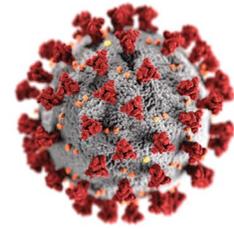
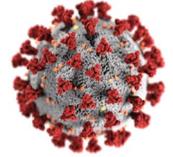
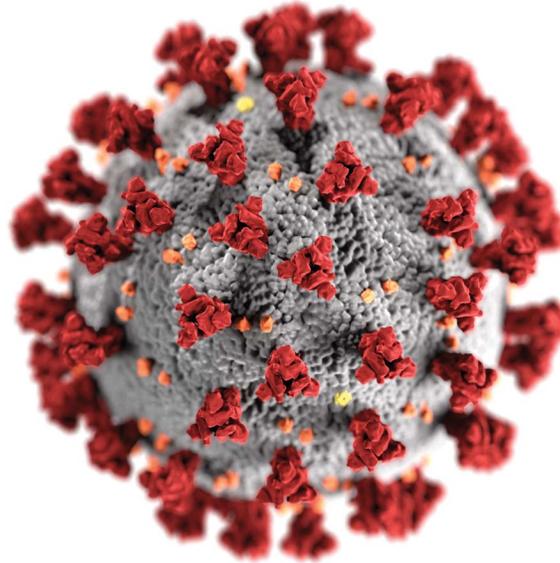
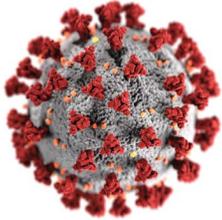




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Montana's municipalities.*



## SPRING 2020

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## SUPPORT IN THE TIME OF COVID-19

Valued members,

As you continue to work through this unprecedented time, the Montana League of Cities and Towns and the Montana Municipal Interlocal Authority are here to support you. This special edition of our quarterly newsletter contains some of the top hot topics as this situation continues to evolve.

In addition, please visit [www.mtleague.org/covid-19](http://www.mtleague.org/covid-19) where we regularly post and update important local, state, and federal information.

Thank you all for the incredible work you do to protect and care for the citizens of our cities and towns. Please reach out at any time with questions, success stories, and resources.

Sincerely,

Tim Burton, Executive Director  
The League

Alan Hulse, CEO  
MMIA

**Not subscribed?** If you want to receive this newsletter, please contact Janel Favero, MMIA Communications Specialist, at [jfavero@mmia.net](mailto:jfavero@mmia.net). Please indicate if you would like to receive an electronic or hard copy.

If you would like to read past issues, visit the MMIA website at [www.mmia.net/news-events/newsletters](http://www.mmia.net/news-events/newsletters).

## INCREASED RISK FOR SEWER BACKUPS

The news is full of stories about toilet paper shortages throughout the country, including shortages in Montana. As a result, your citizens may choose to use other products that are not meant to be flushed, such as baby wipes, paper napkins, paper towels, etc. As you know, items other than toilet paper, including wipes labeled as “flushable” will likely clog the sewers. This endangers public health and the environment, causes damage to sewage systems and treatment plants, and damages homes and property. This damage can be costly to the city/town and to the residents as the service lines from the house to the sewer main is the homeowner’s responsibility.

MMIA is encouraging our members to proactively educate their citizens about this issue to reduce these risks. Following the lead of one of our members and using language they created for a PSA, the MMIA has created a flyer available at on our Risk Management page at [www.mmia.net/riskmanagement/](http://www.mmia.net/riskmanagement/) under “Risk Management Resources.”



If you are interested in the NLC’s HomeServe repair protection program, which partners with cities and towns to provide homeowners with low-cost coverage for repair of broken and leaking water and sewer service lines, visit <https://servicelinepartner.com/>. ■

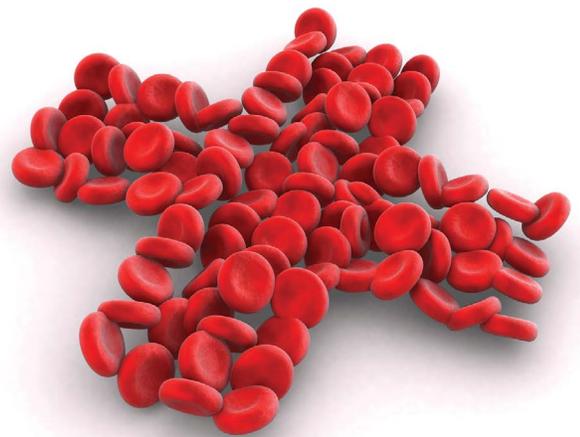
## WORKERS’ COMPENSATION COVERAGE FOR COVID-19

MMIA staff have received several inquiries asking whether or not member employees are covered under Workers’ Compensation if they contract COVID-19. The short answer: it depends.

If an employee feels they have been exposed to COVID-19 while in the course and scope of their employment, they may file a claim. For the claim to be accepted, according to Montana Code Annotated 39-71-119 (5), a worker would have to demonstrate that their job is the primary cause of the condition. In other words, they would need to demonstrate their job put them at greater risk for infection than the risk they already have as a member of the general population. Employees can ask themselves: “If not for my job, would I have been exposed to the virus and contracted the condition?”

For the majority of employees, it will be difficult to establish if the risk at work is significantly greater than the risk of exposure outside of work. The two exceptions may be emergency service workers/first responders and health care providers. If these employees can identify a specific source or event while performing the duties of their job that resulted in their exposure to, and contraction of COVID-19, the claim may be compensable under Montana law.

MMIA evaluates claims and determines compensability based on the facts of each claim. If you have additional questions, please contact Ann Komac, Claims Manager at 406-495-7011 or 1-800-635-3089 ext. 121. ■



# GUIDELINES FOR SEASONAL, TEMPORARY, AND SHORT-TERM EMPLOYEES

Summer is quickly approaching, which means cities and towns must once again work to recall and hire summer employees. Hiring seasonal staff introduces new risks in regards to proper classification of staff and enforcement of child labor laws. In the event your municipality needs to hire additional staff for the summer months, it is important to know the differences in employment status and benefits for which staff may be eligible, as well as age restrictions for certain types of work.

Montana Code Annotated (MCA) 2-18-601 defines seasonal, short term workers and temporary employees. Highlighted differences are listed below:

- ▶ **Seasonal Employees** are regular/permanent employees who only work seasonally. They are entitled to accrued leave and such leave is not cashed out at the end of the year; it remains on the books until they are recalled the next season. They do not reapply for this job the next year; they are instead recalled. Probationary periods apply to these employees. They may be eligible for retirement and benefits based on policy.
- ▶ **Temporary Employees** are hired to work no more than 12 continuous months. Such work can be seasonal in nature or may instead be to help for a short term project or when staffing is low due to absence of a regular employee. They are entitled to accrued leave and such leave may be cashed out at the end of their employment term, if they worked the minimum number of days/months to qualify for use of leave. Their employment has an end date and they may apply to be rehired the following year. Probationary status should not apply to such employees as their entire term of temporary employment is a probationary term. They may be eligible for retirement and benefits based on policy.
- ▶ **Short-Term Workers** are not allowed to work more than 90 actual days of work within a 12 month period from date of hire. Such days need not be consecutive. They do not accrue leave and in most cases do not qualify for other benefits.

Summer work often involves employing staff under the age of 18 years old. Hiring such workers can add a great benefit both to the municipality and also to the youth as they learn to engage in the working world. However, it is important to understand and follow Child Labor laws. These laws exist to ensure safe working environments.



You can find the Montana Child Labor Standards Act under MT MCA 41-2 Part 1. Many of these employees will be hired for the first time in their lives and therefore may need additional training in harassment prevention and safety, along with basic training for their position.

The following are highlights based on common questions asked regarding the employment of staff under the age of 18 years old.

- ▶ Minors age 14 and 15 cannot operate power driven equipment such as lawn mowers and power driven string trimmers. They can do manual lawn care using hand operated equipment, can work in office and other non-hazardous environments and at age 15 may be able to become a certified lifeguard depending on the licensing agency's age requirements. Refer to the MCA above for specifics on hours allowed to work during school year vs non-school year.
- ▶ Minors age 16 and 17 can use power mowers and string trimmers, but cannot use other power driven equipment such as chainsaws and string trimmers equipped with brush and wood cutting blades.
- ▶ Minors under the age of 17 may not drive a vehicle on public roadways, even if they have a driver's license. Minors age 17 may drive, but there are restrictions on how many hours of their work day may be spent driving.
- ▶ Minors under the age of 18 may not work in hazardous work environments as defined in law.

Seasonal hiring can have many moving parts and introduce risks not found during other types of hiring. Municipalities are encouraged to call or email Angela Simonson, HR Consultant, at MMIA to ask questions around the hiring of minors and/or seasonal staff. [asimonson@mmia.net](mailto:asimonson@mmia.net) 406-495-7017. ■

# MMIA EMPLOYEE BENEFITS – COVID-19 SPECIAL INFORMATION



MMIA Employee Benefits is working hard to provide up-to-date information and coverage to our participants during this challenging time. Please see below information regarding special coverage and resources for your employees.

## COVID-19 Testing

If you are tested for COVID-19, your participating provider visit and labs will be paid at 100% with no cost-sharing for all MMIA Employee Benefits Plan participants, including those on the high deductible plan. Regular benefits will apply for treatments.

## Prescriptions



To minimize disruption for participants with complex or chronic conditions, ProAct will temporarily allow early refills of prescription maintenance medications. Contact ProAct for more information at 1-877-635-9545.

## Mental Health



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company.

It is important to manage your stress and take care of your mental health in what can be a stressful time. Visit [www.mmiaEB.net/mental-health](http://www.mmiaEB.net/mental-health) for full details on your mental health resources and benefits. You can also visit our Employee Assistance Program provider's website at [www.ibhsolutions.com/resources](http://www.ibhsolutions.com/resources) for great mental health resources specific to COVID-19.

## Telemedicine Benefits

Telemedicine benefits are being expanded based on recommendations from public health agencies. In accordance with this guidance, Allegiance is programming their system to pay telemedicine benefits as follows:

- ▶ Coverage for screening of COVID-19 through telemedicine – 100% with no member responsibility or copay
- ▶ Coverage for all other telemedicine services, including behavioral health – existing office visit benefit

## Montana Health Centers



Per CDC recommendations, CareHere has activated TeleVisits for patients with coronavirus symptoms. Patients with symptoms of fever, shortness of breath, and/or cough, should not enter the health center. These patients should schedule a TeleVisit. This CDC directive protects you, other patients, and healthcare professionals. These CDC guidelines prevent contamination and potential closure of the health center.

To schedule a TeleVisit with CareHere:

1. Schedule a "Medical" appointment at [www.CareHere.com](http://www.CareHere.com).
2. Enter "TeleVisit" and a contact number in the "Reason for Visit" section. (Be sure not to ignore the unknown number when CareHere calls you.)
3. The need for testing and in-person clinical care will be determined during your TeleVisit.
4. Patients can also schedule a TeleVisit by calling 877-423-1330 but could be subject to longer than normal wait times due to the volume created by the coronavirus.

## FLEXIBLE SPENDING ACCOUNTS (FSA) REMINDER

If your municipality offers employees Flexible Spending, this is a good time to remind employees of your plan year-end date and the deadline to submit claims. For Medical FSAs, you may want to consider adding a plan provision for a grace period or carryover option. This can allow participating employees more time to use this money. Contact your flex plan administrator if you have questions.

If you don't currently offer an FSA to your employees, it may be something you wish to consider. It is a great option to supplement the benefits you are already providing to employees, by adding more value for little to no extra cost. ■



## UPCOMING EVENTS CANCELED/POSTPONED



Due to COVID-19 and safe social distancing, the following events have been canceled or postponed:

- ▶ Executive Forum – April 8-10, 2020
- ▶ Municipal Clerks & Treasurers Institute – May 3-7, 2020
- ▶ Jim Tillotson Service Program – May 6-8, 2020

Be sure to contact your hotel to cancel any room reservations you may have made. ■

### MMIA EB COVID-19 Special Information...(cont'd)

#### Teladoc



All MMIA Employee Benefit participants have no-cost access to Teladoc 24/7 telehealth. 1-800-835-2362 | [www.Teladoc.com](http://www.Teladoc.com).

Like all providers, Teladoc is experiencing higher than normal call volume at this time. For the best experience, please follow the guidance as follows:

- ▶ If you're new to using Teladoc, start by visiting our website for answers to frequently asked questions.
- ▶ Before their first virtual visit, members need to set up a Teladoc account and share their medical history on the app or on our account set up page. Completing this step in advance accelerates visit requests.
- ▶ For fastest support, we encourage members to contact Teladoc by mobile App or web. You can download the App on the App Store or Google Play.

For all of this information and much more please visit [www.mmiaEB.net](http://www.mmiaEB.net). We are updating information daily. ■

# MANAGING THROUGH THE CORONAVIRUS: WHAT LOCAL LEADERS NEED TO KNOW

By NLC Staff on March 3, 2020

As more cases of COVID-19 are identified in the United States, local leaders must answer the question about their own role in responding to the outbreak. The good news is that cities, towns and villages have longstanding emergency protocols for public health emergencies such as this, and now is the time to show leadership.

Here are three things to prioritize with your local response:

## 1. Keep Calm and Clearly Communicate Information to Residents

Historically, the United States public health system is adept at responding to global outbreaks and has done so successfully in the past with SARS, Zika, H1N1 and Ebola, just to name a few. There is no reason to think that Coronavirus will be any different. A key message to your communities must be: prepare but don't panic.

Local leaders must ensure that accurate, timely information is communicated to your residents about your emergency response plans, how residents should be preparing at home and how/when they should seek medical care. Included in that coordination is ensuring that schools are relaying accurate information to parents and families, including messaging that might be helpful for children to understand.

Relying on official sources to guide your efforts, such as the World Health Organization and the Centers for Disease Control and Prevention (CDC) is critical. Utilize social media, community organizations and official government channels to share health and hygiene recommendations with your residents as well as other pertinent local information.

## 2. Ensure Coordination Between Local/State Health Departments

While local leaders are on the front lines of the response efforts, effective coordination with state and federal health departments is critical. Ensure that your local health department is in regular communication with the state health department and the CDC. Be sure to identify where more federal funds will be needed to support



the local response and communicate that information clearly to all partners, including your federally-elected representatives.

## 3. Take Care of Your Team

As employers, cities, towns and villages must also be examining their own sick leave and telework policies so city employees can stay home when they are sick and remain there until they are fever-free for 24 hours. City offices and agencies should utilize CDC workplace posters and fact sheets to help share proper prevention protocol, including hand-washing with soap and water for at least 20 seconds or using a hand sanitizer that contains at least 60% alcohol (if soap and water are not available).

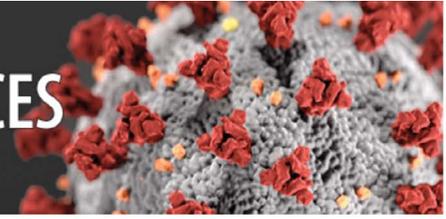
Cities should be prepared with staffing contingency plans for absenteeism due to the virus. And, don't forget about your first responders – ensure that they have the latest information and protection to remain on the front lines!

Information on COVID-19 changes rapidly and staying on top of information can be daunting. Refer to the NLC coronavirus webpage at [www.nlc.org/program-initiative/coronavirus-response-resources-for-local-leaders](http://www.nlc.org/program-initiative/coronavirus-response-resources-for-local-leaders) for resources for local leaders. ■

# HELPING OUR MEMBERS ADDRESS THE COVID-19 EMERGENCY

COVID  
19  
CORONAVIRUS  
DISEASE

## CORONAVIRUS RESOURCES



As your municipality works through the current pandemic, please refer to the following resources:

[President's Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#) (March 13, 2020)

- [Families First Coronavirus Response Act Summary](#)

[Governor Bullock's Executive Order Declaring State of Emergency in Montana](#) (March 12, 2020)

- [Governor Bullock Issues Stay at Home Directive to Slow the Spread of COVID-19](#) (March 26, 2020)
- [Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures for the operation of local government](#)
- [Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures to stay at home and designating certain essential functions](#)

The League and the MMIA are here for you during this challenging time. In response to your requests, the following are some of the top issues our organizations have been tracking, engaging in, and working on:

- ▶ We have set up a central COVID-19 webpage at [www.mtleague.org/covid-19](http://www.mtleague.org/covid-19), with valuable resources from other Montana municipalities, the State of Montana, and federal agencies and organizations, including the National League of Cities.
- ▶ We worked with the Montana Association of Counties (MACo) to jointly request and obtain extended deadlines for TSEP/RRGL grant applications.
- ▶ We drafted templates for emergency declarations and resolutions for local use.
- ▶ We collaborated with MACo and the Governor's Office to obtain a directive under the Governor's emergency declaration to provide local governments the flexibility to set office hours, close buildings, address employee leave, and toll statutory deadlines.
- ▶ We worked with your city attorneys, MACo, and the MACo Attorneys to get the Attorney General's approval of a guidance document for conducting public meetings that adequately balance the needs to protect public health and safety, keep local governments operating, and protecting the public's right to participate. We have provided a forum for city managers and city attorneys to meet remotely and discuss current issues and potential solutions.

- ▶ We continue to closely monitor COVID-19-related federal legislation and communicate with our congressional delegation to provide them information on and express the immediate and long-term needs of Montana's cities and towns for responding to this emergency.

We continue to listen to your questions and concerns and are currently working on providing resources for additional issues you have expressed the need for help with:

- ▶ We are in the process of analyzing all federal and state legislation and guidance to provide a summary of paid leave requirements and options for your employees;
- ▶ We will be putting together information, resources, and training to assist cities and towns with conducting meetings using by remote communication methods; and
- ▶ We will investigate the legal parameters and potential options for providing necessary information for your emergency medical providers while complying with state and federal privacy requirements.

As this situation continues to evolve, the League and MMIA will continue to listen and respond to the issues most important to our cities and towns. Please reach out if you have specific questions or other issues you need help with. We are here to help get all of our members through this unprecedented emergency together. ■



*Working together for  
Montana's municipalities.*

PO BOX 6669  
HELENA, MT 59604-6669



**COVID**  
CORONAVIRUS  
DISEASE **19**

**Need Up-to-Date COVID-19 Information?  
Visit [www.mtleague.org/covid-19](http://www.mtleague.org/covid-19).**

**This website is the place to go as your municipality  
manages through the COVID-19 pandemic.**

**Resources include:**

- **guides and templates for emergency declarations;**
- **employment policies and guidance;**
- **state and federal resources; and**
- **much more!**

