Recreation's MORE Program.

Stretch your legs whichever way you choose, while also getting a tour of one of Missoula's biggest municipal projects. All participants of the Fitness Tour will receive a commemorative t-shirt.

On Thursday, the MMIA and Moulton Bellingham PC have sponsored the amazing Keynote Speaker Craig Zablocki, CEO of Craig Zablocki and Associates – get ready to laugh and feel energized for his talk on *"We is Greater Than I Plus You – Working Together to Solve Our Challenges."* You will also have the opportunity to listen to both Governor Steve Bullock, and Gubernatorial Candidate Greg Gianforte. We

We are so excited for the Upcoming MLCT Conference! MLCT Director Tim Burton and crew have worked hard to bring you an exciting conference. With 17 presentations, 38 vendors, 24 sponsors and advertisers, prize drawings, and the clerk's silent auction, we hope that this conference will be better than ever!

Join us on Wednesday for committee meetings, the annual Golf Scramble at the Larchmont Golf Course, the Fort Missoula Fitness Tour, and the President's Reception at the Missoula Art Museum.

New to the conference, the Fort Missoula Fitness Tour is brought to you by Run Wild Missoula. Choose between a



have many breakout and general sessions in store for you Thursday, there's something for everyone!

Join us Thursday night for the Annual Banquet, and music by the Big Sky Mudflaps - a Missoula area band that has been performing together for 40 YEARS! In addition, we will give away some door prizes, and recognize all the sponsors that have made this event possible.



[Big Sky Mudflaps - bigskymudflaps.com/](http://bigskymudflaps.com/)

Stay for Friday, and have breakfast, where Laurie Franklin of Har Shalom will give an inspirational message, and join the MLCT and MMIA for their annual business meetings.

The final concurrent sessions Friday morning will have you thinking on Water Law Issues; Investment and Financing Programs; Creating a Web Presence; Working with the News Media for the Public Good; Navigating a Future by Design, Not Default; and an update on the Upper Missouri Waterkeepers case.

At the Friday lunch, witness the installation of officers, listen to the address of the newly elected MLCT President, and see who was awarded the Urban Forestry Excellence awards. We will be giving away the last of the door prizes to conclude our conference.

The Montana League of Cities and Towns Conference will be held at the Missoula Hilton Garden Inn on October 5-7, 2016. If you have not already registered, you can do so online at <http://bit.ly/2cdmt7x>. ■

### MMIA Newsletter Staff

**Editors:** Janel Favero, Britani Laughery, and Vicki Wilham

**Contributing Writers:** Linda Coombs, Janel Favero, Alan Hulse, Britani Laughery, Randi Miller, and Angela Simonson

**Design and Layout:** Janel Favero



**Montana Municipal  
Interlocal Authority**

PO Box 6669

Helena, MT 59604-6669



**Montana Municipal  
Interlocal Authority**

3115 McHugh Ln.

Helena, MT 59602

Phone (406) 443-0907

Toll Free (800) 635 3089

Fax (406) 449-7440

[www.mmia.net](http://www.mmia.net)

## Calendar of Events

### October

- 5:** MMIA Board of Directors Meeting, Missoula
- 5:** MMIA Defense Council Summit, Missoula
- 5-7:** MLCT Conference, Missoula
- 7:** MMIA Annual Meeting, Missoula
- 10:** Columbus Day, Holiday

### November

- 8** Election Day
- 11:** Veteran's Day, Holiday
- 24-25:** Thanksgiving Day, Holiday

### December

- 25:** Christmas Day, Holiday

### January

- 1:** New Year's Day, Holiday