



*Working together for  
Montana's municipalities.*



*One of the League-MMIA Photo contest winners: Badger State Mine, Butte – Photo by: Jason Hoff*

*Fall 2021*

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## HR SERIES ON RECRUITMENT & SELECTION

*by Derrek Shepherd, Human Resource Consultant*

### Posting a Position

Hiring a new employee is a difficult process, especially with our current workforce situation. Almost every business and government organization is looking for employees and many will pay more than you can, so the job market is very competitive. In this series, I will talk about the aspects of the recruitment process and small changes you can make to help. Today's article will cover some changes we can make to job postings.

### Improve the First Impression

A job posting is going to be the first impression a person has of the job. What does your posting say about the position? Does it give a positive spin and try to build interest or does it list a series of mundane tasks that would make the most patient person want to run screaming from the room?

### Paint a Positive Picture

Avoid describing working with the public in a negative way. Although some people are difficult, most people are friendly if you just give them a chance. So, when talking about working with the public, don't list things like "dealing

with difficult or upset people" or "de-escalating customers." Although these may be part of the job, they should not be the focus unless you are hiring someone for the complaint department. Try using descriptors such as "provides the opportunity to interact and meet many members of the community" or "this position provides assistance to community members to help them with..."

### Highlight Benefits

By listing benefits such as paid holidays, weekday work hours, secure job, casual dress attire, etc., you can help develop a positive first impression and incentivize people to apply for your position(s). Think about the other businesses who are also hiring and try listing the positive things you provide that they don't. Little things can make a big difference.

Check out next quarter's newsletter for more tips on improving your hiring process or contact Derrek Shepherd [dshepherd@mmia.net](mailto:dshepherd@mmia.net) with HR questions. ■

## UPDATE: POLICY PILOT WITH LEXIPOL SERVICES

The MMIA has been a strong supporter of law enforcement risk management initiatives since its inception. Over the years we have embarked on different initiatives such as the development of model policies, co-funding a risk management law enforcement trainer at the MLEA, and providing funding for outside trainers for the MACOP conference. As risk changes, our risk management efforts need to be evaluated for their effectiveness. During this evaluation, a review of the model policy program was completed. Although the model policy program addressed 27 high risk areas in law enforcement, the resources to fully review and update the policies on a continual basis are not available. In looking at alternatives to help MMIA member-owners to keep policies current and officers sufficiently trained on policy, MMIA identified Lexipol as a possible solution. Lexipol is the creation of former law enforcement officers, and attorneys, and offers a service for developing comprehensive, continuously updated policies for public safety agencies. They also offer online training.

In October of 2020, the MMIA Board of Directors (BOD) approved the first-year pilot for Lexipol services, which included policy subscription service and tier 1 level implementation, for six agencies. The goal of the pilot was to identify whether Lexipol is a viable alternative for all MMIA member-owners with law enforcement agencies, regardless of the size of the agency. The participating agencies included Helena, Kalispell, Sidney, Whitefish, Libby, and Boulder.

Each agency worked through implementation of policies with the assistance of the Lexipol support staff and individually identified the rollout method that worked best for their needs. Some agencies completely scrapped their existing policies and started from scratch with Lexipol policies, while others blended their existing policies with Lexipol policies. The service has proven flexible to any sized agency. Participants reported full implementation was anticipated in August 2021, if not sooner.

Participants experience with the policy product was positive. Specific highlights include:

- ▶ Content is relevant, and scalable to meet agency needs.
- ▶ Timely and relevant updates to policies as federal executive orders were handed down, and recent Montana legislative changes were also adopted. Agencies were able to have timely notification of the



changes, receive suggested changes to their policies for compliance, adopt and train to the changes in real time.

- ▶ Ability to track all updates to policies over time. Historic versions of the policies are stored in Lexipol and easily accessed for reference. This feature will be helpful in the future for claims where the policy and policy updates are key in defense.
- ▶ Ease of access to the most up-to-date policies in the field. For example, if officers are faced with a situation that doesn't occur often, they can quickly use a search function to access the policy in the field before they act. In the past, some agencies' staff carried binders in their patrol vehicles to reference but keeping those binders current was a challenge and locating the policy without an automatic search function for key words takes longer.
- ▶ User-friendly nature of system, easy for staff of all technological abilities to engage with the system.
- ▶ Lexipol system helps with accountability as system can track who has reviewed and signed off on policies and training bulletins.
- ▶ System provides quick access to MCA and ARMS associated with each policy.
- ▶ System allows for other documents such as personnel handbooks and collective bargaining agreements to be uploaded so all relevant material is in one place for staff to reference. Key for policies that overlap between law enforcement and other municipal policies such as leave benefits, discipline, etc.

Overall, agencies noted customer service from Lexipol was good. Several agencies complemented Lexipol staff's knowledge, expertise, and project management

# SELF-EMPLOYMENT AND MEMBER WORKERS' COMPENSATION CLAIMS: THE IMPACT IS REAL



Many of our members-owners' employees are engaged in self-employment outside of their City or Town position. An injured worker's (IW) self-employment status can affect his or her workers' compensation (WC) claim in a variety of ways. In fact, the effect may reduce, or in some cases completely eliminate, the IW's entitlement to claim-related wage loss benefits.

## Temporary Total Disability (TTD) Eligibility

In order to qualify for TTD, an injured worker must suffer a "total loss of wages as a result of an injury" (Montana Code Annotated (MCA) 39-71-701). The statutory definition of wages includes income or payment in the form of a draw, wage, net profit, or substitute for money received or taken by a sole proprietor or partner, regardless of whether the sole proprietor or partner has performed work or provided services for that remuneration (MCA 39-71-123(1)(d)).

An IW who is given claim-related work restrictions may be unable to return to their time-of-injury position while healing. Self-employed IWs may or may not be performing self-employment activities within their restrictions but continue to receive self-employment wages.

In this case, the IW likely does not meet the statutory TTD eligibility requirements because the IW has not sustained a total loss of wages. Therefore, the IW would not be entitled to TTD benefits. In a claim like this, a MMIA Claims Examiner would also review the IW's eligibility for potential Temporary Partial Disability Benefits.

## Temporary Partial Disability (TPD) Benefit Entitlement

Did you know that an IW's decision regarding their self-employment's WC insurance can actually impact their benefits in a WC claim filed with the City or Town?

Pursuant to MCA 39-71-712 (2), TPD is calculated as the difference between the IW's average weekly wage received at the time-of-injury (TOI) and the actual weekly wages earned during the period the claimant is temporarily partially disabled (not to exceed the IW's full TTD benefit rate):

**Average Weekly Wage at TOI – Earnings = TPD Benefit Amount**

MCA 39-71-123(4)(c) requires that compensation benefits for an IW working at two or more concurrent remunerated employments "must be based on the aggregate of average actual wages of all employments, except for the wages earned by individuals while engaged in the employments[...]who elected not to be covered[...]"

This means that wages earned from non-WC covered employments or self-employments are NOT included in the IW's average weekly wage amount (see above: Average Weekly Wage at TOI). But, the wages earned during the period of temporary partial disability from the non-WC covered employment or self-employment IS included in the earnings (see above: Earnings). Let's look at an example...

**Example:** At the time of Mary's injury while working for City X, she was earning \$200 per week. Mary is also self-employed, earning \$100 per week selling her crafts online.

- ▶ Mary met with her insurance agent earlier this year and chose WC business owner coverage for her craft business. At the time of her injury while working for City X, Mary's average weekly wage = \$300.
- ▶ Mary decided earlier this year to cancel WC coverage for her crafting business and therefore she was not covered in her self-employment at the time of her City X work injury. Mary's average weekly wage at the time of injury is = \$200.

# BLIZZARDS, BLACK ICE, AND SNOW LOADS – OH MY!

Winter is on its way! Now is the time to get ready so you can prevent workplace injuries and prevent liability and property claims. Use this checklist to prepare. As you will see from the list below, some risk management efforts will benefit your municipality on multiple levels. Those types of risk management efforts can be prioritized to offer the best opportunities to prevent and mitigate claims.

## Winter Workplace Injury Prevention

1. Establish a snow and ice management plan
  - ▶ Designate responsible parties for management activities
  - ▶ Review and evaluate tools, equipment, and resources used for management activities and repair or replace as necessary
  - ▶ Designate area(s) for snow disposal
    - ▶ Evaluate drainage(s) of area(s) designated for snow removal to ensure they will not cause additional hazards such as icing over of walkways or parking lots
    - ▶ Ensure clear visibility for pedestrians and traffic
  - ▶ Provide sanding/salt stations for employees to utilize to address changing conditions in their work environments and routes to/from their vehicles
  - ▶ Place absorbent rugs strategically throughout facilities to reduce slip/fall hazards
  - ▶ Use signage, cones, and/or caution tape when appropriate to indicate hazards
2. Ensure municipal vehicles and equipment are prepared for winter:
  - ▶ Check batteries, lights, wiper blades, tires (including spares), coolant levels, etc. and repair or replace as necessary
  - ▶ Maintain minimum of half a tank of fuel
  - ▶ Ensure vehicles and equipment have emergency kits that include at a minimum:
    - ▶ Ice scraper/brush
    - ▶ Flashlight (check batteries)
    - ▶ Shovel
    - ▶ First aid supplies
    - ▶ Road safety flares
    - ▶ Tire chains (when appropriate)



3. Communicate winter safety concerns to staff. Encourage staff to:
  - ▶ Wear appropriate clothing for their work environment (consider dressing in layers)
  - ▶ Wear appropriate footwear
    - ▶ Use traction devices when appropriate
  - ▶ Use 3-point contact exiting/entering vehicles
  - ▶ Check road conditions
    - ▶ Drive appropriately for conditions
    - ▶ Determine necessity for travel outside municipality – cancel travel if appropriate
  - ▶ Scrape off windows completely before operating vehicles or equipment
  - ▶ Avoid cruise control in winter driving conditions
  - ▶ Use caution when backing
  - ▶ Report hazardous conditions to supervisor

## Winter Liability Claim Prevention

1. Establish snow and ice management plan, see #1 under winter workplace injury prevention.
  - ▶ Enforce municipal ordinances related to snow and ice management
  - ▶ Utilize signage, cones, and/or caution tape when appropriate to indicate maintenance activities such as sanding, etc.
2. Adhere to policies/procedures for water shut offs.
  - ▶ Best practice requires property owner or their designated representative to be present for shut offs, and to have them sign off that water was shut off to their satisfaction.

# 2021 MMIA EB WELLNESS SEASON IS WRAPPING UP

Wellness season is wrapping up for participants of MMIA Employee Benefits medical plans, but there is still time to earn wellness incentives!

## Health Screening Review (HSR) Call

If participants completed a Health Screening, they can earn another \$50 by doing an HSR call with a Take Control Health Coach. Scheduling a call is as easy as 1, 2, 3!

1. Once they get their Health Screening results, go to [www.mmiaeb.net/wellness](http://www.mmiaeb.net/wellness).
2. Click on "Schedule Call" in the HSR box.
3. Pick a time and day for the call and answer the phone when the coach calls!

A few things to know about the HSR call:

- ▶ Calls must be completed by November 5. Slots are subject to availability.
- ▶ Only a call with a Take Control Health Coach scheduled through [www.mmiaeb.net/wellness](http://www.mmiaeb.net/wellness) will count for this incentive.

- ▶ Calls take about 15 minutes.
- ▶ If they miss their scheduled call, they will have one chance to reschedule it, but slots are subject to availability.



## 80% Employee Participation

Employee participation in the Health Screenings will be calculated in October. Check [www.mmiaeb.net/wellness](http://www.mmiaeb.net/wellness) for a list of cities and towns that achieved the 80% Employee Participation goal. Everyone from those cities or towns who completed a Health Screening will earn a \$50 incentive.

## Getting Incentive Money This Year:

Gift cards will be sent to clerks/benefit administrators at the end of the year to distribute. Please remind employees to register their card right away. That's the only way to recover it if it is lost or stolen. ■

## Blizzards - Continued

3. Communicate winter safety concerns to staff. Encourage staff to:
  - ▶ Check road conditions
    - ▶ Drive appropriately for conditions
    - ▶ Determine necessity for travel outside municipality – cancel travel if appropriate
  - ▶ Scrape off windows completely before operating vehicles or equipment
  - ▶ Avoid cruise control in winter driving conditions
  - ▶ Use caution when backing
  - ▶ Report hazardous conditions to supervisor
2. Monitor snow loads on structures such as:
  - ▶ Buildings
  - ▶ Outbuildings
  - ▶ Park structures such as pavilions
  - ▶ Water towers/tanks
  - ▶ Pump houses, etc.
3. Ensure heating sources are in good operating condition
  - ▶ Follow manufacturer safety instructions when using temporary heating sources such as portable heaters.
4. Develop and implement a winterization program for:
  - ▶ Vacant buildings
  - ▶ Seasonal vehicles or equipment ■

## Winter Property Claim Prevention

1. Ensure municipal vehicles and equipment are prepared for winter, see #2 under winter workplace injury prevention.

# 90TH ANNUAL LEAGUE CONFERENCE A SUCCESS

More than 350 attendees, speakers, and exhibitors gathered October 5-8 to learn, collaborate, and network at this year's 90th Annual Montana League of Cities and Town's Conference. The event was held virtually once again, but that didn't stop almost 70 municipalities from attending sessions with national and local presenters on topics like affordable housing, the American Recovery Plan Act, mental health at work and in the community, and more! Participants will have access to recordings of all the sessions for six months on the Whova platform.

A few highlights of the conference include:

- ▶ honoring Lifetime Service Award Winners Wolf Point Clerk/Treasurer Marlene Mahlum and Glendive Director of Operations Kevin Dorwart;
- ▶ announcing the retirement of League Director Tim Burton slated for June 2022. The League board unanimously voted to hire current Deputy Director Kelly Lynch to take over when Tim leaves;
- ▶ reappointment of Sidney Mayor Rick Norby as president of the League Board of Directors; and
- ▶ reappointment of Kalispell City Manager Doug Russell as incoming chair of the MMIA Board of Directors.

Next year's conference is slated to take place in Kalispell October 5-7, 2022. ■



## Lexipol Services - Continued

skills. Each agency was able to identify their own implementation timeline and Lexipol partnered with them to keep them on track, but also were flexible if things needed to be adjusted.

At the time of the evaluation for the year-one pilot, one agency was utilizing the daily bulletin, with the other agencies set to begin use upon completion of implementation. Feedback on the bulletins was positive and included:

- ▶ Staff received the bulletins well because they are brief, to the point, and focused on educating the officers, not punishing anyone that gets an incorrect answer. The bulletins have generated discussion in the agency on topics and has helped with engagement.

### When asked how Lexipol will make a difference in their operations, responses included:

- ▶ Lexipol helped bridge gaps between policies, memos, and other forms of communication for agencies, so continuity was improved.
- ▶ Being up-to-date and staying up-to-date on the latest best practices through regular updates will help prevent claims, and also improve the ability to defend against claims that are filed.

- ▶ Not sure how any agency would have staff & knowledge to keep up with all changes at a federal and state level, so Lexipol resource is invaluable.
- ▶ Ease in adding new policies as an agency grows.

When asked if MMIA should continue to provide Lexipol as a resource to member-owners, responses were a unanimous yes. With the need and benefits of this service, coupled with the positive feedback on both the product and customer service of Lexipol, MMIA recommended continuing the purchase of Lexipol subscription for the year-one pilot program agencies and recommended expanding the services to an additional 10 agencies for the 2021/2022 coverage year. The BOD unanimously approved the year-two pilot in June of 2021. Participants for the year-two pilot include: Columbus, Conrad, East Helena, Fort Benton, Hardin, Havre, Laurel, Livingston, Missoula, and West Yellowstone.

MMIA will continue to evaluate the feedback from the pilot program participants, the needs of our member-owners, and the benefits offered from the Lexipol services to propose the next steps for this initiative. If you are interested in learning more about Lexipol services, becoming a participant in future pilot years, or general questions on this initiative, please contact Britani Laughery at [blaughery@mmia.net](mailto:blaughery@mmia.net) or 406-495-7004. ■

## MMIA LOSS CONTROL AWARDS 2020-2021

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, Second, and 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.

### Liability Program Awards:

#### First Class Cities

Havre

#### Second Class Cities

Lewistown

#### Third Class Cities

Three Forks

#### Towns

Plains

### Workers' Compensation Program Awards:

#### First Class Cities

Billings

#### Second Class Cities

Whitefish

#### Third Class Cities

Chinook

#### Towns

Twin Bridges ■

## JIM BRANDLEY JOINS THE RISK MANAGEMENT TEAM

Jim began his insurance career in 1996 with Insurance Services Office performing commercial and personal line risk inspections and assessments in the New England region. Soon after, he transitioned into Commercial Lines Underwriting with a regional carrier in the Property and Casualty market for the New England and NY territories. In 2007 Jim started to work with Workers Compensation Insurance in Montana where he worked as an Underwriter managing large commercial risks until he returned to New England in 2019 to write Commercial Auto risks for the trucking Industry in the New Jersey territory.

Jim recently returned to Montana as the Risk Management Strategist for MMIA where he will support the needs of the member-owners with 25 years of commercial insurance experience. ■



### Workers' Compensation - Continued

Consider that Mary's treating medical provider temporarily restricted her from being able to return to her City X position while healing. However, her medical provider agrees that her self-employment crafting activities remain within her capabilities. Mary continues to earn \$100/week selling her crafts online.

#### ▶ With Self-Employment WC Coverage:

\$300 Average Weekly Wage - \$100 crafting earnings =  
\$200 TPD Benefit

#### ▶ Without Self-Employment WC Coverage:

\$200 Average Weekly Wage - \$100 crafting earnings =  
\$100 TPD Benefit

As you can see in the example above, an IW's self-employment and choices regarding WC insurance coverage can have serious impacts on WC claim benefits. If you have an injured worker who is self-employed or has concurrent employment, be sure to let your claims examiner know. Have questions? Please contact our Workers Compensation Team at 800-635-3089 option 2. ■



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## Thank You to Our 90<sup>th</sup> Annual Montana League of Cities and Towns Conference Partner

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