

SUMMER 2018

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Taking Steps to Prevent Workplace Harassment

By: Angela Simonson, HR/Employment Practices Specialist

Workplace sexual harassment has been in the news a lot lately. The truth is that workplace harassment is not a new phenomenon; it has been occurring for quite some time. Unfortunately, many instances of harassment go unreported. Unreported cases create issues for tracking accurate statistics on how frequently such unacceptable behavior is occurring. The Montana Human Rights Bureau (HRB) is contracted with the U.S. Equal Employment Opportunity Commission (EEOC) to provide investigative services related to discrimination in housing and employment. HRB had 79 cases of reported harassment in FY 16/17. This accounted for approximately 18% of all employment-related claims they received in that year. These numbers do not account for harassment claims that were either reported to and investigated by the employer or not reported at all.

While tracking accurate statistics for the number of workplace harassment occurrences may not be easy, it happens

far too frequently and causes not only emotional distress for the victim but can also result in legal risk to the employer. This article will explore what harassment is and steps that can be taken to prevent and stop such behavior from occurring in the workplace.

What is harassment?

According to the EEOC's website, harassment is "a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA). Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information. It becomes unlawful when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive" (www.eeoc.gov/laws/types/harassment.cfm).

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A Year in Reflection

By: Alan W. Hulse, CEO, ARM, AIC

It seems that each passing year seems to go by quicker, and we often get so busy we don't take the time to reflect on what has been accomplished. As we close out the 2017/2018 fiscal year, I would like to take some time to highlight what the MMIA has achieved this past year.

Once again, I believe that the 2017/2018 fiscal year has been an overall success for the MMIA and our membership. We continue to work toward fulfilling the Mission established by the Board in 2016 which is:

“Pooling resources to provide quality, cost-effective risk management services, including education and training, and self-funded coverage for all Montana cities and towns.”

The MMIA has quality staff that is well trained and dedicated to assisting our members to achieve success in managing their risks and exposures. Staff's dedication, along with our members' willingness to accept and embrace assistance, results in overall stability in coverage and cost as well as the ongoing financial soundness of our programs. Our continued focus on strategic partnerships has allowed us to leverage our collective resources and has resulted in improvements in quality and effectiveness of the programs that we offer.

Some of the outcomes accomplished by the MMIA this year are:

Training/Education

- Municipal Summits
 - We conducted trainings in the summer of 2017 and spring of 2018.
 - We visited 19 locations and had over 300 attendees.
 - We were joined by a leadership team from the Governor's office for most of these trainings.
- We held an Executive Forum for Mayors and Managers in Polson this spring with 49 attendees.
- We conducted a summit for the MMIA defense counsel with 36 attorneys attending.
- MMIA staff conducted 165 member visits and completed over 1,000 person-hours of training this past year.

Partnerships

MMIA continues to maintain and expand relationships and collaboration with the Montana League of Cities

and Towns, MSU Local Government Center, Montana Association of Counties, Montana Law Enforcement Academy, Montana Association of Chief's of Police, Montana Police Protective Association, and other state agencies and associations that provide services to local governments in Montana.

We also maintain relationships with national entities such as Association of Government Risk Insurance Pools, NLC-Risc, Government Entities Mutual, Inc., and PRIMA.

These relationships are critical in helping the MMIA leverage resources to provide better service to our members.

CEO'S CORNER



The 2017/2018 fiscal year has been an overall success for the MMIA and our membership.

Financial Soundness

While rates went up slightly in all programs this year, the key word is slightly. The rates published for each program this year are as follows:

- Liability 1.1% increase
- Work Comp 5% increase
- Auto 1.9% increase
- Property 0.4% increase
- EB 3.7% increase

We also distributed another \$3M back to our members in the liability program again this year. Additionally, we are working toward starting a reinsurance captive in our liability program to give cities and towns more control and stability in the future. We also continue to invest unrestricted reserves to fund the EB Programs wellness initiative and pay ACA fees for our members.

Finally, we are rolling out a new wellness initiative and an online enrollment system in our EB Program this year.

While this list is not exhaustive, it does highlight some of the significant accomplishments of your organization over this past year. These successes through the efforts of our members, a hardworking staff, and a dedicated Board of Directors! ■

Helena and East Helena Public Pools Recognized for Health, Safety

Local health officials honored nine pool and spa operators Thursday for their efforts to protect public health and safety.

The staff of the Licensed Establishment Program of Lewis and Clark Public Health presented “Gold and Silver Buoy Awards” to the operators following the regular meeting of the City-County Board of Health, and this is the fifth year the public health department has issued the awards.

The pool awards recognize operators of public, recreational water features (pools, hot tubs, and water parks) who provide a clean, healthy, and safe environment. The awards are based on annual inspections by public health sanitarians of 56 water facilities in Lewis and Clark County.

“Our purpose in doing inspections is to prevent disease and injury by evaluating water quality, clarity, and facility safety,” said Laurel Riek, supervisor of the health department’s Licensed Establishment Program. “Operating a pool or spa is complicated and requires specialized training, as well as time and attention. These awards honor those facilities that maintain safe and comfortable water chemistry even with the challenges of sporadic heavy use, ventilation in indoor areas, and weather in outdoor areas.”



East Helena Kennedy Park Swimming Pool

Gold Buoy Awards were presented to:

- City of East Helena (Kennedy Park swimming pool)
- City of Helena (Last Chance Splash Waterpark and Pool)

To qualify for a Buoy Award, operators had to meet these criteria:

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Police Vehicles For Sale

As a result of a member loss, the MMIA has possession of three equipped police vehicles– see details below. MMIA is offering these vehicles to our members. Please contact Ann Komac, MMIA Claims Manager at 406-495-7011 or akomac@mmia.net if you are interested in purchasing any of these vehicles.

2014 Impala

Mileage: 116,280

Purchase Price*: \$10,585



2016 Impala

Mileage: 33,000

Purchase Price*: \$18,600



2013 Tahoe

Mileage: 90,000 w/ 12 month warranty on motor

Purchase Price*: \$19,300



***Price includes equipment valued at \$5,000**

Employee Spotlight: Nikki Willoughby

Enrollment & Eligibility Specialist

Never say never! Nikki Willoughby never thought of living anywhere outside of Texas, but when the company she spent 16 years with was sold, the Corporate Accounts Receivable Manager position was redundant. At the urging of some friends in Montana, she relocated to the Helena-area to begin a whole new adventure.



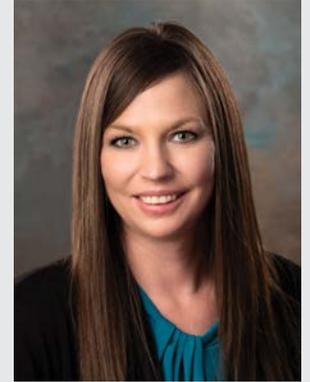
Nikki was raised in a farming and ranching family in the Panhandle-South Plains area of Texas and attended Tarleton State University earning both a Bachelor and a Master degree. While in Texas, Nikki's family recognized the opportunities of raising show animals specifically for 4-H and FFA members in Texas. They were one of the earliest to specialize in wether goats, building a successful program and winning shows nation-wide.

In her free time, Nikki and John enjoy hosting friends and family, camping, hunting, and five grandchildren.

Employee Spotlight: Tanya Turcotte

Document Processing Specialist

Tanya Turcotte is currently the Document Processing Specialist for the MMIA. Before joining the MMIA in March, she worked as a Workers' Compensation Bill Review Specialist and Quality Assurance Specialist for four years at Xerox. Tanya has also spent many years in the dental field as both a Dental Biller and Dental Assistant. Tanya received her Massage Therapy license in 2005 and still does massage as a part-time business.



In 2007, Tanya graduated from U of M College of Technology with a degree in Medical Office Billing and Coding.

Welcome to MMIA, Niki and Tanya, we are excited to have you!

Pools recognized...(cont'd)

- Few to no violations identified during an inspection
- Water chemistry that's comfortable and safe for swimmers
- Good water clarity
- Safe water temperatures (spas)
- Required rescue equipment, lifeguards (if needed), and CPR certification
- Regular monitoring, corrective action, and well-maintained records that track water chemistry and actions taken to maintain the pool (including closing the pool until it's safe for swimmers)
- Staff trained in pool operation
- Adequate ventilation and indoor air quality

"Gold Buoy winners have to have complete records and monitoring and no more than two noncritical violations during an inspection, and that's a standard that's difficult to meet," Riek said. "Silver Buoy winners must have almost

complete records of monitoring and minimal violations. The expectation is that pools are maintained every day to prevent waterborne illness."

More information about pool inspections and the buoy awards is available on the Lewis and Clark Public Health website:

www.lccountymt.gov/health/licensing-inspections/pools-spas.html. ■

MMIA Newsletter Staff

Editors: Janel Favero, Britani Laughery, and Angela Simonson

Contributing Writers: Amanda Burkhart, Alan Hulse, Ann Komac, Angela Simonson, Tanya Turcotte, and Nikki Willoughby

Design and Layout: Janel Favero

Taking steps to prevent workplace harassment...(cont'd)

Retaliation against an employee for filing a claim or complaint, participating in an investigation or opposing employment practices believed to be discriminatory in nature is also against the law.

Is harassment illegal or simply against policy?

Most employers have personnel policies forbidding such behavior from occurring in the workplace. A well-written policy should clearly define harassment, clearly explain how to report such behavior and describe the consequences employees face, should such allegations prove to be true. Regardless of a written policy, workplace harassment is against the law.

What should an employee do if harassed or if they witness harassment of another?

If an employee witnesses or experiences harassing behavior, they need to report it to management or HR. While an employee is not required to exhaust the internal reporting policy before reporting directly to HRB, managers are required to follow the internal reporting policy when they are made aware of situations. A manager essentially is a mandatory reporter. They cannot listen to an employee's claim of harassment or witness harassing behavior and not follow through on it. Doing so can create legal risk for the organization and the manager as an individual.

What should the City/Town do if they receive an internal complaint of harassment?

If an employee files a complaint, verbally or in writing, the City/Town must take prompt action to investigate the matter. It is suggested to involve your City/Town Attorney for guidance. Such investigations need to assure staff of their safety and often will result in placing the accused employee/supervisor on paid administrative leave, pending the completion of the investigation. Both the reporter and the individual accused of harassment should receive a summary of the investigation letting them know the results of whether substantial evidence exists for the claims and if so, whether discipline is issued. Details of disciplinary action need not be shared with the reporter or witnesses. Instead, sharing that the situation has been handled according to policy is normally enough.

What should the City/Town do if they receive a harassment claim from Human Rights Bureau?

If the City/Town is covered under the MMIA's Employment Practices Liability Coverage, then the claim should be

submitted immediately to the claims team at MMIA. If the municipality does not have the MMIA coverage, then the City/Town Attorney should be contacted immediately and a response should be prepared by the due date provided on the claim.

What steps can be done to prevent such behavior at work from occurring?

Prevention is the best tool to eliminate workplace harassment. Public employers in Montana are required, under the Governmental Code of Fair Practices (MCA 49-3-201-2c) to have regular orientation and training programs with an emphasis on human relations and fair employment practices. Providing annual harassment prevention training is one such way to meet this requirement and is a key step to preventing harassment and disciplining employees who commit harassment. In most cases, an employee must know the expectation of a harassment-free workplace before being disciplined for behavior that is outside the expectation.

What does a harassment prevention training entail?

A harassment prevention training can be as simple as meeting with all employees to review the City/Town policy on harassment. Adding a video that demonstrates different types of harassment can help make the presentation more fun and allow visual learners to grasp the concepts better. MMIA has a library of DVD's that members can check out to assist them in training. HRB and MMIA can at times provide training. Contact Angela Simonson at asimonson@mmia.net or 406-495-7017 for more information.

It is important that when the municipality conducts an annual harassment prevention training, that they require all staff to attend, have staff sign in to the class and then keep a record of attendance, along with an outline of the training and copies of any handouts utilized. Such files may need to be referenced should a claim ever be filed.

Workplace harassment can cause emotional and physical stress for the victim, disciplinary action, including termination of employment and lawsuits for the harasser, and legal risk, low staff productivity/morale and turnover to the organization. Preventing harassment is important for a productive work environment where all staff feel safe and welcome. Employers can work toward creating such a work environment by educating staff through regular trainings and promptly investigating all reports of harassing behavior.

Creating a Culture of Wellbeing

By Amanda Burkhardt, *Member Relations Strategist*

Wellbeing is the latest buzzword hitting leadership trainings and health plan conferences. But many wonder what all the hype is about. What does wellbeing mean? Why is it important to your workplace culture? What can you do to help foster an environment of wellbeing?

What is wellbeing?

Wellbeing encompasses all aspects of what makes workers happy and healthy including emotional, physical, social, financial, and career wellness. A positive wellness environment addresses all these areas and leads to lower healthcare costs, fewer accidents and injuries, reduced absences, increased employee retention, and a more productive workforce.



Wellbeing through MMIA

The MMIA helps members create a culture of wellbeing by offering support in the areas of risk management, human resources, and physical and mental health support. When it comes to physical and mental wellbeing, members of the MMIA Employee Benefits (EB) program have access to a data-driven wellness program which offers financial incentives to employees who follow healthy steps like getting a health screening, talking with a health coach, setting up cancer screenings, and getting immunizations. Plan participants have access to Teladoc which provides 24/7 access to a licensed doctor over the phone at no cost. This service can help employees get medical attention without long wait times in a doctor's office while saving themselves and the self-funded benefit pool money.

EB also offers an Employee Assistance Program through Reliant Behavioral Health (RBH). Through RBH, plan participants have access to:

- Six free visits to a counselor per issue, per household member, per year;
- A 24/7 Crisis Help Line;
- Telephonic and video chat counseling; and
- Savings on legal and financial counseling.

In addition, RBH offers options for supervisors and managers. Did you know that you can make using RBH part of an employees work plan to address employee performance and behavior?

Creating a Culture of Wellbeing

There are many things supervisors, managers, and city leaders can do to encourage a culture of wellbeing. Remember, activities help make your whole workforce healthier and more productive. They also help save money to the self-funded pool, which keeps your monthly rates under control.

- Set a good example by participating in wellbeing events like health screenings and employee presentations.
- Send reminders, put out flyers, and try to create a fun atmosphere around wellness events.
- Talk openly about the importance of seeking help for physical and mental health issues.
- Give employees time to attend presentations and complete their health screening and health coaching call.
- Support employees by offering time and computer access to get on the new wellness portal.

When MMIA members work together to create a culture of wellbeing, our cities and towns benefit.

For more information on MMIA EB wellbeing resources, please visit <https://mmia.net/getwellthy/>. ■



The Importance of Offer Letters

By: Angela Simonson, *HR/Employment Practices Specialist*

The recruitment process can prove to be exhausting for some employers. Often, the selection of a top candidate brings much stress relief; however the selection of a top candidate is not the final step in the hiring process. It is essential for an employer to prepare a formal offer letter to their top candidate, in an effort to formalize the employment offer. Such letters are normally issued after all background checks/testing have been conducted. Failing to provide specifics of the offer in writing, or providing a letter with promises that cannot be delivered, can introduce risk in a number of areas.

Job offer letters start the employment relationship off on a positive note. This is also one of the first items to be placed in the employee's personnel file. The details contained in this letter are used for payroll, classification and sometimes come into play during disciplinary matters. For these reasons, it is important to include a number of details in every job offer letter. These details are as follows:

Salary: state the starting hourly wage or monthly salary (if paid a salary). It is advised to avoid listing annual salary amounts, as such statements could be construed as contract language.

Position Title and Classification: state whether this position is a Regular/Permanent, Seasonal, Temporary or Short Term Worker, Full Time or Part Time, and Exempt or Non-Exempt from overtime.

Starting Date and Length of Probationary Period: if policy allows for the probationary period to be extended if

necessary, a statement to this fact may be beneficial. Clearly stating the probationary period can be helpful should an employee need to be terminated during this time period.

Benefits Offered: briefly describe the benefits coverage offered for this position such as health, dental, vision and accrual of time off OR state that the position does not qualify for such benefits. It is important to note that specific benefits information will be provided during orientation.

Contact Information: include information for a point of contact for questions or concerns.

Employee's Signature and Date: this letter should be signed by the new employee and placed into the personnel file before starting work.

These letters serve as an initial understanding of the position, pay and benefits included. Details stated in the letter such as title and classification should align with the Job Description.

In most cases, offer letters are not legally binding documents. Before creating and using a job offer template, an employer should have legal counsel review it, to ensure language used is not creating an employment contract.

Welcoming a new employee to the workplace can be an exciting time. It is important to avoid missing key steps that help to limit risk for the employer. Preparing an appropriate offer letter, that contains key information while avoiding promising too much is a great first step to the employment relationship. ■



Montana Municipal
Interlocal Authority

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MLCT 87th Annual Conference

*Leading the Way:
Civility, Inclusion, Results*

September 26-28, 2018

CLARION INN
BUTTE COPPER KING HOTEL
4655 Harrison Ave

Registration is Now Open!

Find out more information on
the MLCT website at
www.mtleague.org

Calendar of Events

July

19-20 GEM Board and Annual Meeting, Minneapolis, MN

August

5-8 AGRIP CEO & Senior Staff Institute, VanCouver, BC

16 MMIA BODs Retreat, Three Forks

17 MMIA BODs Meeting, Three Forks

September

26 MMIA BODs Meeting, Butte

26-28 MLCT 87th Annual Conference, Butte

30-Oct-02 AGRIP Fall Conference, Portland, OR

October

22-24 NLC RISC Staff Conference, Little Rock, AR

November

5-9 PRIMA Institute 2018, W. Palm Beach, FL