



Risk Management Solutions

A QUARTERLY NEWSLETTER OF THE ALABAMA MUNICIPAL INSURANCE CORPORATION
AND THE MUNICIPAL WORKERS COMPENSATION FUND, INC.

Winter 2011

Off-Duty Police Officers

Despite the arguable public benefits, off-duty employment of police officers raises many issues for a municipality – particularly when it comes to coverage under the municipality’s workers compensation and liability policies. This is especially true where the officer will use the uniform, car, weapon or other public equipment during off-duty employment. When a police officer moonlights, questions naturally arise as to whether or not the officer is covered by the city’s workers compensation policy and/or liability policy for activities that are associated with the officer’s off-duty work.

Coverage depends on the nature of the situation at hand. Therefore, determining whether coverage exists must be looked at on a case by case basis in any given factual situation. Some examples of situations which might arise include the following:

- **Scenario 1:** An off-duty police officer is providing security at a local high school football game and falls down the stadium stairs while trying to get to two kids fighting. As a result, she is badly injured. While not on-duty with the municipality, she has been authorized to wear her municipal police officer’s uniform and is fully equipped as an officer in her moonlighting job. Where a municipality has allowed off-duty officers to wear the uniform and use the equipment of the municipality, the moonlighting off-duty police officer is exhibiting a law enforcement presence for the partial benefit of the municipality. If the officer acts to stop the commission of a crime in progress and, as a result, is injured, then she may be covered for workers compensation benefits.
- **Scenario 2:** An off-duty police officer slips and falls while working as a private security guard at the local mall or grocery store and breaks his arm. The officer is not wearing a municipal police uniform nor is the officer using any municipal equipment in the course of his employment as a security guard. In this situation, the officer would not be covered for workers compensation

purposes under the municipality’s policy because he was not engaged in police officer activity (police officer activity is defined as engaging in activity that would lead to exercising the power of arrest).

- **Scenario 3:** Assume the same off-duty officer in Scenario 2 is doing security work at a mall, witnesses a crime, engages in intervention of that crime (shoplifting, robbery, etc.) and, thus, exercises his power of arrest. As a result of intervening, he is injured and breaks his arm. There is a much stronger argument that he is covered under the municipality’s workers compensation policy because he moved from a security guard into a police officer’s role of arresting activity. This situation would be similar to an off-duty officer (not moonlighting) who is shopping at the same mall and witnesses a crime. Police officers are police officers 24/7, whether on-duty or not, and public policy dictates that they have a duty to respond if they witness a crime in action. If the officer intervenes to exercise his power of arrest and is injured, there is a good argument that he is covered for worker’s compensation benefits, despite not being on the clock for work – whether he is moonlighting or not.



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Just like coverage for workers compensation, liability coverage for off-duty-police officers who are moonlighting is also full of grey areas and the answers to coverage questions depends on the facts of any given situation. Section 6-5-338 of the Alabama Code, 1975, requires that every private, non-governmental entity or person who employs an off-duty officer have in force at least \$100,000 of liability insurance to indemnify the municipality of any tort liability. Because of the broad array of factual situations that may arise for liability purposes, there is simply no way to summarize any common factual scenarios for purposes of liability coverage. The League of Municipalities, in its *Selected Readings for the Municipal Official*, has an article titled “Ethics and the Off-Duty Police Officer” which effectively covers issues relating to tort liability for off-duty officers. It is recommended that municipalities who allow – or are considering allowing – officers to perform off-duty functions while in uniform, review this article carefully. For further information, please contact your insurance carrier or the League of Municipalities Legal Department. ■

Top 7 Time Management Mistakes

Excerpted from *Time Management for Individuals* • www.timemangement.com

1. Working from your to do list! This might surprise you, but it's actually a big time management mistake many people make. Instead of working from your complete to-do list, it's crucial to set a top priority list with a maximum of six to eight items on the list. Set this priority list at the end of each day for the next day. You should work from this priority list, working on item one first until finished then move to item number two. Keep your to do list separate and complete items on this list when you have finished items on your priority list. Also, use your to do list as a way to remember what you MIGHT want to put on your priority list.
2. Checking emails constantly throughout the day. The biggest problem with this is that it interrupts what you are working on. Every time you are interrupted, you lose momentum and focus. Instead, check your emails in 20-30 minute blocks one to three times per day.
3. Becoming distracted by elements on your computer, for example email notifications that pop up when you get new emails.
4. Multi-tasking — doing too many things at one time and half completing all of them. This is much less effective than doing one thing at a time and completing each item before moving to the next. Every time you change to another task you lose momentum and focus. Instead, focus in solid blocks of time from 50 minutes to two hours. Multi-tasking is okay for easy activities such as driving and listening to an educational audio program at the same time, but for anything that requires complex thought, you need to focus on one task at a time. The biggest problem is leaving many tasks incomplete. Multi-tasking is actually okay when you complete each item that you are working on then move to the next, but then that wouldn't really be "multi-tasking" if you complete each task!
5. Working in an environment where you are prone to being interrupted by other people, phone calls etc. If other people come in and interrupt you constantly, this will be a big time waster. Your train of thought, momentum and flow are interrupted and you won't be able to focus on your priorities.
6. Starting your day by checking your emails. This can be a huge distraction. Instead, start your day with the top priority on your daily priority list.
7. Keeping emails in your inbox. If you keep emails in your inbox, you will likely read the same email five times before you action it. Your inbox is not meant to be you're to do list. Instead, try to handle all emails when you read them. Either delete it, archive it, delegate it, action it quickly or if you can't finish the task at the time of reading the email, archive your email and put the action on your to do list. Keeping your inbox clear will also help you to keep your mind clearer and more focused. ■

CLEEP Program

The Certified Law Enforcement Executive Program (CLEEP) is open to all active full-time police chiefs in Alabama who are members in good standing in the Alabama Association of Chiefs of Police (AACOP). **The course listing for 2011 includes:**

- Feb 1-2, AL Police Chiefs' Winter Conference; Renaissance Convention Center, Montgomery
- Feb 25-25, Ethics and Integrity/Generational Differences; Troy University, Dothan Campus
- April 14-15, Effective Publication Communications/Meetings, Presentations/Developing Financial Resources; University of North Alabama, Florence
- June 8-9, New Chief's Development Seminar (free to Chiefs that have not yet attended); Jacksonville State University, McClellan Campus
- June 9-10, Mandated Employment Policies and Best Practices/Social Media: Implications for the Future; Jacksonville State University, McClellan Campus
- Aug 1-3, AL Police Chiefs' Summer Conference, Meyer Civic Center, Gulf Shores
- Nov 3-4, Recruiting, Selection, Retention and Employee Relations/Harassment, Discrimination, Racial Profiling and Related Issues; University of North Alabama, Florence

For more information, visit www.aacop.com.

Defining Moment

ADEA

The Age Discrimination in Employment Act (ADEA) prohibits any employer from refusing to hire, discharge or otherwise discriminate against any individual because of age. The act covers compensation, terms, conditions and other privileges of employment including health care benefits. This act specifically prohibits age-based discrimination against employees who are at least 40 years of age. The purpose of the act is to promote the employment of older persons and to prohibit any arbitrary age discrimination in employment.

The roots of the ADEA can be traced back to 1964, when the U.S. government enacted Title VII of the 1964 Civil Rights Act. The core of Title VII was to prohibit discrimination in employment based on race, color, sex, national origin or religion. One variable noticeably missing from Title VII was age discrimination. Three years later, the U.S. Senate and the House of Representatives enacted the 1967 Age Discrimination in Employment Act (ADEA).

Protecting Your Municipal Assets

What to Consider When Selecting an Insurance Carrier

By: Steve Wells, AMIC President

**“If it’s too good to be true ...” “There is no free lunch.”
“Don’t take any wooden nickels!”**

If you’re a public official who’s been around a while, you know that when it comes to buying insurance to protect your municipality’s assets, it can be a daunting task. Insurance, while generally considered boring, is actually complicated and expensive. When the insurance market is soft, you usually have lots of competition and choices. When it’s a hard market, however, commercial carriers are difficult to find – at any price.

Most public entities throughout the country turn to their state leagues for a solution to their long term insurance needs. Municipalities in Alabama are no different. The Alabama League of Municipalities created the MWCF and AMIC 33 and 21 years ago, respectively, to solve the long term insurance needs of our state’s municipalities. But today, with tight budgets and an extremely soft insurance market, you may be faced with deciding whether to stay with your league program or go with a commercial insurance carrier that has just come into the market – offering extremely low rates.

From where we sit, the answer is obvious: *stay with the programs that have been protecting you for three decades.* For you, the elected official who is responsible for closing the budget gap, the answer is not so simple. Therefore, we encourage you to consider the following before you make your decision:

- How many times in the last 20 years has the commercial carrier decided not to write business in Alabama?
- Is the commercial carrier willing to write a multi- year policy?
- Does the commercial carrier exclude certain parts of the state (coastal cities)?
- Does the commercial carrier offer claims made or occurrence coverage? (Claims made coverage could cost you up to 100 percent of your annual premium to extend coverage. There is no additional cost for occurrence coverage.)
- How do your rates compare today with your rates 5, 10 or 20 years ago? (FYI- AMIC hasn’t raised its rates in over 20 years.)
- Is your property written on a replacement cost basis or ACV (Actual Cash Value)?
- Are all of your vehicles and buildings included in the quote?
- Does the commercial carrier’s claims adjusting firm reside within the state of Alabama?

These are just a few of the questions that have a tremendous impact on the quality of service your insurance carrier can provide, as well as the long term costs of your insurance coverage. Remember, neither of the League’s insurance programs has ever promised to be the cheapest carrier in any given year. However, the League’s insurance programs have always been the most cost effective and best alternative over a 10+ year period. For more information, visit www.alalm.org or www.amicentral.org.

So, if you will indulge me one more cliché: “A promise kept is a promise earned.” ■

IT’S TIME FOR WORKERS COMP PAYROLL AUDITS!

Every member of the Municipal Workers Compensation Fund, Inc. will soon receive an audit request for payroll information for the 2010 Fund Year. Many members will be subject to an independent audit from Overland Solutions, and those members will be contacted to set up an appointment. All other members will be receiving an Audit Request Form. Please fill in this form according to the instructions provided and return as soon as possible to our underwriters at Millennium Risk Managers. **All audit information is due by March 31, 2011.**

If you have not received a request by 1/31/11 or have any questions, please call **Carla Thienpont at Millennium Risk Managers 1-888-736-0210.**

Workers Compensation Fraud Is A Felony Offense!

To report workers compensation fraud, call our fraud line at: **1-877-315-4654** OR email us at wcfraud@MRM-LLC.com. Or call the Alabama Fraud Line at: **1-800-932-2533** or **334-242-7325.**

More Loss Control Resources

NIOSH: The mission of The National Institute for Occupational Safety and Health (NIOSH) is to provide research, information, education and training in the field of occupational safety and health. NIOSH is a part of the Centers for Disease Control and Prevention (CDC) with its website address located at www.cdc.gov/niosh/. The NIOSH website provides a wide spectrum of downloadable workplace safety and health topics including an area dedicated to solutions for workplace hazards.

For a complete listing of the loss control resources available to AMIC and MWCF members, visit www.alalm.org. Inside the Programs tab, you will find links to the MWCF, Loss Control and AMIC loss control resource pages. Resources include references on various topics; current and past issues of Risk Management Solutions; information on the SkidCar and FATS programs; and the AMIC/MWCF Video Library listings. Additionally, the AMIC website includes a Reference Search function for all loss control resources including loss control references, power point presentations and newsletters.

REMINDER!

The Statement of Commitments for 2011 MUST be submitted to the Municipal Workers Comp Fund no later than January 31, 2011 to receive credit!



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Winter Safety DVDs

- 5.025 – Portable Generators
- 7.044 – Space Heaters
- 7.109 - Working Safely in Cold Weather
- 5.058 - Driving Safely in Winter Conditions
- 5.046 – Winter Driving
- 5.061 – Road Rage: Highway Havoc
- 5.062 – A DUI Story... What If?
- 5.049 - Distractions: Behind the Wheel For Drivers
- 5.063 – Defensive Driving for Government Employees
- 12.011 – Static Electricity
- 5.003 - The Invisible Killer: Carbon Monoxide

Call, FAX or e-mail your Video/DVD request to Rachel Wagner at: 334-262-2566; rachelw@alalm.org; or FAX at 334-263-0200.

ATTENTION!

For step-by-step instructions on filing work comp claims, visit:

www.alalm.org/MWCF/claimreporting.html

EMPLOYMENT PRACTICES LAW HOTLINE

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.

2011 SKIDCAR SCHEDULE

Dates/location subject to change.

Madison (FULL)	Feb. 8 - 24	Decatur	Aug. 16 - 26
Cottonwood/Dothan	March 8 - 18	Muscle Shoals	Sep. 6 - 16
Fort Payne	March 29 - April 8	OPEN	Oct. 4 - 14
OPEN	May 10 - 20	Orange Beach/	
OPEN	June 14 - 24	Gulf Shores	Nov. 8 - 18
Tuscaloosa	July 12 - 22	Montgomery	Dec. 6 - 16
Thomasville	July 25 - 29		



*For more information, contact
 Donna Wagner at 334-262-2566.*

