



**CITY OF MARSHALL
Personnel Committee**

A g e n d a

**Tuesday, February 21, 2023 at 12:45 PM
City Hall, 344 W. Main St.**

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consider Approval of the Minutes

NEW BUSINESS

2. Refined Community Services Organizational Structure
3. Consider Workers Compensation Quote and Renewal

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Chair
Meeting Date:	Tuesday, February 21, 2023
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the previous meeting.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on November 7, 2022, be approved as filed with each member and that the reading of the same be waived.

-UNAPPROVED-

MINUTES
PERSONNEL COMMITTEE MEETING
November 7, 2022, at 12:45 p.m.

MEMBERS PRESENT: John DeCramer and Craig Schafer (via Zoom)

MEMBERS ABSENT: Steven Meister

STAFF PRESENT: Sheila Dubs, Human Resource Manager; Scott VanDerMillen, Director of Community Services; and Jason Anderson, Director of Public Works/City Engineer

The meeting was called to order by Chairman DeCramer at 12:45 PM.

MOTION BY Schafer, SECONDED BY DeCramer to approve the Minutes of the July 19, 2022 meeting. ALL VOTED IN FAVOR 2-0.

Chairperson DeCramer requested Sheila Dubs, Human Resource Manager, introduce the agenda item under consideration, consider approval of the amended 2023 Temporary and Seasonal wage schedule.

Dubs reviewed the proposal. Effective January 1, 2023 the minimum wage in Minnesota will be increasing from \$10.33 to \$10.59 per hour. Several positions highlighted on the current wage schedule require amendment to comply with this law. Schafer asked Staff they will be able to hire people with these changes with specific focus on the aquatic center staffing. VanDerMillen responded that hiring is challenging year to year, but Staff feel that with these adjustments, we will be in a good position. Schafer commented that with the step structure, adjustments can be made off of the starting pay as needed to be competitive. VanDerMillen indicated that he solicited comparative data, which he handed out at the meeting. This comparative data suggests that we will be able to recruit and retain at the aquatic center as long as we can provide flexible hours for each individual employee. DeCramer stated that some local businesses seem to be decreasing their starting pay; however, the City still needs to stay competitive. Schafer indicated that with the level of demand and the importance of the aquatic center, we want to be a favorable employer. DeCramer stated that Staff may need to utilize the steps to adjust for a more experienced employee.

MOTION BY Schafer, SECONDED BY DeCramer to approve the amendments to 2023 Temporary and Seasonal wage schedules. ALL VOTED IN FAVOR 2-0.

Chairperson DeCramer requested Sheila Dubs, Human Resource Manager, introduce the next agenda item under consideration, consider a restructure of the Public Works division.

Dubs explained that we're requesting consideration of two organizational changes, Engineering and Community Planning. Anderson gave a history of the organizational structure dating back to 2015. Anderson explained that we've experienced difficulty recruiting an Assistant City Engineer to replace Jessie Dehn. Anderson stated that the proposal is to retain separation between the Assistant City Engineer position and the Community Planning department, while achieving fewer direct reports for the Director. The Committee discussed the roles and priorities of the Assistant City Engineer with respect to the MS4 and other programs. The proposal is to post both positions, an Assistant City Engineer and a Civil Engineer, and hire into one of the positions. The Civil Engineer is a new position that has a lower pay band than the Assistant City Engineer. The idea is to "grow our own"; that is, to hire an individual that has just finished school, that does not have a Professional Engineering licensure and train that individual to eventually meet the qualification of and become our Assistant City Engineer.

Anderson discussed the Community Planning realignment under the building official. He described that it is challenging for his position (Director of Public Works/City Engineer) to provide day-to-day direction for Community Planning. The proposal is for the Building Services Coordinator to take on responsibility for the building staff. Anderson indicated that the Plans Examiner/Assistant Zoning Administrator would continue to report directly to him (Director) as more than half of his job consists of work not under the building official's area of responsibility.

Schafer asked where responsibility for the MS4 program would rest. Anderson indicated that it would fall on either an Assistant City Engineer or the Civil Engineer. He would initiate training immediately with a Civil Engineer on this program. The Civil Engineer would also be supported by the designated Engineering Specialist for this program. Schafer suggested that employees from the wastewater and street departments may be able to also provide support. Anderson indicated that there is opportunity there and the street and community planning departments are already assisting to bridge compliance.

Dubs explained that if the proposal is approved by the committee, Staff would contact the AFSCME business agent and our labor attorney to discuss procedural steps in implementing the changes. Schafer asked if Human Resources performed the job evaluation rating. Dubs responded that Gallagher conducts the job ratings for the City. This eliminates any bias and ensures the ratings under the Decision Band Method® are completed correctly.

Schafer stated that he doesn't want the Engineering restructure to become a center of training for new employees, he wants to be able to retain the individual that is hired and support them in their career development with the City. Anderson agreed and indicated that he believed we can find an entry level Civil Engineer and the pay would be competitive.

DeCramer asked if we were able to hire an Assistant City Engineer, would the proposed organizational structure still be the preferred proposal. Anderson answered yes. DeCramer asked if there was any staff concern related to the realignment under the Building Services Coordinator.

Dubs indicated that there is no change in pay or points (job ratings) for positions under the Building Services Coordinator. Anderson indicated that he's spoken with affected staff and has support for the changes. Anderson stated that he cannot effectively direct staff day-to-day, he needs this amended structure to be effective.

DeCramer stated that it's important that this proposal does not add any additional staff.

Schafer stated that the proposal will help delineate roles between the Building Services Coordinator and the Plans Examiner/Assistant Zoning Administrator, especially related to continuity for disaster response and recovery. Schafer stated that it's important to hire quality people.

DeCramer asked about the timing of implementation. Dubs indicated that Staff will review both changes with the AFSCME business agent and our labor attorney. Staff desire to implement both changes by year-end. Dubs indicated that it may be possible to complete the Community Planning restructure to have it on the Council's November 22 agenda. Dubs indicated that the Civil Engineer position would be posted once the restructure is approved by the City Council.

MOTION BY Schafer, SECONDED BY DeCramer to approve the Public Works restructure. ALL VOTED IN FAVOR 2-0.

MOTION BY DeCramer, SECONDED BY Schafer to adjourn the meeting. Meeting adjourned at 1:22 PM. ALL VOTED IN FAVOR 2-0.

Respectfully Submitted,

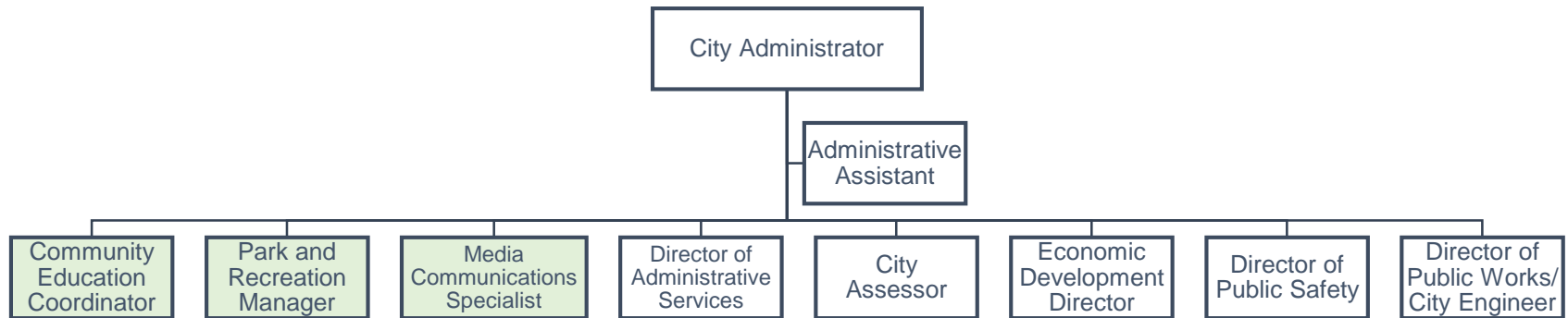
Sheila Dubs
Human Resource Manager

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Sharon Hanson
Meeting Date:	Tuesday, February 21, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Refined Community Services Organizational Structure
Background Information:	<p>At the December 13, 2022 Council Meeting, the Council approved a reorganization of the Community Services Division. At that time, it was intended to allow for the future job description revisions to support that new organization structure.</p> <p>Community Education Coordinator and Parks Superintendent had added responsibilities under the new structure and the resulting job description revision has meant a new DBM rating as reviewed and issued by our comparable worth consultant.</p> <p>In addition, staff would like to discuss the overall structure and upcoming changes due to further review of the organization structure since December 13th.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	

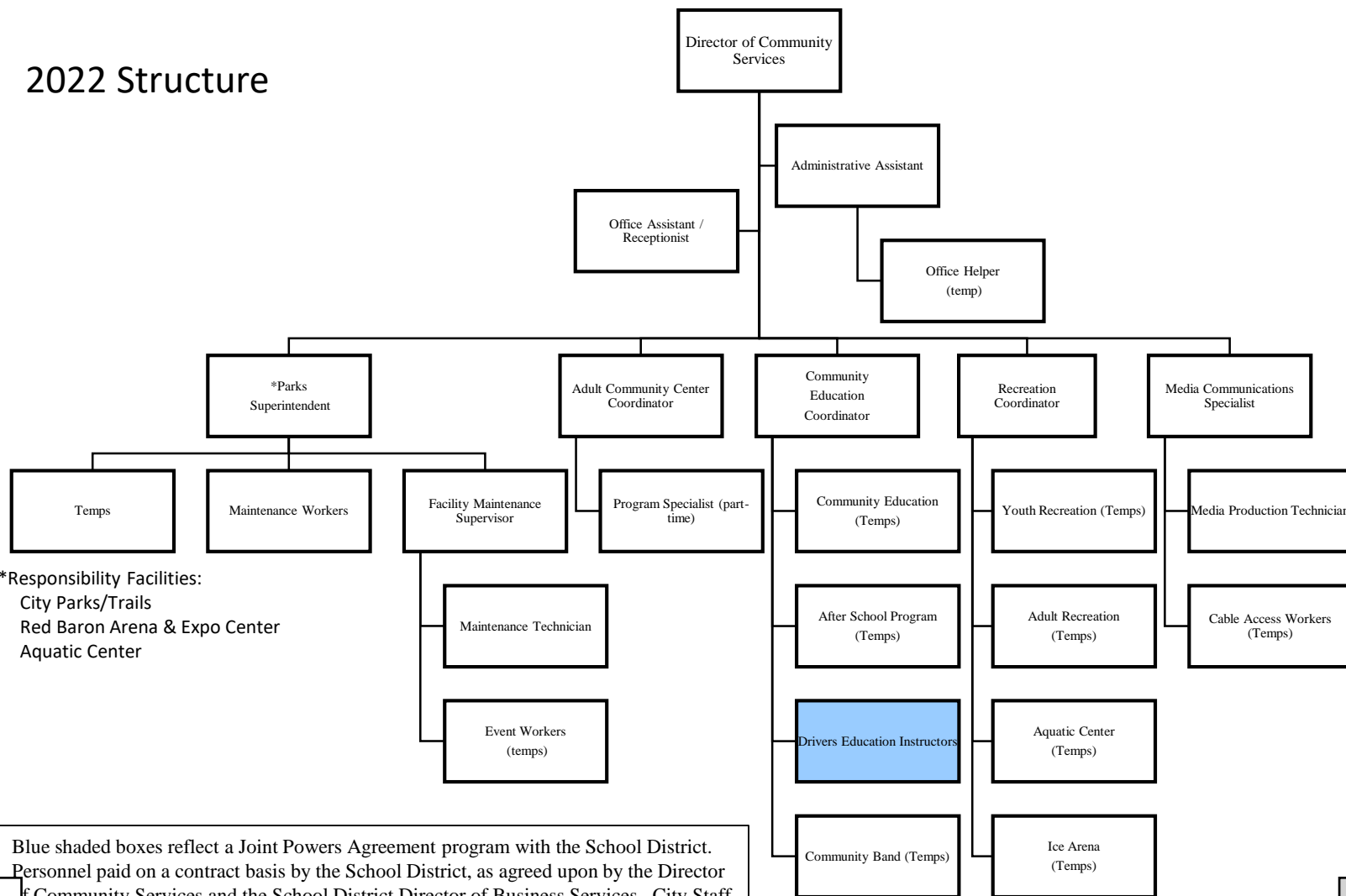
Organization Chart—Reporting to the City Administrator

1/1/23



Organization Chart—COMMUNITY SERVICES

2022 Structure



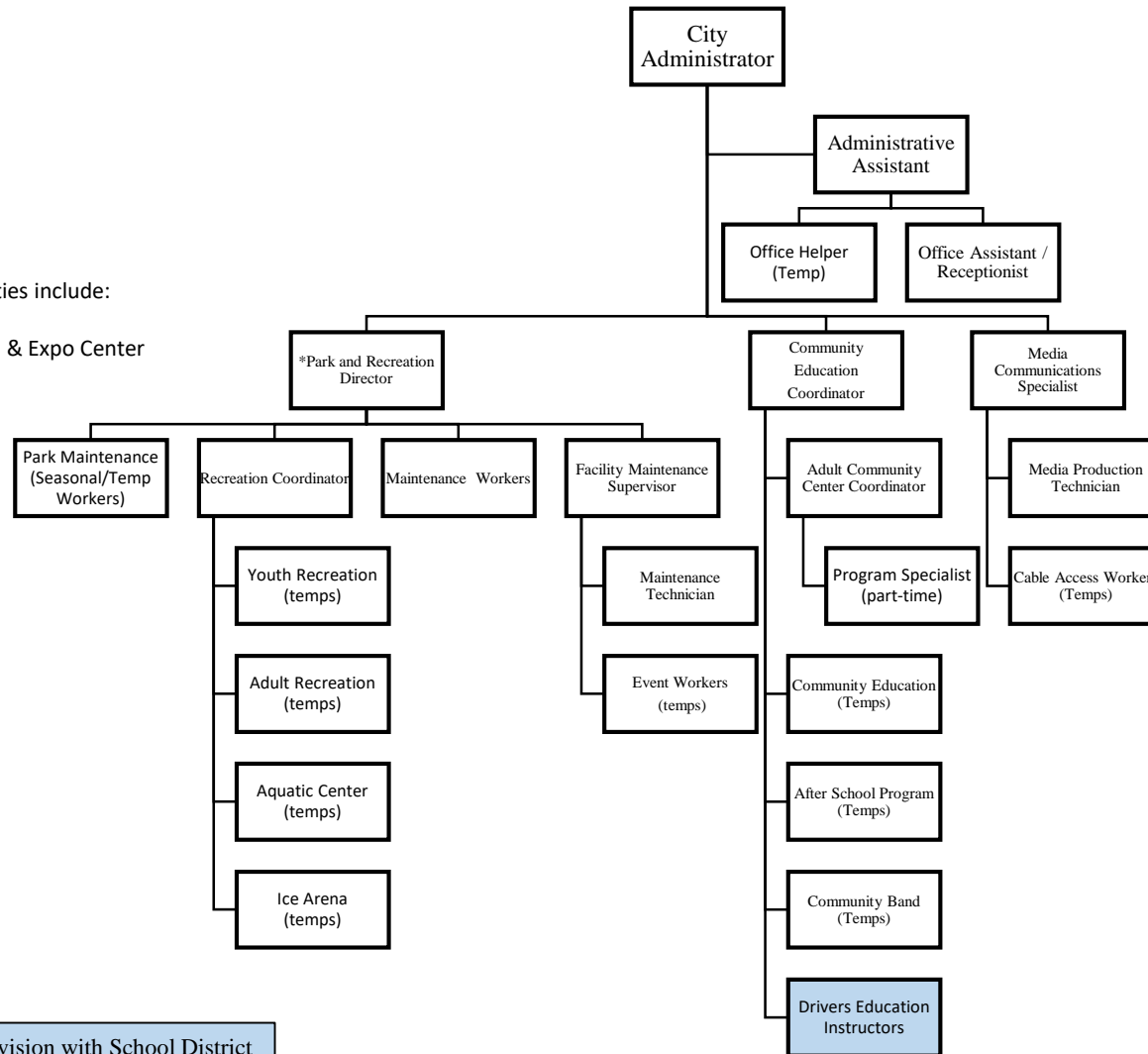
Item 2.

Blue shaded boxes reflect a Joint Powers Agreement program with the School District. Personnel paid on a contract basis by the School District, as agreed upon by the Director of Community Services and the School District Director of Business Services. City Staff provide supervision. Personnel reporting to the Director of Community Services also report directly to the School District Director of Business Services.

Organization Chart—COMMUNITY SERVICES

1/1/23

*Responsible Facilities include:
City Parks/Trails
Red Baron Arena & Expo Center
Aquatic Center



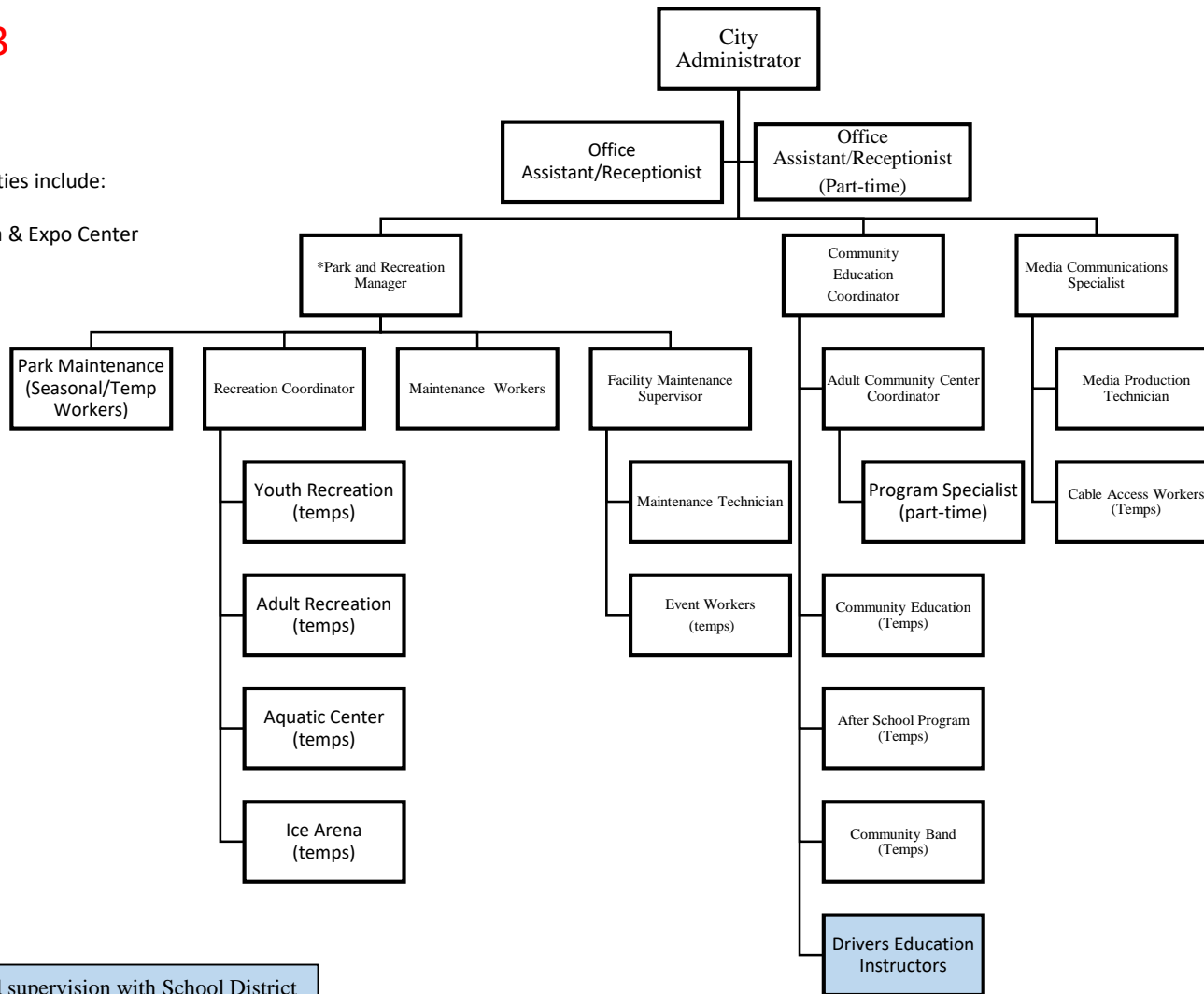
Item 2.

denotes shared supervision with School District

Organization Chart—COMMUNITY SERVICES

9/1/23

*Responsible Facilities include:
 City Parks/Trails
 Red Baron Arena & Expo Center
 Aquatic Center



Item 2.

denotes shared supervision with School District

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CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, February 21, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider workers compensation quote and renewal amount
Background Information:	<p>While the City was working to get renewal information from LMCIT last November/December, North Risk solicited a quote for workers compensation coverage from another vendor (BITCO).</p> <p>The late arrival of the quote led staff to delay the plan to bring renewal information to Council on 12/13. An online meeting was held with the insurance company on 12/14 and was attended by city staff, a MMU staff member and North Risk. A comparison spreadsheet was received from North Risk on 12/21.</p> <p>Due to unresolved questions about the cost and coverage differences (including volunteer coverage), staff submitted a Council item for 12/27 to renew with LMCIT. The renewal was withdrawn from the agenda at the request of staff in order to meet with the Personnel Committee. Committee assignments were approved on 1/10.</p> <p>Cost information for the BITCO quote and the LMCIT renewal will be discussed at the meeting.</p> <p>Following this agenda item report are the following documents:</p> <ul style="list-style-type: none"> • Comparison of coverage based on LMCIT features referenced in their WC coverage guide – as provided by North Risk on 12/21 • Pages from the LMCIT coverage guide regarding emergency response employees and volunteers • Council approved resolution from September 2022 to appoint North Risk as the City's insurance agent <p>Staff from the City and MMU will be present to provide additional information/comment.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Staff recommend the Personnel Committee recommend LMCIT or BITCO as the provider for workers compensation coverage.

RESOLUTION NUMBER 22-071

A RESOLUTION TO APPOINT A CITY INSURANCE AGENT

WHEREAS, the League of Minnesota Cities Insurance Trust (LMCIT) requires cities to use the services of an agent in order to participate in the LMCIT property/casualty program; and

WHEREAS, the City Council has reviewed and considered the written materials from LMCIT discussing the agent's role and compensation in LMCIT; and

WHEREAS, North Risk Partners has agreed that they are willing to provide to the city the services listed below under the term, compensation and service sections listed below.

The City Council of the City of Marshall resolves as follows:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MINNESOTA AS FOLLOWS:

Appointment

1. The City of Marshall hereby appoints North Risk Partners as its agent for purposes of the City's participation in the LMCIT property/casualty program and workers' compensation program, as well as the equipment breakout policy, effective October 2, 2022 (after the property/casualty program renewal effective October 1, 2022).

Term

2. This appointment shall remain effective through October 1, 2025 (3 years), with the city's option to extend the term, compensation and services as-is through October 1, 2027 (5 years). Each party has the right to cancel the agreement with a 60-day written notice to the other party.

Compensation

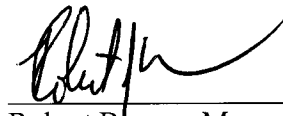
3. As compensation for the services provided to the city as described in Paragraph 4 below, the agent will receive annually a fee equal to 6 (six) percent of the annual premiums paid by the city to LMCIT for property, liability, and auto coverages and 2 (two) percent of the annual premiums paid by the city to LMCIT for workers' compensation coverage. This fee shall be included in the amounts billed to the city by LMCIT and shall be paid to the agent by LMCIT on the city's behalf.

Services


4. The agent will perform the following services:
 - a. Advise and assist the city in assembling and accurately reporting underwriting data, including updating property values, for rating purposes.

- b. Advise and assist the city in evaluating and selecting among coverage alternatives such as deductibles, limits, optional coverages, alternative coverage forms, etc.
- c. Assist with the gathering of information needed to complete the renewal application and with application submission.
- d. Review of the LMCIT insurance policies for completeness and accuracy. Confirm that the schedules have been updated for the new data supplied to assure coverage has been correctly issued and billed. Provide the city with a recap of insurance costs and an explanation of premium increases for each renewal.
- e. Monitor the LMCIT policy and coverage options. Advise the city on potential gaps or overlaps in coverages. Provide explanations and recommendations of insurance coverage, deductibles, limits and other options as needed or requested.
- f. Review loss reports for accurate reporting, appropriate reserves, loss trends, etc.
- g. Assist in submitting claims and interpreting coverage as applied to particular claims.
- h. Assist as requested with safety and loss control activities.
- i. Perform risk assessment analysis as requested. Assist the city in identifying risk exposures and developing appropriate strategies to address those exposures.

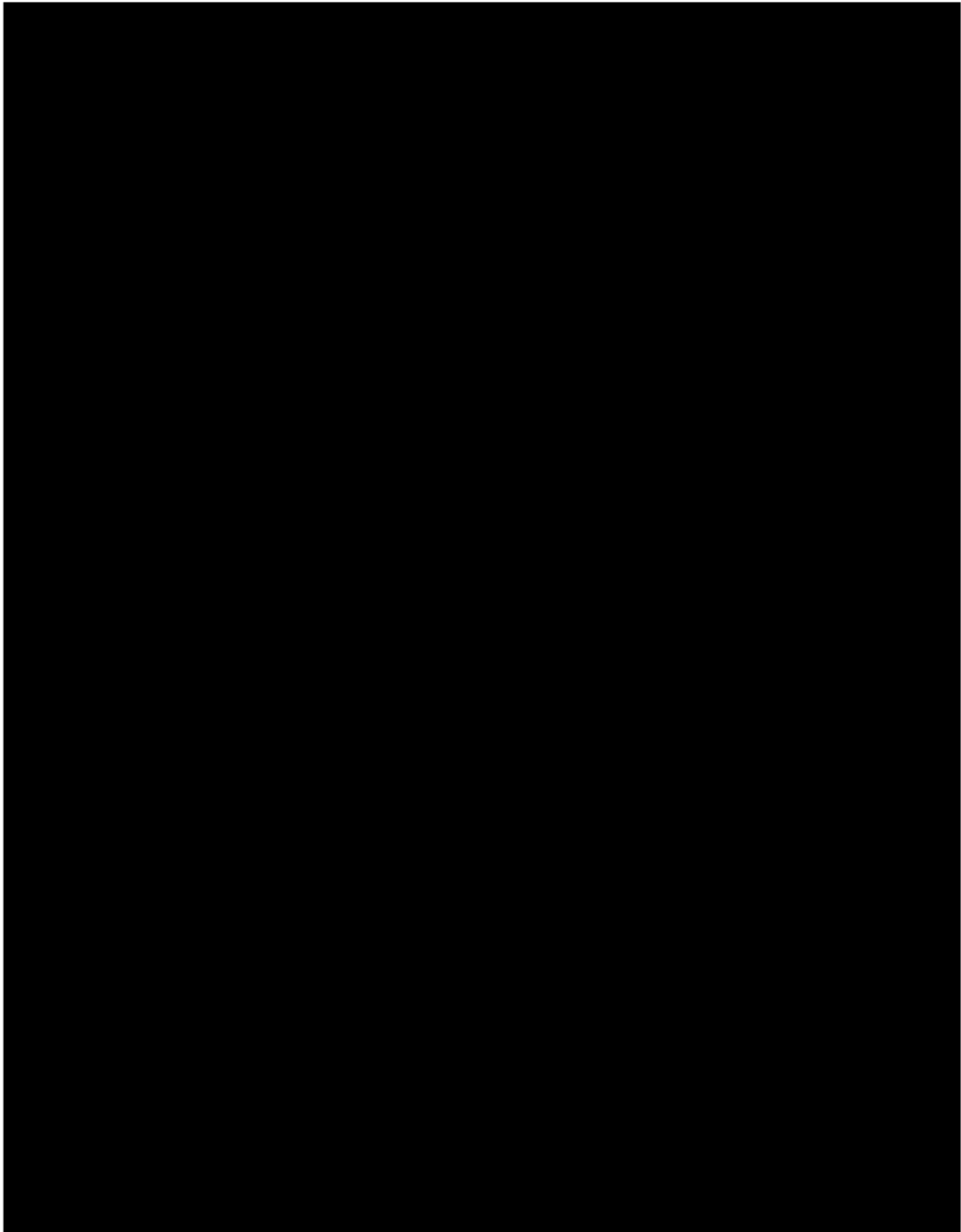
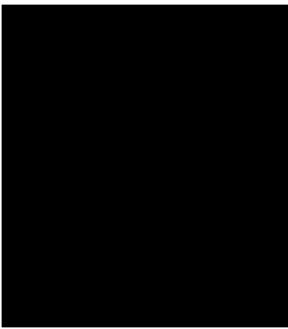
Passed and adopted by the City Council this 13th day of September, 2022.


Robert Byrnes, Mayor

Attest:


Steven Anderson, City Clerk

RELEVANT LINKS:



[Minn. Stat. § 176.011, subd. 9.](#)

7. Emergency response employees and volunteers

Emergency response volunteers, including paid on-call emergency volunteers, are defined by statute as “employees” for purposes of workers’ compensation. They are entitled to workers’ compensation benefits just like any other regular emergency response employee, if they’re registered with and work under the direction and control of the city.

RELEVANT LINKS:

[Minn. Stat. § 12.22, subd 2a.](#)

See also LMC information memo, [Providing Assistance in Emergencies Coverage and Liability Issues](#).

See also LMC information memo, [Providing Assistance in Emergencies Coverage and Liability Issues](#).

[Minn. Stat. § 176.021, subd. 9.](#)

[Minn. Stat. § 176.011, subd. 9 \(9\).](#)

See also Section I.C.9, *Statutory presumptions for certain diseases*.

If these volunteers are organized independently of the city and aren't employees for purposes of workers' compensation, they would not be entitled to benefits.

LMCIT automatically includes these volunteers under the city's workers' compensation coverage:

- Volunteer firefighters (including fire relief associations)
- Volunteer ambulance attendants
- Volunteer first responders
- Law enforcement assistance volunteers
- Emergency management volunteers
- Disaster assistance volunteers
- Civil defense volunteers

Injuries sustained while an emergency employee or volunteer is engaged in response activities is covered by workers' compensation. They are also covered from the time they respond to an emergency (e.g., a fire alarm, a pager, or other device) until the time they return home. Travel from home to the scene and directly home again is covered in an emergency. If they do not go straight home after responding to an emergency, the scope of employment ends at the emergency location. Also, travel from home to a meeting, drill, or other type of training is not covered.

Minnesota statute also excludes workers' compensation coverage for injuries sustained while any employee (not just emergency response employees) is participating in voluntary recreational programs sponsored by an employer, such as athletic events or picnics. The exception to this rule is if an employer requires its employees to attend these activities. In that case, a compensable injury would be covered.

Regarding emergency response volunteers, if they're unable to work in their normal occupation because they're injured while volunteering for the city, indemnity benefits are calculated as follows: If the volunteer only receives an expense reimbursement from the city, indemnity benefits are based on the greater of their regular employment earnings or an imputed full-time wage for a similar position. If the volunteer receives a wage from the city, benefits are based on the total wage plus the volunteer's regular employment earnings.

It's important to note that in Minnesota, there are also statutory presumptions for certain emergency response occupations. If certain diseases are contracted, they are presumed job-related and therefore, workers' compensation benefits may apply.

Comparison of Coverage based on LMCIT Unique Features referenced on their WC Coverage Guide -- from North Risk

Features	LMCIT's Coverage	BITCO's Response	Comments/Opinion - North Risk
1. Exposure Testing	<p>According to Federal and State Occupational Safety and Health Administration (OSHA) requirements, as well as Minnesota statutes, employers must pay for exposure testing for certain employees if they are exposed to some bloodborne pathogens or infectious diseases. An employee who is exposed to an infectious disease but hasn't actually contracted the disease may not have an "injury" for purposes of workers' compensation. Because there is no injury or occupational disease, a standard workers' compensation insurance policy won't pay for diagnostic testing if an individual has been exposed, even though OSHA requires the city to provide that testing. LMCIT automatically covers this employer responsibility at no additional premium charge for the following infectious diseases:</p> <ul style="list-style-type: none"> • Hepatitis • Human immunodeficiency virus (HIV) • Acquired immunodeficiency syndrome (AIDS) • Tuberculosis (TB) • Meningitis • Bacillus anthracis (anthrax) <p>Coverage for exposure testing is broader than OSHA or statutory mandates. It covers up to \$5,000 per employee to test any city employee who is exposed in the course of their employment, not just public safety workers as required by law. When an employee has been exposed to an infectious disease, LMCIT also covers the diagnostic testing of the person or persons who were the source of the disease.</p>	BITCO does not provide this.	As noted BITCO doesn't provide this but we may be able to source a vendor to do this if or when needed. I have reached out to KPA (Our Health & Safety partners) to see if this is a service they could provide. Once I hear back I will let you know.
2. Employers Liability	<p>The workers' compensation statute precludes most tort claims (an injury which arises out of a violation of a duty owed to an injured or damaged plaintiff) against an employer for injuries to an employee, but there are a few ways such claims can occur. For example, if an employee is injured while operating a piece of equipment, the employee may collect workers' compensation benefits from the city and decide to sue the equipment manufacturer for injuries that may have been caused by poor product design. The manufacturer in turn sues the employee's supervisor for negligent supervision. LMCIT covers the city's potential tort liability for injuries to an employee. City officers, employees, fellow employees and volunteers are named as covered parties, and the limit is \$1,500,000 per occurrence regardless of the number of claimants. There's also a \$1,500,000 agreement limit for damages arising out of disease.</p>	Employers Liability Coverage is provided as part of the Workers Compensation policy. BITCO does not provide coverage for the city's potential tort liability injuries to an employee.	BITCO is providing the following Employers Liability Limits: \$2,000,000 each accident and \$2,000,000 by disease for each employee with a \$2,000,000 by disease policy limit. As discussed previously, BITCO's limit is \$500k lower in coverage when you factor in the excess coverage LMCIT is providing to this coverage.
3. Federal Laws	<p>LMCIT automatically provides coverage for any liability the city may have under the Longshoremen's and Harborworkers' Act, the Jones Act, or the Federal Employers' Liability Act. These are federal laws governing an employer's liability for injuries to certain employees. Under some circumstances, a city employee might be entitled to benefits under one of these laws instead of, or in addition to, Minnesota's workers' compensation statute.</p>	<p>Longshoremen's & Harbors workers Act – can be added to the policy. It needs to be underwritten.</p> <p>The Jones Act or the Federal Employers Liability Act – Does the insured really have this exposure? It would need to be underwritten. The Jones Act – allows maritime workers to pursue compensation for on the job injuries. The Federal Employers Liability Act – governs the right of railroad employees injured, sickened or killed in the course of their employment through an employer's negligence to sue the employer for damages.</p>	I don't believe you really have any of these exposures.
4. Obstructing an Employee from Seeking Benefits	<p>State law allows an injured employee to sue the city and/or a city officer or employee for damages for coercing or obstructing the employee from seeking workers' compensation benefits. A city with 16 or more employees can also be sued for failing to offer continued "light duty" employment to an injured employee if such employment is available. LMCIT does not provide coverage for actual damages, but it does pay for defending the city or a city officer or employee on a claim seeking damages under this statute.</p>	BITCO does not pay for defending the city or a city officer or employee on a claim seeking damages under this statute.	I don't think that the City or MMU would try and coerce an employee from seeking benefits or not provide light duty work if available but if this would be a concern, it could be a potential gap.

Comparison of Coverage based on LMCIT Unique Features referenced on their WC Coverage Guide -- from North Risk

Features	LMCIT's Coverage	BITCO's Response	Comments/Opinion - North Risk
5. Elected and Appointed Officials	<p>LMCIT makes workers' compensation coverage for elected and appointed officials the default coverage option for members of the workers' compensation program. In other words, elected and appointed officials of covered entities are covered parties for workers' compensation unless the member specifically elects otherwise. Covered individuals include:</p> <ul style="list-style-type: none"> • Mayors • Councilmembers • Elected clerks • Elected treasurers <p>Members of other administrative boards and committees who have independent authority under law, either alone or with others of equal authority, to determine policy or make a final decision not subject to supervisory approval or disapproval are also covered. Some common examples include:</p> <ul style="list-style-type: none"> • Planning commissions • Utilities commissions • Park boards • Hospital or nursing home boards <p>Workers' compensation benefits are paid only when the individual's injury is the result of their city-related activity. There can be many borderline situations in which it is debatable whether elected or appointed officers are conducting official business on behalf of and at the request of the city. For example, a mayor might be asked to attend a meeting of the Chamber of Commerce to discuss and explain city policies. Cities might want to consider adopting an ordinance or resolution that specifies whether the city considers such activities to be within the scope of duties.</p> <p>If an injury is the result of a city-related activity, elected and appointed officials will receive medical and indemnity benefits. Indemnity benefits are based on the individual's total earnings from regular employment plus the salary (if any) they receive from the city. Workers' compensation coverage is generally not available for purely advisory boards or members of committees that are not created by state law, such as volunteer members of a Fourth of July planning committee.</p> <p>However, limited medical, disability, impairment and death benefits are covered under LMCIT's volunteer accident coverage.</p>	<p>Elected Officials are covered unless they opt to be excluded. BITCO does not provide Volunteer Accident coverage.</p>	<p>BITCO can and would provide an endorsement WC000311A, Voluntary Compensation and Employers Liability Coverage Endt to provide coverage for needed individuals volunteering that would not be considered an employee of the City or MMU. We would need to list those boards, commissions or individuals if needing coverage and not being accounted for. At time of loss BITCO would require proof of the volunteering through some sort of record keeping. I could provide the coverage form if needed.</p>
6. Separate Boards and Commissions	<p>Agencies that are legally separate from the city are not automatically covered by the city's workers' compensation coverage. Examples include: • Housing and redevelopment authorities • Economic development authorities • Port authorities • Utilities commissions • Hospital or nursing home boards • Joint powers boards Cities should consider whether these agencies will have their own workers' compensation coverage or whether they'll be part of the city's workers' compensation coverage. If the latter is preferred, contact LMCIT to extend coverage to the agency (if coverage extension involves a joint powers board, at least one party of the board must be a Trust member). Cities may prefer that agencies managed by a separate administrative board or commission have their own workers' compensation coverage separate from the city for a couple reasons. First, it may be easier to allocate costs between the two entities' budgets. Second, for purposes of LMCIT's experience modification calculation (a tool used to calculate premiums), each entity would stand on its own. For example, with separate coverage, losses experienced by employees of the utilities commission won't affect the city's experience modification, and vice versa. Every city must weigh whether separate coverage is preferable. One downside is the city may lose some benefit of the volume discount on premiums. A premium discount applies when the total standard premium equals \$5,000 or more. Once it's decided how the board or commission will be covered for workers' compensation, officers of that board or commission will be covered parties unless the member specifically elects otherwise. Workers' compensation benefits are applicable only when the individual's injury is the result of his or her activities as an officer of the board or commission.</p>	<p>Cities should consider whether these agencies will have their own workers' compensation coverage or whether they'll be part of the city's workers' compensation coverage.</p>	<p>We would need to know if we need to add any of these entities regardless of who the work comp is placed with.</p>

Comparison of Coverage based on LMCIT Unique Features referenced on their WC Coverage Guide -- from North Risk

Features	LMCIT's Coverage	BITCO's Response	Comments/Opinion - North Risk
7. Emergency Response Employees and Volunteers	<p>Emergency response volunteers, including paid on-call emergency volunteers, are defined by statute as "employees" for purposes of workers' compensation. They are entitled to workers' compensation benefits just like any other regular emergency response employee, as long as they're registered with and work under the direction and control of the city. If these volunteers are organized independently of the city and aren't employees for purposes of workers' compensation, they would not be entitled to benefits. LMCIT automatically includes these volunteers under the city's workers' compensation coverage:</p> <ul style="list-style-type: none"> • Volunteer firefighters (including fire relief associations) • Volunteer ambulance attendants • Volunteer first responders • Law enforcement assistance volunteers • Emergency management volunteers • Disaster assistance volunteers • Civil defense volunteers <p>Injuries sustained while an emergency employee or volunteer is engaged in response activities is covered by workers' compensation. They are also covered from the time they respond to an emergency (e.g., a fire alarm, a pager, or other device) until the time they return home. Travel from home to the scene and directly home again is covered in an emergency. If they do not go straight home after responding to an emergency, the scope of employment ends at the emergency location. Also, travel from home to a meeting, drill, or other type of training is not covered. Minnesota statute also excludes workers' compensation coverage for injuries sustained while any employee (not just emergency response employees) is participating in voluntary recreational programs sponsored by an employer, such as athletic events or picnics. The exception to this rule is if an employer requires its employees to attend these activities. In that case, a compensable injury would be covered. Regarding emergency response volunteers, if they're unable to work in their normal occupation because they're injured while volunteering for the city, indemnity benefits are calculated as follows: If the volunteer only receives an expense reimbursement from the city, indemnity</p>	<p>Emergency response volunteers, including paid on-call emergency volunteers, are defined by statute as "employees" for purposes of workers' compensation.</p>	<p>We are also accounting for these employees in the payrolls reported to the appropriate codes.</p>
8. All Other Volunteers	<p>Emergency response volunteers are covered by workers' compensation, while other types of volunteers, such as the following, are afforded alternative protections under LMCIT's volunteer accident coverage.</p> <ul style="list-style-type: none"> • Coaches and instructors in recreation programs. • Volunteers working on a city sponsored festival or celebration. • Volunteers working on city construction and demolition projects. • "Clean-up day" volunteers. • Volunteer members of advisory boards or committees that do not exercise independent decision-making authority. <p>The volunteer accident coverage is a standard coverage feature to all members of the workers' compensation program. While benefits are more limited than workers' compensation, there is some protection for volunteers on a no-fault basis, as long as those volunteers are working under the city's direction and control. Benefits include: Disability benefit \$900 per week is provided for up to 26 weeks if the volunteer is unable to work in his or her normal occupation. Death benefit \$200,000 is provided if the volunteer dies because of an injury. Impairment benefit Up to \$200,000 is provided if the volunteer is permanently disabled, either fully or partly, by an injury. Medical benefit \$2,500 is provided to help cover medical costs that the individual might otherwise be responsible for under the deductible on his or her health coverage. The per accident limit for the volunteer accident coverage is \$500,000, which applies regardless of the number of volunteers who are injured in a single accident.</p>	<p>Emergency response volunteers are covered by workers' compensation, while other types of volunteers are not covered. BITCO does not provide Volunteer Accident Coverage. Are the city boards like planning commission, EDA, etc actually volunteers? If they are volunteers they could be included Under the WC000311A. They would need to keep a roster of individuals names, dates, times, etc.</p>	<p>Refer to comments for # 5. Above. A volunteer endorsement can be added to BITCO if needed.</p>

Comparison of Coverage based on LMCIT Unique Features referenced on their WC Coverage Guide -- from North Risk

Features	LMCIT's Coverage	BITCO's Response	Comments/Opinion - North Risk
9. Statutory Presumptions for Certain Diseases	<p>a. Heart and lung diseases Minn. Stat. § 176.011, subd. 15(b). Minn. Stat. § 176.021, subd. 1. The workers' compensation statute establishes for firefighters and police officers a statutory presumption for heart and lung diseases, such as myocarditis and coronary sclerosis. If a firefighter or police officer contracts a heart or lung disease, it is presumed job-related unless the employer can prove the disease was not work-related. For a heart or lung disease to be presumed job-related, the employee must have had a physical examination at the time they were first employed, and a written report of that examination showing the employee was free of the disease. This report must have been filed with the fire or police department. A fire or police department with very few smokers represents a smaller risk of a workers' compensation claim for heart disease, lung disease, or cancer. Any city that can certify that no more than 10 percent of its fire or police department are smokers qualifies for a rate that is 10 percent lower than LMCIT's standard rate for firefighters and police. :</p> <p>To qualify for the credit, the city must obtain written statements from at least 90 percent of each department's employees. The statement must be signed and dated and must state the individual does not smoke and has not smoked within the previous six months. These statements, along with a roster of current department members, must be submitted to LMCIT to qualify for the credit.</p> <p>b. Cancer Minn. Stat. § 176.011, subd. 15(c). The workers' compensation statute establishes for firefighters a statutory presumption for many types of cancer. For firefighters who entered service before Aug. 1, 1988, a prior examination is not required to be entitled to the cancer presumption. However, if the firefighter entered service after Aug.1, 1988, was examined prior to employment, and the exam showed evidence of cancer, that cancer is not presumed job-related.</p> <p>c. Infectious diseases Minn. Stat. § 176.011,</p>	<p>Heart and lung diseases BITCO would follow the Minn statutes. BITCO does not offer a 10 percent lower rate for a fire dept where 10% or less are smokers. Cancer – BITCO would follow the Minn statutes. Infectious Diseases – BITCO would follow the Minn statutes.</p>	