The Why, What, and How of Workers’ Comp Best Practices

[Editor’s Note: Fred Satink came to VLCT with many years of risk management experience in the public, private, and insurance sectors. He has extensive knowledge of and experience in industrial hygiene, ergonomics, developing safety training and programs, and implementing workers’ compensation management best practices. In short, he lives and breathes workplace loss control.]

Workers’ compensation coverage exists to provide immediate medical and financial relief to employees who are injured in the course of their work duties. It eliminates the need for injured workers to sue their employers for medical expenses and lost wages, and in exchange it generally protects employers from being sued by injured employees for liability – unless the employer has been grossly negligent.

The workers’ compensation system in Vermont is tilted in favor of the injured worker: the courts have directed that the statutes be liberally construed to provide benefits to injured employees unless the law is clear to the contrary. Montgomery v. Brinter Corp., 142 Vt. 461, 463, 457 A.2d 644, 646 (1983). This makes it particularly important for employers to adopt specific strategies for both helping their injured employees recover and preventing injuries from occurring.

(Town Fair 2016)

Early autumn weather in Vermont is often delightful, but it outdid itself on October 5 and 6 as the Champlain Valley Exposition in Essex Junction hosted VLCT and our Town Fair 2016 under a brilliant, sunny sky. Local officials, exhibitors, VLCT staff, and board members networked with each other while attending trainings on a multitude of topics essential to local officials.

(Above left: Town Fair attendees, including Sen. Patrick Leahy, relax at the reception in the exhibit area following VLCT’s Annual Meeting. Above right: Clarence Anthony, Executive Director of the National League of Cities, kicks off Thursday with an inspiring keynote address. (See article on page 9.)

(Continued on page 8)
NEW FORM I-9

The U.S. Citizenship and Immigration Services (USCIS) announced that a revised Form I-9 will be available by November 22, 2016. The current version, which bears an expiration date of March 31, 2016, may be used through January 21, 2017. After January 21, 2017, the newer version of the form must be used.

Federal law requires that employers complete the Form I-9 to verify the legal work authorization status of all new hires. The recent revisions to the form are intended to reduce confusion and provide enhancements such as an electronic error-checking feature to eliminate technical errors that may result in fines to the employer. Even if completed electronically, however, the form must still be printed out and signed by the employee and the employer.

Among other changes, new electronic features will include:
- validations of certain fields to ensure a correct entry format;
- drop-down lists and calendars; and
- embedded instructions for each field.

On each employee’s first day of work, she or he must complete and sign the employee section of the I-9 and provide acceptable, unexpired proof of legal authorization to work in the United States. To help new employees remember to bring proper documentation, it is a good idea to email or mail the form and instructions in advance of the employee’s first day. Acceptable documents are those that are listed in the instructions to the form and employers are not permitted to specify a preference for one type of identification over another. The employer must physically view the employee’s original documents and complete and sign the employer section on or before the employee’s third day of work.

Your municipality may, but is not required to, photocopy or scan the employee’s original documents. Federal and state law prohibit employment discrimination based on national origin, citizenship or immigration status, membership in a protected category of persons, or the perception that an applicant looks or sounds “foreign.” Thus, following the same process for all new hires is important. It is a good idea to keep completed forms (with photocopies of documents, if applicable) in an I-9 file that is confidential, secure, and maintained separately from individual employee personnel files. Then, if I-9s are ever part of an audit or federal inspection, the I-9 file will be accessed and the confidentiality of employees’ personnel files will not be compromised.

Further information about the employment eligibility verification process and a handbook of guidance and complete instructions are available on the I-9 Central webpage of the USCIS, https://www.uscis.gov/i-9-central. You may also call the Municipal Assistance Center at 800-649-7915 or email questions to MAC-HR@vlct.org.

Jill Muhr
VLCT Human Resources Consultant
More than 600 friends, family members, co-workers, and grateful Shelburne citizens attended a retirement party hosted by the Town of Shelburne at the Shelburne Museum’s Pizzagalli Center for Art and Education for Colleen Haag, Shelburne’s Clerk and Treasurer for the last 35 years. During the awards ceremony, friends shared countless stories of Colleen’s commitment to her family, her friends, her profession, her innumerable volunteer efforts, and to the Shelburne community. Colleen received numerous well-deserved awards: from Secretary of State Jim Condos and the National Association of Secretaries of State; from Shelburne’s Veterans’ Committee, which installed a bench at the Veterans Memorial and dedicated it to her; from Shelburne’s Poet Laureate, who recited “Our Town Clerk,” a poem he wrote in her honor; from Boy Scout Troop 602, which donated $250 to Hands to Honduras in her name; and a proclamation from former Governor Jim Douglas. Additionally, the Shelburne Selectboard announced that it would begin presenting the Colleen Haag Public Service Award at Town Meeting to a Shelburne resident who most exemplifies Colleen’s spirit of public service. Finally, the Town Clerk’s Office was formally rechristened “Haag Hall” in her honor. Attendees were encouraged to bring food donations to the Shelburne Food Shelf, one of the many organizations Colleen helped start, and more than nine large bins of food were collected at Colleen’s retirement ceremony.

Colleen has been Shelburne Town Clerk and Treasurer since 1982. She also served as school treasurer, chief election official, and clerk for the Board of Civil Authority. She mentored Shelburne Community School students so they could receive hands-on lessons in civics and also mentored high school and college summer interns. And she served on many other town-related committees, such as the Interfaith Affordable Housing Committee, the Shelburne Craft School Board, the Shelburne Business and Professional Association, the Shelburne Historical Society, and the Veterans Monument Committee. Colleen was a founding member of the SCHIP Interfaith Projects and resale shop, worked with the Shelburne Food Shelf, and chaired Shelburne’s 250th Anniversary Celebration.

Because Colleen deemed it important to help other town clerks on their professional journeys, she helped start the Vermont Certification Program for Town Clerks and Treasurers. She also attended the New England Institute for Town Clerks in Newport, Rhode Island, for 22 consecutive years and served on its board for several years, including two as its director. She was President of both the Vermont Clerks Association and the New England Clerks Association and also served on several committees at the international level. In addition, she served on the Town Officers Connectivity Project, the State Rabies Task Force, the Governor’s Ethics Committee, and a land records committee, and also lobbied in the legislature on behalf of Vermont town clerks. In 1994, Colleen received the Vermont Town Clerk/Treasurer of the Year Award.

Through her continuing education, Colleen earned the designations of Certified Vermont Clerk and Certified Vermont Treasurer, as well as both Certified Municipal Clerk and Master Municipal Clerk through the International Institute of Municipal Clerks.

There’s more. Colleen became a member of the Charlotte-Shelburne Rotary Club in 1993 and was a clown in the Halloween parade for almost 20 years. In 2005, under the Rotary umbrella, she travelled to Tela, a town in Honduras, to serve the poor of that community, and repeated the journey for eight consecutive years. Finally, Colleen received the Rotary’s Paul Harris Fellow Award for “Service above Self.” Phew!

But, in the end, it was always the everyday interaction with those who came to the Town Clerk’s Office that gave her the most joy and satisfaction.

Colleen’s fiercely independent nature was put to the test when she was diagnosed with chronic Lyme disease after she had searched for years for an answer to her health issues. After reaching out to the Lyme community, Colleen received needed support and compassion. True to her character, she, in turn, is now helping others on their Lyme journey.

After de-cluttering her apartment and taking a vacation somewhere warm this winter, we anticipate that Colleen will return and be as busy as ever, continuing her public service work in and for Shelburne.

Joe Colangelo
Shelburne Town Manager
Questions asked by VLCT members and answered by the League’s legal and research staff

ASK THE LEAGUE

CAN THE SELECTBOARD BORROW MONEY WITHOUT VOTER APPROVAL?

There are seven situations in which a selectboard may borrow funds without voter approval. Outside of these situations, there must be specific voter approval at an annual or special town meeting. 24 V.S.A. § 1786a(b).

A public vote to borrow is not required in the following instances:

1. Borrowing to pay current expenses so long as the term is one year or less. 24 V.S.A. § 1786. There is no statutory definition or explanation of a “current expense.” Our rule of thumb is that a current expense is one that will be paid for in a year or less. A current expense could arise from provision of a service or from the acquisition of a public improvement or asset. In our opinion, simply because something is an asset or a public improvement does not mean that it cannot be considered a current expense under 24 V.S.A. § 1786. We view the term of the note (one year or less/more than one year) as the defining characteristic.

2. Borrowing in anticipation of taxes so long as the term is one year or less and the amount borrowed does not exceed 90% of the municipal taxes assessed for that year. 24 V.S.A. § 1786.

3. Borrowing in anticipation of the sale of bonds as long as the term is one year or less. 24 § V.S.A. § 1773(a).

4. Borrowing in anticipation of grants as long as the term is one year or less. 24 V.S.A. § 1773(c).

5. Borrowing for the purchase of tools, equipment and materials necessary for the construction, maintenance or repair (continued on next page)

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

Fall Planning and Zoning Forum
Wednesday, November 2, Capitol Plaza Hotel and Conference Center, Montpelier

Presented by the Vermont League of Cities and Towns and the Northern New England Chapter of the American Planning Association. This workshop provides a dynamic mix of legal information, practical solutions, and policy information as well as the opportunity to discuss pressing issues in municipal planning and zoning with knowledgeable officials from across the state. This workshop is for all local officials involved in the planning and development review process. Zoning administrators, planning commissioners, DRB/ZBA members, town administrators and managers, municipal planners, and regional planning commission staff are encouraged to attend. AICP credits will be requested for this workshop.

Complying with Vermont’s Public Records Act
Wednesday, December 7, Lake Morey Resort, Fairlee

This workshop is designed for Vermont municipal officials who are responsible for managing public records and responding to public records requests. Speakers will review the law’s numerous exemptions and explain how the most common and confusing ones should be applied. Electronic records’ management and security will also be addressed. Selectboard members, town clerks, managers and administrators, and other custodians of municipal public records are encouraged to attend.

For registration, agendas, and other information, please visit www.vlct.org/eventscalendar, call 800-649-7915, or email info@vlct.org.
of highways and bridges for a term of five years or less. 19 V.S.A. § 304(a)(3); 24 V.S.A. § 1786a(b).

6. Borrowing from the State Municipal Equipment Loan Fund for the purchase of construction, fire, emergency or heavy equipment or vehicles. 19 V.S.A. § 304(a)(3); 24 V.S.A. § 1786a(b); 29 V.S.A. § 1601.

7. Alternative financing of personal property, fixtures, technology and intellectual property. 24 V.S.A. § 1789. The selectboard may enter into leases, lease-purchase agreements, installment sales agreements, and similar agreements to acquire assets for the municipality either singly or as a participant in an interlocal contract. Such agreements, however, must contain a “non-appropriation clause” that states that the annual payments by the municipality must be approved by the voters.

If the municipal borrowing does not fit into any of the above seven categories, there must be specific voter approval at a regular or special town meeting. “The voters of a municipality may authorize specific public improvements and the acquisition of capital assets and finance the same, temporarily or permanently, through debt instruments other than bonds for a term not to exceed the reasonably anticipated useful life of the improvements or assets as provided in this section.” 24 V.S.A. § 1786a.

If the improvements or assets are to be financed for a term of five years or less, the borrowing is approved at a regular or special town meeting. If the financing is for a term of more than five years, the municipality must go through the traditional bond authorization process, even if the final form of the borrowing is not a bond. 24 V.S.A. §§ 1755, 1756, and 1786a(c). For more information about the bonding process, see Chapter 17 of the VLCT Selectboard Handbook, which may be accessed on the VLCT website, http://www.vlct.org/assets/Resource/Handbooks/VLCT_Selectboard_Handbook.pdf.

This article has been updated from the one previously printed in the March 2015 edition of the VLCT News.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

---

**2016 VLCT Compensation and Benefits Survey Report Available**

Many thanks to the many municipal officials already busy with elections and audits who took the time to complete our annual Municipal Compensation and Benefits Survey. We’re pleased to have received 170 completed surveys, for a 68 percent response rate. Respondents have by now received their complementary copies of the report, and those who didn’t respond can order either a digital or paper copy through VLCT’s online bookstore at www.vlct.org/marketplace/bookstore/other/.

For many years, VLCT has conducted the survey and provided the report to provide municipal officials with comparative data about personnel, compensation, health, and other benefits to help budget planning. Your participation makes it possible! We recently sought to make the survey easier for members to complete by using electronic and online tools. This year, an upgraded version of Survey Monkey allowed us to recombine the surveys back into one (like the old paper version) and also enhanced data collection with new features that save respondents’ time, such as automatically skipping questions not applicable to their municipalities.

We sincerely appreciate your patience with the new survey format and we encourage your feedback on how it worked. Please let us know if you have comments on the functionality, questions, or other aspects of the survey so we can continue to make it most useful to you.

We also improved the survey report this year. We added new comparative analysis to accompany spreadsheets of data collected and appendices. We hope the narrative discussion, charts, and graphs provide broader comparison so you get a better feel for the differences and commonalities between your communities. Data from state and federal agencies were also incorporated.

For more information, please contact Heather Law, Municipal Research and Information Associate, at 800-649-7915, ext. 1944, or hlaw@vlct.org.

---

**NEED A WRITTEN LEGAL OPINION? LOOKING FOR EXPERTISE DRAFTING A NEW ORDINANCE? NEED HELP Updating THAT PERSONNEL POLICY?**

VLCT’s attorneys can provide your municipality with legal assistance at highly competitive rates. Please call Abby Friedman for more information at 1-800-649-7915.

**SAMPLE PROJECTS:**
- Water & Sewer Ordinances
- Zoning Bylaws
- Municipal Charter Amendments
- Highway Ordinances
The warning for the annual town meeting is the document that lists the business to be transacted at that meeting. Vermont law requires that the town meeting warning contain the following information:

1. the date, time, and location of the meeting;
2. the nature of the meeting (whether it is a town meeting or school meeting);
3. the business to be transacted, by separate articles, including the offices and the questions to be voted upon (these must include any valid articles requested by a voter-backed petition filed pursuant to 17 V.S.A. § 2642);
4. the date, location, and time of all polling places when voting by Australian ballot; and
5. the signatures of a majority of the members of the town selectboard, school board, or both for a combined warning. 17 V.S.A §§ 2641 et seq.

The posted notice that accompanies the annual town meeting warning must include information on voter registration, information on early or absentee voting where applicable, and other appropriate information. 17 V.S.A. § 2642(b). The warning and notice must be posted not more than 40 nor less than 30 days before the meeting in at least two public places in the town and in or near the town clerk’s office. If the town has more than one polling place and the

(continued on page 14)
NEW MODEL PUBLIC RECORDS ACT POLICY AVAILABLE FOR MUNICIPALITIES

The Vermont Public Records Act, 1 V.S.A. §§ 315-320, requires that municipalities make their public records accessible to the public for copying and inspection during “customary business hours” (i.e., the hours that the municipality is open to provide services to the public). The definition of a public record is similarly broad and includes “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.” 1 V.S.A. § 317(b). Under this definition, any paper document, email, computer database, or other digital document, image, or recording produced or acquired by a municipality or a municipal officer in the course of business would likely qualify as a public record.

To aid municipalities in responding to requests for inspection and copying of public records, VLCT’s Municipal Assistance Center has created the Model Public Records Inspection, Copying, and Transmission Policy. This policy helps municipalities manage the process of responding to requests for inspection and copying of public records and facilitates compliance with the Public Record Act’s legal requirements.

Access to a public record must be provided unless that record is exempt under one of the 42 general exemptions listed in 1 V.S.A. § 317(c) or is designated by law as confidential or is otherwise exempt. (There are at least 201 records designated by statute as confidential or otherwise exempt.) Note: In most instances, just because a public record can be withheld from disclosure, does not mean that it must be withheld.

For the purposes of achieving administrative consistency in the processing of public records requests across all municipal departments, our policy presumes that all records deemed “exempt” under the Public Records Act will be withheld. Please note, however, that a public record may not be withheld in its entirety merely because it contains information that is exempt from disclosure. Instead, the exempt information must be redacted (covered or crossed out) and the remainder of the record disclosed. 1 V.S.A. § 318(e).

The Public Records Act does not require the creation of a public record nor does it require transmission of a record by any means (including U.S. mail, email, fax).

(continued on page 16)
This year, Town Fair was spread over two days, beginning on Wednesday with the VLCT Annual Meeting. The meeting room was packed with voting delegates and municipal representatives who discussed and debated VLCT’s 2017 policy positions for more than three hours. Lincoln Town Moderator Will Sipsy, a Robert’s Rules of Order expert, moderated the meeting with skill, patience, and grace. The result was the adoption of a substantially rewritten Municipal Policy that focused on priorities for Vermont cities and towns, including opposing unfunded mandated programs, the pre-emption of municipal programs, and shifts in costs to local government.

Immediately following the meeting, attendees were able to chill at the reception in the exhibit area, enjoying refreshments and hobnobbing with the vendors, who gave them a sneak peak of what they had to offer.
Thursday kicked off with a passionate keynote address by Clarence Anthony, Executive Director of the National League of Cities. (See sidebar to the right.) The rest of Thursday featured a full day of training sessions, vendor demonstrations, award presentations, raffles, and of course the always toothsome turkey dinner luncheon.

(continued on page 12)
HEALTH INSURANCE OPEN ENROLLMENT IS NOW

Did it sneak up on you again? With plan changes and rates in place for 2017 coverage, November is Open Enrollment month for health insurance carriers. Groups with fewer than 100 employees who are enrolled in Exchange plans directly with either Blue Cross (BCBSVT) or MVP should have received, in October, renewal packets and informative mailings from their carrier. Groups with BCBSVT can also find information at http://www.bcbsvt.com/vermont-health-benefit-exchange/small-business-enrollment, or contact the BCBSVT Exchange Specialists directly at 800-255-4550. At present, MVP’s website, http://www.discovermvp.com/consumers/vt/, does not yet show final 2017 information, but groups with MVP can call 800-825-5687 with questions.

Groups enrolled in the VERB Trust’s Health Insurance Advisory Services (HIAS) program will receive customized help from VLCT staff for renewal, open enrollment, employee educational sessions, and 2017 financial planning – to ensure a seamless process for benefit administrators as well as employees. Please contact Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) with any questions or to schedule an on-site visit today. You can also reach them by phone at 800-649-7915.

GOOD NEWS FOR 2017 UI GROUPS!

The VERB Trust board came up with good news for Unemployment Insurance (UI) program members when it met at Town Fair to review the latest actuarial report and to set UI rates for 2017. Favorable overall claims experience and the UI program’s basic financial stability mean that the Trust’s average rate for 2017 will decrease by 14 percent compared to 2016! (Please keep in mind that each group’s actual rates will vary based on their total payroll and specific claims experience.) VERB’s UI rates for 2017 take into account the fact that the state’s new taxable wage base will be increased for 2017 from $16,800 to $17,300 per employee.

Here’s more good news: the VERB Trust board also voted to return a total of $350,000 to UI program members, in the form of credits toward their 2017 contributions. Each group’s actual credit (which will vary according to 2013-2016 claims experience) will be listed on its 2017 UI renewal notice and invoice, to be mailed this month.

If you have any questions about VLCT’s unemployment insurance program, please contact Kelley Avery at kavery@vlct.org or 800-649-7915.

ONE HIAS BENEFIT: COMPLIANCE DASHBOARD

Do you as an employer find it difficult to keep up with all of the regulations and requirements you must comply with regarding human resources and employee benefits? What with state and federal mandates, the Affordable Care Act, HIPAA, COBRA, and countless other compliance-related elements, it’s almost overwhelming for employers to stay on track these days. Even worse, more and higher penalties are being imposed on employers that don’t comply with details ranging from documentation or eligibility to plan notices or disclosures. Wouldn’t it be great to have a consistent, organized, and reliable resource to ensure that your group complies with benefit-related laws?

VLCT members with a Health Insurance Advisory Services (HIAS) agreement have access to a powerful service tool, known as Compliance Dashboard, at a significantly reduced cost. When activated, this program is customized to your organization so it can schedule your responsibilities on a year-long calendar, send you email reminders when a requirement is due, track and document your compliance efforts, and provide detailed educational information.

(continued on page 13)
WC Best Practices (continued from page 1)

Obviously, the best way to avoid high workers’ compensation coverage costs is to prevent injuries in the first place. Implementing VOSHA compliance programs, providing essential protective equipment, training all employees appropriately, and monitoring safety practices routinely are all critical components of safety success. Every employer should implement at least these measures.

A fairly well established “recipe” for further controlling costs is to adopt and implement the more in-depth set of five Workers’ Compensation Best Practices listed below. These go beyond basic safety measures by incorporating medical management approaches and specific policies that target loss prevention, enhance worker recovery, and control costs. We not only recommend these to all members; our Loss Control consultants will help you tailor each one to suit your municipality’s size, location, and operational complexity, so you’ll have a manageable, effective program that is customized for your organization. To summarize:

1. **Establish an effective Safety Committee.**
   This is particularly important for larger municipalities with multiple departments, and commitment and support from top management is a significant component. A municipal manager or other person in leadership who is delegated safety authority is often a good choice as committee chair. An effective safety committee consists of employees and management from all departments and truly engages them in loss prevention. The committee can also address workplace wellness. PACIF Loss Control staff can help your municipality create the right committee well and truly engages them in loss prevention.

2. **Establish a formal Designated Medical Provider (DMP).** Vermont allows employers to designate the initial medical treatment for employees injured at work. Selecting a qualified medical provider that is well versed in treating and managing occupational injuries is a huge advantage, especially when compared to letting employees go to their own primary care providers. We regularly help members identify suitable providers. Some of the advantages of a DMP include:
   - Special training and skills allow them to more effectively assess the work abilities of injured workers so they can provide safe and accurate work restrictions. Employers can streamline this process by sharing their job descriptions with the DMP.
   - DMPs understand that keeping the injured employee in the workplace and maintaining their routines and social relationships is important for helping workers recover quickly. These providers establish work restrictions that allow the recovering employee to safely perform modified duties and can revise those restrictions as the employee goes through the recovery process.
   - They are skilled at treating the most common work-related injuries and typically have relationships with other providers (e.g., orthopedic specialists) that they can refer complex cases to. These medical relationships can result in quicker treatment.
   - There is no additional cost to the employer because medical costs are covered by workers’ compensation and paid by PACIF in accordance with the Vermont Fee Schedule and regulatory requirements.

3. **Encourage prompt reporting of injuries.** Injury reporting lag time is the delay between the date of the injury and the date that the claim is filed with us. Studies consistently show that, aside from catastrophic claims (which are typically reported promptly), average claim costs increase when reporting lag time increases. One study (Glen-Roberts) notes that claims reported two weeks after the injury cost 18 percent more than claims reported after only seven days. The Vermont Department of Labor requires employers to report every injury within 72 hours of when the employer learns of the injury. The worst case is if the employer doesn’t report an injury within 21 days, because then the employer

---

2016 RMS Calendar

**Deadline for submitting applications for a 2016 Governor’s Worksite Wellness Award.** Monday, October 31. The application form is at [www.surveymonkey.com/r/2016WorksiteWellnessAward](http://www.surveymonkey.com/r/2016WorksiteWellnessAward). Award winners will be announced at the 2017 Worksite Wellness Conference on March 23, 2017, in South Burlington.

**Forklift Train the Trainer.** Thursday, November 3, 8:00 a.m. to 2:30 p.m., North Country Chamber of Commerce, 7061 State Route 9, Plattsburgh, N.Y. A complete overview of 29 CFR 1910.178 OSHA standards will be followed by a discussion on load balance, characteristics and truck components, engineering design, fueling, and fundamentals of operation, with a hands-on forklift safety inspection. This course can be used to fulfill the classroom component of OSHA requirements. $175.00 per person includes lunch and valuable handouts. To register, contact Becky Manor at beckym@northcountrychamber.com or 518-563-1000.

**OSHA Recordkeeping.** Tuesday, November 29, 8:00 a.m. to 12:00 noon., North Country Chamber of Commerce, 7061 State Route 9, Plattsburgh, N.Y. $12.00 per person. Register at [www.northcountrychamber.com/Calendar/](http://www.northcountrychamber.com/Calendar/). Please direct questions to Becky Manor at beckym@northcountrychamber.com or 518-563-1000.

---

VERB

Unemployment Insurance Administration, Claims Management, Advocacy, Dental, Vision, Health Insurance Consultation, Large Group Health Insurance, Group Life, Accidental Death, Disability, Optional Life
You know, it’s never too early to start planning for next year’s Town Fair, so please save the dates: October 4 and 5 at the Killington Grand Hotel and Resort in Killington.

If you attended Town Fair this year, you should have received an evaluation survey via email. Please respond; your opinion does count! If you didn’t attend or didn’t (continued on next page)
AN HIAS BENEFIT
(continued from page 10)

This service not only reduces your workload as an employer by automating the compliance process, but it also lowers your risk of violations, is a constant resource to you and your staff on compliance issues, and ensures that your group’s compliance-related deadlines do not fall through the cracks.

Please contact VLCT’s Larry Smith (lsmith@vlct.org) or Kelley Avery (kavery@vlct.org) to learn more about the Health Insurance Advisory Service Program and the Compliance Dashboard service tool today! You can also reach them by phone at VLCT, 800-649-7915.

Captions,
Pages 8-9 and 12

Page 8.
Clockwise from top: Waterbury Municipal Manager Bill Shepeluk speaks at the VLCT Annual Meeting; proceedings at the VERB Annual Meeting; Colchester and Milton police officers; VLCT attorney Sarah Jarvis speaks at a workshop; U.S. Senator Patrick Leahy greets VLCT Board Member Brendan Whittaker; Clarence Anthony and Burlington Mayor Miro Weinberger chat in the exhibit area; VLCT Annual Meeting Moderator Will Sipsy.

Page 9.
Top to bottom: VLCT President Jared Cadwell addresses the luncheon crowd; part of the addressed luncheon crowd; Guy Charlton, who accepted the 2016 VLCT Lifetime Achievement Award for Sue Jansen, surrounded by VLCT Board Member Ted Simmons and VLCT President Jared Cadwell; 2016 VLCT Municipal Service Award winner George Bilodeau surrounded by his Town of Georgia colleagues; VLCT Executive Director Maura Carroll (who was the driving force behind Clarence’s appearance) and Clarence Anthony.

Page 12.
Counterclockwise from top: Town Fair vendors; a Stretch Zone stretcher; another one; attendees at the raffle drawing wait for their names to be called as … Director of Human Resources and Administration Jessi Hill picks another lucky winner; Conference Coordinator Lisa Goodell and workshop presenter Charlie Nardozzi, who spoke about employee wellness and green thumbs at work.
polling places are not all in the same building, the warning and notice must be posted in at least two public places within each voting district and in or near the town clerk’s office. 17 V.S.A. § 2641. In addition, the warning must be published in a newspaper of general circulation in the town at least five days before the meeting, unless the warning is published in the town report and distributed as provided in 24 V.S.A. § 1682.

The articles listed on the annual town meeting warning must include all of the offices to be elected and the questions to be voted upon. There are some articles for which a town must use the wording that is articulated in state statute. For most articles, however, there is no language mandated or suggested in statute and selectboards are left to craft town meeting articles from scratch. As such, there is quite a bit of variation from one town meeting warning to another. Selectboards must be cautious, however, as articles that are not worded carefully may cause confusion among voters. Worse yet, articles that are not carefully worded may be legally ineffective.

To help avoid uncertainty and legal challenge, the Municipal Assistance Center has developed model town meeting articles covering the subjects that are most commonly voted at town meeting. These model articles are contained in the VLCT Memo on Model Articles for Town Meeting, which is available on our Town Meeting Resources webpage, www.vlct.org/league-resources/town-meeting-2016-resources/. These articles can be used in conjunction with the VLCT Model Town Meeting Warnings, which are available in six different formats, depending on whether voting will be conducted by floor vote only, Australian ballot only, or by a combination of floor vote and Australian ballot. You can view and download the model warnings at http://www.vlct.org/league-resources/town-meeting-2016-resources/town-meeting-2016-resources-model-town-meeting-warnings/.

If you have questions about articles to be voted on at town meeting, or need assistance crafting town meeting warning, contact the Municipal Assistance Center at 800-649-7915 or info@vlct.org.

Sarah Jarvis, Staff Attorney II
Municipal Assistance Center
automatically “owns” all medical expenses and lost work time of the injured employee even for additional injuries that might not be work-related. To improve timely reporting of injuries, the employer can:

- Have a formal policy that establishes a tight incident/injury notification window (e.g., 24 hours) and outlines how employees should report on-the-job injuries, including the name of the person to whom injuries should be reported;
- Communicate the policy to all supervisors and employees; and
- Merge this policy with other workers’ compensation best practice policies such as designated medical provider and injury review process – or at least ensure that all policies coordinate with each other.

4 Establish an Injury Review Process, involving department heads and supervisors, to reduce recurrence of avoidable injuries. This is a fundamental safety program element because supervisors are uniquely positioned to talk with the injured worker about the circumstances surrounding his or her injury. We recommend the following process:

- Develop and implement a policy that requires supervisors or department heads to sit down with injured employees to review the circumstances that led to the injury. This discussion typically reveals basic information about injury causation and contributing factors and naturally leads to talking about ways to prevent a recurrence.
- Use a simple internal Incident Review form (VLCT PACIF can provide a sample) to capture this information so that it can be provided to the person responsible for filing claims electronically with PACIF. We strongly discourage the use of the State of Vermont First Report of Injury (FROI) form.
- Train supervisors and department heads so they become comfortable with the form, learn the basic process of interviewing injured workers, and gain some questioning skills. We can supply this training to you!
- As a final quality control measure, have your safety committee review completed Incident Review forms to ensure that any identified prevention measures have been implemented. Additionally, they can also consider the quality of the supervisor’s review and provide feedback for improvement.

5 Formalize your Transitional Return to Work (TRTW) program. Providing modified, temporary work for employees who are injured on the job is one of the most effective ways of controlling workers’ compensation claim costs, especially when it can help avoid lost wages. For example, consider an employee who has a back strain and is prescribed a 10-pound lifting restriction for two weeks. If the municipality can accommodate that restriction, and the person ends up at full duty after the two weeks of “light duty,” the municipality kept the claim as “medical only,” which costs much less than would a lost time claim of the same dollar value. Some key elements that you can include in your TRTW program are:

- The TRTW policy itself. The policy outlines the programs, benefits, and limitations of what the town can provide. It is always important to note that the program is transitional in nature and that “modified duty” cannot be accommodated in every situation. We can supply a model policy to help with the development process.
- A list of potential light or modified duty tasks.
- An offer letter to employees that outlines their work restrictions, assigned duties, and supervisor (especially if they are temporarily assigned to a different department). Both the employee and employer will sign this letter as the basis of a particular recovery. This is probably more suitable for larger municipalities.
- A separate budget line item to pay for the wages of those on modified duty. Establishing this removes an individual department’s disincentive to bring employees back to work; in fact, other departments will often be willing to host modified duty workers who will be “free” labor to them. This makes the most sense for larger municipalities with police and fire departments that are often challenged to find modified duty and also struggle to pay for both the injured worker’s modified duty hours and the full duty replacement worker. Be aware that some collective bargaining agreements may limit cross departmental work assignments.

For larger municipalities, it makes sense to adopt all of these workers’ compensation best practices to achieve the best results. For smaller members, PACIF’s Loss Control staff can help develop a simplified approach that meets the individual needs of the municipality within limitations that may exist (for example, the lack of a suitable DMP nearby). PACIF consultants are happy to work with you to develop a customized approach that’s effective and not burdensome. We can also share the success stories from other municipalities that have already implemented various best practices.

Workers’ compensation is a challenging line of coverage because most employers feel they have little control over the outcomes. Yet implementing these best practices is your best way to control the cost of claims, once injuries occur. The only thing that’s better is preventing the injury itself – and of course we can help you with that, too.

Fred Satink, Supervisor
VLCT Loss Control

---

Vermont State Infrastructure Bank (SIB) Loan Fund

Jointly operated by VEDA and VTrans, the Vermont State Infrastructure Bank (SIB) has low-interest loan funds available for transportation-related projects that enhance economic opportunity and help create jobs. Municipalities, RDCs, and certain private sector companies may qualify for financing to:

- Construct or reconstruct roads, bridges, sidewalks and bike paths;
- Make safety improvements such as highway signing and pavement marking;
- Make operational improvements such as traffic control and signal systems;
- Construct rail freight and intermodal facilities, and public transit facilities; and
- In certain cases, electric vehicle charging stations and natural gas refueling stations that are available for public use.

www.veda.org
802-828-JOBS
NEW MODEL POLICY
(continued from page 7)

etc.). Nonetheless, our policy gives municipal officials the choice to create and/or transmit a public record upon request.

The Public Records Act imposes obligations on the custodian of a public record, who is the person in municipal government that has charge or custody of that record. Municipalities will have at least one custodian and will likely have multiple custodians, one for each sub-entity or department, board, or commission of the municipality.

The denial of access to a public record may be appealed to the head of the custodian’s agency (e.g., municipal department, committee, commission, etc.). Unfortunately, the Public Records Act fails to account for the actual structure of municipal government where some custodians of public records are also the heads of their agencies. (For example, a municipal clerk is, by statute, the custodian of certain public records and is also the head of his or her agency.) To account for this oversight, and to avoid the appearance of impropriety that may arise when a municipal official sits in appeal of his or her own decision, we developed our policy to allow all independently-elected municipal officials to delegate appeals of their initial public records determinations to the municipal manager, administrator, or legislative body chairperson as applicable.

Our policy includes the following form templates which should be used in conjunction with it:

1. A Request for Inspection or Copying of Public Record(s) form. This document should be provided to the individual making the public records request for copying or inspection. Note: The law does not require that an individual’s request for public records copying or inspection be in writing, but the municipality may require a written request if the request for copying is subject to staff time charges.

2. A Response to Request for Public Record(s) form. The custodian of the public record(s) should use this document for responding to requests for copying or inspection, returning it to the requestor while also keeping a copy for him or herself.

3. A Certification of Denial of Access to Public Record(s) form. If a custodian of a public record finds that a record — in whole or in part — is exempt from disclosure, he or she should complete this form and return it to the requestor while also retaining a copy for him or herself.

We strongly recommend that either the town’s own legal counsel or a MAC attorney review any proposed public records policy before adoption. VLCT’s Model Public Records Inspection, Copying, and Transmission Policy is available online at www.vlct.org/assets/Resources/Models/PublicRecordsActModelPolicy.docx. For information about our legal review service, please email info@vlct.org or call 800-649-7915.

Join us for training on Complying with Vermont’s Public Records Act on December 7 at the Lake Morey Resort in Fairlee. Registration and related information are available on VLCT’s Event Calendar webpage, www.vlct.org/events-news-blogs/event-calendar/.

For information and guidance regarding the management, retention, and disposition of public records under the Public Records Act, please contact the Vermont State Archives and Records Administration Division of Records Management at 802-828-3897. Carl Andeer, Staff Attorney I

VLCT Municipal Assistance Center

Meeting the Capital Needs of Vermont’s Municipalities Since 1970

The VMBB provides bond financing to Vermont Municipalities at low interest rates with a very low cost of issue.

Check out our website at vmbb.org. You can review and print loan schedules of projects that have been financed through VMBB and SRF programs. Or you can request an application for a new project.

Town of Warren Treatment Pond

For more information contact:

Vermont Municipal Bond Bank
20 Winooski Falls Way, Suite 305
Winooski, VT 05404

(802) 654-7377 (phone)
(802) 654-7379 (fax)
Bond-bank@vtbondagency.org
www.vmbb.org

VLCT NEWS ONLINE

We encourage all subscribers to consider switching from paper copies to online viewing of the VLCT News. The benefits are many: a smaller carbon footprint, lower printing and postage costs, less paper used, full-color rendering of color photographs, and immediate access to web links.

If you are ready to access the VLCT News or the archives, please go to www.vlct.org/newsletter.

Carl Andeer, Staff Attorney I
VLCT Municipal Assistance Center
Wastewater Facility Operator. The North Branch Fire District #1, a wastewater treatment facility located in West Dover, Vermont, is seeking a full-time Operator to perform skilled and semi-skilled work in the operation of the district’s wastewater facility. The Operator works under supervision of the Chief Operator. Work includes daily operation and monitoring of influent and effluent conditions; laboratory analysis, collection system maintenance and repairs, equipment maintenance, grounds care, and performing pump runs on a daily basis; collection of water quality samples as applicable; operating and maintaining plant equipment including pump control systems, alarm signals, chemical feed systems, and belt filter press; making adjustments in plant operations as needed due to seasonal changes, quality changes, maintenance schedules or special programs or circumstances; and performing other duties as assigned. Applicants must have a valid driver’s license, a high school diploma or equivalent (GED), and be able to read and write English. Weekend work is necessary. Pay compensatory with work experience. Benefits include health insurance, life insurance, short- and long-term disability insurance, vacation days, personnel days, holidays and participation in VMERS. For an employment application and information, please contact Linda Holland, Administrative Manager (802-464-7560 ext. 110), or Bart Howes, Chief Operator (802-464-7560 ext. 113), or email nbfd1@myfairpoint.net. You can also pick up an application at the North Branch Fire District #1 office at 78 Dorr Fitch Road, West Dover, VT 05356. (09-07)
Employment. To apply, email a resume and cover letter to Finance Director Michael DeCubellis at michael@randolph-vt.org, or send to Town of Randolph, Attn: Michael DeCubellis, Finance Director, Drawer B, Randolph, VT 05060. (09-30)

Firefighter/EMT or AEMT. The Town of Windsor Fire Department is accepting applications for the part-time position of Firefighter/EMT or Firefighter/AEMT. The maximum number of weekly work hours is 24. Minimum qualifications: Vermont, New Hampshire, or Pro-Board Firefighter Level 1; National Registry EMT-B (Basic); New Hampshire EMT-B; Vermont EMT-B. Preference will be given to applicants with a valid CPAT certificate, though the certification is not required. For more information, call the Windsor Fire Department at 802-674-9043. To apply, submit a cover letter, resume, completed Town of Windsor application (posted at https://app.box.com/s/t1vkx1tbx1aj9f02l26zzh1iuy9llc7r7), and copies of the highest Firefighter and EMS certification by Monday, October 31, 2016, to Windsor Fire Dept., Attn: Chief McAllister, Firefighter/EMT/AEMT Posting, 29 Union Street, Windsor, VT 05089. EOE. (10-05)

Road Foreman. The Town of East Montpelier is seeking applications for its Road Foreman position, who serves as the leader of the Highway Department. After many years of exemplary service, East Montpelier Road Foreman Mike Garand plans to retire, at least from full-time duty, as of July 1, 2017. The town intends to hire a prospective foreman with a start date around January 1, 2017, to allow a six-month probationary period to work/train under Mr. Garand. Applications are due by 5 p.m. on Friday, November 4, 2016. For more information, including the full job notice and job description, contact Bruce Johnson at 802-223-3313 ext. 204 or eastmontadmin@comcast.net, or visit: http://eastmontpeliervt.org/east-montpelier-seeking-road-foreman/. (10-12)

Requests for Proposals

Website Design. The Town of Milton seeks to engage the services of a qualified firm to provide website design and content management system services. The Town’s goal is to update its website to enhance the user experience, simplify content management, and provide better information and customer service to the community, while meeting high standards for design quality and visual appeal. Milton’s current website, http://www.miltonvt.org, is outdated in appearance, (continued on next page)
structure and in the presentation of content. It also fails to reflect a new atmosphere of possibility and promise for change that is apparent in the work of the Town and support by many community groups. The Town seeks a firm that can provide modern and adaptable resources to meet the needs of our community for years to come. Included in this modernization, the Town seeks a site that will offer online services and enable communication and information sharing so that our residents, visitors and businesses have quick and efficient access to the Town’s resources. The deadline to submit an RFP is Monday, November 21, 2016. The complete RFP is posted at www.vlct.org/marketplace/classifiedads/website-design-development-and-implementation/. (10-12)

---

**Classifieds**

(continued from previous page)

---

**Trivia**

Bevan Quinn, Carol Daigle, Dawn Dwyer, and Justin St. James of Guilford, Williston, Lyndon, and Burlington, respectively, knew that the Reverend Thomas Goodwillie was all wet when he wrote in Hemenway’s Gazetteer that the town of Burke, Vt., was named by Dr. Jonathan Arnold for his son, Burke Arnold – because the doc didn’t have a son named Burke! Well researched, everybody – well, excluding Rev. Goodwillie.

A gothic novella published in 1931 and set in “an isolated farmhouse near Townshend, Vermont” tells of “strange things seen floating in rivers during a historic Vermont flood” and “of the extraterrestrial race chanting with human agents, who worship several beings” that “shall put on the semblance of men, the waxen mask and the robe that hides.” Yikes! **Who wrote the novella and what is its title?** (Medium-sized hint: The author spent most of his life 140 miles from Townshend.)

If you know the answer, email it to dgunn@vlct.org. The answer will appear in the doubly durable December issue.

---

**Staff News**

We recently traded a Tanya for a Tonia when **Tonia Emmons** filled the Workers’ Compensation Claims Representative vacancy left by the dearly departed Tanya Chambers (who now works a mere 95-second stroll away at the City of Montpelier). Tonia started working for the State of Vermont in the Office of Risk Management. After earning a Workers’ Compensation Claims Adjusters license, she began to handle claims for the state, eventually managing a case load of 80-110 mixed-variety claims. When asked if she ever thought about running away from home to join the circus, Tonia said she has plenty of animals and personalities at home, i.e., a husband, a daughter (another having flown the nest) two cats, a pair of ferrets, and a dog named Sheeba. Besides, she loves badminton! Tonia claims to be a true Virgo who likes order in life. (Hence, her love of badminton.) She fondly remembers a trip to Fort Drum during her high school years where she learned how to weld and eat MREs. No matter she has a touch of acrophobia, Tonia says she’d one day like to try hang gliding or zip-lining. She also likes to read, bake, go to yard sales, go camping, sketch, ride a snow machine (in winter only) and ... and I’m out of room!

**Stephanie Fleury**, our new Workers’ Compensation Claims Trainee, has been in the insurance trade for 18 years, most recently working in property and casualty claims with Vermont Mutual. (Answer to Trivia Question: Seven current VLCT employees once worked for Vermont Mutual, while the number of no-longer-employed employees is approximately umpteen.) She grew up in East Montpelier and currently lives in Barre Town with one husband and two daughters. Stephanie spends her free time with her family and friends and at the beach, hiking, and snowshoeing, though she claims never to have snowshoed (sorry, Grammar Police!) at the beach. As beaches go, Stephanie says Myrtle (go to South Carolina and turn left) is her favorite. Myrtle, coincidentally, is the name of the parrot on her arm in the photograph. She adds that she’d someday love to visit a beach filled with penguins, a life form she admires so much that she once upon a time had their images tattooed on her wrist and ankle.

What more is there to say but ta-lia, Tonia and Stephanie, i lo tatou ai-ga fiafia.
89 Main Street, Suite 4
Montpelier, VT 05602-2948

Questions? Visit www.vlct.org/eventscalendar to register and for the most updated information and events.

Upcoming Events

Fall Planning and Zoning Forum
Wednesday, November 2, Capitol Plaza, Montpelier

Public Records Law Workshop
Wednesday, December 7, Lake Morey Resort, Fairlee

Coming in 2017!

Town Meeting Tune-up
Wednesday, February 8, Capitol Plaza, Montpelier

Local Government Day
Wednesday, February 15, Capitol Plaza, Montpelier

Save the Date for next year!

Vermont League of Cities & Towns
TOWNFAIR 2017
October 4-5, Killington Grand Hotel

Check out all of the upcoming MAC workshops online at www.vlct.org/eventscalendar!