

TML Risk Management Pool

5100 Maryland Way
Brentwood, TN 37027

POOLSIDE

Newsletter for TML Risk Management Pool Members

THEPOOL-TN.ORG

The Pool Expands Legal Hotline Program

At The Pool, we believe the best claim is the one that never happens. We also have a strong risk management philosophy. Our goal is to empower Pool members, through sound advice and risk management principles, to keep member losses as low as possible. It is within this framework that The Pool has expanded its popular Legal Hotline program.

We now have three regional attorneys to assist with a wide range of questions ranging from “how-to” policies and procedures to employment-related matters to workers’ compensation. This free service provides answers to any risk-management related topic and is intended to work in conjunction with your city attorney.

Previous Legal Hotline topics include:

*Employment matters
Drug-testing policies
Interlocal agreements
Ordinances/Resolutions
Planning/Zoning*

We encourage you to use this free resource to help mitigate future losses and ensure greater safety for employees and citizens. Please contact your Pool representative at 800.624.9698 to connect with The Pool’s expanded Legal Hotline program.

POOLSIDE IS GOING GREEN!

PLEASE SEND US YOUR E-MAIL ADDRESS

To serve you better and more efficiently use The Pool’s resources, our goal is to distribute POOLSIDE electronically to our membership.

To make this happen, we need your e-mail address IMMEDIATELY so that we can update our database!

Include the name, title, municipality/organization and e-mail address of any of your staff who would like to receive POOLSIDE in their inbox.

Contact Lynn Bates at
lbates@thepool-tn.org,
800.624.9698 or 615.371.0049.
THANK YOU!



Message From The President

Happy New Year! I hope you have finished your budget process for the new fiscal year. More importantly, I also hope you are beginning to see some increase in revenues, in spite of these economically challenging times.

For many of you who attended the TML annual conference, you were introduced to The Pool’s new logo and web address – www.thepool-tn.org. While a new logo doesn’t necessarily ensure that we will serve you better, it does reflect a newly re-energized Pool that is clearly focused on our mission — to serve you the best way possible.



The Pool’s tradeshow display at the 2011 TML conference promoted member services.

The Pool has some great news for you. We are offering risk management training scholarships to some lucky Pool member(s) to attend the TnPRIMA and national PRIMA conferences. This newsletter includes information about how you can receive a scholarship to attend these outstanding risk management conferences.

We would also like you to register to take advantage of our matching driver safety grant program. This year, we have expanded the program to include 100 percent of the cost of MVR checks through the Tennessee Department of Safety. More details on the program are included in this newsletter.

And now for even more positive news! Many of you are aware of our Legal Hotline that we have been providing for several years. We have just completed an expansion of this program and encourage you to use it in conjunction with your city attorney. For any municipal questions about possible exposure to your entity, we hope you will use this FREE service. Please check out the article on page 4 for more details on how to potentially mitigate future liability.

At The Pool, we believe the best claim is the one that never happens. That is why we are offering these programs to better assist you in helping your staff in the area of risk management. We appreciate your loyal partnership with The Pool and encourage you to take advantage of the programs and information provided in this newsletter.

Sincerely,
Dawn R. Crawford
President

The Pool Advances Risk Management Training Via Scholarship Fund



It is often stated that “risk management is good management.” Risk management is an essential element of any public organization’s management efforts. One of the many responsibilities of the risk manager is to coordinate the risk efforts of various departments within an organization. Therefore, the risk manager must be fairly knowledgeable of the organization and have extensive knowledge about the field of risk management. Unfortunately, there are few training and continuing education opportunities for local government risk managers.

In an effort to promote risk management and necessary training opportunities, The Pool created and introduced the “Excellence in Risk Management” scholarship fund earlier this year. In June, the scholarship fund provided financial assistance for two qualified individuals to attend the 2011 Public Risk Management Association (PRIMA) Conference in Portland, Ore.

The Pool is proud to announce that the “Excellence in Risk Management” scholarship fund will be awarding five scholarships – up to \$500 in reimbursable financial assistance – to qualified individuals to attend the 2011 Tennessee Risk Management Association (TnPRIMA) Conference, scheduled for Nov. 16-18 in Nashville, Tenn.

Applications and eligibility criteria for this scholarship were mailed Aug. 15. The Pool must receive completed applications by Sept. 16, 2011. If you have any questions, please contact Lottie Scobee or George Dalton at 615.371.0049.

How to Effectively Manage a Motor Vehicle Safety Program



One of the most costly exposures to many public organizations is the operation of motor vehicles. Organizations can experience significant financial loss through damaged property or injuries to members of the general public because of negligently operated motor vehicles. Also, employees who operate these vehicles are exposed to injuries, which can increase workers' compensation costs, as well as affect productivity. In addition, the public's observance of poor driving practices by public employees can create a negative image for your organization and damage public relations.

As auto liability, property and workers' compensation claims increase due to poorly operated public motor vehicles, the "cost of doing business" increases as well. Unfortunately, these added "costs" are borne, both directly and indirectly, by the taxpayer. These costs include:

- Increased insurance premiums**
- Loss of vehicle use**
- Replacement costs of the new vehicle**
- Decreased productivity**
- Additional paperwork**

The key to controlling vehicle accidents is to adopt a well-written, comprehensive, driver safety program, and then actively manage it. To be effective, the program must, at a minimum, address:

- Driver selection**
- Driver training**
- Initial and ongoing MVR Checks**
- Vehicle inspections**
- Vehicle maintenance**
- Discipline for accidents, policy violations, adverse motor vehicle records**
- Recordkeeping**

Organizations that are not meeting these minimum standards are at a much greater risk for driving-related losses. Public organizations have a duty to their citizens and employees to take active steps toward minimizing motor vehicle exposures, and this begins with development of a motor vehicle safety program. The Pool's Driver Safety Grant can be used to help your organization develop and manage a motor vehicle safety program. If your organization requires additional information on developing a program, please contact your local loss control consultant.

Note: The 2011-12 program will also be used to cover 100 percent of the cost of MVR Checks through the Department of Safety (up to your entity's classification eligibility).

Off-Duty Weapons Carry for Reserve / Auxiliary Police Officers

Tennessee Code Annotated
§ 39-17-1350

The Pool provides liability coverage for three different categories of police officers. The standard, traditional category is generally termed



Full-time Certified Officers who have completed all the requirements of the Tennessee POST Commission and have received certification from the state of Tennessee. The other two categories of police officers have not been certified or have not maintained certification. These are classified as either Non-certified Officers or Reserve/Auxiliary Officers. A Non-certified Officer has not received his/her POST certification and works more than 20 hours per week, and/or patrols alone (or without a certified police officer in the car), and/or generally is not working in support of nor under the direct supervision of a Full-time Certified Officer. Reserve/Auxiliary Officers are typically uncertified, part-time or volunteer officers (working generally 20 hours per week or fewer) who ride with, and work in support of, a Full-time Certified Officer.

Tennessee law allows police officers to carry firearms on a 24-hour basis, subject to certain restrictions. Specifically, Reserve/Auxiliary Officers may only carry firearms off-duty if the Chief of Police has authorized such in writing.

Reserve/Auxiliary Officers have not received the depth of training as Full-time Certified Officers, nor do they possess the level of experience with the department's policies and supervision. Therefore, The Pool recommends against this practice. Further, it is recommended that a policy be issued specifically outlining that Reserve/Auxiliary Officers do not have the department's permission to carry firearms while off duty. This policy should be part of a general policy restricting the authority of Reserve/Auxiliary Officers to act under color of governmental authority (i.e., color of law) while off duty.

These recommended policy provisions will help ensure that the police department is not authorizing and, therefore, not responsible for, actions taken by these officers when they are not under the supervision and direction of the police department, including the use of firearms.

Please note that, due to the significant increase in liability exposure, if the chief of police does authorize off-duty firearms carry for Reserve/Auxiliary Officers, these officers will be reclassified for premium rating purposes to Non-certified Officer status. As a result, these officers will be subject to a significantly higher liability premium rate.

Again, The Pool strongly recommends that each insured entity reviews its policies in this area to reduce this exposure to loss and potential significant increases in cost.



Congratulations to Safety Grant Recipients

To help address the concern of cities/agencies purchasing employee safety devices and equipment that are often cost prohibitive or at least burdensome, The Pool has awarded 110 Safety Partners Loss Control Matching Grants for the 2010-2011 fiscal year. The Pool reimbursed up to 50 percent of the cost on the approved device(s) with a maximum reimbursement based on the Priority Classification matrix rating. Consideration of grants was based on a variety of topics such as submission date, loss ratios, risk management practices and availability of funding.

The Pool congratulates the following members that received grants for 2010-2011. Risk control is a critical part of effectively managing a governmental entity, and the following entities are to be commended for their fine job of safety awareness.

Alcoa, City of	Harriman Utility Board	Pleasant Hill, Town of
Athens, City of	Harrogate, City of	Portland, City of
Bell Buckle, City of	Henderson, City of	Pulaski, City of
Belle Meade, City of	Hohenwald, City of	Puryear, City of
Benton, City of	Humboldt, City of	Red Bank, City of
Bolivar, City of	Huntingdon, Town of	Ridgely, City of
Bristol, City of	Huntsville, Town of	Rockwood, City of
Caryville, Town of	Jasper, Town of	Rogersville, Town of
Centerville, Town of	Johnson City HA	Savannah, City of
Clifton, City of	Jonesborough	Sevier Solid Waste, Inc.
Clinton City Schools	KCDC	Sevierville, City of
Columbia HA	Kingston, City of	Signal Mountain, Town of
Coopertown, Town of	Kingston Springs, Town of	Smithville Electric System
Cornersville, City of	Lafayette, City of	Smithville, City of
Covington, City of	LaFollette Utilities	Southeast TN HRA
Crossville, City of	Lawrenceburg HA	Southwest HRA
Crump, City of	Lawrenceburg, City of	Sparta, City of
Dandridge, Town of	Lewisburg, City of	Spring City, Town of
Dayton, City of	Madisonville, City of	Sweetwater, City of
Decatur, Town of	Martin, City of	Tracy City, Town of
Dover, Town of	Maryville, City of	Trenton HA
Dyer, City of	McKenzie, City of	Trenton, City of
Dyersburg, City of	McMinnville, City of	Trezevant, City of
East Ridge, City of	Milan, City of	Tullahoma, City of
Elizabethton, City of	Millington, City of	Upper Cumberland
Elizabethton H&DA	Monterey, Town of	Development Dist.
Elkton, City of	Morristown, City of	Upper Cumberland HRA
Englewood, Town of	Mount Carmel, Town of	Washington Co./Johnson City
Erin, City of	Mount Juliet, City of	EMS
Etowah, City of	Mount Pleasant, City of	Water Authority of Dickson
Fairview, City of	Newport, City of	County
Fayetteville, City of	Niota, City of	Waverly, City of
First TN HRA	Oak Ridge, City of	Waynesboro, City of
Franklin, City of	Palmer, City of	Westmoreland, City of
Gallatin, City of	Paris, City of (Utilities)	White Pine, Town of
Gates, Town of	Petersburg, City of	Winchester Utilities
Gatlinburg, City of	Pigeon Forge, City of	Winchester, City of
Germantown, City of	Pittman Center, Town of	

If you did not receive your application, please contact Lottie Scobee, executive assistant with The Pool's loss control department, at 615.371.0049 or 800.624.9698 so your name will be added to the mailing list for next year.

Safe Actions . . . First Time, Every Time . . . The Pool and You!