



THE UPDATE

2019 Part 2

2019 Vol. 2

Illinois Counties Risk Management Trust

IN THIS EDITION

- ICRMT Online Featured Courses 1
- 2019 ICRMT Regional Seminar Schedule 2
- Work Zones can be Deadly for Your Employees 2
- Work Zones can be Deadly for Your Employees cont..3
- Highlights of the New Employment Laws in IL3
- Highlights of the New Employment Laws in IL cont. ... 4
- Highlights of the New Employment Laws in IL cont. ... 5



CONTACT INFORMATION

Program Administrator
Insurance Program Managers Group
225 Smith Road
St. Charles, IL 60170
888.377.5845

RISK MANAGEMENT SERVICES

Brian Devlin Sr. VP of Risk Management Services Brian.Devlin@ipmg.com	Jeff Bacidore Risk Management Consultant Jeff.Bacidore@ipmg.com
Mark Bell Sr. Risk Management Consultant Mark.Bell@ipmg.com	Derek Madeira Risk Management Support Specialist Derek.Madeira@ipmg.com
Kyle Shell Public Entity Team Director Kyle.Shell@ipmg.com	Jake Peterson Risk Management Support Administrator Jake.Peterson@ipmg.com

CLAIMS MANAGEMENT SERVICES

Mike Castro Sr. VP of Claims Management Services Mike.Castro@ipmg.com	Donna Fromm WC Claims Manager Donna.Fromm@ipmg.com
---	--

PROGRAM MANAGEMENT

Jackie King ICRMT Program Manager Jackie.King@ipmg.com	Kim Diederich ICRMT Account Assistant Kim.Diederich@ipmg.com
--	--

ICRMT ONLINE TRAINING CENTER FEATURED COURSES

Preventing Phishing

Are your employees still falling for phishing schemes? Phishing remains the single biggest threat to information security, and if your employees continue to take the bait, it's time you addressed the problem with training that directly targets the kinds of behaviors that need to change. This engaging course helps people identify the ways that scammers attempt to get into their system, and it offers practical advice and practice on avoiding phishing attempts on all kinds of devices.

Responsible Use of Social Media

Social networking sites such as Twitter, Facebook, and LinkedIn have become increasingly popular places to post opinions and network with colleagues online. However, one inappropriate post could bring a range of legal liabilities and unforeseen consequences for both employers and employees. An organization's success relies on all employees understanding these risks and acting with integrity and responsibility when using social media.

Ransomware and Cyber Security

Glenn Bard, Chief Technical officer for PATCtech, has constructed a Cyber Security presentation specifically for ICRMT members. This 40-minute video presentation is an in-depth look at cyber security and how to avoid ransomware attacks.

The ICRMT Update is published and distributed by Insurance Program Managers Group to communicate relevant issues of importance to local officials and employees

For more information contact Jake Peterson at 630-203-5234 or jake.peterson@ipmg.com





2019 ICRMT SEMINAR SCHEDULE

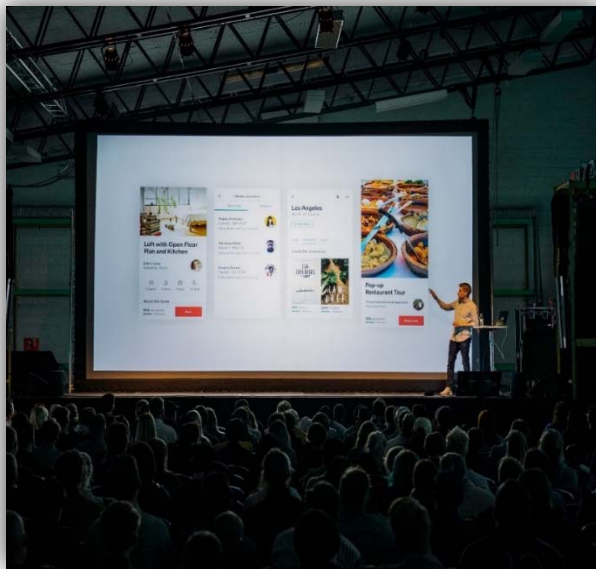
With the first and second round of seminars completed for the year, round 3 will begin in September. The third round of seminars will be hosted by [LLRMI](#), with a focus on jail legal updates and jail health. The fourth set of seminars will be hosted mainly by Inman and Fitzgibbons, LTD. This round will focus on workers compensation. Be watchful for the invites coming shortly.

1. LLRMI: Jail Legal Update and Jail Health

- a. September 17th: Kankakee County
- b. September 18th: Tazewell County
- c. September 19th: Jackson County

2. Workers Compensation

- a. October 8th: Tinley Park, IL
- b. October 9th: Fairview Heights, IL
- c. October 10th: East Peoria, IL



Work Zones Can be Deadly for Your Employees

By Kyle Shell, IPMG Public Entity Team Leader

Each year, hundreds of workers don't make it home to their families at the end of their shift working along our roadways. Our drivers continue to be more distracted causing more challenges to our crews either working on the roads or while responding to vehicle crashes. There are many items your entity can implement to help protect the employees, the road users, and equipment in the zone.

Lack of worker visibility is one of the main factors that lead to serious injury. According to the Manual on Uniform Traffic Control Devices, workers working roadside should be wearing high visibility apparel meeting Class 2 or Class 3 ANSI/ISEA standards. This would mean a worker in the daytime should have at least an ANSI class 2 vest including a hard helmet, eye protection, and safety footwear. The standard states there must be at least 10 inches of reflective material, therefore, just a florescent shirt does not meet the standard even during daytime. For nighttime workers, the worker must have a Class 3 vest, including a hard helmet, eye protection, safety footwear, and that Class 3 vest or jacket. The employee can choose to have a Class 2 vest/jacket during nighttime operations, but they would need to add Class E pants or another Class E lower garment. Protective equipment and high visibility clothing should be a priority before allowing workers to work roadside.



While on the topic of the worker, training is another priority we should have. Each flagger should have training and is required by the State of Illinois if flagging on a state road. The Flagger Certificate must be renewed every three years. One of the main issues with flaggers is inadequate site distance to the flagger and inattentive flaggers. It is recommended to rotate flaggers every two to three hours to help the flagger stay alert and not fatigued. Even if workers are not assigned to the flagger job, general work zone safety is very beneficial. IPMG Risk Management Services offers both onsite and online courses on Work Zone Safety for your entity.

Setting up your work zone correctly is another item of concern. Many times, we do not give enough advance warning, signs are not properly set up, and our work zones are too small for our workers to perform the job safely. It is important to provide more distance between the flagger, the work site, and other obstructions to give the drivers an area for error before causing major injury or property damage. We also need to be strategic about the time we are working due to congested roadways or other factors that affect traffic within your entity. The MUTCD has recommendations on the correct signage and federally mandates how we set up our zone. A qualified person should be involved in the pre-plan and setting up the work zone correctly.

In conclusion, there are many items your entity needs to handle properly when it comes to work zone safety. Confirm that traffic-control devices and plans are implemented properly, inspect the work zones to ensure they are maintained, orderly and effective for everyone's safety. When able, provide 48-hour notice before lane closures and make every effort to minimize traffic backups. By creating a positive attitude for the drivers, we are less likely to have road rage type incidents ending in a workplace injury.

Highlights of the New Employment Laws in Illinois

By Julie A. Bruch, O'Halloran Kosoff Geitner & Cook, LLC

There have been a number of new employment laws in Illinois that impact public entity employers. These are the most relevant laws that you should know about.

[The Illinois Wage Payment and Collection Act, 820 ILCS 115/9.5.](#)

Effective January 1, 2019, the Illinois Wage Payment and Collection Act was amended to impose a duty on employers to reimburse employees for certain expenses incurred during their employment. Employers must reimburse all "necessary expenditures . . . incurred by the employee within the employee's scope of employment and directly related to services performed by the employer." "Necessary expenditures" are defined as "all reasonable expenditures . . . required of the

employer in the discharge of employment duties and that inure to the primary benefit of the employer."

If your employees use their personal cell phones or home computers for work-related reasons, you must reimburse employees for the share of their monthly bill that reflects work-related use. OKGC has a sample policy you can use.

If the employee fails to comply with the employer's written expense-reimbursement policy, then the employer need not reimburse the employee. The employer's written expense reimbursement policy may not require employees to submit expenses less than 30 days after incurring them, although it may allow employees more than 30 days to submit expenses. The employer must reimburse all



Continued...

“necessary” expenses that are submitted within 30 days after they were incurred.

The policy may not strictly require a receipt or other supporting documents. If an employee has lost or otherwise cannot produce a receipt or other documentation, the employer must accept the employee’s own “signed statement” instead. While the employer’s policy may set specifications or guidelines for expenditures, and the employer may deny reimbursement if the guidelines are exceeded, the policy may not provide for “*de minimus*” reimbursement or no reimbursement at all. If the employer “authorized” or “required” a particular expenditure (those two terms are undefined in the amendment), it may not deny reimbursement, even if the type or amount of the expenditure otherwise would violate or exceed the employer’s policy.

Illinois Human Rights Act, 775 ILCS 5/1 et. seq.

The Illinois Human Rights Act was amended effective August 24, 2018 to extend the deadline to allege a violation of the Act from 180 to 300 days from the date that the civil rights violations allegedly have been committed. Also, employees may now opt out of the IDHR’s investigative process within 60 days after receiving notice of the right to opt out and request a notice of the right to commence an action in state court. If the complainant has filed suit in state or federal court or in an administrative proceeding before a local governmental agency, and if a final decision on the merits would preclude the complainant from bringing another action based on the pending charge at the IDHR, the IDHR shall cease its investigation and dismiss the pending charge.

Nursing Mothers in the Workplace Act, 820 ILCS 260/1 et. seq.

The Nursing Mothers in the Workplace Act requires employers to provide new mothers with reasonable break time to express milk for an infant child. The amendment, effective on August 21, 2018, limits the length of this obligation to up to one year after the child’s birth. The amendment also provides that an employer may not reduce an employee’s compensation for time used to express milk or nurse a baby, but the break time may run concurrently with any break time already provided to the employee. The Act also now requires an employer to grant an employee’s request for reasonable break time for this purpose, unless doing so would create an undue hardship as defined in the Illinois Human Rights Act.

Illinois Equal Pay Act, 820 ILCS 112/1 et. seq.

Effective January 1, 2019, the Illinois Equal Pay Act was amended to prohibit employers from paying wages to African American employees at a rate less than non-African American employees for doing the same or substantially similar work requiring equal skill, effort, and responsibility, and under similar working conditions, except if the wage difference is based upon a seniority system, a merit system measuring earning by quantity or quality of production, or any factor other than race or something that would constitute unlawful discrimination under the Illinois Human Rights Act. Previously, the Equal Pay Act only prohibited pay discrimination based on gender.

Health Care Violence Prevention Act, 210 ILCS 160/1 et. seq.

Starting January 1, 2019, health care providers must post a notice stating that verbal aggression will not be tolerated, and that physical assault will be reported to law enforcement. Health care providers must also implement a workplace violence



Continued...

prevention program that complies with the OSHA guidelines for preventing workplace violence for health care and social service workers. The Act also requires that health care providers offer immediate post-incident services to health care workers directly involved in incidents of violence and prohibits management from discouraging a worker from contacting law enforcement or filing a police report and expands whistleblower protections for employees who take action with the intent to implement or enforce compliance with the Act.

For all law enforcement agencies and other governmental entities that hold people in custody, they must abide by certain heightened safety procedures when taking a person in custody to receive medical treatment and to ensure that at least one guard accompanying the committed person be trained in custodial escort and custody of high-risk committed persons.

The Illinois Service Member Employment and Reemployment Rights Act, 330 ILCS 61/1-1 et. seq.

Effective January 1, 2019, the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), became law. ISERRA incorporates much of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), confers leaves of absences for military service and the right to reinstatement following military service, and provides non-discrimination protection for service members. The

Act mandates that employers credit a service member on military leave with the average of his or her performance ratings received over the previous 3 years, but in no case can the average rating be less than the last rating the employee received during the rating period immediately preceding the leave.

ISERRA also mandates that public employers provide full salary continuation during annual training service for up to 30 days per calendar year. Finally, the Act requires employers to post a notice of employees' rights, benefits, and obligations under ISERRA. The Act also creates a private right of action for individual employees, or the Act may be enforced by the Illinois Attorney General. The Act allows prevailing plaintiffs to recover attorneys' fees, as well as up to \$50,000 in punitive damages for certain violations. Prevailing defendants may only obtain attorneys' fees if the court finds that the plaintiff acted in bad faith.

Illinois Volunteer Emergency Worker Job Protection Act, 40 ILCS 748/1 et. seq.

The Illinois Volunteer Emergency Worker Job Protection Act was amended, effective on January 1, 2018, to provide that no employer may discipline an employee who responds to an emergency text or phone call that requests the employee's volunteer emergency services, even when the employee responds to the text or call during work hours. An employer may, however, maintain a written workplace policy that governs the use of cell phones, which shall prevail over the requirements of the Act.