

the Top 10 Things Your Staff Says

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

Defining the 10 Most Critical Risk Management Issues for Your Entity

Speakers

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

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Michael G. Fann, ARM-P, MBA - Director of Loss Control

Fann has more than 30 years' experience in providing risk management consulting and training for local governments, school systems, universities, state governments, and associations. He is an award-winning author and speaker, working with clients and audiences from Maine to California, from Florida to Washington. Fann is a graduate of Middle Tennessee State University (Finance & Political Science) and Ole Miss (MBA - Management). He has participated in international public risk management exchanges with colleagues from the United Kingdom, China and Australia. Fann is a former 2-time member of the Board of Directors of the international Public Risk Management Association (PRIMA), and formerly served (2013-2016) on the Board of Directors of the Public Entity Risk Institute (PERI), based in Alexandria, Virginia.

In 2019, Fann was conferred with the honor of "Fellow in Professional Practice" by the University of Tennessee's Master of Public Policy & Administration (MPPA) Program "to recognize accomplished & experienced professionals whose careers exhibit the highest standards of performance excellence…" by a vote of the MPPA faculty. In 2014, he was presented with the PRIMA's highest honor as only the 11th recipient of its Distinguished Service Award. He has also received TnPRIMA's Abbie Hudgens Distinguished Service Award (2012), the Southeast Loss Control (SELC) Group's Distinguished Service Award (2016), Public Risk Magazine's Author of the Year Award (2011), and the University of Tennessee Institute for Public Service's Project of the Year Award (2004). Fann has also been known to grace the stage with a Blues Brothers routine, entertain with bad karaoke, and once sang an Elvis song at the insistence of Chinese officials.

George D. Dalton, ARM-P, MCM - Assistant Director of Loss Control

A native of Nashville, Dalton is a graduate of Tennessee State University (B.S., 1993) and East Tennessee State University (M.C.M., 1995). He has previous local government experience with the City of Alcoa as Assistant to the City Manager and Human Resources Director.

A member of the Loss Control staff since September, 1998, Dalton has served as a risk management resource for the municipalities, schools, utilities, housing authorities, human resource agencies, and other governmental entities throughout Tennessee. Dalton provides risk identification surveys for safety & liability exposures, and frequently conducts safety and liability loss control training classes for pool participants. Dalton also assists in developing publications and bulletins. He received the ARM designation in 2001, & his RMPE certificate in 2003. Dalton has served on the Board of Directors of the Tennessee Personnel Management Association (TPMA) and the Tennessee Public Risk Management Association (TnPRIMA), and remains active with TCMA, TRPA, and others. He has also received TnPRIMA's Abbie Hudgens Distinguished Service Award (2013), and the Southeast Loss Control (SELC) Group's Distinguished Service Award (2019)

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

Take-away:

5-yr Avg Claim Since 1/1/2015	
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 -



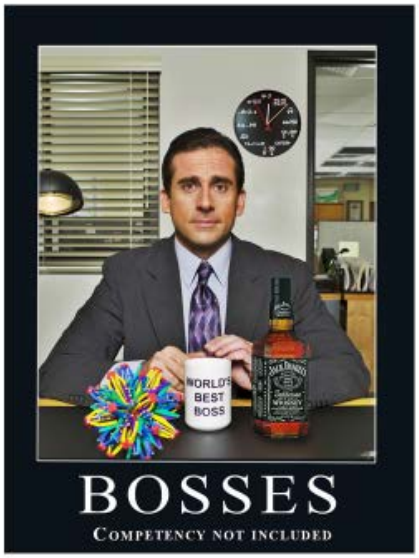
"I know I saw the boss do it just – like - this!"

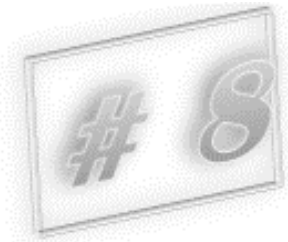
Take-away:

setting bad examples

Are you validating improper behavior?







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

Take-away:







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:

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:



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:



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:





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





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

Take-away:

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.



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:



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:

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…

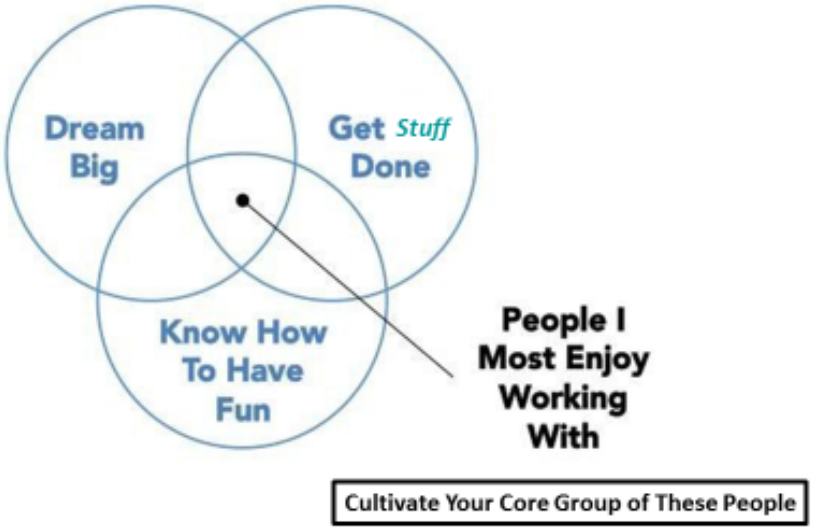
- Cultivate the "spirit" of your organization;
- improve morale;
- elicit innovative ideas;
- improve productivity;
- Make staff feel "a part of" something, instead of "apart from" your mission

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