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## WORKING TOGETHER FOR MONTANA'S MUNICIPALITIES.



## CONGRATULATIONS, JIM!

MMIA and Montana League of Cities and Towns would like to congratulate Jim Nugent, Missoula City Attorney, on his recent retirement. His knowledge and service has positively affected MMIA, and the League far more than words can describe; his 48-year career has been a benefit to all cities and towns in the state of Montana. It is widely acknowledged that he has been a helpful mentor to hundreds of municipal attorneys, and that's why he received the nickname the "Dean of City Attorneys".

Along with his service to the city of Missoula Jim served on the MMIA Board of Directors for 37 years, and his contributions have helped mold the organization to what it is today. His commitment has been unmatched, and his retirement is something to be celebrated by all. As we celebrate Jim, and congratulate him on his illustrious career, here are a few highlights from MMIA and the League.

### HIGHLIGHTS:

- **2022 MONTANA LEAGUE OF CITIES AND TOWNS LIFETIME ACHIEVEMENT AWARD RECIPIENT**
- **MMIA BOARD MEMBER 1987 - 2023**
- **CHAIR 1993 - 1995**
- **VICE CHAIR 1989 - 1993**

### COMMITTEES SERVED:

- **CLAIMS COMMITTEE 1995 - 2023**
- **LEGAL/LEGISLATIVE COMMITTEE 1995 - 2023**
- **UNDERWRITING COMMITTEE 2002 - 2023**
- **BUILDING COMMITTEE 2009 - 2022**
- **EMPLOYEE BENEFITS COMMITTEE (HEALTH INSURANCE) 2004 - 2009**
- **TRANSITION COMMITTEE 1998 - 1999**

**Congratulations, Jim....and GO GRIZ!**





# GO LOCAL | October 11 - 13 in Helena

## Montana League of Cities and Towns 92nd Annual Conference

For nearly one hundred years, the League's annual conference has served as an invaluable gathering for municipal employees and elected officials across Montana to network and exchange ideas. With informative breakout sessions on timely topics, general sessions covering pressing issues, inspiring speakers, and plenty of opportunities to network, attendees return to their communities energized and ready put their newfound knowledge to use. As in year's past, this year's conference is sure to deliver a memorable experience for those in local government.

Our theme this year is GO LOCAL. We know that every community in Montana is different, with its own history, economy, and needs, and what may work for one community may not work for another. And because each municipality in Montana is so unique, we know that locals are best equipped to work with their local elected officials to enact policies that strengthen their communities. Local solutions last! When locals have the autonomy to make decisions related to their own lives, families, and communities, those communities thrive. So, we invite you to GO LOCAL this October to gain knowledge and connections that will help you build and maintain a vibrant and healthy local community.

This year's keynote speaker is Matt Lehrman, the co-founder and managing director of Social Prosperity Partners. Matt's passion and expertise is facilitating the strategic deliberations of governance councils and boards of directors while meaningfully involving and gathering consensus from their constituents. His Tell Me More... podcast is a forum for courageous conversations among people who disagree on political topics and social issues. Matt will talk about how to move from conflict to conversation. He believes that disagreement is not only natural, but necessary. He will share information and tactics for local leaders to address complex and sensitive issues in ways that leave community members feeling welcomed, heard, and respected. You can learn more about Matt at [www.mattlehrman.com](http://www.mattlehrman.com).

GO LOCAL will also feature an informative policy update from the National League of Cities. More information about breakout sessions, networking opportunities, and exhibitors will be coming soon. Please stay tuned by visiting [www.mtleague.org/conference](http://www.mtleague.org/conference) and mark your calendar for October 11 - 13. We are excited to see you in Helena to celebrate local government and decision-making. GO LOCAL!

**REGISTER NOW!**



**OCTOBER 11 - 13**



**Visit [www.mtleague.org/conference](http://www.mtleague.org/conference)  
For More Information**



# Driving Into A New Season



The Fall season is that wonderful time between the heat of summer and the cold winter months. This time of year brings increased travel for recreational activities such as local football games on Friday Night, Saturday College Games, hunting season, trucking for crop harvesting and cattle hauling. The cool fall weather also signals kids back at school, college students coming back to town, and school buses in our neighborhoods. The concentrated volume of pedestrian and vehicle traffic increases the risk of an accident. Fall is a great time to consider some defensive driving techniques to avoid accidents with pedestrians, vehicles, wildlife, slow moving agricultural equipment, buses, school kids in crosswalks, skateboarders, and aggressive drivers. Every decision made behind the wheel is a choice! The best choice while driving can be as simple as slowing down, taking a few extra seconds to pass through an intersection, or not running the yellow traffic light.



## 6 Deadly Choices:

- ➔ Speeding
- ➔ Following too Closely
- ➔ Distracted Driving
- ➔ Turning Improperly
- ➔ Driving Left of Center
- ➔ Violating Right of Way

**Every Behavior is a Choice!!**

## Fall driving tips to reduce road stress and accidents.

- Lights on for Safety.
- Watch for motorcycles.
- Slow down.
- Increase travel distance from the car you are following. Use the 3 second rule.
- Manage vehicle distractions such as phones, pets, noisy passengers, food & beverages.
- Slow down when entering intersections.
- Refrain from weaving in and out of traffic to pass.
- Leave earlier when traveling on roads under construction or during poor weather conditions.
- Slow down in work zones.
- Never pass a school bus with it's lights flashing and stop indicator extended.
- Consider whether passing is really necessary.
- Scan intersections for pedestrians, bicyclists, joggers.

**THE ONLY DRIVER YOU CAN CONTROL IS YOU!**



# MENTAL HEALTH RESOURCES

AVAILABLE TO MMIA EMPLOYEE BENEFIT PROGRAM MEDICAL PLAN PARTICIPANTS

With the various stressors and challenges in all of our lives, the importance of having easily accessible mental health counseling/therapy services available for our employees (and our municipal leaders) cannot be overstated. You never know when someone is in need of help, so the best way to ensure these resources are widely known is to promote them frequently and sincerely. As members of the MMIA Employee Benefits Program, make sure to provide clear instruction on how to access all options so participants can easily utilize the vital programs whenever needed.

All of the options below are completely confidential and follow strict HIPAA privacy guidelines. They can help participants with challenges such as: stress, anxiety, substance abuse, work/life balance and much more.



**Make sure these benefits are widely promoted and information is readily available for employees.**

*If you are in need of fliers or pamphlets to have on-hand, please contact MMIA Employee Benefits at: 800-635-3089 option 4 or at [ebgroup@mmia.net](mailto:ebgroup@mmia.net)*

**Here is a synthesized breakdown of the counseling/therapy options for MMIA EB medical plan participants, with contact information:**

Name	Description	Cost	In Person or Virtual	Contact Information
<b>Sapphire Resources</b>	Primary EAP Vendor. Counselors across the state. No preauthorization necessary. Find a counselor on their website and call direct. Tell them you have Sapphire EAP with MMIA. Available to all on MMIA medical plan and others in the household. Financial and Legal advice is also provided.	Six visits free per person, per issue, per year.	In person and virtual	Reach our directly participating providers listed at: <a href="http://sr-connection.com">sr-connection.com</a>  406-523-7707/866-767-9511 (After hours emergency lines)
<b>Premise Health (Montana Health Center)</b>	Professional virtual counseling services with licensed therapists	Free for medical plan participants	Phone and Video	855-200-6822 <a href="http://mypremisehealth.com">mypremisehealth.com</a>
<b>Brightside</b>	Contracted by Allegiance for virtual care with licensed psychiatrists and therapists. Brightside generally has sessions available within 24 hours after taking the online assessment.	Standard medical benefits apply. Deductible waived on most plans and only coinsurance amount would apply.	Phone and video	<a href="http://brightside.com/askallegiance">brightside.com/askallegiance</a>
<b>Licensed Provider of your choice</b>	Always available. Use especially after six free visits from Sapphire have been completed to continue care as necessary.	Standard medical benefits apply for Allegiance participating providers.	In person	Contact therapists directly and provide a copy of your insurance ID to process through medical benefits.





# Support the Employee Benefits Wellness Program

## WHAT CAN YOU DO TO MOVE THE NEEDLE IN THE RIGHT DIRECTION?

There is a fine line between indifference and participation when it comes to wellness activities. Employees often just need to be encouraged and provided the opportunity to participate – a little nudge in the right direction ... maybe a light push. First and foremost, be a positive vocal advocate for all incentive activities! For example, tell your employees you're getting your screening, why you think it is important, and that they should, as well. Let them know you care about them and their health and want them to get more incentive cash! Your voice makes a powerful difference! If possible, provide time during the workday so participants can get screened or complete the other activities (Education video and quiz, Health Screening Review call). And then be the first in line to get your screening completed and set the tone.

Remember, the MMIA EB Wellness Program is available to all employees and spouses enrolled in the medical plan.

### Here are some comebacks you can use for common excuses and helpful tips to encourage participation:

***We never get the 80%, why bother?*** If everyone I've heard say that to me got a screening, there's a good chance we'd hit it! Just go. Let's each get another person to sign up for the screening and we'll get the momentum going in the right direction.

***I don't want to know my screening results!*** First off, you don't technically have to look at the results. Just give some blood, collect the fifty bucks and continue with life blissfully naïve to the findings. The results are super interesting and helpful, though, so you should really look at them! In addition, the screenings have identified serious issues before they developed into something more difficult to treat.

***It takes too long or I don't have time!*** Wellness incentive activities each take less than 15 minutes to complete and you're back to your day. 45 minutes total for a guaranteed \$150 and hopefully \$200 if your city/town surpasses the 80% employee participation threshold.

***The Health Screening Review call will be generic and uninformative.*** If you haven't done one before, you'll be shocked at the personalized, genuine, and helpful thoughts and recommendations from the experienced Take Control health coaches.

#### Other helpful tips:

- Your employees are coming to these screenings fasted and hungry – have some healthy snacks, maybe some coffee on hand ready for participants. It's a small gesture but is thoughtful and well received.
- Have a benefit champion walk around to coworkers and help them get signed up in the weeks leading up to your screening date. At the same time, they could sign folks up for their Health Screening Review call (about three weeks after their screening date) and ensure they've watched the video and taken the quiz.
- For the Education video and quiz, provide time for employees to view and complete the brief quiz. Maybe even screen the video at the end of a meeting with some popcorn and candy so they don't even have to remember to do it on their own. It's a fun way to ensure they all at least get that \$50 incentive!

Bottom line – encourage the heck out of these wellness activities. They are free—scratch that— participants earn incentives for participation, and most importantly, gain knowledge about resources available to them and personalized recommendations for their health and wellness. Let's raise our participation rates to their highest levels together this season! All wellness information, including accessing the wellness activities that earn incentives, can be found at [www.mmiaeb.net/wellness](http://www.mmiaeb.net/wellness)

# TRENCHING AND EXCAVATION SAFETY



One of the most dangerous tasks a municipality may be faced with is trenching and excavating operations. There is no doubt that hazards related to trenching and excavating are well known, yet far too many workers continue to be injured or killed while performing such tasks. Trench collapses, or cave-ins, are more likely to cause injury or death to workers than any other excavation related incident. In a matter of seconds, a worker can become buried in thousands of pounds of soil, even when most of these tragedies could have been prevented with the proper protection plan and equipment in place.

## In 2022 there were nearly 40 worker fatalities from trenching and excavating tasks alone,

*surpassing the 15 worker deaths in 2021 according to the US Department of Labor.*

Employers, including municipalities, must comply with the trenching and excavation requirements of 29 CFR 1926.651 and 1926.652 that have been set in place by OSHA. This article will outline requirements that must be followed and safety measures that should be taken to perform trenching and excavating tasks safely.

### Trench or excavation?

An excavation is any man-made cut, cavity, or depression formed by the removal of earthy materials. In general, to be considered a trench the excavation must be deeper than it is wide but it's width is not greater than 15 feet measured at the lowest point.

### Competent Person

The Occupational Safety and Health Standards require that employers have a competent person inspect trenches daily and as conditions change to ensure the elimination of hazards. A competent person is an individual who is capable of identifying existing and predictable hazards or working conditions that may be hazardous, unsanitary, or dangerous to workers. A competent person must understand soil types, atmospheric hazards, required protective systems, trenching, and excavating safety requirements, and must have the authority to take prompt corrective measures to eliminate identified hazards.

### Trenching safety measures

Trenches 5 feet (1.5 meters) deep or greater require a protective system unless the excavation is made entirely in stable rock. If less than 5 feet deep, a competent person may determine that a protective system is not required. Trenches 20 feet (6.1 meters) deep or greater require that the protective system be designed by a registered professional engineer or be based on tabulated data prepared and/or approved by a registered professional engineer in accordance with 1926.652 (b) and (c).

### Protection systems

There are many different types of protection systems that aid in protecting employees from trench collapses, cave-ins, heaving, sluffing, falling materials, atmospheric gasses, and even water. Many different factors, such as soil type, location, changing conditions, and climate, must be taken into consideration before deciding what type of protection system or plan is right for the job.

- **Benching** - A method of protecting workers from cave-ins by excavating the sides of an excavation to form one, or a series of horizontal levels or steps. Benching cannot be done in Type C soil (as defined in 1926 Subpart P Appendix A). Type C soil is common throughout Montana.

### Trenching and excavation safety

- **Sloping** - involves cutting back the trench wall at an angle inclined away from the excavation. The angle may not be steeper than 1 ½:1 (for every foot of depth, the trench must be excavated back 1 ½ feet)
- **Shoring** - requires installing hydraulic rams or other types of supports to prevent soil movement and cave-ins.
- **Shielding** - protects the workers by using trench boxes or other types of supports to prevent soil cave-ins.


### Access/Egress

OSHA standards require safe access and egress to all trenches or excavations. Common forms of equipment include ladders, steps, ramps, or other safe and practical means to exit for employees working in a trench four feet or deeper. These devices must be located within 25 feet of workers at all times.

## GENERAL TRENCHING AND EXCAVATION RULES

- ✓ Know where underground utilities are located before digging.
- ✓ Keep heavy equipment away from trench edges.
- ✓ Identify other sources that might affect trench stability (water, wind, equipment etc.).
- ✓ Keep excavated soil (spoil piles) and other materials at least two feet from trench edges.
- ✓ Trench box or shield must extend at least 18 inches above ground level.
- ✓ Test for atmospheric hazards, such as low oxygen, hazardous fumes, and toxic gases when greater than four feet deep.
- ✓ Inspect trenches at the start of each shift and following any weather event or changing conditions.
- ✓ Do not work underneath suspended or raised loads and materials.
- ✓ Ensure personnel wear high-visibility or other suitable clothing when exposed to vehicular traffic or mobile earth-moving equipment.





## MMIA'S WORKERS' COMPENSATION PROGRAM:

**WE ARE YOU - AND HOW WE ARE UNIQUE.**

Many of you are familiar with MMIA's tag line: **WE ARE YOU**. Some of you may be asking yourself what does this mean exactly? The phrase is intended to capture the relationship between the MMIA, our member-owners and their employees. This unique relationship is a critical component in the effective and timely management of workers' compensation (WC) claims as well as an important distinction when discussing WC coverage.

In 1986, Montana's cities and towns pooled resources to address a need for affordable coverage, creating the MMIA. Only Montana cities and towns can participate as member-owners of MMIA's self-funded pools. The Workers' Compensation Program was the first, followed by the Liability, Property and Employee Benefits Programs. Member-owners highly value the benefits of self-ownership including a board of directors and committees from among yourselves which allows you the ability to control your own destiny in many ways and not be subject to the volatility and political impacts of other WC coverage options in Montana.

Workers' Compensation coverage provides a remedy for employees in the event of an injury at work. The benefits available include medical, wage loss and rehabilitation assistance. Service is a critical component in effectively and proactively managing WC risk and claims. The MMIA's member-owners drive the creation of innovative and flexible solutions to WC issues, offering unique services such as municipal-specific risk management services including training, consultation, and networking as well as the ability to be creative and think outside the box when necessary to proactively manage claims.

MMIA's WC staff work closely with member-owners on many issues including low-cost WC coverage for our member-owner volunteers, return to work opportunities, regular and consistent claim loss reviews, and identifying and addressing trend developments in a timely manner with risk management recommendations, to name a few. The MMIA's claims and risk management staff are in contact with member-owners daily, sometimes several times a day to assist with a variety of WC related issues. Two core values of the MMIA are customer focused service along with teamwork and collaboration.

**WE ARE YOU and together since 1986, WE have and will continue to provide stability, consistency in rates, coverage, and a high level of service to our member-owners and their employees.**

**Together, WE are the most qualified and experienced in Montana to assist in managing both WC municipal risk and losses.**

**WE SPECIALIZE  
IN ADDRESSING  
MUNICIPAL-SPECIFIC  
WC ISSUES  
AND HAVE BEEN  
EFFECTIVELY DOING SO  
SINCE 1986.**





**WORKING TOGETHER  
FOR MONTANA'S MUNICIPALITIES.**

PO Box 6669  
Helena, MT 59604-6669



**HELENA, MT**

**REGISTER NOW!**

**OCTOBER 11 – 13**

**MTLEAGUE.ORG/CONFERENCE**



### **Justin Harrison -**

Workers' Compensation Claim Examiner

Before coming to MMIA, Justin worked as an Operations Manager Rx with CVS for close to 4 years. Prior to that he had experience in the Property Management and Casino Industries as a Field Rep and Pit Boss respectively. Justin recently married his wife Candy on April 1st and non-coincidentally enjoys joking and spending time with her and her clones (they like to call themselves wives 2 and 3 due to being triplets). He also enjoys brainstorming new recipes with his sister who is a professional baker.

### **MMIA Finance Updates:** Liability Deductible Recovery Invoicing



We have changed to new accounting software, which has provided opportunities for us to better serve our member-owners. We are working towards sending the monthly Liability deductible recovery invoices via email. To ensure proper delivery, please provide us with the contact information for the person(s) you would like to receive this invoice. Please contact us if receiving your invoice by email creates issues for you.

#### **IF YOU HAVE QUESTIONS**

contact Kayla Forgey (ext. 140) or JT Linder (ext. 129)  
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