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### Welcome, new members!

The following members joined on July 1, 2017:

Boyden Area Fire Board  
Buena Vista County  
Truro

## ONLINE UNIVERSITY COURSE HIGHLIGHT

HIPAA Privacy for Healthcare  
Plans & Employers

Learn more online  
[www.imwca.org](http://www.imwca.org)

IOWA MUNICIPALITIES WORKERS' COMPENSATION ASSOCIATION

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# the Informer

A monthly newsletter addressing workplace safety by Iowa Municipalities Workers' Compensation Association.

## Keokuk's journey with IMWCA

By Mark Boussetot, Keokuk Public Works Director

The city of Keokuk is a proud member of IMWCA. We are also honored to say that we are number 0013. Keokuk has been represented by IMWCA since 1981; the city joined two months after IMWCA started offering coverage to cities. We would like to be able to tell you that IMWCA has the same feeling for Keokuk, but for the last 32 years that has not always been the case. Just like all IMWCA members, Keokuk receives annual site visits from great loss control representatives. In our case, Dean Shade and now Ed Morrison.

After approximately 30 years and personnel changes, tasks had become routine and safety wasn't impacting the daily work routine of the city employees. We had a Safety Committee that met on a regular basis, but half of the members felt it was a waste of time. Though I hate to admit it, there was also a time when Keokuk didn't provide any training to new hires. Keokuk had started to spiral out of control, and we had three consecutive years with some very serious injuries, some of which could easily have been prevented. These major injuries were in addition to our regular occurrences; we were "frequent flyers".

Since 2010, due to retirements, Keokuk has undergone major changes in personnel at the management level with a new mayor, finance director, human resources/payroll director, public works director and city attorney. While the previous staff were very good at their jobs, they did not make employee safety guidelines and procedures a high priority.

In late 2011 and early 2012, the new city administrators began visiting with insurance agent Tom Richardson about the number and severity of worker's compensation claims plaguing Keokuk employees. In early 2012, we requested a meeting with IMWCA personnel so we could discuss our concerns and get assistance in instituting a plan of action to reverse the frequency and severity of on-the-job injuries being sustained by city employees. We met with IMWCA staff in May 2012, our initial opportunity to begin a plan to implement new safety guidelines and procedures. After an additional visit in July 2012, IMWCA made many safety recommendations. In September 2012, Keokuk responded to IMWCA's recommendations with a plan of action. IMWCA then conducted an additional site visit in August 2013 and updated the city on further recommendations.

Keokuk recognized that we had worker's compensation issues and has taken a proactive approach to solving our employee safety problems. Since the initial meeting with IMWCA in May 2012, the city implemented the following safety policies:

- Conduct monthly safety committee meetings.
- Minutes of all meetings are sent to the City Council to keep the Mayor and Council updated and informed. The Council acknowledges the meeting minutes.
- Send meeting minutes to our loss control representative to

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keep IMWCA informed and updated on our ongoing safety programs.

- Involve department managers and employees in creating accurate job function analysis for each department.
  - Use the job function analysis; a physical capacity exam conducted at the Keokuk Area Hospital physical therapy department is performed before offering potential new hires a position with the city. In addition, each prospective employee is given a full physical exam along with a pre-employment drug screen.
- Potential new hires have background and motor vehicle checks before hiring.
- New hires are required to attend a safety orientation program prior to going into the field.
- General unit employees plus the Waste Water Treatment employees attend annual basic safety refresher course.
- Began and implemented a safety boot program. The Mayor and City Council set aside \$6,000 to purchase each employee (depending on job duties) new safety boots.
- Offer Hepatitis B vaccine to all employees who wished to receive them, and will offer all new hires the vaccine.
- Perform safety audits in all departments. As a result, department managers have begun an ongoing practice of purchasing new items for their departments to comply with the audits.
- Implement and enforce a seatbelt policy.
- As an added incentive, the city held an employee safety cookout to celebrate six months with no lost time accidents and to reward employees for their assistance in making Keokuk a safer place to work.

During the downturn in safety practices Keokuk's experience modification factor (MOD) climbed to 1.33. But the real eye opener for the city was a letter dated November 2013 indicating that the IMWCA Board of Trustees made a recommendation to non-renew the city of Keokuk. This was appealed in December 2013, and Keokuk was placed on probation.

In March 2014, the city signed a contract with a safety consultant to make monthly visits. The visits included a safety presentation and a walk through of various city facilities. With the walk through came recommendations that were required to be addressed prior to the following visit. The consultant also helped Keokuk develop a return-to-work program and establish a formal safety committee. Based on how the MOD is calculated, it continued to climb to 1.39 in 2014. That means the city of Keokuk was paying 39 percent more than we should have in workers' compensation premium.

As time has run its course and the employees are being properly trained, Keokuk has been able to watch our MOD continue to fall. Based on the estimated annual premium sent to Keokuk in the spring of 2017, we are seeing a reduction of more than \$100,000 in just three years.

All the programs mentioned were put in place, monitored and fully implemented. We worked hard to change to a culture of safety, and we feel we made great strides. This was all accomplished with the support of Keokuk's Mayor, City Council, department managers, and most importantly the employees.

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*Congratulations to Keokuk on a renewed safety culture. Their experience demonstrates the positive impacts of management and elected-official support as well as the cost benefits of strong safety programs.*

## Online University now includes more options, features

For several years IMWCA has offered members free, online training through the IMWCA Online University. For Fiscal Year 2017-2018, which began July 1, IMWCA has expanded our relationship with FirstNet Learning, who facilitates these online courses, so you can take advantage of even more ways to manage and upgrade your safety training. Here's a rundown:

**Policy Management Module.** Many members have asked for this capability which allows you to upload policies as a pdf document where they will become a "Policy Course" for viewing, acknowledgement and acceptance. The record will become part of the employee's training record and retained electronically.

**Standard Operating Procedure (SOP) Management Module.** Similar to the policy management module,

members can upload up to 40 SOP's for viewing, acknowledgement and acceptance. Administrators can name the SOP, choosing from a list of standard policy titles.

**Course of the Month.** IMWCA continues to offer the core safety courses already available at no cost. In addition we now offer courses outside the traditional health and safety curriculum, such as human resources. Course of the Month offerings will change on a regular basis and are available only for the month they are highlighted. Learn more about the Course of the Month offerings in the sidebar on the following page.

**KwikCourse Module.** This new feature allows IMWCA to develop content and create an online course complete with a post-test. Courses may include uploaded docu-

ments, a video clip or a link to an external site.

One last but important change: FirstNet Learning has **upgraded several core courses**, and the course numbers have changed. Here's a list with new course numbers:

- Hand and Power Tool Safety, HT60
- Office Safety, OF60
- Confined Space Entry, CS60
- Electrical Safety, ES60
- Fire Prevention, FP60
- Hearing Conservation, HP60
- Lockout/Tagout Training, LT60
- Ladder and Scaffolding Safety, LA60
- Personal Protective Equipment, PE60
- New Employee Safety Orientation, NE60
- Respiratory Protection, RP60
- Eye and Face Protection, EF60
- Forklift Safety, FS60

Current users, we know you will enjoy the exciting new options. All you members who have been watching from the sidelines...this is a great time to get started!

For questions about the Online University or to learn more about how other IMWCA members are using this free resource to meet their training goals and requirements, contact [losscontrol@iowaleague.org](mailto:losscontrol@iowaleague.org).

## Courses of the Month

This year our course of the month will really be a course FOR the month! These six courses will be available at no cost to members only for the month listed. They are:

July/August | **HIPAA Privacy for Healthcare Plans & Employers**

September | **Lawful Hiring**

October | **Wage and Hour for Supervisors**

November | **Americans with Disabilities Act and ADA Amendments Act**

December | **Family Medical Leave Act**

Don't miss your window of opportunity to take advantage of these courses for free!

If you have a specific need for a training we have not offered in the past, please let your loss control representative know, or send an email to [losscontrol@iowaleague.org](mailto:losscontrol@iowaleague.org). We will do our best to meet your needs.

And THANK YOU to all our Online University users for your diligence and feedback!

### CLAIMS CORNER:

Matt Jackson, Claims Manager

## County jails and working inmates

Many IMWCA members have county jails, and some of our members allow inmates to perform work or maintenance for the jail while incarcerated. Examples of the types of jobs an inmate performs for the jail could include, but are not limited to, mowing, painting or picking up trash. Some prisons even operate factories making clothes, license plates or furniture.

In order for an inmate to be covered by workers' compensation, the county Board of Supervisors may elect or choose whether or not to statutorily include inmates as "employees." A person is ineligible to receive workers' compensation benefits unless they are an employee. Inmates are allowed to work regardless of whether or not the county elects to include them as "employees."

If the county does elect to include inmates as "employees" this would make workers' compensation the only

available recourse for an injured inmate. This applies to injuries sustained through prison or jail employment only. This would not cover injuries from everyday jail life or from general housekeeping activities. The work activity or task needs to be specifically assigned to the inmate as part of his or her employment.

If the county elects not to cover inmates as "employees" then inmates would be able to bring tort actions against the county. Remember, payment of wages does not automatically qualify an inmate as an employee. The payment of wages to inmates does not intend to form an employee-employer relationship.

Please keep this in mind if you are allowing inmates to work in or outside the jail.

Contact [imwcainfo@iowaleague.org](mailto:imwcainfo@iowaleague.org) with questions.

## Opening on IMWCA Board of Trustees

If you're interested in serving on the IMWCA Board of Trustees contact Jeff Hovey, director of risk services, at (515) 244-7282 or [jeffhovey@iowaleague.org](mailto:jeffhovey@iowaleague.org). IMWCA especially needs representatives from county members.

**wanted**

## To drug test or not to drug test? A legal question.

Iowa has a drug testing law found in *Code of Iowa 730.5*. In the definition section of this Chapter under “Employer” it specifically states that “Employer does not include the state, a political subdivision of the state, including a city, county or school district.” So what does this mean for you if you are currently drug testing your employees? The answer: it depends.

First and foremost, the Federal Motor Carrier Safety Administration (FMCSA) is the governing body for the Department of Transportation (DOT) Commercial Driver’s License (CDL) drug testing requirements. If your employees are required to have a CDL for a certain part of their job, you as the employer are required to perform drug testing and training for these specific employees. See <https://www.fmcsa.dot.gov/us-department-transportation-dot-drug-alcohol-supervisor-training-guidance> for more information.

There are two distinct sides to the public sector employer drug testing coin. Since the Code specifically excludes political subdivisions, and there are no other specific drug testing laws or codes that cover these entities, the *U.S. Constitution* becomes the default

law governing this area, specifically the Fourth Amendment and “the right of people to be secure against unreasonable searches and seizures”.

Many attorneys will say public employers should “never, ever” drug test public employees. These attorneys indicated they feel that doing so is a violation of the Fourth Amendment. Other attorneys see an exception as the post-offer/pre-employment drug test. They feel that, technically, at this point the applicant is not a public employee and therefore can be tested as a condition of employment.

Other attorneys will say a public employer can absolutely drug test their employees. These attorneys say a public employer can drug test if they follow a well-written drug testing policy, prepared by the attorney, that will defend them against a claim if needed.

The take away: if you, as a public employer, are currently drug testing non-CDL employees, make sure you are aware of the risks. Work with an employment attorney that will (if they haven’t already) draft a drug testing policy and provide legal support as needed.

## Payroll Audit reminder

Audits will be performed in July and August by IMWCA’s contracted firm, Information Providers, Inc. (IPI)

After your audit has been completed, requests for changes or corrections must be made within 30 days of the date your audit was processed by IMWCA.

Questions about the audit process may be addressed to Montie Gannon or Jeff Hovey at (800) 257-2708.

## OSHA reporting delayed

The January issue of the *Informer* featured a story about upcoming changes in Occupational Safety and Health Administration (OSHA) reporting. For some members, this included electronic reporting beginning July 1, 2017. Things have changed, and OSHA is not accepting electronic records at this time. We will keep an eye on this, and let you know when we hear more.



IMWCA Informer is a monthly newsletter published by the Iowa Municipalities Workers’ Compensation Association (IMWCA) in cooperation with the Iowa League of Cities. View past issues online at [www.imwca.org](http://www.imwca.org).

Comments or suggestions: contact Bethany Crile, newsletter editor, at (515) 244-7282 or [bethanycrile@iowaleague.org](mailto:bethanycrile@iowaleague.org).

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