

~ ~ ACCIDENT PREVENTION/INSURANCE RISK ~ ~
NEWSLETTER
 FALL 2016

HAPPY LABOR DAY!

ATTENTION: STATE ACCIDENT PREVENTION/INSURANCE RISK CHAIRS

Please join us in Chicago for the Accident Prevention Seminar on October 1, 2016 at the Hilton Chicago Airport Hotel. We look forward to meeting you in the Windy City. Your insight will help us develop strategies to address the challenges that face your Lodges.

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STATE ACCIDENT PREVENTION/INSURANCE RISK CHAIRS

State Accident Prevention/Insurance Risk Chairs implement the Accident Prevention Program by:

- ◆ Analyzing liability losses and recommending action to avoid future occurrences;
- ◆ Communicating with District Deputies;
- ◆ Reminding Lodge managers that alcohol servers must be trained;
- ◆ Keeping their Lodges informed, provide assistance and answer questions;
- ◆ Collaborating with Lodge Accident Prevention Managers;
- ◆ Analyzing property claims and recommending action to avoid future occurrences;
- ◆ Contacting the Risk Manager with safety recommendations; and
- ◆ Attending the annual Accident Prevention Seminar in Chicago, Illinois.

LODGE ACCIDENT PREVENTION MANAGERS

Lodge Accident Prevention Managers must be involved in their Lodge's safety reviews.

Lodge Accident Prevention Managers should be engaged in their Lodges' day-to-day operations.

Lodge operations and safety reviews cannot be relegated to employed managers.

**CHILDREN ARE BACK IN
 SCHOOL
 PLEASE DRIVE SAFELY**





MISCELLANEOUS TIPS

Bingo: A Lodge can reduce the likelihood of a claim arising from bingo operations through proper planning:

- ◆ Control traffic;
- ◆ Make sure there are no pathway obstructions;
- ◆ Be sure floor surfaces are level and free of any debris; and
- ◆ Recognize that the group may include the elderly or persons with disabilities.

Employment Practices: Every Lodge should establish and follow a personnel policy that provides a means for an employee to register a grievance.

Service of Alcohol: Only trained bartenders, whether they are employees or volunteers, can serve alcoholic beverages to Members and their guests.

Food Service: All health department rules must be observed in the Lodge kitchen. A clean kitchen in good repair is vital to a successful Lodge.

Signing Documents: Documents must be reviewed by the Lodge attorney before a Lodge officer or anyone signs a document that obligates the Lodge to indemnify or hold another party harmless.

COLD WEATHER PIPE DAMAGE

- As cold weather approaches, it is time for Lodges to take steps to avoid frozen pipes
- Adequate heat in buildings must be maintained to prevent pipes from freezing and breaking
- Insulation near plumbing fixtures will reduce the likelihood of frozen pipes
- Pipes can be wrapped with insulation to reduce the risk of freezing
- Open cabinet doors below sinks to allow air to circulate and avoid frozen pipes



ROOF MAINTENANCE

Claims for water leakage and damage to contents frequently arise from a Lodge failing to properly maintain a roof.

Regardless of the building materials involved, all roofs experience wear and tear.

The lifespan of a roof can be extended by proper maintenance.

The Property Plus Program only pays for unexpected losses, not wear and tear.

The Property Plus Program will not pay to replace a roof at the end of its lifespan or replace a roof due to a lack of maintenance.



LETTER FROM PGER AMEN

A SERIOUS MESSAGE FOR SERIOUS TIMES – Exalted Ruler, please read this communication at your next Lodge meeting:

My fellow Elks, I need to discuss with you a serious topic, which had a significant financial impact on our Order but, more importantly, had a detrimental impact on our image.

In his acceptance speech at the July, 2012 National Convention in Austin, Texas, now Past Grand Exalted Ruler, Thomas S. Brazier pointed out “There’s become a change in the social norms over the past three decades. You can’t have a few belts at the bar anymore and drive home without consequences.” Recent events related to a claim in Pennsylvania brought with it a harsh reminder of just how true our Past Grand Exalted Ruler’s statement really is.

A Local Lodge’s allegedly improper service of alcohol prompts us to take stock of the purposes and objectives of our Order. We cannot allow circumstances that may downgrade the image of our Order to that of a nationwide chain of bars and taverns.

Each Lodge must strictly enforce the policy that anyone approaching intoxication must be cut off from the service of alcohol. Additionally, each Lodge must ensure that those responsible for the service of alcohol, whether employee or volunteer, are provided proper training from a qualified and certified organization.

Every Lodge must remember that its bar facilities are to be operated for the social purposes of the Order’s members and their bona fide guests.

For those Lodges that rent out their facilities for weddings, parties, etc., they must require that the person or entity renting the facility provide a signed indemnity agreement and a Certificate of Insurance from their general liability insurance carrier that names the Lodge as an additional insured on their general liability policy. If the renter cannot obtain such a certificate of Insurance that names the Lodge as additional insured, the renter can purchase an “event policy” from one of many such providers available locally or on the Internet by calling Aon Affinity Services at 1-800-421-3557.

Most importantly, each Lodge must examine its own culture and reflect on any known alcohol abuse within the Lodge. To the extent possible, Lodges should assist persons so afflicted and take immediate action to limit their access to the bar facilities.

The recent jury verdict totaling \$28 million included \$10 million in punitive damages, which cannot be insured in some states. For those cases where such awards cannot be insured, the Local Lodge would be responsible for paying this judgment which, in most cases, would result in that Lodge going bankrupt and defunct.

Additionally, large losses like this will affect the entire Order by increasing the Program’s expenses and the Local Lodge’s per capita fees.

It is the mission of all loyal Elks to disprove this unfair and mostly untrue image that is generated by such a catastrophic claim. Only with serious thought and conscious effort will we resolve this issue.

John D. Amen
Past Grand Exalted Ruler

POLICY AGAINST DEFIBRILLATORS

- ◆ Lodges cannot safeguard that defibrillators are properly maintained
- ◆ Unable to ensure that trained people would be present to operate defibrillators
- ◆ Use of a defibrillator could exacerbate a Member or guests' health problem
- ◆ Potential misuse of the defibrillator by unsupervised individuals
- ◆ Call 911 so your first responders/paramedics can assist a Member or guest in need of urgent care



REPAIR WORK AT LODGES

Issues to be addressed when there are repairs or construction at a Lodge:

- Every contractor must provide proof (an insurance certificate) that the contractor has liability insurance;
- Every contractor must prepare a written contract that will indemnify the Lodge from any claims arising out of the work;
- Projects involving extensive repairs and renovation require that the contractor name the Lodge as additional insured under its general liability policy;
- The Lodge should never take on the role of general contractor;
- Volunteers should not be performing repairs;
- No one from the Lodge should act as a construction manager/coordinator;
- Any Member that is a contractor must also have proof of insurance and prepare a written contract; and
- When constructing a new building, putting on an addition, or making substantial renovations, the Lodge must contact Aon Affinity Services at 1-800-421-3557 to make sure proper coverage is obtained.



SERVICE OF ALCOHOL TO MEMBERS AND GUESTS

The service of alcohol is a *privilege* the Lodge extends to Members and their guests, not a means of revenue for the Lodge. Cutting off a Member or guest who is approaching intoxication or not serving them in the first place is better than defending a multi-million dollar lawsuit.

- Never serve anyone approaching intoxication;
- Do not let others buy drinks for anyone who might be close to intoxication;
- Stop service to anyone else if they will give drinks to anyone approaching intoxication;
- No beer kegs, no pitchers and no coolers;
- Remind Members/guests not to drink and drive;
- Be observant while serving alcohol;
- Encourage designated drivers;
- Never permit BYOB;
- Do not allow games/contests involving alcohol consumption;
- An outdoor tent/bar must have a server;
- Do not hold a "Happy Hour";
- Never discount prices to promote liquor sales;
- "Last call" should be well before closing; and
- Insist on a taxi or a ride for anyone who drank too much.





ACCIDENT PREVENTION

Accident prevention also involves protecting property.

PROPERTY INSURANCE

- ◆ All Lodges must participate in the Property Plus Program
- ◆ Lodges must be inspected to determine replacement cost of the building
- ◆ Property Plus covers loss from fire, wind, storms and theft
- ◆ Property Plus protects appliances, furniture and contents in the Lodge

BOILER AND MACHINERY

- ◆ Refrigeration, Air Conditioning, Elevators, Ice Machines are covered

CRIME INSURANCE

- ◆ Property Plus includes crime coverage in the amount of \$50,000
- ◆ Crime Coverage protects Lodge Officers, Trustees, volunteers and employees
- ◆ Lodges do not need to purchase a separate bond from an insurance agent to cover Lodge Officers

WASHROOMS/LOCKER ROOMS

The combination of water, soap and Members/guests changing clothes creates challenges for our Lodges.

- Place warning signs where moist conditions are likely to create slippery floors
- Keep washrooms/locker rooms clean and free of any debris
- During times of heavy use, it is wise to log inspection and cleaning times
- Place non-slip mats near showers and sinks
- In the shower areas, railings or hand holds are useful to persons with disabilities
- Adequate lighting will reduce the risk of falls

CERTIFICATES OF INSURANCE

What you need to do when someone requests a certificate of insurance from the Lodge.

- ◆ A "Certificate of Liability Insurance" can be found on page 8 of the Liability Insurance Program
- ◆ Copy the certificate and provide it to anyone that requires proof that the Lodge has liability insurance
- ◆ Lodges that require specialized certificates should also refer to page 9 of the Liability Insurance Program for guidance on how to obtain a certificate through Aon Affinity Services, Inc. (The Elks Team)
- ◆ Contact the Grand Lodge Insurance Department with any questions about certificates of insurance

"SPECIAL EVENT" POLICIES

Anyone using Lodge facilities must sign an indemnity agreement *and* provide a Certificate of Insurance that names the Lodge as additional insured.

If the entity or individual cannot name the Lodge as additional insured on their insurance policy, special event policies can be obtained by contacting Aon Affinity Services at 1-800-421-3557.





RELEASE FORMS

Lodges routinely allow groups or organizations to use the Lodge facilities or participate in an event held by the Lodge. Lodges also conduct sporting events or other activities. The following are two release forms that can be used to protect the Lodge from claims made by individual participants:

Release for Individual Participating in a Group Event

I, (participant's name), for being allowed to participate in (event name), agree to indemnify and hold harmless the (Lodge name, number), its Officers, employees and Members from any claim and/or attorney fees arising out of my participation in this event, except for the sole negligence of the Lodge. I further agree the Lodge is not responsible for bodily injury and or damage to my property and waive subrogation on any insurance policy I may have.

Signature

DATE

Release for Individual Participating in Sporting Events

I, (participant's name), for being allowed to participate in (event name), agree to indemnify and hold harmless the (Lodge name, number), its Officers, employees and Members from any and all claims or injury to myself arising out of my participation in this event.

(If the participant is a minor, a parent or guardian must sign, thereby providing permission for the named minor to participate in the named event).

Signature

DATE

