“What do you mean I’m fired?!... You can’t do that!”
Are these issues arising too many times?

HUMAN RESOURCES HELP LINE

All TOIRMA members have access to Human Resources professionals to assist in answering employment-related questions and issues.

The Help Line toll-free number is (888) 472-6785 ext. 1172
(All calls promptly returned within 24 hours.)

The Human Resources Help Line covers many areas such as:
Discipline & Documentation
Legal Termination

Another service brought to you by TOIRMA.

It’s Transition Time

It seems like only yesterday when township officials were beginning a new term of office, but believe it or not it’s been nearly four years. There are officials running for re-election, officials that are retiring, and both contested and non-contested races across the state. No matter the situation, TOIRMA strives to assist township officials with a smooth and easy transition. A critical part of a successful changeover is the cooperation of officials presently holding office.

Whether you will be serving as a township official during the new four-year term or not, please do your part in assisting any newcomers. Tell them about TOI’s educational programs, and the resources available to them as an elected official and member. Share with them the services offered by the TOIRMA Program. If nothing else, provide them with our telephone numbers, and website addresses.

TOIRMA will be doing our part as well. We will be reaching out to newly elected members helping to make sure they are aware of the coverages and risk management services that TOIRMA offers. If history is any indicator, we will be receiving numerous calls, emails, and in-person conversations in which we will make ourselves available to answer any questions that may arise. These efforts will help ensure good government and fewer claims which will benefit all TOIRMA members.

I always enjoy the new term of office, when we focus on a new beginning. It’s great to see both new and veteran faces, and we remain committed to assisting our members with a smooth transition.

To those of you that will be retiring/no longer serving township government, thank you for your dedication and hard work. To those of you who will be returning, TOIRMA looks forward to assisting you with your needs during the new term.

Thank you for your help.

All the best!

Jim Donelan
Executive Director
The increased number of cell phone towers, with related fiber optic cable, has generated questions and conflicts when telecommunication companies seek to use township road right-of-way for laying of fiber optic cable to service cell phone towers. Disputes may arise over the depth at which cable is buried; the location of connection boxes that may project above grade level, and the repair of excavated or bored road surfaces and roadside right of way. Illinois law authorizes companies to use right-of-way in some circumstances, and places time limits on the approval (or disapproval) of highway commissioners and county engineers who have a recognized but limited right to control how the right-of-way is used.

The Illinois Telephone Company Act authorizes companies to place cable in highway right-of-way. The statute imposes certain requirements on companies that seek to lay lines along township roads, and also requires that commissioners address any proposal from a company to construct any such line.

The company must provide the commissioner with written plans and specifications, and documentation of the purpose and intention to construct cable in the right-of-way. The notice must be served on the commissioner at least 10 days before the line is placed (30 days for new construction.) The commissioner may specify the portion of the highway upon which the line may be placed, and in the event the commissioner gives that specification, the company must construct its line in accordance with such specification. If the commissioner does not provide specifications, the company may place its line as long as it does not interfere with other proper uses of the highway.

The Road and Bridges Act calls for written consent of the commissioner or the county engineer if a public utility wishes to place cable in a right-of-way. The utility should provide the commissioner with plans and specifications, and a petition asking for consent at least 30 days before beginning. Of particular note is that if the commissioner does not act within that 30 day period after the petition for consent is presented to him, the company may bypass the commissioner and make written application directly to the county engineer for consent.

If a commissioner is unsure whether to accept the company’s plans and specifications he should confer with his county engineer. The county engineer will have the say-so if the commissioner fails to act, and as a practical matter the county engineer will likely decide the adequacy of the plans and specifications.

The Road and Bridges Act places the primary responsibility for repairs to roads caused by a utility on the utility. The commissioner is authorized to give written notice to the utility of the need to make repairs within 30 days after receipt of the notice, and in the event the company fails to do so, the commissioner can repair the damage and bill the utility.

While the Courts recognize a commissioner may exercise regulatory powers over the use of the highway, the regulatory power is subject to a reasonableness limitation; the commissioner does not have unlimited power. Consent cannot be unreasonably withheld or refused for an improper reason.

The Federal Communications Act regulates telecommunication companies. This law is intended to reduce regulation and encourage the rapid development of new telecommunications technologies. The Federal Courts have limited the role of local government, noting that allowing each township to set its own regulation will discourage and delay development of telecommunications. The U. S. Supreme Court has said the federal laws effectively prohibit local regulation that impedes telecommunication service.

A highway commissioner faced with the decision whether to consent to the placement of fiber optic cable within a township road right-of-way should discuss concerns with the county engineer if the engineering and related technical issues are complicated or the sufficiency of the protective measures called for by the plans and specifications are uncertain or believed to be inadequate. It is likely that any refusal to communicate with a telecommunication company seeking consent will lead to the company, if 30 days elapse, bypassing the commissioner and going directly to the county engineer. Litigation of any kind over these types of issues is undesirable because both state and federal law make a successful suit for the telecommunications carrier the most likely end result; a successful suit for a township requires proper engineering support through the county or a contract engineer.

Prepared by: Gregory C. Ray

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Email:  www.craiglaw.net
SPRING WEATHER SAFETY

When spring arrives, it’s time to prepare for the severe weather that comes with it. Tornadoes, thunderstorms and windstorms can damage or destroy entire communities within minutes. This is a great time to review your Townships severe weather safety procedures.

Severe Weather Action Plan: The best defense when faced with severe weather warnings is preparedness. Pre-planning and familiarization with our existing emergency action plan will help to reduce potential problems in the event of a serious situation.

Please evaluate your current knowledge of our severe weather plan. See if you are able to answer the following questions:

1. Do you know when to evacuate your work area? How are emergencies communicated?
2. Do you know where the designated refuge spots are and how to proceed to those areas?
3. In the event of an evacuation do you have responsibilities for properly shutting down equipment or responsibility for critical processes?
4. How are you and other employees accounted for after an evacuation has occurred?
5. In the event of a medical emergency, who are the employees assigned rescue and medical duties?
6. What is the preferred means of reporting emergencies?
7. Who can you contact for additional information?

Remember, tornadoes develop from severe thunderstorms. They can develop rapidly and sometimes strike before warnings can be issued. They are usually preceded by very heavy rain and/or large hail. Remain alert to signs of an approaching tornado and seek shelter if threatening conditions exist.

Tornado Danger Signs:

- Dark, often greenish sky
- Cloud of blowing debris
- Large hail
- Calm wind, air that is very still
- Loud roar, similar to a freight train
TOIRMA NEWS

TOIRMA MEMBER CALENDAR ⭐ Following are highlights of the upcoming TOIRMA calendar:

March ............................................. Renewal Packet due March 1
Dividend Issued
April .................................................. Annual billing mailed to all members renewing June 1
Dividend cashed?
June .................................................. Renewal contribution due June 1
Declaration pages and payroll audit mailed
Intergovernmental Cooperation Contract signed and returned

Some of the TOIRMA staff, Board of Trustees, and Marketing Representatives gather around Safety Man. Pictured in front are: Jim Donelan, TOIRMA Executive Director; Joe Musso, Supervisor of Pecatonica Township/Winnebago County and TOIRMA Trustee; Rick Mackin, TOIRMA Marketing Representative; Safety Man; Simphi Lenover, TOIRMA Account Manager; Beth Eyrich, TOIRMA Underwriting Supervisor. Pictured in back are: Jack Carlson, TOIRMA Marketing Representative; Olen Kibler, Highway Commissioner of Newman Township/Douglas County and Board of Trustees Chairman; Bill Cocagne, TOIRMA Marketing Representative; Matt Knight, TOIRMA Loss Control Consultant; Sean Richardson, TOIRMA Loss Control Consultant; Katie Musgrave, TOIRMA Claim Supervisor; and Kevin Bird, Highway Commissioner of Hickory Point Township/Macon County and Board of Trustees Secretary.

TOIRMA TIDBITS

SPRING 2017

TOIRMA MEMBER CALENDAR ⭐ Following are highlights of the upcoming TOIRMA calendar:

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Intergovernmental Cooperation Contract signed and returned

All workers have the right to:

Raise a safety or health concern with your employer or OSHA,
or report a work-related injury or illness,
without being retaliated against.


Jim Donelan, TOIRMA Executive Director is pictured with Don Staver, Highway Commissioner of Chemung Township/McHenry County and Joe Musso, Supervisor of Pecatonica Township/Winnebago County and TOIRMA Trustee. Don won the TOIRMA drawing at the TOI 109th Annual Education Conference this past November in Springfield, IL.
TOIRMA Test

Test your TOIRMA knowledge! These questions can be answered if you paid attention to the Summer, Fall, and Winter 2016 TOIRMA newsletters. Answers appear at the end. How do you rate?

1. Which of the following is a guideline for Personal Protective Equipment (PPE)?
   a. Sandals are permitted May – September for optimal comfort
   b. Employees should wear protective gloves when they are taking out the garbage or handling boxes of stock
   c. ANSI approved Z87 goggles are not recommended for cleaning involving spray chemicals
   d. Gloves are not encouraged because they inhibit workers from getting a better grip on materials during lifting and transferring

2. When mounting or dismounting a machine, you should always:
   a. Face the machine
   b. Ask someone to spot you
   c. Keep your cell phone in hand for emergency
   d. b. & c.

3. Which of the following statements is true regarding Job Descriptions?
   a. A job description should describe the tasks, duties, functions and responsibilities of each position
   b. Job descriptions are an essential part of the hiring of new employees as well as managing current employees and workers’ compensation claims
   c. A job description is an important component for considering reasonable accommodation requests as required by the ADA (Americans with Disabilities Act).
   d. All of the Above

4. Which statement is true regarding OSHA standards for reporting fatalities, hospitalizations, amputations or loss of an eye?
   a. You must report employee’s Social Security number in initial call
   b. All work-related inpatient hospitalizations, all amputations and all losses of an eye must be reported within 36 hours
   c. You must report all work-related fatalities within 8 hours
   d. All of the Above

5. Which statement is false regarding credit cards and debit cards?
   a. Credit card users are provided much more protection than debit card users
   b. Transactions paid for with credit cards afford the township board the opportunity to examine the expenditure prior to paying it
   c. Debit cards are a smart way to safeguard township bank accounts
   d. If a credit card is stolen, the consumer’s liability caps out at $50

6. What is a good rule to follow for safety during ‘winter conditions’?
   a. Put your hands in your pockets when walking on slippery surfaces to protect them
   b. Pump brakes if the vehicle has Anti-lock brakes
   c. Keep fuel tank at least one quarter filled to prevent freezing in system
   d. Keep windshield washer container filled with water

7. Which coverages are included in the TOIRMA Program?
   a. General Liability, Auto Liability, and Public Officials Liability
   b. Equipment Breakdown Coverage (Boiler and Machinery)
   c. Worker’s Compensation
   d. Treasurer’s Bond
   e. All of the Above

8. A good rule of prevention for theft of township property would be:
   a. Secure portable equipment in a locked garage
   b. Do not leave keys in equipment/autos
   c. Maintain an inventory list with serial numbers and estimated values
   d. Mark portable equipment/barricades with — PROPERTY OF….
   e. All of the Above

9. What entity sets standards for safety glasses?
   a. SGA (Safety Glasses America)
   b. ANSI (The American National Standards Institute)
   c. Optometric Safety Council
   d. Trick question — no standards exist for safety glasses

10. Premises Medical Coverage:
    a. Is provided through TOIRMA for up to $10,000 per person
    b. Includes first aid administered at the time of accident
    c. Can be paid for bodily injury caused by an accident on premises that the member owns or rents
    d. Is discussed under the General Liability tab in the TOIRMA Program Manual
    e. All of the Above

Answer Key:
1) b. 2) a. 3) d. 4) c. 5) c. 6) b. 7) e. 8) d. 9) b. 10) e.
WORKING SAFELY WITH CHAIN SAWS

The chain saw is one of the most efficient and productive portable power tools used in the industry. It can also be one of the most dangerous. If you learn to operate it properly, and maintain the saw in good working condition, you can avoid injury as well as being productive.

Before Starting the Saw

✓ Check controls, chain tension, and all bolts and handles to ensure they are functioning properly and adjust according to the manufacturer’s instructions.
✓ Fuel the saw at least 10 feet from sources of ignition.

While Running the Saw

✓ Keep hands on the handles and maintain secure footing while operating the chainsaw.
✓ Clear the area of obstacles that might interfere with cutting the tree or using the retreat path.
✓ Do not cut directly overhead.
✓ Shut off or release throttle prior to retreating.
✓ Shut off or engage the chain brake whenever the saw is carried more than 50 feet, or across a hazardous terrain.
✓ Be prepared for kickback; use saws that reduce kickback danger (chain brakes, low kickback chains, guide bars, etc.)

Personal Protective Equipment Requirements

✓ Personal protective equipment (PPE) for the head, ears, eyes, face, hands, and legs are designed to prevent or lessen the severity of injuries to the individual or other workers using chain saw.
✓ PPE must be inspected prior to use to ensure it is in serviceable condition.
✓ The following PPE should be used when hazards make it necessary:
  • Head Protection
  • Hearing Protection
  • Eye/Face Protection
  • Leg Protection (Chaps)
  • Foot Protection
  • Hand Protection
  • Proper reflective clothing

For more information, contact your Loss Control Consultant at (800) 252-5059, ext. 1387 or 1384.
CLAIM REPORTING HOTLINE (844) 562-2720 | Available 24/7
A federal judge recently granted an emergency preliminary injunction filed by the State of Nevada, twenty other states, and several businesses, blocking the new Fair Labor Standards Act Overtime Final Rule from taking effect. The Rule was scheduled to take effect on December 1, 2016 and increased the current annual salary threshold from $23,660 to $47,476 in order to be exempt from overtime.

Although the injunction is temporary, it isn’t clear when a final decision will be reached because many factors could influence the outcome of the legal challenge to the rule. The argument in the courts over the new overtime rules is that the Department of Labor overreached its authority by shifting too far away from the Fair Labor Standards Act’s duties test and put too much emphasis on the salary threshold. The district court judge hasn’t made a final ruling on the merits of the case, and the Department of Labor could appeal the injunction decision. However, the incoming administration could also decide it won’t defend the rule.

For now, this means the existing overtime rules will remain in place and comply with regulations that are currently in effect. Employers are encouraged to monitor the situation and be prepared to implement salary increases to employees to preserve their exempt status should the injunction/ban be lifted. TOIRMA will continue to monitor the status of the overtime legislation and provide updates as they are made available.

Below is a link to the Society for Human Resources Management website with additional resources and information about the ruling.


April 2017 marks the 10th anniversary of National Safe Digging Month, reminding homeowners and professional excavators in Illinois to either call JULIE, Inc. (JULIE) at 8-1-1 or click www.illinois1call.com before every digging project, regardless of the size or depth. This is a free call and service.

“Digging responsibly is the only way to dig,” said Roger Watwood, JULIE’s Damage Prevention Manager in Southern Illinois. “When an excavator inadvertently cuts or damages underground lines, the results can still take a staggering toll, in terms of costly delays, environmental or property damage, liability, personal injury and even loss of life.”

Nearly 60 percent of locate requests are now entered via an online option. In addition to the popular E-Request program for homeowners, a new version of Remote Ticket Entry (RTE) with several enhancements is now available. RTE allows professional excavators to enter and submit their own locate requests remotely as an alternative to placing a call and potentially waiting on hold during peak times. Locate requests are received and processed 24 hours a day, seven days a week. Learn more about the many new features and benefits of RTE by registering for a free, 90-minute training Webinar at www.illinois1call.com. Questions can be directed to JULIE’s RTE Support Team at 815-741-5011.

In addition, JULIE’s Damage Prevention Managers can assist with questions about the one-call process and participate in safety meetings, conferences or events at no cost. Based in Joliet, the not-for-profit organization represents more than 1,900 members and covers Illinois, outside the city of Chicago. For contact information for one of our Damage Prevention Managers, an explanation of the color-code markings and an online order form to request free education and safety materials, visit www.illinois1call.com.

Kevin Chmura
Director of Public Relations
JULIE, Inc.
chmura@illinois1call.com
Follow us @JULIE1Call

5 STEPS TO SAFETY
There are five important steps to every safe excavation project:

1. Premark the proposed excavation;
2. Call or Click JULIE before you dig;
3. Wait the required amount of time (two business days);
4. Respect the marks; and
5. Dig with care.
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Human Resources Help Line
Don’t forget to call for help with employee issues. (888) 472-6785 Ext. 1172

CLAIM REPORTING HOTLINE (844) 562-2720 | Available 24/7