

Providing coverage to public entities in Mississippi for over 30 years!



**MISSISSIPPI MUNICIPAL  
SERVICE COMPANY**

*Mississippi Matters*  
*December 2017*



Dear Members,

On behalf of the Mississippi Municipal Service Company, we would like to wish you and your families a wonderful Holiday Season and a happy and healthy New Year!! Let me also take a moment to express our sincere thanks to our Membership whom make our self-insured programs successful. Your municipal programs have been providing liability and workers' compensation coverage for over 30 years through strong leadership from municipal leaders and loyal membership throughout our great state. Our programs remain financially solid and are there every step of the way to protect our municipalities from potentially devastating losses. The self-insured plans are proud to offer more than coverage to our members. While coverage is fairly broad, members tell us our services are what they really appreciate and set us apart. Services like a dedicated staff providing you, the member, with outstanding service whether it be a claim situation, educational workshop, safety training or guidance with various challenges which arise day to day in municipal government. Our Team enjoys serving each and every Member, each and every day!

Again, we hope you and your family have a wonderful Holiday Season, Merry Christmas and a very Happy New Year!

Steven D. Smith  
President  
MS Municipal Service Company

# Risk Management Information Tips and Updates

## Festivals, Parades, and Events!

All year long municipalities host festivals, parades and other events for the citizens of their community. The MS Municipal Service Company is happy to provide guidance to your employees to secure a successful event while protecting your municipality the best way possible. With the holiday season in full swing, remember to plan in advance to be sure your municipal events will be safe and all risk prevention measures are addressed prior to the actual event.

As vendors provide services at these events, remember to request a Certificate of Liability Insurance from those vendors conducting business on city property with your citizens. This certificate of insurance proves the vendor has coverage for their own liability. As you plan events, if you need assistance, reach out to us in Member Services. We are **always** here to provide you with recommendations and/or suggestions on ways to make your event a success.

## Human Resource Tips

### Using Employee Handbooks Effectively

While employers are not legally required to have an employee handbook, it is a good idea for employers, including municipalities, to legally protect themselves with a well-drafted and up-to-date employee handbook. A good employee handbook provides a road map for the municipality and introduces its employees to the municipality's culture, mission, and values. The handbook should clearly and concisely communicate relevant policies, procedures, and expectations to employees and provide guidance to employee supervisors.



While there is no "one-size-fits-all" approach to employee handbooks, it should be noted that common federal statutes which provide protection to employees such as Title VII, the Americans with Disabilities Act ("ADA"), and the Family and Medical Leave Act ("FMLA") apply to public employers. Therefore, topics that should be included in the handbook are the reporting of harassment or discrimination, accommodating disabilities or religious beliefs, and granting leave under the ADA or FMLA.

Municipalities should be aware that recent changes in how federal agencies interpret existing employment law, combined with outdated, poorly drafted, or "boilerplate" policies, could turn their employee handbook into a recipe for lawsuits. Addressing these issues on the front end can go a long way towards avoiding litigation.

An additional consideration when drafting employee handbooks is the necessity of including an "At-Will Disclaimer." Mississippi is an at-will employment state, meaning that an employee works for the employer at the employer's will and pleasure. Generally, the employer may terminate the employment relationship for any reason other than those that have been declared legally impermissible, such as on the basis of race, gender, age, disability, etc. However, if a handbook contains detailed policies and procedures to be followed when terminating an employee, it can create an employment contract, destroy the at-will relationship, and expose an employer to a breach of employment contract claim if the employer does not comply its own procedures. If the handbook disclaimer expressly provides that the employment relationship is at-will and can be terminated at any time, the employer ordinarily has not waived the right to unilaterally terminate the employee by setting forth a grievance process in the handbook.

## **A Million Reasons to Care About Back Injuries**

With more than one million back injuries in the workplace each year, prevention should be a major focus of your municipal safety training--and not just for workers in materials-handling or maintenance jobs. While it's true that a leading cause of back injuries is overexertion--such as improperly lifting a heavy object--



it's not the only cause. Other major reasons for disabling back pain are related to the long-term effects of doing a job, including:

- Heavy physical work of any kind
- Awkward postures required to do a job

- "Whole body vibration"--for example, operating a jackhammer or heavy equipment.
- "Static posture"--being required to sit in one position for an extended period of time

Clearly, teaching proper lifting techniques is very important--but it's still only part of the answer.

### Why It Matters...

- Back pain accounts for about 25 percent of all workers' compensation payments--totaling nearly \$10 billion per year.
- In a recent year, there were nearly 300,000 back injuries resulting in lost workdays, of which 89 percent were in materials-handling jobs.
- Back injuries are the leading cause of disability for workers younger than the age of 45.

**Ask employees for their own solutions.** A complete back safety program will also look for ways to reduce long-term effects by educating employees about the possible causes--and asking them to contribute to the solutions. Workplace safety studies find that injuries and accidents are often greatly reduced when employees and management work in partnership. If back injuries are a persistent problem in your workplace, form a task force to take a closer look. Implementing just one good idea can more than pay for itself in terms of reducing lost-time injuries and workers' comp costs.

**Substitution works.** For example, one municipality used a safety committee to reduce employee back injuries by 50 percent and began to see improvements in workers' compensation costs over time. How? The committee first identified specific causes of the injuries, then developed ways to avoid them--primarily by substituting mechanical devices for manual lifting. So encourage employees to use mechanical devices--hand trucks, conveyors, pneumatic lifts, etc.--whenever possible, instead of their own arms, legs, and backs to lift and carry heavy objects. And if substitution isn't feasible in a given situation, two or more people should team up for a difficult lift.

### Remember Safety Matters First!



### Overcoming the Challenges of a Return-To-Work Program

Establishing an effective return-to-work program is widely accepted as one of the most significant cost-saving measures for managing employees' workers' compensation injuries. Research supports that returning employees to work through transitional duty not only provides cost containment, but it can also help reduce the incidence of depression, improve worker morale, and promote physical well-being. There are several challenges related to return to work:

- Educating department heads. This requires constant education on how to find transitional duty in your own department or in a completely different department. How many times do you hear "I need more help doing this or that" in various departments.
- It takes many people to manage a modified duty program. It's essential to include human resources and operations. It takes a village and everyone needs to be on the same page.
- Transitional or modified duty work should be communicated as "temporary" and limited to a specific number of days. This temporary job should also be "meaningful" work. This can help the worker heal faster in some cases and benefit the municipality as a whole.

Return-to-work is evolving slightly because we have an ever-changing workforce. Employers are beginning to implement more interactive processes where things like FLMA/ADAAA are discussed openly. This is helpful because it forces human resources and legal to be on the same page. In addition, municipalities are seeing success with transitional duty and are making it a priority. The culture has changed related to the speed in which employers are assigning employees to modified duty.

## Proper Use of Space Heaters

Portable electric space heaters can be a convenient source of supplemental heat for your office in cold weather, but they can also increase the risks of fire



or electric shock if not used properly.

- Inspect heaters for cracked or broken plugs or loose connections before each use. If frayed, worn or damaged, do not use the heater.
- Never leave a space heater unattended. Turn it off when you're leaving your office.
- Install smoke alarms on every floor of your building and test them once a month.
- Proper placement of space heaters is critical. Heaters must be kept at least three feet away from anything that can burn, including papers, clothing and rugs.
- Locate space heaters out of high traffic areas and doorways where they may pose a tripping hazard.
- Plug space heaters directly into a wall outlet. Do not use an extension cord or power strip, which could overheat and result in a fire.
- Do not plug any other electrical devices into the same outlet as the heater.
- Place space heaters on level, flat surfaces.
- Always unplug and safely store the heater when it is not in use.



## MMSC Education 2017

The MS Municipal Service Company had the pleasure of providing educational programs for 332 attendees representing 163 different entities from all over

Mississippi this year. It is a priority at MMSC to continue providing relevant, current, risk management information and solutions to each and every member. Spring 2018 programs will be announced in the months ahead so be sure to stay tuned to your email or go to our [website](#) for additional information.

## ***Dates To Remember***

**December 13 - 15, 2017** - MS Municipal Clerk's Winter Meeting at the Hilton in Jackson. See you there!

**December 31, 2017** - Payment due for MS Municipal Liability Plan Renewals for coverage beginning January 2018.

If your municipality does not currently have liability coverage, please contact our office for assistance in acquiring this required coverage. Member Services can be reached at 800-898-1032.



**January 8 - 12, 2018** - New Chief's Association Training as required by state statute for all newly appointed Police Chiefs and any active chiefs having been appointed after 2004 and never received training. Contact [Kevin Winter](#), Executive Director at 601-957-0757 for registration information. **Deadline** to register is December 22, 2017. Training will be held at the Cabot Lodge in Ridgeland.

**January 9 - 11, 2018** - MS Municipal League [Mid-Winter Conference](#) at the Hilton in Jackson.

**January 15, 2018** - Payment due for MS Workers' Compensation Group 2nd installment invoice if applicable. Invoices were mailed this week.

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