Everyone Has Responsibility

In our efforts to protect townships and road districts in Illinois, I am constantly reminded it takes all of us working together to achieve the desired results.

Please consider the following:

Work Safety

Each different job requires its own set of safety rules. Established rules and adequate training will help prevent accidents along with proper safety equipment.

Report Accidents

Obviously the earlier we are notified of a potential claim, the better it is for everyone. The more time passes before we are notified, the more difficult it becomes to investigate due to erosion of facts and memories.

Seek Job Training

There are many opportunities where enhanced training is very beneficial for everyone. It will make you a better township official and will also make the employees better at getting the job accomplished. Everyone wins in that situation. Even TOIRMA, as I am certain our claims numbers and costs will be reduced.

As our members are making conscious efforts to help contain costs, TOIRMA will do the same. Thanks in advance for your cooperation. All will certainly benefit.

One last reminder, if your township/road district was eligible and received a dividend check, the deadline for depositing is rapidly approaching.

Roderick D. Beck
Executive Director
What is personal protective equipment?

Personal protective equipment, commonly referred to as “PPE”, is equipment worn to minimize exposure to serious workplace injuries and illnesses. These injuries and illnesses may result from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards. Personal protective equipment may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators, or coveralls, vests and full body suits.

What can be done to ensure proper use of personal protective equipment?

All personal protective equipment should be of safe design and construction, and should be maintained in a clean and reliable fashion. It should fit well and be comfortable to wear, encouraging worker use. If the personal protective equipment does not fit properly, it can make the difference between being safely covered or dangerously exposed. When engineering, work practice, and administrative controls are not feasible or do not provide sufficient protection, employers must provide personal protective equipment to their workers and ensure its proper use. Employers are also required to train each worker required to use personal protective equipment to know:

- When it is necessary
- What kind is necessary
- How to properly put it on, adjust, wear and take it off
- The limitations of the equipment
- Proper care, maintenance, useful life, and disposal of the equipment

If PPE is to be used, a PPE program should be implemented. This program should address the hazards present; the selection, maintenance, and use of PPE; the training of employees; and monitoring of the program to ensure its ongoing effectiveness.

Personal protective equipment is addressed in OSHA standards for Construction, General Industry, Shipyard Employment, Marine Terminals, and Longshoring. OSHA requires that many categories of personal protective equipment meet or be equivalent to standards developed by the American National Standards Institute (ANSI).

FAQ’S

1. Why do we have to break equipment values out from the truck value?

When you call in to add a truck to your auto control sheet, we will ask if the truck came with any attachments such as a plow, spreader or wing. If the attachments don’t stay on the truck year ’round, they are listed separately on the inland marine control sheet. In the event of a claim, we must have these items listed individually for efficient claim handling.

2. Do we need to report rental equipment to TOIRMA?

Yes. Please report any rental equipment to TOIRMA for documentation. We need to know the year, make, model, serial number, value, dates of rental, and name of rental company.

3. How young can summer help hires be?

TOIRMA recommends age 18. Please keep in mind the Child Labor Laws — one in particular states “no minor under 16 years of age shall be employed, permitted or allowed to work...about or in connection with power-driven machinery.” This would include riding lawn mowers. Also remember that only properly trained and qualified employees should operate township vehicles and equipment.

4. Is there any help available for employment-related questions and issues?

All TOIRMA members have access to the Human Resources Help Line. They can assist in areas such as Discipline & Documentation, Legal Termination, and Discrimination. You may call the toll-free Help Line at 1-888-472-6785 ext. 1172 or ext. 1146.

5. Are volunteers for the township covered if they get hurt?

Coverage for volunteers is limited to Premises Medical Coverage included in the TOIRMA coverage grants. Volunteers are not employees, and therefore no Workers’ Compensation coverage would exist for them.

6. Why do we get two payrolls to complete each year?

The renewal packet will have an Estimated Payroll sheet attached. We ask the township to estimate the payrolls for the upcoming June 1, 2015 – May 31, 2016 program year. Later in the year (around June), you will receive a Payroll Audit. We ask you to record actual payroll paid out in the past program year (June 1, 2014 — May 31, 2015).

SEEN & NOTED:

The Key to Good Traffic Control: Uniformity

If our traffic control looks the same, over and over, drivers will learn and automatically react to the work zone.

DIVIDEND CHECKS ISSUED

Dividend checks were mailed to 1,358 TOIRMA members on March 16, 2015. Members participating in the TOIRMA Program for the previous five consecutive years were eligible for the dividend; this dividend included members from the June 1, 2009 – May 31, 2010 program year that are still current members. Although the dividend is not guaranteed, the TOIRMA Board of Trustees has declared a dividend for 24 consecutive years totaling $35,203,416. This year the amount returned to members totaled $2,006,917.

According to the Public Funds Deposit Act [30 ILCS 225/1] monies received by a township or road district that are not needed for immediate disbursement should be deposited within two working days. Member name will be published in the Township Perspective if dividend check is not cashed by May 31, 2015.

Chad Weber, Highway Commissioner of Lancaster Township/Stephenson County won the TOIRMA raffle at the Northwest Illinois Highway Commissioners Association 2015 Spring Seminar held in Sterling, Illinois this past April.
PERSONNEL RECORDKEEPING REQUIREMENTS

By: Rhonda Grubb, Human Resources Help Line

What should you keep in your personnel files? Here is a general rule of thumb: only keep information that can legally be the basis for an employment-related decision in the file as these records are discoverable (subject to subpoena). Employment decisions include hiring, firing, promotion, demotion, layoff, training opportunities and all other actions taken regarding employees. Examples of such information include:

- application/resume, employment references, pre-employment paperwork documentation, i.e., handbook, policy acknowledgement, orientation records
- training records
- job description
- emergency contact information
- performance evaluations
- attendance records
- corrective action report or documented counseling
- employment agreements
- employment offer letter
- separation or letter of termination

Employment decisions may NOT be made on the basis of sex, race, national origin, color, religion, disability, or veteran’s status or having to do with garnishment orders; therefore, it is important to keep all records related to benefits and leave of absence, employee health and safety records, and equal employment opportunity records in separate records from the personnel records.

1-9 forms must be made available on demand to the Department of Labor inspectors and it is best to keep them in a separate place for convenience. Proper maintenance of employment records is critical to defending against employment-related litigation. It is also important to ensure that improper documentation is not maintained in the personnel record, including personal comments and documents which may reference any items related to an employee’s protected class.

All TOIRMA members have access to Human Resources professionals to assist in answering employment-related questions. The Human Resources Help Line toll-free number is 1-888-472-6785, Ext. 1172 or Ext. 1146.

Did you know.....

On the back of the newsletter, there is a list of Customer Service, Loss Control, and Claims staff in the Danville office that can assist you. You can reach them by dialing 1-800-252-5059 and the extension number that is listed by each team member. Another way to reach the Danville staff directly is to dial 1-217-444-xxxx; the xxxx will be replaced by the four digit extension listed by each team member.
JULIE — Frequently Asked Questions

Do I have to call JULIE, Inc.?
Yes. Illinois state law requires that anyone planning an outdoor project that requires digging, regardless of the depth or the size of the project, must call JULIE first.

Is JULIE, Inc. a utility company and/or government agency?
No. JULIE is a not-for-profit corporation. JULIE does not own or mark any underground lines. The organization’s mission is to prevent damages to underground utilities, the environment and property, reduce service interruptions and costly repairs, and save lives.

How much does it cost to use JULIE, Inc.?
The call to JULIE and the locating service provided by utility members are free to homeowners and excavators.

When is the Call Center open?
Call Center operators are available 24 hours a day, 365 days per year.

Will JULIE, Inc. tell me the specific location or depth of the public utilities?
No. JULIE does not have information on the specific location or depth of underground lines.

If I am the subcontractor on a job, do I have to get a locate request ticket or will the general contractor’s ticket protect me?
According to state law, the person doing the digging is required to call JULIE with the locate request information at least 48 hours/two working days in advance of the start of the excavation, not the homeowner or company for whom the work is being done. The general contractor’s locate request only applies to its company. The general contractor should only request a locate if the general contractor itself is planning to dig at the site.

When should I pre-mark the work site?
If the excavation site cannot be clearly and adequately identified through the locate request, JULIE recommends that the excavator designate the route or area to be excavated using white paint, flags, stakes or a combination of these methods prior to contacting JULIE. Black may be used when snow is on the ground.

May I dig after the 48-hour advance notice?
State law requires that the excavator exercise due care at all times to protect underground utility lines and CATS lines. If, after waiting the required 48 hours, the excavator observes clear evidence that there is an unmarked utility or CATS line in the area of the proposed excavation, the excavator should not begin excavating until two (2) hours after an additional call is made to the Statewide One-Call Notice System for the area.

What are the excavator’s responsibilities while digging?
The excavator has an obligation to honor all time/marking requirements and then to dig in a reasonable and prudent manner, taking all reasonable and required precautions to avoid damaging underground lines. It is recommended that you follow current industry practices, such as hand digging and/or vacuum excavation within 18 inches on either side of a marked underground line.

I have hit an underground line – what do I do now?
First, if you have created a potentially dangerous situation (i.e., damaged gas line, etc.), evacuate the area and immediately call 911 and/or the proper emergency responders. State law requires the excavator call JULIE and the owner of the damaged utility.

How long do I have to wait after calling in an emergency locate request?
An emergency locate request call is processed immediately by the JULIE system. According to state law, excavators must wait at least two hours (or until the date and time requested on the notice, whichever is longer) before digging. If an earlier start time is needed, the excavator must demonstrate that site conditions warrant the earlier start time. If a member(s) does not respond within the required wait time, call the member company directly and/or JULIE again. JULIE will send another request to the member(s) not responding.

Are all underground line owners members of JULIE, Inc.?
While all underground line owners and operators (except for the Illinois Department of Transportation, rural electric cooperatives and railroads) are required by state law to be members of JULIE, Inc., there may be some line owners and operators who are not current members. Non-members can be reported to the Illinois Commerce Commission at 217-558-4010 (see Suspected Violations/ICC Administrative Penalty Program).

There is no reason to take a chance when it comes to safety. JULIE’s call center agents are available to receive and process requests 24 hours a day, seven days a week at either 811 or 800-892-0123. E-Request is a free, online option via www.illinois1call.com.
ROAD USE AGREEMENTS

By: Jim Donelan, Associate Director

A big project is coming through your township/road district. It may be a new wind farm, cellular tower, pipeline, or electric transmission line among other possibilities. Whatever it is, it’s going to bring lots of traffic and potentially impact your roadways.

By now many of you have heard the terms “road use agreement.” But what is it? How does it work? Should it really be considered?

The following questions and answers are designed for you to have a better understanding of ways to protect your township roads. As your risk management partner, TOIRMA would like your roads to be as safe as they can be for your benefit and the benefit of your residents.

QUESTION: Who has authority over a township road?

ANSWER: The highway commissioner of each road district has the authority “general charge” of the roads of the district. [60 ILCS 1/73-5; 605 ILCS 5/6-101 et. seq.]

QUESTION: Does a road district have the authority to enter into a road use agreement with a private entity?

ANSWER: Yes. The Illinois Highway Code authorizes a highway authority, such as the road district, to impose reasonable rules, regulations and specifications for the use of road district roads by public and private utilities. [605 ILCS 5/9-113]

QUESTION: What if a private or public utility causes damage to a road district road?

ANSWER: Primary responsibility for such repairs shall remain with the utility even if the road district makes repairs to the roadway. [605 ILCS 113.01]

QUESTION: What is a road use agreement?

ANSWER: In our context it is an agreement between a road district and another entity, such as a utility company, outlining the terms and specifications of the usage of a public right-of-way for an agreed to purpose/timeframe.

QUESTION: Why would a road district consider a road use agreement with a private utility/developer?

ANSWER: The short answer is, projects such as these may cause damage to road district roads, for they may not be designed for such activities. The taxpayers should not be responsible for damage imposed on the roads. Plus road districts cannot afford such improvements for the most part.

QUESTION: If you hear about a project coming to your area, when should you begin discussions regarding a potential road use agreement?

ANSWER: The earlier the discussions begin the better. If it appears as if the project has even a remote chance of coming to your area, we recommend seeking the advice of legal counsel on how to proceed. The main point to remember, is you want to protect your roadways, which in-turn protects your township and your residents.

QUESTION: What are items to consider when considering a road use agreement?

ANSWER: In order to begin, there must be good communication between the road district and the entity or company. When there is a need to utilize your right-of-way it is important to protect this asset and get the parameters in writing. These parameters may include preparation of the roads for the project, particular usage of the roads (routing), repairs of any damage and/or fines, traffic control, dispute resolutions and enforcement, and insurance requirements among other items.

QUESTION: Can a road district plan ahead and be ready for these types of projects (have something already in place)?

ANSWER: Yes. Some road districts, such as in Douglas County, have passed an ordinance in each of the respective jurisdictions that address these types of projects. In fact the ordinance sets “standards for construction on, over, above, along, upon, under, across or within, use and repair of, the public right-of-ways.”

If a road district does not already have such an ordinance in place, a road use agreement can still be entered into with the entity.

It is in the best interest of your road district and your residents to have adequate discussion before a project is started. Please keep in mind that when you hear of a potential project, remember that other road districts in the state have already been through this and you are not in this alone. Feel free to reach out to your fellow highway commissioners, the Township Highway Commissioners of Illinois, TOI or TOIRMA for guidance.

We hope this information is helpful. If you have any further questions regarding the above topic, please feel free to contact me at (888) 562-7861 or by e-mail at jdonelan@toirma.org.