



Risk Management Solutions

A QUARTERLY NEWSLETTER OF THE ALABAMA MUNICIPAL INSURANCE CORPORATION
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Implementing Proper Mower Safety Reduces Claims

By: Jason Humphries, Loss Control Representative, AMIC and MWCF

Due to Alabama's long growing season, grass cutting can become an overwhelming and seemingly unending task. Our municipalities are charged with cutting parks, right of ways, medians, drainage ditches and many other properties. With the unrelenting mowing season in full swing, there couldn't be a more crucial time to reemphasize mowing safety with all employees involved in this responsibility!

When considering mower safety, the more obvious hazards associated with mowing equipment – such as clothing, proper maintenance of the equipment and safety guards – immediately come to mind. However, these examples encompass a fraction of the overall dangers that may contribute to or result in a potential claim and/or accident. When addressing this subject, other hazards should also be discussed.

For example, each year numerous work comp claims arise from insect bites. These claims are reported by employees who were mowing or cutting grass with various power tools and agitated either ant beds or bee or wasp nests. Such occurrences can easily be avoided by performing visual inspections of the areas prior to mowing.

Another high claim area on the liability side involves mowing equipment striking rocks or other hard materials, thus turning the object into a high speed projectile. The velocity of a rock hurled from mowing equipment can reach disturbing rates. A projectile of this nature not only poses a serious property damage hazard but, more importantly, bodily injury threats to other employees and the public. Easy ways to reduce these hazards include, once again, physical inspections of the area about to be mowed as well as waiting to mow medians or areas of high vehicular traffic when the volume is lowest such as during the early morning, mid-morning, or early afternoon hours. Careful attention should also be given when mowing public parks due to increased public use of these facilities during the summer months!

By following best operating procedures, a large majority of claims can be prevented. And when claims are prevented, money is saved. Below is a list of some common sense approaches to mowing safety:

1. Before Mowing

- *Educate your employees* as to the safe operation of all equipment

he/she may be asked to use. NEVER assume that an employee already knows these things.

- *Dress for the job.* Require close fitting clothes, long pants, hearing protection, eye protection, work boots with ample traction, heavy gloves (when handling blades or hot machinery) and reflective vests while cutting anywhere that exposes your employees to vehicular traffic.

- *Conduct daily inspections of equipment.* All inspections should be documented – especially unsafe conditions – and all corrective measures should be taken. Make sure all safety guards are in place and in operable condition.

- *Clear your work area before cutting!* Look for rocks, stumps, broken glass, bottles, ant beds, bee's nest, and poison ivy and/or oak.

2. While Mowing

- *Remain aware of your surroundings.* Pay attention to people and property around you. If someone approaches you while mowing, cease cutting until that person has resumed a safe distance from you.

- *Avoid striking fixed objects.* Trees, landscaping fixtures or fences need to be avoided.

- *Use extra caution while mowing slopes.* If it looks dangerous it probably is. Mow up and down slopes as opposed to horizontally.

3. After Mowing

- *Completely shut down equipment before performing any type of maintenance.* Never dismount a running

mower.

- *Keep all mowing equipment cleaned.* Optimally, this should be done immediately following each job but – at a minimum – at the end of the day.

- *Perform routine maintenance on your equipment.* Preventative maintenance is essential to longevity of your equipment!

- *Maintain and document recommended maintenance schedules.*

According to the U.S. Consumer Product Safety Commission, each year more than 110,000 people are injured seriously enough to require emergency medical attention. This is a staggering annual figure! Did your entity contribute to this figure last year? By practicing safe operating procedures you can avoid contribution this year. Using a friend's motto: Safety first, quality second, and quantity last. **Be Safe!** ■



Public Employee Bonds

By: Mary Ellen Wyatt Harrison, Staff Attorney
Alabama League of Municipalities

A city council is authorized to manage and control the finances and property of the municipality. Part of this responsibility includes protecting the city against loss of its funds. Most council members and mayors do not feel that their employees will take unauthorized funds from municipal accounts; however, it does happen, and steps should be taken to ensure that a municipality is protected from theft of municipal funds by employees.

There are numerous ways an employee may steal. Some common examples are keeping two sets of books; taking from the petty cash drawer; stealing materials and equipment; making charges against inactive accounts; paying bonuses to persons not entitled to receive them; raising the amount on checks and invoices after they have been approved and paid; paying bills to a fictitious company and then cashing the checks illegally; reducing the amount of outgoing invoices on the books, paying reduced amounts in cash and appropriating the customer's checks; padding payrolls; padding cash expenditures; failing to credit cash payments; extracting ledger sheets to conceal shortages; and issuing checks for services never performed.

Protecting against employee dishonesty requires a system of internal controls supplemented by independent audits. Although many factors will determine the system best suited for each municipality, the following considerations are important for all municipalities to consider:

- A plan of organization that establishes lines of authority, responsibility, and checks and balances.
- Accounting functions that are separate from operating functions.
- A chart of accounts for the classification of data that will help to produce consistent and meaningful reports.
- A clear and easy-to-follow "paper trail" for every transaction.
- Records and forms designed to be easily understood and to show clearly whether control procedures have been followed.
- Sound practices, such as the clear division of duties so that no one person handles a transaction from beginning to end.
- Proper screening of new employees to eliminate applications of poor character.
- Constant training to encourage the faithful observance of established procedures.
- Consistent supervision and enforcement of procedures.

The law requires that municipal funds be protected by municipal bond. Found in Section 11-43-13, Code of Alabama (1975), it states:

"All officers or employees handling money exercising authority over property of municipalities shall, before entering upon the discharge of their duties, give bond, with surety to be approved by the mayor, in such penalty as the council may prescribe, conditioned for the faithful discharge of the duties of his office and faithfully to account for all moneys received."

The bond required under Section 11-43-13 is commonly referred to as a blanket bond. A blanket bond should cover all employees, except the employees who must be covered under specific individual bonds. The employees that are exempt under Section 11-43-13 are the clerk and the treasurer. Section 11-43-104, Code of Alabama (1975) provides that a clerk must give bond by stating:

"The clerk, in addition to these enumerated duties, shall perform any and all duties that may be required of him by ordinance or resolution. He shall give bond, with sureties, to be approved by the mayor, in such sum as the council may prescribe."

Therefore, a clerk must have a individual bond with his or her name on the bond in order to protect the city from losses that may occur as a result of the clerk's dishonesty. Again, the clerk should not be considered covered under the blanket bond required by Section 11-43-13, Code of Alabama (1975).

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SkidCar Schedule

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|--------------|-------------------------|
| • Decatur | August 10 - 20, 2004 |
| • Gardendale | September 14 - 24, 2004 |
| • Hoover | October 19 - 29, 2004 |
| • Citronelle | November 9 - 19, 2004 |
| • Montgomery | December 7 - 17, 2004 |

For additional information, contact the Loss Control Division at 334-262-2566.



Defining Moment

MOTOR VEHICLE REGISTRATION (MVR): Data pertaining to the driving history of an individual. Data found on MVRs contain four basic pieces of information:

1. Driver license status – this depicts the type or class of license issued, what type of vehicles can be operated, and any special conditions or restrictions placed upon the licensee.
2. Convictions of traffic violations and Accident involvement – note that fault is not necessarily shown.
3. Administrative actions, Adjudications, and Withdrawals – i.e. restrictive actions such as license suspensions, revocations, disqualification, or a withdrawal taken against the licensee's driving privileges by a court of law or the motor vehicle department of the governing state.
4. Personal information about the driver – driver's address, height, weight, date of birth, and Social Security Number.

The League's insurance funds recommend that MVRs be requested as a pre-employment criterion and at least every four years subsequent to employment. **NOTE: IT IS ILLEGAL** to obtain MVRs from your entities police department for non public safety related matters. Pre-employment screenings as well as subsequent checks do not constitute a public safety related issue!

Join the Alabama SWAT Team and Nip it in the Bug!

Compiled by: Richard Buttenshaw, Loss Control Representative, AMIC and MWCF

Mosquitoes may be tiny and annoying, but three summers ago they became more than a mere nuisance. At that time, it was determined that some Alabama mosquitoes carried the West Nile virus, which could potentially harm thousands across the state. Experts are predicting another bad year.

West Nile virus is a disease that can be transmitted to humans by mosquitoes. It is carried long distances by infected birds and then spreads locally by mosquitoes that bite these birds. Once common in Africa, the Middle East and western Asia, West Nile arrived in New York in 1999 and in Alabama in August 2001. Since then, the Alabama Department of Public Health has been tracking positive or probable cases in humans across the state. They reported 49 cases in 2002 and 38 cases in 2003. Humans and animals are susceptible, specifically birds and horses, and while there is a vaccine for horses, there is none for humans.

Symptoms usually occur three to 15 days after the bite of an infected mosquito. One out of five people bitten and infected by mosquitoes carrying the virus will have mild flu-like symptoms with a fever, headache and body aches before they recover. One out of 150 people bitten and infected with West Nile will have a severe infection causing a serious illness called *encephalitis*, which is an inflammation of the brain. People with encephalitis are sick enough that they will seek medical care and be hospitalized. Symptoms of encephalitis may include:

- Severe headaches
- High fever
- Neck stiffness
- Nausea
- Coma, and rarely, death
- Disorientation or confusion
- Tremors
- Muscle weakness
- Paralysis

An infected individual is treated to relieve the symptoms listed above while their body fights off the infection. For most people, symptoms last three to six days. Remember, there is **no** vaccine for humans. Death rates from severe infections are highest among the elderly and those with weak immune systems. Death occurs in 3% to 15% of the cases of severe infection from encephalitis.

Municipal employees should be educated on how to protect themselves, particularly if they work outside. Some simple yet effective measures employees can take to prevent mosquito bites include:

- Wearing long sleeved shirts and long pants while outdoors.
- Avoiding dark clothing and fragrances as they attract mosquitoes.
- If possible, avoiding mosquitoes by staying indoors at dawn and dusk when bugs are most active.
- Applying insect repellent that contains DEET and follow the directions carefully.

According to the Alabama Department of Public Health, products containing DEET are very safe when used according to the directions. Use products containing 10% or less DEET for children and no more than 30% for adults. **DO NOT** use anything with DEET on infants. Employees should spray clothing with the repellent and then apply it sparingly to the skin.

In addition to employee education and precautions, entities should also be proactive to prevent infestation. In most areas, spraying is not the most beneficial or the most cost-effective way to control mosquito populations or mosquito-borne diseases. Mosquitoes must have standing water to breed, so habitat reduction is the best method of ridding an area of mosquitoes. Mosquitoes lay up to 250 eggs at a time in still water, which hatch in seven to 10 days. Therefore, the most important task in spring and summer is to eliminate standing water to prevent mosquito breeding areas. Larvicide (insecticide that kills insect larvae) can be used in backyard garden pools or

in standing water that cannot be drained. In addition, biological predators such as mosquito fish (live-bearing, freshwater minnows related to guppies that can eat up to 500 mosquito larvae a day) will reduce numbers. Other preventative measures include:

- **Containers** – cover containers or turn them upside down so they do not hold water.
- **Dumpsters** – keep all dumpsters covered and remove any water inside or under them.
- **Flat Roofs** – inspect weekly to remove puddles and fix leaks from air conditioners and pipes as well as keep rain gutters clear and flowing freely.
- **Landscaping** – remove plastic sheeting under bark or rock and replace with landscape fabric that allows water through.
- **Tree Holes** – fill tree holes with sand or mortar so that water does not collect in them.
- **Flowers** – change water in vases and pots holding flowers or cuttings twice weekly.
- **Bird Baths** – change the water and scrub the sides of bird baths, animal troughs and pet watering dishes frequently to eliminate mosquito eggs.
- **Machinery** – examine machinery and clean any areas that hold water.

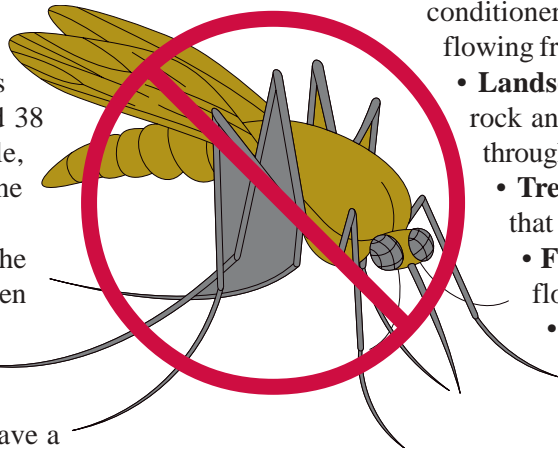
any areas that hold water.

- **Playgrounds** – drill drainage holes in tire swings and playground equipment that could potentially hold water.
- **Pools** – maintained pools have chemicals and filters that kill any larvae; use dunks (donut-shaped biological pest control product that kills mosquito larvae in small bodies of water, but are nontoxic to animals such as fish, birds, wildlife and pets) in deserted pools and spas.
- **Trash Cans** – keep trash cans covered and clean weekly; remove buckets and containers.
- **Weeds** – remove weeds, especially those around areas close to water since mosquitoes use these shady areas as resting places during hot daylight hours.
- **Wheelbarrows** – store wheelbarrows vertically or turned over to prevent water accumulation.
- **Replace Light Bulbs** – replace outside light bulbs with yellow light bulbs to discourage mosquitoes.
- **Citronella** – citronella candles and lamps can help repel mosquitoes from outside areas during social activities. **Note:** Vitamin B, chlorophyll tablets, citronella plants and “ultrasonic” devices are **NOT** effective in preventing mosquito bites.

These are just a few of the most effective tips for preventing the West Nile virus. The Alabama Department of Public Health also produces an excellent resource called “How to Start a Mosquito Control Program in Your Town, Alabama” which provides step-by-step instructions and resources to protect the public from mosquito-borne diseases. For more information, go to the Alabama Department of Public Health website: www.adph.org/westnilevirus or call your county health department or health care provider. ■

Sources used to prepare this article:

- Sections of this article were reproduced from an original article in *Coverage Line Newsletter* (Spring 2004 issue) and is used with the kind permission of the Colorado Intergovernmental Risk Sharing Agency.
- The Alabama Report on West Nile Virus – Alabama Department of Public Health
- West Nile Virus and West Nile Encephalitis FAQ – Alabama Department of Public Health – Division of Epidemiology.



Public Employee Bonds

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The treasurer is another position for which a specific individual bond should be purchased. Section 11-43-120, Code of Alabama (1975) states:

“The treasurer shall give bond in such sum as the council may prescribe for the faithful performance of his duties and the safe custody of the funds ...”

Therefore, the treasurer, like the clerk, should have a specific individual bond where the treasurer is specifically named as the employee covered by the bond. The treasurer is not covered under the blanket bond of Section 11-43-13, Code of Alabama (1975).

City council members do not exercise authority over property of the municipality, other than in their legislative capacity; therefore, they are not covered by bonds issued under 11-43-13, Code of Alabama (1975). However, it is the duty of the municipal governing body to approve premiums on required bonds. See Section 11-43-56, Code of Alabama (1975). The council should follow their procedure for approving other expenditures of municipal funds when approving bond premiums. See Ala. Atty. Gen. Op. to Hon. Frank Gwaltney, October 22, 1957.

In conclusion, no municipality is immune from employee dishonesty; and because it is the municipal governing body's responsibility to ensure that municipal funds are protected, it is imperative that the municipal governing body take the time necessary to determine if accurate and adequate bonds have been procured. It is recommended that each municipality contact their individual insurance company because insurance companies may have differing requirements and offer different policies. ■

Alabama Association of Chiefs of Police

The next AACOP conference will be held August 4-6, 2004 at the Adams Mark Hotel in Mobile. For more information, visit www.aacop.com.

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