

# *Newsletter*

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## *Learn the Easy Way*

By: *Kelly Beets*



Once again, we find ourselves in the annual evaluation season. Many human resource departments are beginning to order their Motor Vehicle Records checks (MVR's). Motor vehicle records contain data pertaining to an individual's driving history. Each year on MIRMA's Annual Evaluation, under the section of Human Resources, two questions are asked pertaining to MVRs:

- Motor vehicle records checked before hiring a new employee (pre-employment).
- Annual motor vehicle records check for existing employees.

The MVR's will include the following information to help your human resource departments:

- Personal information about the driver, such as name, address, date of birth and brief physical description.
- Driver's license details, including the number, type, class and restrictions, status (valid, suspended, revoked or canceled) and endorsements.
- Details about prior convictions, including DUI's and DWI's.
- Driving record points.
- Accident reports, traffic violations and vehicular crimes.
- Driving accidents, violations and felony/misdemeanor convictions that are not always available on other reports.

MIRMA recommends that MVRs be requested as a pre-employment criterion and conducted on an annual basis. The MVR information will help to reduce liability and risks for drivers that are operating city vehicles. While we hope that all employees are truthful and forthcoming about their driving records, there could be an instance that someone forgot to renew their license. There could also be an employee that is hopeful that their employer won't find out about their driving while intoxicated charge from a month ago. Hopefully, your personnel manual or policy requires an employee to advise you of any detrimental status to their license whether it's a Missouri class F or a CDL license. Employing drivers with safe driving records reflects positively on your city.

Now you might be wondering how do I obtain this information?

- For many years MIRMA has obtained these license check services for the cities, for a small fee of \$1.12 per record (out of state license checks may cost more). From discussions with some of our member cities, there might be a cheaper option in obtaining the MVRs. The Federal Driver's Privacy Protection Act (DPPA) allows the release of an individual's personal information on driver and non-driver license records to a



# Learn the Easy Way- Continued

By: Kelly Beets

government agency (federal, state, or local) if employed by such, and authorized to request vehicle/driving records for the purpose of carrying out its functions. To see full information on this exemption in federal law licensing please go to <http://dor.mo.gov/drivers/records.php#fees> (see exemption #1).

- MVR requests can be faxed, mailed or emailed to the Missouri Department of Revenue (DOR). The following information is required by DOR:
  - Drivers full first name, middle initial, last name, date of birth, driver's license number and or social security number.
  - DOR reminds us to always send these requests on city letterhead to prevent delays in having to confirm that you are with a city government.

Where to fax: 573-526-7367  
Where to email: [dlrecords@dor.mo.gov](mailto:dlrecords@dor.mo.gov)  
Where to mail: Driver's License Bureau  
Driver's License Record Center  
P.O. Box 2167  
Jefferson City, MO 65105

Be sure to include a return fax, email, or physical address where you want the records sent. And again, don't forget to use your city's letterhead to prevent delays.



## Payroll Verification Reminder

If you or your auditors have not already sent your Payroll Verification Letter for the period ending December 31, 2019, please be reminded that they are due in the MIRMA office by **December 31, 2020**. This is the report that your auditors provide to MIRMA verifying the payroll you reported for the prior year. MIRMA Resolution Number 90-3 provides for a substantial penalty (\$1,000) for late compliance with providing the report. If you have any questions, please refer to the Payroll Verification section of your MIRMA Membership Manual (available on our website), or contact Terri Crane at the MIRMA office ([tcrane@mirma.org](mailto:tcrane@mirma.org)).



*In observance of the Christmas and New Year's Holidays, the MIRMA office will be closed on Friday, December 25<sup>th</sup>, 2020 and Friday January 1<sup>st</sup>, 2021. We hope everyone has a safe and wonderful holiday season!*



# Why Our Job is So Fulfilling

By: Matthew Brodersen

Kennett Municipal Utilities, better known as City Light Gas and Water (CLG&W), has been a MIRMA member since 1986, and I have fond memories of being welcomed by Jim Tombs when I first visited in the fall of 1992 as a new MIRMA employee. CLGW recently announced the retirement of one of their employees after 41 years of service, and the following paragraph was in the Delta Dunklin Democrat:

*When asked what he enjoyed most, (Brian) Moody replied, "I'd say it would have to be working with the people of Kennett. Dealing with the general public and getting to know so many people over the years has made this a memorable experience. I have made many, many acquaintances and friends over the many years and I have enjoyed all the many challenges. But the best part was being able to make people happy and to see them smile over something that made their day better. It's the little things that matter so much."*

While the 41-year career is unique, the sentiment he expressed in the importance "to make people happy and to see them smile over something that made their day better" is a common thread that runs throughout the majority of the 8,000+ employees that MIRMA staff has the privilege to keep safe, and to help cure and relieve when unfortunate situations occur.

So, as we close out 2020, I just want to again thank you all for being members of the Association, it is truly our pleasure to get to serve such good people. Have a safe and happy Holiday Season!



## Renewal Questionnaires Sent

Renewal Questionnaires have been sent via email. These were emailed to each member official representative during the period of December 4-8, 2020.

The property and heavy equipment schedules were sent in Excel format and you should be able to make any necessary changes directly to the schedules. An inflation factor has already been applied to the building values, and remember that member property appraisals are available on MIRMA's website to assist you in determining property values. If you have a facility such as a power plant, water or wastewater plant, or others, that have previously been listed on one line, now please list each structure separately (each structure on a separate line). We are attempting to demonstrate to our excess insurance carriers that the entire facility value is not necessarily subject to loss from a single event.

**New this year** is an auto schedule. This schedule was also previously emailed from Jenne Auck, with directions for completion. This schedule is now required in order for our broker, Lockton, to seek a replacement for our auto physical damage reinsurer who declined to continue to include autos in our property reinsurance.

Please remember the questionnaire and pertinent supplemental applications are due in the MIRMA office by **January 29, 2021**. Please be sure that the property, heavy equipment, and auto schedules and all pertinent information are attached. Please contact Terri Crane ([tcrane@mirma.org](mailto:tcrane@mirma.org)) or Jenne Auck ([jauck@mirma.org](mailto:jauck@mirma.org)) with any questions.



# Claims Corner

By: Glenn Price

There are some things that just go well together. Peanut butter and chocolate are probably the tops on my list. Now, I'm not talking about the overly processed peanut butter and watered-down (or shall I say "milked-down") chocolate found in a Reese's cup. I'm talking about some high-end organic peanut butter with a stout, dark chocolate mixed in with it. This kind of glorious snack or dessert mixture is not for the faint of heart or for those who can't tell the difference between Jif or Skippy peanut butter. This God-send of a delight can only be for those of us who can truly appreciate a concoction of superb quality. I, myself, am such a person.

While really, really good peanut butter and a rich dark chocolate go together, there are some things that do not go together well. One such example of "some things" includes pavement and freezing weather. This sounds like a no brainer, but it's always good to remind ourselves of these issues. Last year at this time, we had already had lows around 10 degrees, so we were very in tune with the temperature changes. This year, however, it was 60 degrees yesterday and I was able to enjoy it (hope you were too)!

Slip and fall claims are not uncommon. The slip/fall claims we typically see during the winter months include falls on the sidewalk/parking lot or in a building after a snow or ice event. We'll take a brief look at each one and through the lenses of workers' compensation claims and liability claims.

In the work comp arena, falls can obviously occur anywhere. Last year alone, we had 14 claims due to falls from snow/ice that totaled \$74,043.63. City employees are usually the ones who are involved in clearing the roads or shoveling the walks leading up to city buildings. Considering this, it's not normally a warning concern or sufficient clearing concern like it can be for a liability claim. Here, the employee knows that there is snow or ice, and that employee is responsible to remedy that condition. The concerns can be boiled down to two simple thoughts: equipment given to the employee (and used by the employee), and the mindset of the employee.

Is the employee properly equipped to effectively perform snow removal? Typically, this is the case, and city employees have the right equipment to effectively remove snow or ice. The next question is different – is the culture within the city such that the employee has the mindset to complete the work efficiently and thoroughly, but with the idea that safety is of the utmost importance? Obviously, certain jobs come with inherent dangers, but there are proven ways and mindsets that are not only effective, but also protective so that the employee can get the job done.

In the liability arena, there are several concerns out there. The first of which is what duty does the city have to clear a sidewalk? Legally speaking, I know of no duty to clear a sidewalk. The landowner is not liable for injuries of a weather condition common to the area. But knowing this, if a sidewalk leading to a city building is not cleared and multiple people walk over the snow causing a rougher, and potentially more slippery terrain, then the city could be responsible for injuries associated with falls on those sidewalks. Of equal importance is the duty owed by the city after an employee has cleared the sidewalk. Many times, falls take place after the sidewalk has been cleared and there has been a melt/refreeze of the snow near the sidewalk. This is called an isolated condition, and the landowner has an obligation, then, to monitor and remedy an isolated condition.

This brings us to a second concern, and that is to what degree does a landowner need to clear the sidewalk? It's a generally understood principle that the removal of snow/ice is not going to be perfect. Further, the condition of streets and sidewalks is not going to be perfect. The landowner is not required to remove every last bit of snow and ice. Instead, the landowner is required to use **ordinary** care to make the premises **reasonably** safe. In other words, don't set a standard for yourself that the law does not require. Using ordinary care and keeping the walking areas reasonably safe are very fact specific to each case. But each city can ask itself the question "Is what we are doing considered ordinary care and is that care reasonable?"



# Claims Corner Continued

By: Glenn Price

I'll give an example. In a slip/fall due to a melt/refreeze event on a city sidewalk at 5:00 a.m., it can be noted that 4" of snow fell the day before. It will also be said that city personnel cleared a certain section of sidewalk to get into the police department. It will further be confirmed that the claimant was walking on the sidewalk the next morning at 5:00 a.m., slipped/fell on that sidewalk, and sustained injuries from that fall. It would also be confirmed that the city personnel responsible to maintain this sidewalk clocks-in at 6:00 a.m. and immediately takes measures to inspect and remedy the city sidewalk outside the police department. Are the city's measures ordinary and reasonable? We would argue that they are in this case. However, what if the claimant slipped/fell around 10:00 a.m. under the same fact pattern? Then the idea of ordinary and reasonable care comes into question.

While freezing weather and pavement do not normally mix well, there are some things we can do to ensure fewer incidents occur. For workers' compensation the questions that need to be answered include, "Is the employee appropriately equipped and is the appropriate culture of safety fostered?" For liability claims, we can ask, "Is what the city doing in maintaining the streets/sidewalks during an adverse weather event ordinary and reasonable?"

I hope this article has been helpful. If you have any questions on this article, please reach out to me at the office, or by email – [gprice@mirma.org](mailto:gprice@mirma.org).



## MIRMA Health Pool Adds Savannah, Eureka, Shelby County!

By: Steve Brown

Savannah, a member of traditional MIRMA since the fall of 2003, has elected to join MIRMA Health effective January 1<sup>st</sup>. Located in northwest Missouri with a staff of 25, they provide their citizens with essential city services.

Eureka will also be joining MIRMA Health effective January 1<sup>st</sup>. This city, a St. Louis suburb located in southwest St. Louis County, has a population of more than 10,000. Their staff of approximately 70 employees provide city services to this rapidly growing area of the St. Louis metropolitan region.

Shelby County, and its county seat of Shelbyville, is located in northeast Missouri and will be the first county government entity to join MIRMA Health effective January 1<sup>st</sup>. Their staff of 40 provides all county services to a population of more than 6,000.

With the addition of Savannah, Eureka and Shelby County, MIRMA Health's membership has grown to 30!





# LOSS CONTROL TIP OF THE MONTH

## Police Deadline Approaching

By: Patrick Bonnot

POLICE DEADLINE: December 31, 2020

Law Enforcement Presidential Order 13929

On Wednesday, October 29, 2020, the US Department of Justice (DOJ) released President Trump's Executive Order on Safe Policing for Safe Communities.

"Executive Order 13929 requires that all state, local, and university law enforcement agencies be certified by independent 'credentialing agencies'. The President's Order requires agencies to meet two standards to be successfully credentialed: 1) that the agency's use of force policies prohibit chokeholds, except in situations where the use of deadly force is allowed by law; and 2) that the agency's use of force policies adhere to all applicable federal, state, and local laws." It should be noted that the order refers to other non-mandatory policies such as the following: Termination of Use of Force, Duty to Intervene, Training Protocols on Use of Force and De-Escalation, Appropriate Medical Care, Shooting at or from a Moving Vehicle, Warning Shots, and "No-Knock," Warrants. If one were to see into the future, these topics will undoubtedly be covered either by federal law or by another presidential order, at some point.

Certification of adherence to the two required principles is a prerequisite to a law enforcement agency's eligibility for some of the DOJ's discretionary grant funding. Agencies will be required to be certified or in the process of certification at the time of grant application to be eligible for DOJ discretionary grant funds in that year's funding cycle. Certifications will be good for three years from their date of issue. Agencies in Missouri will certify to the Missouri Peace Officers and Standards Commission (POST) among others. The two grant programs currently covered by the order are the [COPS Grant](#) and the Paul Coverdell Forensic Science Improvement Grants Program. The following list of grants are NOT requiring certification, yet...

- Edward Byrne Memorial Justice Assistance Grant (JAG) Program, including the Local Law Enforcement Block Grant (LLEBG) Program
- Clandestine Drug Lab Cleanup Program
- Residential Substance Abuse Treatment (RSAT) for State Prisoners Program
- Operation Legend
- Project Safe Neighborhood
- State Homeland Security Program (SHSP), including the Law Enforcement Terrorism Prevention Activities (LETPA) Grant Program
- Next Generation 911

The Missouri Department of Public safety states, "In order for an agency to seek certification through the Missouri POST Commission, they must complete and submit for review a Certification Letter (template attached with this newsletter) on their agency's letterhead, to the Missouri POST Commission, **no later than December 31, 2020**. Email the certification letter to: [dpsinfo@dps.mo.gov](mailto:dpsinfo@dps.mo.gov). Please put "Certification Letter" as the subject of the email. Upon completion of the review, the Missouri POST Commission will issue a response letter certifying the agency has met the conditions set forth by the U.S. Department of Justice for certification. The Missouri POST Commission may also request copies of applicable policies be provided by affected agencies at any time."



# Vax/Antivax

By: Matthew Brodersen

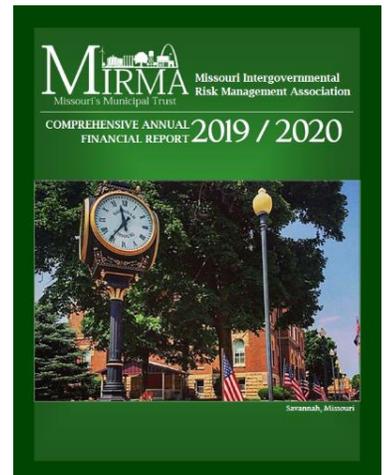
As the much-anticipated Coronavirus vaccine is now being administered in Missouri, the questions have shifted to “can a city require the vaccine to be taken by citizens or employees, and what happens if they refuse?” Lauber Municipal Law has been working on this issue and has shared the circular attached with this newsletter for your review. Obviously, the limited availability of the vaccine allows every member city to delay any discussion and decision on mandatory citizen vaccination, however, I am hopeful that our first responders will have the opportunity to be protected very soon. Also, this week I am expecting an opinion from one of our workers’ compensation law firms which will address how taking or refusing the vaccine, in both employer mandated and voluntary settings, will impact workers’ compensation coverage. I will email this information to all members once it arrives.



## MIRMA’s FY2020 Comprehensive Annual Financial Report is Now on the Website!

By: Jenne Auck

MIRMA’s CAFR was emailed to the membership on November 24<sup>th</sup>, and is also posted on the website. After logging in, click on the “Member Portal” (top right), and then click on “Financials” in the Member Menu. There you will find the full CAFR for FY2020. In addition, quarterly financial statements are posted.



## CALENDAR OF EVENTS



- January 29, 2021:** *MIRMA Board of Directors Meeting:* Held at the **Hilton Garden Inn, located by Bass Pro Shop**, Columbia, 10:00 AM
- May 7, 2021:** *MIRMA Board of Directors Meeting:* Held at the **Hilton Garden Inn, located by Bass Pro Shop**, Columbia, 10:00 AM
- July 21-23, 2021:** *MIRMA Annual Meeting:* Held at the **Hilton Branson Landing**, Branson