Use Fall to Prepare for Winter

It’s hard to believe, but fall is well underway. This is one of my favorite times of the year. Sweatshirt weather, fall festivals, football, Halloween, Thanksgiving, and family. Although some see this as a prelude to the forthcoming bad weather, I tend to be a little more optimistic about the whole thing and encourage you to enjoy the moment. However, a couple of things are certain. It will continue to get colder outside, and the snow inevitably will come. Sometimes worse than others, but both will be here soon. After all, this is Illinois, so please use this time to prepare for the upcoming winter.

From a township/road district perspective, it is critical to have your equipment ready for the weather trials laying ahead. It is equally as important to have the right mindset. As expected, as the weather gets more challenging during the winter months, the number of accidents and claims tend to increase. We understand that this is a part of doing business here at TOIRMA. However, by doing your part in being prepared and extra cautious, you can help reduce accidents and losses.

TOIRMA safety campaign points to keep in mind during this winter season are:

- Do your part...to keep the cost of accidents down.
  - Use the right equipment for the job.
  - Follow safe work practices.
  - Encourage others to practice safety.
  - Take extra time and care.

- What you don’t see...is what you have to watch out for.
  - Be familiar with your route.
  - Safety is more important than speed.
  - Look before backing.
  - Check your mirrors frequently.

Plow with care...your life and mine depends on it.

Be Cool, Plow With Care – Prevent Accidents. Always use your snow plow know-how.

Keeping these items in mind will help you have a better, safer winter, while at the same time assisting in keeping your roadways safer for your constituents.

Thank you, Happy Holidays, and please remember to “Think Safe...Drive Safe...Work Safe.”

Jim Donelan
Executive Director

Dillon’s Rule

Dillon’s Rule can be found on Page 1 of the Township Officials of Illinois Laws & Duties Handbook (Revised 2015). TOIRMA bases many of their coverage decisions on Illinois statutes.

Townships and other units of local government are regulated by provisions of Article VII, Sec. 8 of the 1970 Illinois Constitution which states in part, these governments “shall have only powers granted by law.” In the late 1800’s, John F. Dillon, a Supreme Court Justice in Iowa, developed this legal principle, which is known as Dillon’s Rule. In plain language it means that if there is no statute permitting a township or road district (or official) to perform a function or service, the government or official may not carry out that function regardless of how much it’s needed or wanted. If the statutes are silent (do not mention) regarding a particular power or function, it does not exist. If the power doesn’t exist, the government (or official) may not perform the service.

See Jim Donelan’s article on John Forest Dillon on Page 7 of this newsletter.
CLAIMS: Complications of Late Reporting

By: Kelly Helenthal, Claim Consultant

In the TOIRMA Program Manual, after the Coverage Grants tab, you can find the various Forms that make up the Coverage Grants (such as General Liability, Auto Liability, etc.). These Forms protect the townships, the elected officials, and the employees from an array of exposures. In order to provide the best defense and cost effective measures in handling TOIRMA claims, it is imperative that TOIRMA receive prompt notice of ALL potential claims.

What does prompt notice mean? Generally, prompt notice is 24-48 hours from the time the township receives notice of a loss. Why is prompt notice so important? The easy answer is, it saves money. When claims are not reported timely, the claims personnel lose valuable time in collecting evidence and documenting facts and damages.

If we receive prompt notice of a claim for an injured worker, we can assist that employee in getting to the right doctor, for the right treatment, and focus on recovery. Prompt notice with the right treatment will get that employee back to work sooner, minimizing time off.

Delays in reporting claims on your buildings can make the cost of a claim rise and create a potentially uninsured situation. If the walls of your storage shed are damaged by wind and hail and the claim is not reported, it is also likely not getting fixed. The walls will continue to deteriorate and instead of a simple repair with prompt reporting, now the whole wall may need to be replaced. If water continues to enter the building from the previously damaged areas and more damage occurs, that subsequent damage is not covered. It is not covered because the first damage/claim was not reported, nor was the building protected. This means nothing was done to protect the property or minimize the damage. That damage is no longer sudden and accidental, but occurring over time and is therefore not covered.

It is also important to report auto accidents immediately. In an auto accident, if the other parties are not contacted to verify the facts and damages promptly, the facts change and the damages seem to multiply. The other party may also retain an attorney which will drive up the value of a claim and then may enter litigation, increasing legal fees.

Each of the coverage Forms issued by TOIRMA contains language pertaining to reporting of losses for TOIRMA claims. These are generally found in the Conditions sections of the Forms, or specifically, Member’s Duties in the event of a loss. Failure to comply with these provisions does jeopardize your coverage for that claim. A delay in reporting a claim could mean a full or partial denial for damages.

In order to avoid any coverage issues the claim must be reported to TOIRMA as soon as possible. There is no need to “wait” for additional information. The adjusters can begin their investigation and assist in getting any further necessary information. Contact information for the Claims staff can be found on the back cover of this newsletter.
FAQ’S

We receive some very good questions from our members! Below are some “Frequently Asked Questions” and answers.

1. Who needs to review the renewal packet?

We recommend reviewing the renewal packet at your board meeting. At minimum, the Supervisor should review the entire packet and the Highway Commissioner should review the control sheets as well.

2. Why do we get two payrolls to complete every year?

The renewal packet will have an Estimated Payroll sheet attached. We will be asking the township to estimate the payrolls for the 2016-2017 program year. Later in the year (around July), you will be receiving a Payroll Audit. We will be asking you to record actual payroll paid out in the 2015-2016 program year.

3. Is it better to send in our own inventory spreadsheet or mark on the control sheets provided?

Please use the control sheets TOIRMA provides in your renewal packet to make changes. This will help us to process your packet efficiently. To delete items on the control sheets, you may draw a single line through items you no longer own. To add items: Print the item, year, make, serial #, value, type (i.e. RC (Replacement Cost), FR (Functional Replacement), or ACV (Actual Cash Value)), and effective date in the blank space below your printed name.

4. Why do we need to submit financial information on the renewal packet?

Each year we ask you to report the township’s beginning balance and revenues. All funds should be included, and information should come from the last fiscal year-end. The beginning balance plus revenues becomes the amount of coverage for the Supervisor’s / Treasurer’s Bond, which is included in your TOIRMA coverage package.

5. Shouldn’t I decrease my Inland Marine (equipment) values? My equipment isn’t worth the amount listed.

If your equipment is listed at Functional Replacement (FR), you should not decrease the value. Functional Replacement allows you to value your equipment so you can get a different piece of used equipment, in the event of a covered loss, that will continue to meet the needs of the township. The replacement does not have to be the same year, make, or condition.
TOIRMA MEMBER CALENDAR

Following are highlights of the upcoming TOIRMA calendar:

January .................................... Renewal Packets mailed to all members renewing June 1 — due back by March 1
February .................................... Has your Renewal Packet been completed and returned?
March ........................................... Renewal Packets due

SEEN & NOTED:

Safety starts with S, but begins with YOU!
This photo was taken by Katie Musgrave, Claim Supervisor in the Danville Office. Ironically she was on a conference call reviewing workers’ compensation claims and witnessed this going on outside (in case you can’t tell, the ladder was being used from the back of a pick-up truck).

Bill Grinnell, Highway Commissioner of Fremont Township/Lake County won the TOIRMA give-away at the 33rd Annual Township Highway Commissioners of Illinois Summer Seminar this past August in Peoria. Bill is pictured with Sean Richardson, TOIRMA Loss Control Representative and Matt Knight, TOIRMA Loss Control Consultant.

TOIRMA TOTAL MEMBERS As of 10/31/2015

Townships ★ 1377
MTAD’s ★ 313

Welcome New Member: Edwards Road District #2/Edwards County
SNOW SHOVELING

Any time we shovel snow there is a risk of injury or even death. According to CBS News in Chicago, by early February 2015, around 18 people in the Chicago area had died in snow shoveling-related incidents. They ranged in age from 40-75. Nationwide, snow shoveling is responsible for thousands of injuries and as many as 100 deaths each year.

So, why so many deaths? Shoveling snow is just another household chore, right?

Not at all, says Harvard Health Executive Editor Patrick J. Skerrett.

“Picking up a shovel and moving hundreds of pounds of snow, particularly after doing nothing physical for several months, can put a big strain on the heart.” — Skerrett wrote in February 2013.

Pushing a heavy snow blower also can cause injury. And, there’s the cold factor. Cold weather can increase heart rate and blood pressure. It can make blood clot more easily and constrict arteries, which decreases blood supply. This is true even in healthy people. Individuals over the age of 40 or who are relatively inactive should be particularly careful.

National Safety Council recommends the following tips to shovel safely.

- Do not shovel after eating or while smoking
- Take it slow and stretch out before you begin
- Shovel only fresh, powdery snow; it’s lighter
- Push the snow rather than lifting it
- If you do lift it, use a small shovel or only partially fill the shovel
- Lift with your legs, not your back
- Do not work to the point of exhaustion
- Do not pick up a shovel without a doctor’s permission if you have a history of heart disease. If you feel tightness in the chest or dizziness, stop immediately.

SNOW BLOWER SAFETY

Pushing a heavy snow blower also can cause injury. Be safe with these tips from the American Society for Surgery of the Hand and the American Academy of Orthopedic Surgeons:

- If the blower jams, turn it off
- Keep your hands away from the moving parts
- Do not drink alcohol and use the snow blower
- Be aware of the carbon monoxide risk of running a snow blower in an enclosed space
- Refuel your snow blower when it is off, never when it is running

Permission to reprint granted by the National Safety Council @ www.nsc.org.

STAY CONNECTED WITH THE IDOT BUREAU OF LOCAL ROADS AND STREETS

The Bureau of Local Roads and Streets (BLRS) subscription service for local agencies allows information to be sent out electronically and reduce the number of mailings sent from BLRS. This service is used to provide general information. In an effort to reduce the number of mailings and the amount of information sent to local agencies, some items are not sent out as circular letters. Rather, they are disseminated through local agency committee meetings. The subscription service will provide a convenient, efficient way of issuing this information in addition to committee meetings.

It will also do the following:

- Issue BLRS’ Informational Circular Letters
- Issue BLRS’ Procedure Memorandums
- Notify users of changes to LR Special Provisions and BLR Forms
- Notify users of funding opportunities
- Distribute the Illinois Technology Transfer Center’s newsletter, training program, and updates

See the Subscription Service Card below. The service is an open list; therefore, local agency and consultant employees need to register in order to receive information electronically. A valid e-mail address and internet access are required to register for the service. In order to subscribe, you must fill out all required fields marked with a red asterisk. If you create a password, you will be able to manage your account and update your e-mail address. If you have questions or problems concerning the service, please contact the Local Policy and Technology Unit at DOT.LocalPolicy@illinois.gov.
Reporting Fatalities & Injuries

We have been notified that several members have received either a mailing or an e-mail from Hugo Chaviano the new Director of the Illinois Department of Labor. In October, he sent out information on Illinois OSHA Reporting Requirements for work-related injuries, illnesses, and fatalities. We did make you aware of the changes in the Winter 2014 Newsletter, but it is worth repeating. The mailing also had some informative handouts which can be found as follows:


The handouts can also be found at the bottom of [http://osha.illinois.gov](http://osha.illinois.gov) under Additional Information.

We also want to remind you that required Department of Labor posters do not have to be purchased. All required posters can be found at [http://www.illinois.gov/idol/Employers/Pages/posters.aspx](http://www.illinois.gov/idol/Employers/Pages/posters.aspx).

OSHA Forms 300 and 300A—post February 1 – April 30

Our members continue to see visits from the Illinois Department of Labor and they typically ask to see OSHA’s Form 300 (Log of Work-Related Injuries and Illnesses). The OSHA Injury and Illness forms are now available in a pdf fillable form at [www.osha.gov/recordkeeping/RKforms.html](http://www.osha.gov/recordkeeping/RKforms.html). For the past several years we have provided information about the OSHA Forms 300 and 300A in the Winter issue of the TOIRM A Newsletter, this year is no exception.

Other information about OSHA Injury and Illness Recordkeeping and Reporting Requirements can be found at [www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping). Below is an example of information found at this site:

**Am I required to prepare and maintain records?**

Employers with more than ten employees and whose establishments are not classified as a partially exempt industry must record work-related injuries and illnesses using OSHA Forms 300, 300A and 301, available at [https://www.osha.gov/recordkeeping/RKforms.html](https://www.osha.gov/recordkeeping/RKforms.html). Partially exempt industries include establishments in specific low hazard retail, service, finance, insurance or real estate industries and are listed in Appendix A to Subpart B and at [https://www.osha.gov/recordkeeping/pp1/RK1exempttable.html](https://www.osha.gov/recordkeeping/pp1/RK1exempttable.html).

Employers who are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in a workplace every year from February 1 to April 30. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

John Forest Dillon was born in Montgomery County, New York in 1838 and his family moved to Davenport, Iowa in 1844. Originally he planned on practicing medicine, but suffered from a hernia which made practicing medicine impossible for him to do. He then turned to studying law and was admitted to the bar in 1852. Shortly thereafter Mr. Dillon was elected Scott County Prosecutor in 1853, a position he held until becoming a judge of the 7th Judicial Circuit of Iowa.

By 1863, Judge Dillon was elevated to the Iowa Supreme Court, serving as its chief justice from 1868 to 1869. President Ulysses S. Grant appointed Justice Dillon to serve as judge of the United States Circuit Court, 8th District in 1869, a position he held until 1879.

In 1872, Dillon published Municipal Corporations outlining the legal principal known as “Dillon’s Rule” which stated that (local) governments only have the powers that are expressly granted to them by the state legislature. “In plain language it means that if there is no statute permitting a township or road district (or official) to perform a function or service, the government or official may not carry out that function regardless of how much it’s needed or wanted. If the statutes are silent (do not mention) regarding a particular power or function, it does not exist.”

The Illinois Constitution incorporates “Dillon's Rules” in Article VII, Section 8:

“Townships, school districts, special districts, and units designated by law as units of local government, which exercise limited governmental power or powers in respect to limited governmental subjects shall have only powers granted by law.”

This is the foundation of American local government law and is always a good starting point for a local official when contemplating whether to pursue a new project or service. Keeping “Dillon’s Rule” in mind can save a significant amount of time, headache, and potential liability.

Sources:
Human Resources Help Line

Don’t forget to call for help with employee issues. 1-888-472-6785 Ext. 1172 or Ext. 1146

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