PRIMA 2020 WEBINAR



the Top 10 Things Your Staff Says

(& then You Know It's Gonna Be a Bad Day)

Defining the Most Critical Risk Management Issues for Your Entity

Presenters

Michael G. Fann, ARM–P, MBA **George D. Dalton, ARM-P, MCM**

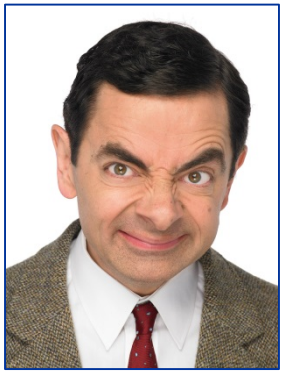


the Top 10 Things Your Staff Says

(& then You Know It's Gonna Be a Bad Day)



**"The path of my life
is strewn with cow pats from
the devil's own satanic herd!"
- Rowan Atkinson -**





"... I had no recollection of the facts until I spoke with my attorney!"



"… but my brother-in-law said he's a great guy!!"

Take-away:

Hire the Right People – the Right Way

Hire the Right People the Right Way



Background Checks – MVR Checks – Education/Training - Experience

5-yr Avg Claim
Since 1/1/2015



BACKGROUND CHECK

Avg Workers Comp Claim	**$ 4,669**
Avg Liability Claim	**$ 6,784**
Avg GL	**$ 3,621**
Avg EO/EPLI	**$ 34,971**
Avg LEL	**$ 43,128**
Avg Auto GL	**$ 5,828**
Avg Auto Phys Damage	**$ 3,575**





Horse sense is the thing a horse has which keeps it from betting on people.
- W.C. Fields -



"I know I saw the boss do it just… like… THIS!"

Take-away:

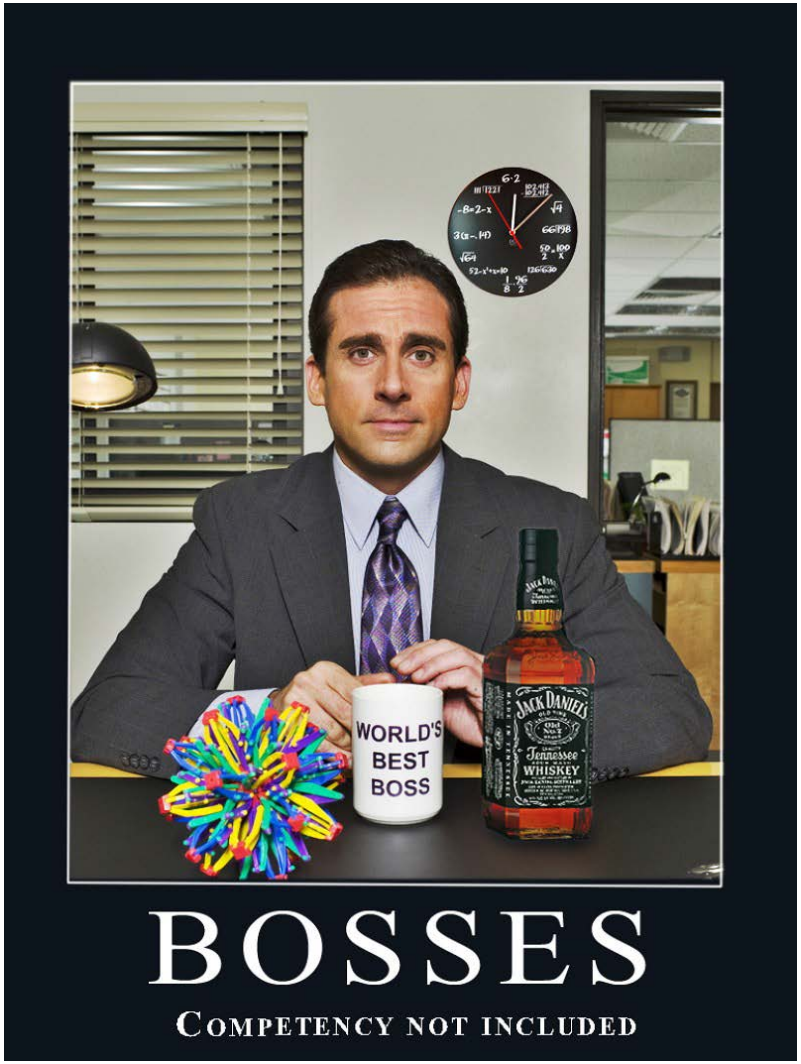
Set the Proper Example and

Don't Validate Improper Behavior

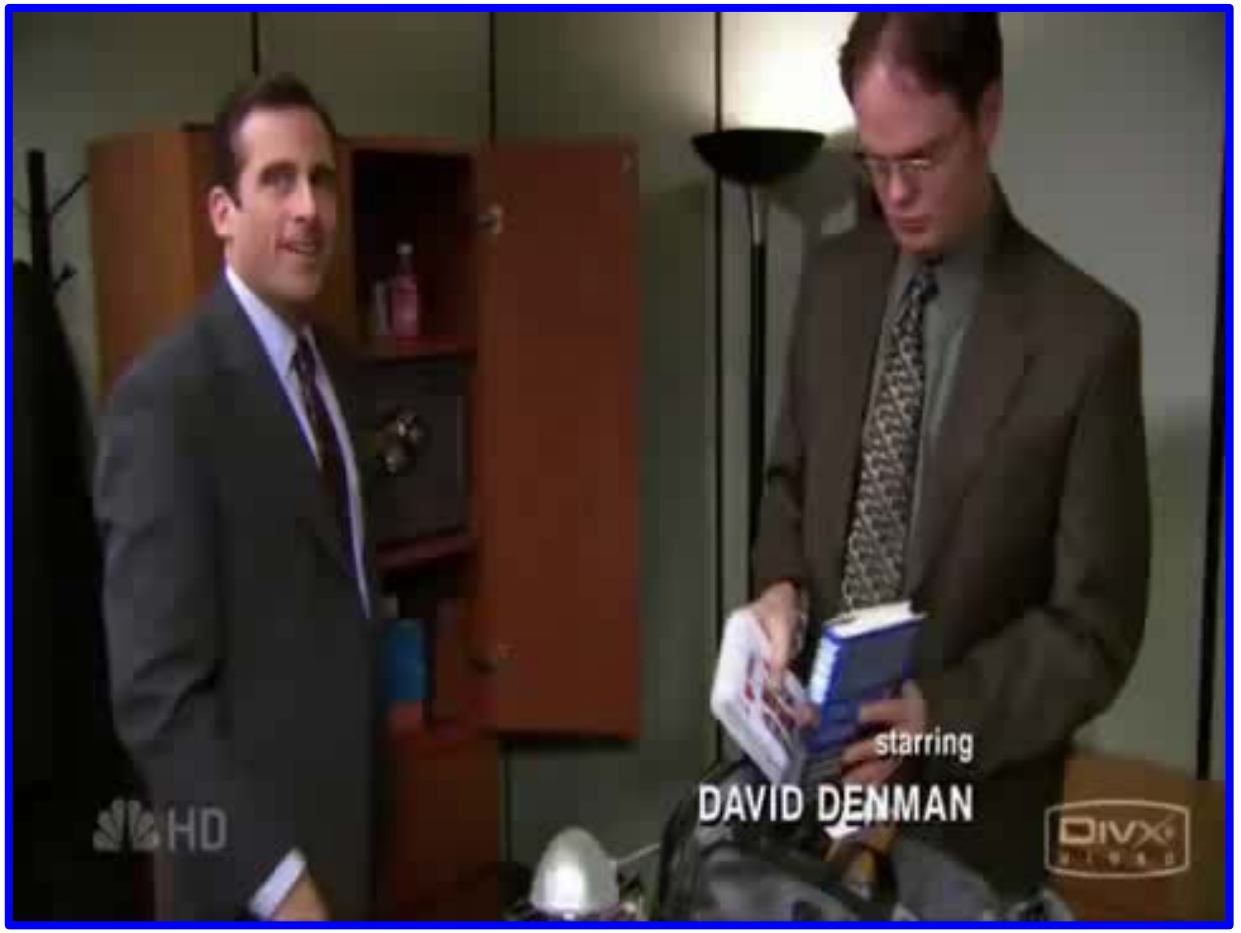
setting bad examples

Are you validating improper behavior?





Inspiring…….



Greatest Risk Management Moment in Television History



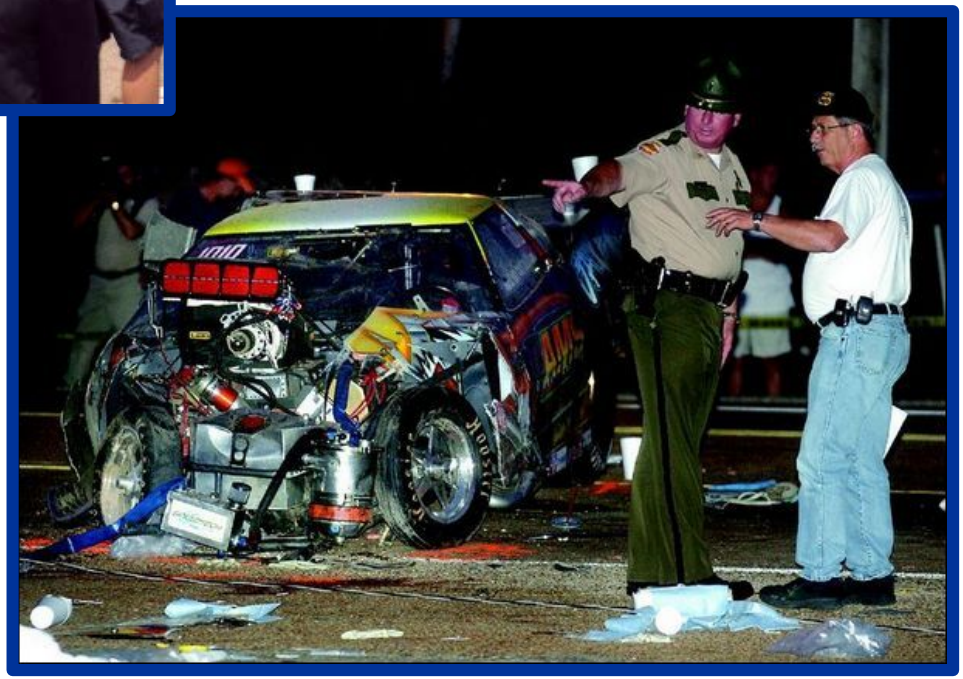
"Nah… we don't need to require insurance… it's just a little parade!"

Take-away:

Properly Plan for Special Events







Uninsured Loss?
Personal Exposure?
Public Relations?
Loss of Community Trust?
Limits? or Unlimited Exposure?



"I KNOW we're supposed to require a permit on this, but it -IS- the Mayor's brother!"

Take-away:

Apply Your Planning, Zoning & Codes

Consistently

Since 1/1/2015



Planning/Zoning/Codes

205 claims

Severity - $4,929,122 Net Inc Loss

Avg Claim - $ 24,044





"Of course I know how to run a backhoe!"

Take-away:

Train Your People & Avoid Situations

Where Staff is Destined to Fail



Since 1/1/2015

Public Works & Utilities

Combined Liability

6,052 Claims
Severity - $23,892,744 Net Inc Loss
Avg Claim - $ 3,948



Since 1/1/2015

Public Works & Utilities

Workers Comp

3,426 Claims
Severity - $18,312,316 Net Inc Loss
Avg Claim - $ 5,345



"… but I swear - the dang thang jus' went off!!!"

Take-away:

Through Policy & Training, Address the High-Risk Areas of Police Liability and Hold Supervisors Accountable



Since 1/1/2015

Police Work Comp	Claims	Avg Claim
All Causes	3,512	$ 4,979
Assault/Violence	648	$ 5,949
Vehicle Accident	372	$ 8,573

Law Enforcement Liability	Avg Claim
Use of Lethal & Non-Lethal Force	$ 58,055
False Arrest	$ 46,403
Search & Seizure	$ 51,311
Use of a Vehicle (no contact)	$ 41,392

Awards & Settlements..... 42%
Legal Expense.....58%



Tennessee v Garner (471 U.S. 1) 1985
Graham v Connor (490 U.S. 386) 1989
Scott v Harris (550 U.S. 372) 2007



"Let me at him – Let me at him… my car's already tore up!"

Take-away:

Invest Resources in Driver Safety

- Training, Education, Technology -





Haynes v Hamilton County
(883 S.W. 2d 606) 1994



Scott v Harris (550 U.S. 372) 2007

Insured Police Officers > 5,400 officers
> 240 agencies

Police Auto Accidents	Claims	Net Loss
Workers Comp	372	$ 3,189,011
Liability (no contact)	22	$ 910,631
Liability (AGL)	752	$ 4,823,323
Auto Phys Damage	320	$ 4,776,717
- Combined Liability -	1,094	$10,510,671
Total Losses from Vehicle Accidents		$13,699,682
Total Losses per Officer per Year ~		$ 507



This Week's Top 10 List



"Oh, c'mon, man… I was just joking around!"

Take-away:

Develop a Culture of Civility, and

Eliminate Offensive or Hostile Work Environments

Based on Title VI & VII of the Civil Rights Act,
if the subject matter is based on a protected class, and…
you harass someone…
create a hostile or offensive work environment…
&/or allow inappropriate things - said or shown…

It's against the law.



- *Race*
- *Color*
- *Religion*
- *National Origin*
- *Sex*
- *Age (40 and over)*
- *Disability*

Since 1/1/2015

Employment Claims	**266**	**$13,220,638**
Avg Employment Claim		**$ 49,702**

Awards & Settlements…… 35%
Legal Expense……...65%



"Now, Fred… you know you're just too danged old to do this job!"

Take-away:

Don't Assume "Common Sense"

Relative to Potential Discriminatory Practices

- Policy-Training-Supervision-Discipline -

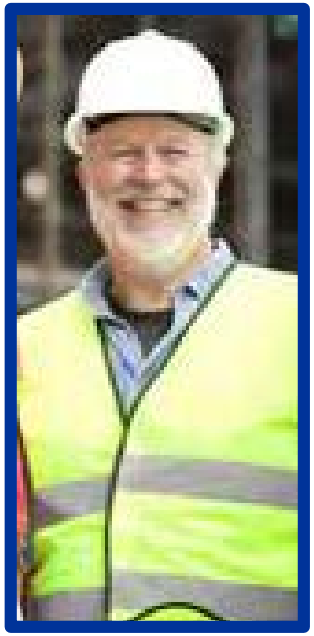
and DOCUMENT

Your Survival Checklist:

1) Policy
2) Training
3) Supervision
4) Discipline

DOCUMENTATION





"Common sense is not so common."
- Voltaire -

"Common sense ain't common."
- Will Rogers -



"Hey, e'erbody! Watch 'is!!!"

Take-away:

Keep the Eyes of the Organization Focused on the Mission.

Correct Improper Behavior, Establish Standards and

Relentlessly Pursue Those Standards

The vast majority of accidents, injuries and claims are *BEHAVIORAL* *in cause….*







There are sins of commission (negligent acts) and sins of omission (failures to act)



"Hey, if the public really knew the best way of doing this, they'd be in here doing this instead of me!"

Engage Your Community

Create Intentional Opportunities & Avenues
for the Diverse Elements of Your Community
to Provide Input
– Make them feel “IN” instead of “OUT” -



Build Your
Community Trust Account
Daily







Create Community…
such that when the crisis comes, you’ll have a chance to get an objective evaluation of the facts



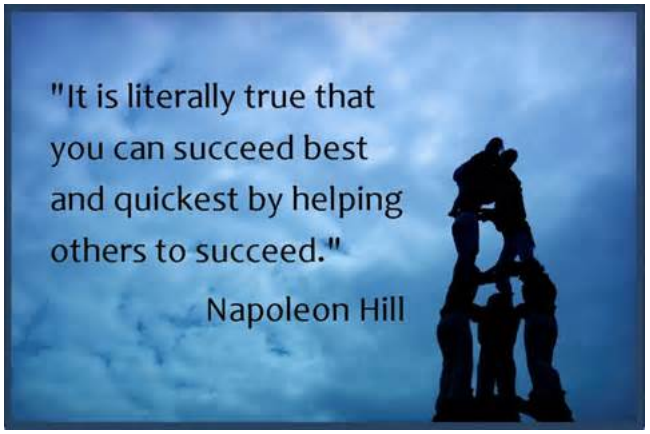
"I've been told that input on that issue is 'Above my Pay Grade'!"

Engage Your Employees

Create Intentional Opportunities & Avenues
for the Diverse Elements of Your Staff
to Provide Input
– Make them feel “IN” instead of “OUT” -



Build Your
Organizational Trust Account
Daily



Individual commitment to a group effort –
that is what makes a team work,
a company work,
a society work,
a civilization work.

- Vince Lombardi -



Create Community…

- **Cultivate the “spirit” of your organization;**
- **improve morale;**
- **elicit innovative ideas;**
- **improve productivity;**
- **Make staff feel “a part of” something, instead of “apart from” your mission**

This Week's Top Ten List

10. Hire the Right People – the Right Way
9. Set the Proper Example and Don't Validate Improper Behavior
8. Properly Plan for Special Events
7. Apply Your Planning, Zoning & Codes Consistently
6. Train Your People, and Avoid Situations Where Staff is Destined to Fail
5. Through Policy & Training, Address the High-Risk Areas of Police Liability and Hold Supervisors Accountable
4. Invest Resources in Driver Safety – Training, Education, Technology
3. Develop a Culture of Civility, & Eliminate Offensive or Hostile Work Environments
2. Don't Assume "Common Sense" - Relative to Potential Discriminatory Practices
   Policy – Training – Supervision – Discipline … and DOCUMENT
1. Keep the Eyes of the Organization Focused on the Mission
   Establish Standards and Relentlessly Pursue Those Standards

BONUS: Create Intentional Avenues and Opportunities to Continually **Engage Your Community**

2nd Bonus: Create Intentional Avenues and Opportunities to Continually **Engage Your Employees**



“At times the whole world seems to be in conspiracy
to importune you with emphatic trifles.
Friend, client, child, sickness, fear, want, charity,
all knock at once at thy closet door
and say,—'Come out unto us.‘
But keep thy state;
come not into their confusion.
The power men possess to annoy me
I give them by a weak curiosity.
No man can come near me but through my act.”

- Ralph Waldo Emerson -

The End

This Week's Top 10 List