THE POOL CUE

MICHIGAN COUNTY ROAD COMMISSION SELF-INSURANCE POOL
Volume XXI Issue 1 February 2015

MCRCSIP CLAIMS SERVICES UPDATE

Gayle Pratt, Administrator

On January 1, 2015, Sedgwick Claim Services began managing our Pool's claims. We are all really excited to be putting such a professional, well-established organization in to process and help us manage your claims.

Starting up has had its highs and lows. It seems like every week there is another hiccup. But we keep working through each one, and it looks like we are getting to a point where the process customization is close to complete. For now :)

Some things of note:

1. Reporting claims: If you are served with a lawsuit, or have an equipment/vehicle/building claim, you can use the Claim Reporting Form in the Member Section of our website www.mcrcsip.org. Or you can call 1-800-619-4998 to reach the Sedgwick Call Center. We had some complaints about the dearth of information required by the call center, but we edited their "script" and they are now supposed to only ask the information on the Claim Reporting Form. After the form or call information is received, you will get a call back from the person assigned to handle your claim.
2. For checking on claims in process: if you have claims pending and haven't heard from Sedgwick yet, please let me know. We think we have transitioned all of the known open claims at 12/31/2014 to them, and need to rely on you to let us know if we missed something.
3. Our claims are being handled in their Troy office. Sedgwick had a veteran claims examiner, Amy Dennerline help us get started. Amy is in Portland, Oregon and sometimes it was noticeable that she wasn't close. But Amy was able to help us make modifications to the standard Sedgwick process because of her background and experience. She was a lot of help when trying to get their system to recognize how we work through claims.
4. Sedgwick now has three people assigned to our Pool:
   - Janet Burrows–Team Leader for Liability Claims
   - Maureen Hermann–Liability Claims Examiner
   - Nicholas Cushman – Claims Representative

   They all have direct dial phone numbers and emails. When your claims are assigned, it will be to either Maureen or Nicholas and you will know how to get in touch with them.
5. If you are "freezing the facts" on an accident or incident that happened in your County, but for which there is no claim – yet, please send that information to Kay Newberry at our office. We are going to save all of that information electronically on a special computer set up to

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IN THE CUE

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HANNAY V DEP'T OF TRANS. AND HUNTER V SISCO: A UNANIMOUS COURT CLARIFIES ALLOWABLE DAMAGES IN MOTOR VEHICLE CASES INVOLVING GOVERNMENTAL ENTITIES

Stephanie Hoffer, Attorney
Smith Haughey Rice & Roegge

It is a rare day that our Supreme Court justices unanimously agree on the result of a case. But they did just that in two consolidated cases, *Hannay v Dep't of Transportation* and *Hunter v Sisco*. The Court considered the damages a plaintiff can recover in a lawsuit filed against a governmental entity under the motor vehicle exception to governmental immunity. While plaintiffs may have fared somewhat better than the defense in the opinion, a "win" was still given to both sides. In short, plaintiffs can recover non-economic damages and wage loss, but they first must satisfy the injury threshold of the no-fault act and meet a high evidentiary burden for future wage loss damages.

Governmental entities (i.e., Road Commissions) are generally immune from tort liability. But as readers are aware, there is a "motor vehicle exception" to immunity making governmental entities "liable for bodily injury" when that injury is caused by the negligent operation of a motor vehicle. In *Hannay*, the Court held that "liable for bodily injury" allowed a plaintiff to recover certain economic damages, such as wage loss, and noneconomic damages, such as pain and suffering.

When statutes are analyzed, courts first look to the "plain language" of the statute to determine the meaning. Here, the Court split "liable for bodily injury" into two phrases: "liable for" and "bodily injury." It held that "liable for" meant "legally responsible for." So under the motor vehicle exception, the governmental entity is legally responsible for bodily injury. It then defined "bodily injury" as "physical or corporeal injury to the body." Putting the two together, the Court defined "liable for bodily injury" as "legally responsible for a physical or corporeal injury to the body."

The Court next considered the phrase as a whole to determine the scope of liability. The law has traditionally distinguished between an "injury" and "damages," and the Court did so here. "Bodily injury" is the type of "injury" for which immunity is waived. The entity is then responsible for all tort damages that are the "legal and natural consequence" of that injury.

That interpretation, though, only means a plaintiff *potentially* could recover in certain categories of damages, such as pain and suffering or future wage loss. There are still hurdles to overcome. The Court gave the defense a "win" by confirming that a plaintiff must meet the no-fault threshold for recovery of non-economic damages. This requires the plaintiff to prove "death, serious impairment of a body function, or permanent serious disfigurement." The Court could have used its definition of "liable for bodily injury" to avoid application of the no-fault act by determining the statutes conflict. Rather, it read the two harmoniously. So when immunity is waived, it simply means the entity can be sued in the same manner as any other operator of a motor vehicle – and has the same defenses.

One of those defenses is that remote, contingent or speculative damages are not recoverable. This rule typically applies when assessing "future damages", such as wage loss damages when a person can no longer work as a result of the injury. The Court applied the speculation analysis to the wage loss claim in *Hannay* and set a high bar for recovery.

The Court distinguished between wage loss (which is allowable under the no-fault act and loss of earning capacity (barred by the no-fault act). Wage loss is work the individual *would* have performed; earning capacity is work the individual *could* have performed. Wage loss damages are usually based on the amount a plaintiff earned before the injury. The Court did not preclude using a different wage base number, but cautioned that basing a wage on an amount the plaintiff could not have earned before the accident was subject to a speculation analysis. The Court explained the nearly insurmountable bar as follows: "[W]hen the evidence presented demonstrates that the wages at issue *were inevitable* but for the accident, a damages award based on such wages will not be barred as a matter of law on grounds of being contingent and speculative." And that does not mean the

damages will be awarded – it just allows the plaintiff to present the evidence to a jury. The Court used two prior cases as examples of the "inevitability" standard. In both, the injured parties had almost completed school and there was evidence of specific job offers pending. There was "virtually nothing" except the accident in each case preventing the employment.

The Court contrasted the *Hannay* plaintiff. The plaintiff there earned approximately $10 per hour as a dental assistant at the time of the accident. Her goal, though, was to be a dental hygienist. She had not been accepted into a hygienist program yet (and actually was rejected twice), but a hygienist she worked for that was an instructor for the program testified the plaintiff "absolutely would have been admitted to the program". The dentist she worked for testified that he would have hired her as a hygienist. This evidence was insufficient to even reach a jury. Rather, the Court determined as a matter of law the evidence was insufficient to remove the future damages from the realm of speculation because there was no evidence the plaintiff would have been accepted to the program, graduated, and passed the licensing exam.

The Opinion has put to rest any battles over whether the governmental immunity statute allows recovery of certain categories of damages. Looking forward, damage issues will be much the same as in other tort cases. Inquiries will be very fact specific, with defendants challenging a plaintiff's proof through dispositive motions.

WHAT YOU NEED TO KNOW

- The waiver of immunity for "bodily injury" does not limit the categories of damages a plaintiff can recover.
- A plaintiff can recover any damage that is the "natural and legal consequence" of the bodily injury, including damages for pain and suffering and future wage loss, as long as the threshold for recovery under the no-fault act is met (death, serious impairment of a body function, or permanent serious disfigurement).
- A plaintiff seeking future wage loss in an amount more than they were earning before the accident, they will need to prove that they would have earned those wages but for the accident.

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track those incidents. Then, if we need the information again, we should be able to find it easily.

6. Your Board of Directors voted to add a staff position – Claims Administrator. We had identified Cathy Greer as our candidate of choice and recruited her. I am pleased to say that Cathy accepted our offer and will be "officially" joining our staff on February 23. However, we have her focusing on our claims system already in her current position as a paralegal at Smith Haughey Rice and Roegge in Grand Rapids.

I think that's it for now. Just know that we are trying really hard to make sure that Sedgwick understands us and your needs. I have been impressed by their willingness to listen and adapt! So, let me or Cathy know if you have any questions or concerns.

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CATHY M. GREER
MCRCSIP's New Claims Administrator

Beginning February 23rd, Cathy Greer will be MCRCSIP's new Claims Administrator. Cathy comes to us from Smith Haughey Rice & Roegge, one of our lead liability firms, with over 23 years of experience as a Paralegal.

Cathy is experienced in all aspects of trial preparation and, over the course of her career, routinely played an integral role in the defense of our Members. In the words of a current colleague, "Cathy is the gold standard. She's smart, tough, and genuinely cares about [the Pool's] Members. MCRCSIP made a good choice."

Cathy is currently a Member of the Michigan State Bar Legal Assistant Section; a Certified Paralegal-Great Lakes Paralegal Association (Affiliate of National Association of Legal Assistants); and serves on Spectrum Health Hospital's Oncology PFAC Board.

We welcome Cathy to this expanded role where she is bound to flourish.

RECENT CHANGES TO THE FREEDOM OF INFORMATION ACT

Wendy Hardt, Attorney
Michael R. Kluck & Associates

On January 11, 2015, Governor Snyder signed PA 563 of 2014 into law. PA 563, which is effective July 1, 2015, makes numerous changes to the way in which a public body may charge for copies under the Freedom of Information Act. Each public body must establish and make publicly available procedures and guidelines to implement the new provisions and to charge fees for copies under the Act. It must create a written public summary of the specific procedures and guidelines relevant to the general public and explain how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. If your Road Commission maintains an official internet presence, you must post and maintain the procedures and guidelines and your written public summary on the Road Commission's web-site. You should start working on these procedures and guidelines now so that you have them in place by the July 1st deadline.

In terms of the actual costs imposed for responding to FOIA requests, the Act imposes the following limitations and makes the following changes:

1. For labor costs directly associated with searching for, locating, and examining of public records, the public body may not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or actually performs the labor. This is similar to what the law previously provided. However, now, labor costs must be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

2. The same applies for that portion of labor costs directly associated with the separating and deleting of exempt information from non-exempt information. However, if a public body does not employ a person capable of separating and deleting exempt information from non-exempt information in the particular instance, as determined by the FOIA Coordinator, it may instead charge for necessary contracted labor costs used for this purpose, if it clearly notes the name of the contracted person or firm on its detailed itemization, as more fully discussed below. The contracted labor costs may not exceed an amount equal to 6 times the State minimum hourly wage rate.

3. For paper copies, the cost must be calculated as a total cost per sheet and must be itemized in a manner that expresses both the cost per sheet and the number of sheets provided. The fee may not exceed 10¢ per sheet. Double-sided copying must be used if available.

4. Mailing costs must reflect the actual cost in the most reasonably economical and justifiable manner, and may not include expedited shipping or insurance unless specifically requested.

5. The public body may also charge for the actual cost of fringe benefits, not including overtime wages, up to a maximum of 50% of the applicable labor charge. The percentage multiplier used to account for benefits must be noted in the detailed itemization of charges.

The public body must develop a standard form to use for detailed itemization of any fee amount charged. The detailed itemization must clearly list:

- Labor costs of searching for, locating, examining public records, including a breakdown of both the hourly wage and the number of hours charged;
- Contracted labor costs if necessary, for separation and deletion of exempt material, including name of person or firm, hourly rate and the number of hours charged;
- Actual and most reasonably economical cost of computer discs, computer tapes, or other digital or similar media;
- Actual total incremental cost of copies, including cost per sheet and number of sheets provided;
- Labor costs associated with actual duplication, including hourly rate and the number of hours charged;
- Actual costs of mailing; and,
- Percentage multiplier used to account for fringe benefits.

Either in its initial response or in a request for an extension, the public body may require a good faith deposit of up to one-half of the total estimated cost if the total cost is expected to exceed $50.00. The response and request for deposit must include a detailed itemization as described above. The response must also contain a best efforts estimate regarding the time frame it will take the public body to comply with the law in providing the public records. The time frame estimate is nonbinding upon the public body, but should be made in good faith.

If a public body fails to respond to a FOIA in a timely manner, the public body must generally reduce the charges for labor costs by 5% for each day the response is late, up to a maximum 50% reduction, subject to certain exceptions. If a charge reduction is required, it must also be noted on the detailed itemization.

The Act contains numerous other changes to the Freedom of Information Act, including an increase in fines allowed under the Act for violations and remedies for public bodies with respect to subsequent written requests made by people who have not paid for prior requests. Most important, however, is the need to make sure written procedures and guidelines are in place to comply with the new fee provisions of the Act. Any existing policies should be reviewed for compliance with the new provisions of the Act.

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WHAT'S LEFT

Michael John
Attorney
Zanetti & John, P.C.

On July 28, 2000, the Michigan Supreme Court released two decisions *Nawrocki v Macomb County Road Commission, 463 Mich 143 (2000)* and *Evens v Shiawassee County Road Commission, 463 Mich 143 (2000)*. These decisions dramatically changed the landscape of highway liability law. Specifically these decisions stripped plaintiffs of what before were actionable claims based on a breach of the highway liability statute, MCL 691.1402, e.g. design, construction, signing, etc. After the dust settled (it took several years for the plaintiffs' bar to accept the impact of these decisions) the only actionable claim left was a dangerous or defective condition in the road surface caused by the road commission's failure to maintain or repair. To illustrate how significant this change was one only has to look at the number of litigated highway liability claims against MCRCSIP members before and after these decisions, information Administrator Gayle Pratt has shared with you on a number of occasions.

So what is left? Keep in mind that a highway liability claim must be filed against the road agency which had jurisdiction of the roadway at the time of the accident. Such a claim cannot be brought against the individual road agency employee. That is not to say, however, that an individual governmental employee does not have liability exposure. An individual employee might face personal liability while acting in the course of his/her employment if the his/her conduct rises to the level of gross negligence which is statutorily defined as "conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results." Based on MCRCSIP experience, the plaintiffs' bar has not aggressively looked at this option which could be characterized as an end-run around the highway liability statute. Does a currently pending case portend a new approach by plaintiffs' bar? Let me describe the facts.

The day before an intersection accident a local resident called 9-1-1 to report that the stop sign controlling the southbound direction of travel was bent making the "STOP" message difficult to read. The 9-1-1 dispatcher contacted the road commission foreman on the On-call List. The foreman visited the scene and noted that the sign was bent but not so much, in his view, so as to require immediate action. Less than 24 hours later, in a driving rain storm, a southbound driver, unfamiliar with the area, failed to stop for the stop sign and collided with a westbound driver in the middle of the intersection. She claimed that she never saw the stop sign. As part of the investigation the police took photographs of the stop sign. Although standing on the shoulder when doing so (instead of on the roadway at a point simulating the driver's position), the photographs document a stop sign bent to the degree that the "STOP" message could be more easily read by the westbound

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driver than the southbound driver for whom it was intended. One of the injured parties sued the employee on a gross negligence theory. The lawyer for this plaintiff knew that if he had sued the road commission on a highway liability theory the case would have been quickly dismissed because the duty set forth in the highway liability statute does not extend to signing. In other words summary disposition would have been granted because the road commission did not have a legal duty to maintain and repair that sign. The question then becomes whether this gross negligence claim will survive a summary disposition motion and appellate review.

Current case law does not provide much guidance on whether such a claim would survive although an older case does. In *Reese v Wayne County, 193 Mich App 215 (1992)*, several injuries resulted including a death following an icy road condition motor vehicle accident. The plaintiff sued Wayne County on a highway liability theory and several of its employees on a gross negligence theory. The trial court granted summary disposition to both which was affirmed on appeal. With respect to the claim against the road commission, the Court of Appeals wrote:

> It has long been the law in this state however that a governmental agency's failure to remove the natural accumulation of ice and snow on a public highway does not signal negligence of that public authority.

The Court's analysis of the gross negligence claim against the employees is pertinent here:

> We are persuaded that the natural accumulation doctrine also precludes a finding of liability against the county employees. If the government has no obligation to act, then certainly its employees have no obligation to act on its behalf.

Unfortunately, notwithstanding this powerful statement, the Court left the door ajar:

This does not mean that there can never be liability by a governmental employee with respect to snow removal. It is conceivable that snow removal could be done in a manner that increases the hazard and that this could be considered gross negligence.

Applying the analysis of *Reese* to the facts here, the argument would be that if the road commission did not have a legal duty to repair or maintain the stop sign, then its employee had no duty either when acting on its behalf.

Only if it could be so simple. In *Beaudrie v City of Dearborn, 465 Mich 124 (2001)*the Court wrote:

> In our view, the Legislature has expressed through these provisions [MCL 691.1407(1)] its intent to subject lower-level government employees to potential liability for performing their jobs in a grossly negligent manner. **This is so even though the governmental agency itself is exempt from liability.**

What *Reese* did not cover and what *Beaudrie* established is that the statutory definition of gross negligence does not create a cause of action. To allege in the complaint that an employee was grossly negligent is not enough. The plaintiff has to establish that the employee owed him/her a duty which is always a question for a court, not a jury, to decide. This duty can be established by statute, contract, or common law. In the fact situation presented here, the employee did not owe a statutory or contractual duty to the injured party.

The question then becomes whether the employee owed a common law duty to that person. When a court determines whether to impose a common law duty, it considers (1) the relationship of the parties, (2) the foreseeability of the harm, (3) the degree of certainty of injury, (4) the closeness of connection between the conduct and injury, (5) the moral blame attached to the conduct, (6) the policy of preventing future harm, and (7) the burdens and consequences of imposing a duty and the resulting liability for breach. No doubt you can appreciate that this is tricky business with the answer rarely being obvious.

If the court were to determine that the employee owed a common law duty to the injured party, a jury, except in rare circumstances, then determines whether there was a breach of that duty and, more specifically, in the context of a governmental employee whether he was grossly negligent in the performance of that duty as that term is defined by statute.

What exactly does the "gross negligence" definition ["conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results"] mean. Courts have weighed in on this question on a number of occasions. In *Tarlea v Saline Area Schools, 263 Mich App 80 (2004)* the Court wrote:

> Gross negligence suggests almost a willful disregard of precautions or measures to attend to safety and a singular disregard for substantial risks. It is as though, if an objective observer watched the actor [road commission employee], he could conclude, reasonably, that the actor [road commission employee] simply did not care about the safety or welfare of those in his charge.

The pending case described in this article raises a new threat to keeping claims at their current historic low level. It will be important to vigorously pursue all legal remedies hopefully leading to a published opinion which makes clear that attempt will not permitted, or permitted in only the most egregious circumstances. To borrow a TV phrase – **"Stay Tuned"!**

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RAIN, RAIN, GO AWAY!

William Henn, Attorney
Henn Lesperance, PLC

The Michigan Court of Appeals recently held that the sewage disposal system event exception to governmental immunity only creates limited tort liability for sewage-related events, and does not create liability for flooding caused by natural events like rainfall.

Nearly nine years ago, in *Linton v Arenac Co Rd Comm,* the Court of Appeals held that term "sewage disposal system," as used in sewage disposal system event exception to governmental immunity, includes more than just sewage disposal systems. Specifically, at issue in *Linton* was whether a roadside drainage ditch was a "storm water drain" within meaning of MCL 691.1416(j). In addressing this question, the Court noted that the term "sewage disposal system," as defined by MCL 691.1416(j), expressly includes systems for storm water drainage. The Court then found that a roadside ditch serving as a conduit for the drainage of storm water from the highway surface qualifies as a "storm water drain" within the meaning of the exception. Since that ruling, County Road Commissions statewide have faced litigation involving overflows of roadside ditches.

However, on December 2, 2014, the Court of Appeals issued an opinion that calls *Linton* into question. In *Fingerle v City of Ann Arbor,* the plaintiff lived in a neighborhood historically prone to flooding, and the City installed infrastructure to help reduce those events. Nevertheless, in June 2010, an intense rainstorm caused substantial flooding from a retention basin. Plaintiff's home was damaged, and he brought an action alleging essentially that the City should have built a better drainage system.

The Court of Appeals rejected his claim, finding that "the city is not obliged by the Sewage Act to deal in any way with the consequences of rain that naturally flows from a higher to a lower elevation. In brief, the statute does not cover the event complained of, because it addresses sewage, not rain." The Court went on to conclude that "neither the Sewage Act, the wider GTLA, nor any common law has *ever* imposed a duty upon governmental entities to prevent damage to private property caused by extreme weather, such as flooding caused by a rainstorm."

Although *Fingerle* does not discuss *Linton,* and thus does not expressly overrule that decision, the *Fingerle* Court's clear articulation that the sewage disposal system event exception does not apply to flooding caused by extreme weather is a useful tool in cases involving the overflow of a roadside ditch or similar storm water drain system.

SUMMARY OF QUESTIONS & ANSWERS FROM EPLI-SESSION III SEMINARS

Wendy Hardt, Attorney
Michael R. Kluck & Associates

There were several questions raised during the recent training sessions put on by the Michigan County Road Commission Self-Insurance Pool (MCRCSIP). I indicated to the members in attendance that I would put out a summary of the answers to those various questions after the sessions were complete. Those questions were as follows:

1. *What is the citation for the statute which prohibits a public servant from being a party to a contract between himself/herself and the public entity he/she serves?*

It is the Contracts of Public Servants with Public Entities Statute, MCL 15.321, et seq.

2. *Is a public body required to publish its minutes on its web-site?*

No, it is not required to do so. However, if the public body maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, then it must also post public notices of rescheduled regular and special meetings of the public body on a portion of the web-site that is fully accessible to the public.

3. *Is an employer required to give reasonable suspicion training to its supervisors on a recurrent basis?*

No. 49 CFR §382.603 indicates that each employer must ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use, for purposes of reasonable suspicion determinations. However, the regulations do not require recurrent training for supervisory personnel.

4. *Must seasonal employees be pre-employment tested if they worked for the same employer during the previous season?*

Yes, unless there has been no break in employment and the driver has remained in the employer's random selection pool during the intervening period. If the driver has been out of all DOT random pools for more than 30 days, the exception to pre-employment drug testing would be unavailable, and a pre-employment drug test would have to be administered before the start of the season.

5. *If an employee is off-work for an extended period of time due to illness or injury,must he/she be administered a pre-employment test before returning to work?*

If the driver is considered to be an employee of the employer during the extended absence period, a pre-employment test would not be required so long as the driver has been included in the employer's random testing program during the absence period. However, if the driver was not considered to be an employee of the employer at any point during the absence period, or was not covered by a random testing program for more than 30 days, then a pre-employment test would be required

6. *May an employer require an employee subject to the DOT regulations to notify it of any prescription drug use?*

Yes. An employer may require a driver to inform the employer of any therapeutic drug use. Further, no driver may use a controlled substance except when the use is pursuant to the instructions of a licensed medical practitioner, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Precautions printed on a container will not suffice for the advice.

If you have any questions, please do not hesitate to contact our office.

ROAD COMMISSION FLEET INNOVATIONS
"SHARING YOUR IDEAS"

Mike Shultz
Director of Loss Control/Training

An important ingredient to improved productivity and risk management is coming up with creative and innovative ideas. An important second ingredient is utilizing a way to share your ideas with others. It is possible that a "home grown" idea by your employees and/or a newly discovered product can help reduce risk and ultimately benefit our self-insurance program. If you have any questions or wish to share an idea, please feel free to contact Mike Shultz mshultz@mcrcsip.org or (616-283-1103).

1. SNOW PLOW FRAME PINS and CONNECTIONS

Worn plow pins can increase the risk of a plow disconnecting during use. Some members, including Mackinac CRC, are using plow pins that have a roller end that can be greased. They indicated that a roller pin end causes less wear and requires less maintenance. Securing the plow to the plow frame is another area of concern that should be monitored and when necessary addressed. Some members have come up with additional/alternative connection methods as shown below. Chippewa CRC uses an adjustable safety chain that pins to the plow truck front bumper and can help keep the plow from twisting and unhooking. Other members, including Wexford CRC, have fabricated a top hook for the purpose of chaining (i.e. securing) the front plow.



2. LED LIGHTING and REAR WIND DEFLECTORS

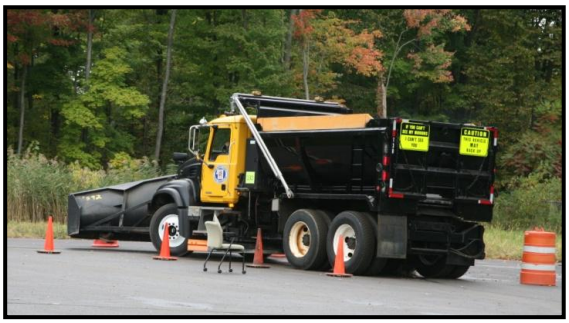
Having the ability to see what is ahead and being seen by other motorists is critical when operating vehicles, especially during winter storms or when visibility is limited. The latest LED technology in vehicle headlamps has greatly improved over the past few years. Bay CRC is in the process of upgrading to these headlamps for greater light projection distance and overall driver visibility. The rear of a plow truck should not be forgotten during the winter. Snow can easily cover the rear lights, increasing the risk of rear end collisions and down time. Members such as Barry CRC, Chippewa CRC and Ogemaw CRC, have been very innovative in designing rear air deflectors. Yes, that is a small passenger tire that is cut down and used as a wind deflector.


Please provide us with your innovative ideas so we can share them in future MCRCSIP Pool Cue Newsletters.

TRUCK ROAD-EO INFORMATION BOX

If you are looking for ways to spice up your safety day, it might be helpful to engage a number of different speakers. Many agencies offer training or outreach programs free of cost. Try some of these ideas…

- MCRCSIP Loss Control is ready to help. If you have a topic we don't currently offer, let us know, and we'll develop a program to suit your needs.
- Your local hospital may have community outreach programs that offer training on topics such as stress management, back care, stretching, fatigue and nutrition.
- Equipment dealers and vendors are often overlooked as a resource, but many of them would appreciate the opportunity to demonstrate how their products work best.
- Michigan State Police weigh masters are experts in load securement and will often show you what to do using your own equipment.
- MIOSHA CET has a wide variety of training programs geared around general industry construction, and occupational health.
- Miss Dig has programs designed to help employees better understand the dangers of underground utilities and how to comply with their regulations.
- Electrical Power Companies often have electrical safety and overhead power lines.
- Local law enforcement may offer programs on safe driving, seatbelts or substance abuse.
- Operation Lifesaver offers programs on railroad grade crossings operation.
- Caterpillar offers programs on equipment operation.



This might have been their first rodeo, but with a little preparation, the inaugural Truck Road-eo at the Van Buren County Road Commission was a great success. This is an interview with the people that made it happen.

Mike Phillips
MCRCSIP Sr. Loss Control Specialist

All too often employee training, especially safety training, can feel like a chore. It is something that needs to get done, but with limited resources it can often be difficult to make this training engaging for your employees. As a manager or safety coordinator you want to bring in programs that will help your employees work more safely and effectively, but you realize that the last thing that your crew wants to do is sit in a room for a couple of hours watching videos. With a little creativity and planning, however, you can make the most out of your training time.

Let's face it. Our crews are made up of people that like to work with their hands. Many of them have held their current positions for ten, twenty, some even for thirty years. Trying to convince these people that training will be helpful or even critical to what they do can be a hard sell. No matter how good the instructor is, getting them to look forward to the idea of safety training can be difficult if not impossible. So what can you do to make training more interesting while keeping it relevant to the challenges your employees face each day? Well, one idea might be to hold a truck rodeo or road-eo if you prefer.

Many of our Member Road Commissions have held or taken part in truck road-eos. Others never thought they could justify the time and expense. In the fall of 2014, Van Buren County Road Commission took a big risk. They held their very first truck road-eo. It took a lot of planning to make it work, but in the end the event was a great success. This interview with Larry Hummel and Linnea Rader tells us how they made it happen.

#1 Mike Phillips: Could you start off by telling us a little about your organization?

Larry Hummel: Van Buren County Road Commission maintains 348 miles of primary and 982 miles of local roads. Like many Road Commissions, we have seen significant staff reductions in the last fifteen years. We currently have thirty-one total hourly employees. Our main facility in Lawrence houses truck storage, maintenance, sign shop, office and engineering. Additionally, we have seventeen employees working out of two sub-garages.

#2 Mike Phillips: What sort of employee training have you done in the past?

Larry Hummel: We generally have MCRCSIP come in once or twice a year for employee training. Sometimes we might do a stand up meeting or mentor a new employee with a supervisor. We have also taken advantage of technical training programs from our partners like LTAP and Caterpillar. The classroom training is important, but we are always looking for ways to make our training more hands-on. If you can teach an employee what to do and then have them do it, that's the kind of thing that sticks with you best.

#3 Mike Phillips: What made you interested in holding a truck road-eo? What benefit did you see to your organization?

Linnea Rader: Last year, I attended the APWA truck road-eo and I thought it was not only a great learning opportunity, but also a way to change culture, network, and promote understanding between employees. Team building and improving working relationships within an organization can be a challenge, so I started thinking about how we could put that idea to work for us.

Larry Hummel: When Linnea came to me with the suggestion of holding our own truck road-eo, we thought it would be a good way to simulate real world conditions and do practical, hands-on training. Of course, a little competition between employees isn't a bad thing, either. It gave the employees a chance to sharpen their skills and show us what they got.

#4 Mike Phillips: How was the road-eo structured?

Linnea Rader: We started with a driver meeting, giving instructions for the day and allowing them to ask questions. Employees were given a map of the course, told how the points worked, and what the schedule would be. In addition to the obstacle course, we had a safety check on a truck. Everyone was also required to attend classroom safety sessions either in the morning or the afternoon on Distracted Driving and Aggressive Driving. We were fortunate enough to be able to provide refreshments in the morning as well as a nice lunch. At the end of the day, we announced the winners of the competition.

#5 Mike Phillips: Where did you get your ideas for the obstacle course?

Linnea Rader: Our obstacle course was based on the APWA course, modified for tandem trucks and made to fit at our facilities.

#6 Mike Phillips: How did you measure the winners of the competition?

Linnea Rader: There were 3,000 total points available; 2,100 for the obstacle course, 700 for the safety training sessions, and 200 for the truck diagnostic exercise. In the event of a tie, the winner would be decided by the time on the obstacle course.

Larry Hummel: The winners of the competition represented us at the October APWA competition. It is important that we send our best people, and so they had to earn their place by how they performed against their peers.

#7 Mike Phillips: Every Road Commission has a handful of employees that are hard to reach. Did any of these employees make comments to you?

Larry Hummel: I was surprised by how little negativity there was. Most of our employees were appreciative and even had nice things to say.

Linnea Rader: We had some great comments from our employees. I think they understood what we were trying to do and the time and effort we put into the program.

#8 Mike Phillips: Do you have any suggestions for other Road Commissions that might be considering holding a truck road-eo of their own?

Linnea Rader: It's important that people stay busy throughout the day. Including activities like the truck inspection, vendor displays, and the classroom safety training is key to making the most out of your time. Getting enough volunteers can be one of the biggest challenges you face. It takes a lot of people to judge each of the obstacles in the course, and you're asking them to be there all day long –it's a big commitment and a lot to ask of a person. We had retirees, spouses, vendors, and office staff help out and they were happy to do it.

Larry Hummel: Plan ahead, make the program worth their while and your employees will see the value in what you are trying to do. Don't be afraid to invite your partners, either. Townships, villages, and even some of your vendors would be interested in participating. It can be a great experience for everyone in the community.

#9 Mike Phillips: Anything else you would like to add?

Larry Hummel: When you have a driver going through an obstacle course, it's most important to think about what that cone means; a child, a car, or even just a mailbox. It makes a driver look at what they are doing and see how good they really are.

Holding a Truck Road-eo can be a great way to engage your employees in safety and make the most out of a training day. Van Buren isn't the only Member to see the benefits. At Roscommon County Road Commission, they have taken the concept a step further. Part of what they do is set up a safety scavenger hunt, sending teams of employees out into the facility to identify safety hazards in their workplace. They get the knowledge and creativity of their Safety Committee working for them. Each year, the Safety Committee is responsible for coming up with new challenges for the obstacle course. Think about moving eggs with a back-hoe or shooting baskets from a high ranger. It's fun and educational. It helps bring everyone together as a team.

Listed in the Information Box on page 9 are a few suggestions for adding variety to your training day. The APWA offers standard guidelines for truck road-eos. That link is:
http://vadcmd.apwa.net/chapters/vadcmd/documents/Rodeo_manual_2-02.pdf

At MCRCSIP, we would like to extend a very special thank you to Van Buren County Road Commission for sharing with us their first truck road-eo experience.

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