



Risk Management Solutions

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

Spring 2012

Is Your Swimming Pool *Really* as Clean as it Looks?

By Richard Buttenshaw, ARM-P, CIC, ASP • Loss Control Representative

Imagine a situation where several small children become ill after using your municipality's swimming pool or water park. The pool "looks" clean. You have staff who are responsible for the care and maintenance of the pool and they assure you that everything is being done correctly. Unfortunately, the children all got very sick after using *your* municipal pool and now no one on your staff can find adequate documentation verifying that water testing was done. What now?

Obviously, it is *critical* that all the applicable industry standards are followed regarding the cleanliness of pool water to protect those using it. Not only do we *not* want people to become sick, we also want to protect our city from the potential liability exposure if someone were to become sick. Ask yourself:

1. Who is responsible for the pool water cleanliness?
2. Are they properly trained?
3. Can you prove they did the necessary steps to maintain safe pool water?

Let's first consider training. It goes without saying that it's essential to have certified lifeguards monitoring the pool when open. However, it's also essential that the people responsible for assuring the pool water is safe are adequately trained and certified – not as lifeguards but as "Certified Pool Operators." There are several different agencies that offer courses covering all aspects of operating a public swimming pool as well as specifically covering, in detail, the necessary testing, filtration and chemical balance needed to maintain a safe environment. The Center for Disease Control (CDC) has a webpage that has links to several of these at www.cdc.gov/healthywater/swimming/pools/pool-operator-training.html.

Now for documentation. As with many aspects in liability exposure, it often comes down to whether you can show you actually did what you say you did. Meaning: show me the documentation. In the above scenario, detailed and accurate documentation outlining that the necessary testing and chemical alterations were implemented is the only way of proving that you did everything in your power to maintain safe pool water. Although Alabama does have a strong Recreational Immunity statute that may apply in this scenario, if it can be shown that there was little attempt to maintain the water quality – or that the documentation is inaccurate or false – that immunity may be jeopardized.

We all want to protect the children using our municipal facilities. Not doing so can be a very costly mistake. (We have the claims to prove it!) So please ensure you have a certified individual maintaining and operating your municipal pool *and* that the testing and documentation is being done correctly. ■



Driving Emergency Vehicles Should be Limited to Authorized Emergency Personnel

By Will Strength, ARM-P • Loss Control Representative

Driving emergency vehicles can be extremely dangerous and is, therefore, an enormous liability exposure for both the driver and your municipality. Emergency vehicles should only be driven by *qualified* personnel.

If you've ever driven an emergency vehicle you've probably heard (or you *should* have heard): "Drive with due regard for the safety of all others." If you're researching laws concerning operations of emergency vehicles you'll most likely come across this statement (or something similar) multiple times: "The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

Why is it that this statement is constantly repeated in driver training classes, in ALA CODE § 32-5A-115 or, hopefully, in your municipalities' "driver guidelines"? Quite simply, it's because driving emergency vehicles can be dangerous and is an enormous liability exposure for the driver as well as your city or town. Driving Code 3, as it is called, is a very serious task and should only be performed by competent, mature, *qualified* personnel.

What about driving these same vehicles in everyday, non-emergency conditions? Are there specific laws that address this type of driving? Of course there are federal, state and local laws that *all* drivers are expected to follow; however, sometimes an answer to a simple question isn't always so straightforward. For instance, a question I'm often asked is: "Can the Mayor or Clerk drive the reserve police car to run errands?" Well, from a risk management prospective I would strongly encourage the Mayor/Clerk not to drive a reserve police car. However, from a legal standpoint this isn't as clear cut as if you were to ask: "When can firefighters or police officers operate with emergency lights and no siren?" The answer to that question is "never" because ALA CODE § 32-5A-7 clearly states:

The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 32-5-213 and visual requirements of any laws of this state requiring visual signals on emergency vehicles.

So ... can the Mayor or Clerk drive the reserve police car to run errands? Well, the answer isn't that simple nor is it what I want to stress because it's only one example of a long list of questions illustrating why every municipality should implement its own vehicle guidelines or policy. My reasoning for encouraging you not to drive a police car or emergency vehicle unless you are an actual police officer or emergency personnel is that the public will likely think that whoever is driving the police car/emergency vehicle is an officer or qualified personnel. A citizen may look to you for assistance that you can't provide – or, even worse, you could become a target and not have the means or the training to protect yourself. You would be opening yourself up to considerable safety exposure as well enormous liability exposure for your municipality.

Points to remember regarding emergency vehicles and emergency lighting:

- The only vehicles that can legally use emergency lights are authorized emergency vehicles. These include police cars, ambulances

and fire trucks.

- In order for any other vehicle (i.e. POV) to be considered an authorized emergency vehicle, that vehicle must be so designated by the Director of Public Safety or a police chief of an incorporated municipality.

- Police vehicles may use red and/or blue lights. No vehicle other than a police vehicle can use a blue light.

- Fire department and other authorized emergency vehicles, including ambulances, shall only use red emergency lights.

- Alabama law says that in order to request the right of way, you must be using both visual and audible warning devices.

- Every police and fire department vehicle and every ambulance used for emergency calls shall be equipped with a siren, bell, ululating multi-toned horns or other electronic siren type device approved by the Director of Public Safety.

- All drivers of emergency vehicles have a duty to drive with due regard for the safety of all persons on the highway.

To reduce possible liability exposures and the potential for injury, all cities and towns should consider having written vehicle operating guidelines that not only cover emergency vehicles but also offer guidelines for all vehicle types and all drivers. The Alabama League encourages you to implement guidelines that address important issues such as minimum age requirements for emergency vehicle operators; volunteers and personally owned vehicles; disciplinary actions for driving violations; restrictions on inexperienced drivers; and documented preventative maintenance programs. If you need assistance or sample vehicle operation guidelines, please contact your AMIC/MWCF loss control representative. ■

AMIC Announces E-mail Address for Claims Reporting

newclaim@AMICentral.org

For the convenience of our members, AMIC has designated a specific e-mail address for claims reporting: newclaim@AMICentral.org. This reporting method will provide a higher level of efficient service by centralizing the claim reporting process. The address will be monitored by several designated AMIC Claims Department staff members.

newclaim@AMICentral.org may be used to forward the following information to AMIC:

1. Notice of incidents, events or potential claims.
2. Notice of Official Claims.
3. Lawsuits and EEOC Charges of Discrimination.

2011 Risk Management Awards

In recognition of the efforts and successes of our members, the AMIC and MWCF Board of Directors established the Risk Management Awards system in 2002.

Awards are determined based on the loss ratios for each member's prior year. For members of both the AMIC and MWCF programs, the loss ratios are combined and divided by two to reflect the overall loss ratio. Members are eligible to receive the Presidents Award once every five years and the Gold, Silver and Bronze annually.

ALM President's Awards (Top 5% for 5 years)

Adamsville
Arley
Birmingham-Jefferson Civic Center
Black Warrior Solid Waste Authority
Blountsville Utilities
Bridgeport Housing Authority
Camp Hill Utilities
Chelsea
Chickasaw Housing Authority
Coffeeville
Coker
Colony
Coosa Valley Water
Cullman-Jefferson Counties Gas District
Dauphin Island
Dora
Dothan
Double Springs Waterworks Board
East Brewton
East Brewton Waterworks & Sewer
Evergreen Housing Authority
Faunsdale
Fayette Gas Board
Fayette Housing Authority
Five Points
Gardendale
Georgiana
Glen Allen
Gordo Water Board
Heath
Kansas
Mobile County Emergency Management
Moulton Housing Authority
Natural Bridge
Northwest Alabama Council of Local Government Auto
Oak Hill
Phil Campbell Housing Authority
Pleasant Groves
Providence
Red Level
Scottsboro Sewer & Waterworks Board
South Alabama Utilities
South Central Alabama Development Commission
Sweet Water
Union Grove Utilities
Washington County Library Board
Webb
Woodville

Gold Awards (Loss ratio below 5%)

Abbeville Housing Authority
Abbeville Water & Sewer
Akron
Aliceville Housing Authority
Aliceville Water & Sewer
Andalusia Rescue Squad
Andalusia Utilities
Anniston Housing Authority
Arab Sewer Board
Arab Water Works Board
Ardmore
Argo
Ariton
Arley
Asbury Water Board
Ashland Water & Sewer Board
Ashville
Ashville Water & Sewer Board
Athens Housing Authority
B.B. Conner Memorial Library
Baker Hill
Banks
Bayou La Batre Water & Sewer
Bear Creek Development Authority
Beatrice
Beaverton
Belk
Belle Fontaine Improvement District
Benton
Birmingham Parking Authority
Birmingham Regional Planning Commission General Fund
Black
Blountsville Housing Authority
Blountsville Utilities
Blue Springs
Boaz Gas Board
Brantley
Brent Housing Authority
Brent Utilities
Brewton Housing Authority
Brewton Natural Gas
Bridgeport Housing Authority
Brookside
Brookwood
Brundidge
Butler
Butler Utilities
C.C.E.M.S.
Calera Housing Authority
Calera Waterworks
Camden
Camp Hill
Camp Hill Utilities
Carbon Hill Housing Authority
Cedar Bluff Utility Board
Center Point
Centre
Centreville Water Works & Sewer Board
Chelsea
Cherokee Waterworks & Gas Board
Chickasaw Housing Authority
Chickasaw Utilities
Childersburg Waterworks, Sewer & Gas
Chilton County Solid Waste Disposal

Citronelle Historical Preservation Society, Inc.
Clanton Housing Authority
Clayhatchee
Clayton Housing Authority
Clayton Water & Sewer
Clio
Coffee Springs
Coffeeville
Coffeeville Waterworks
Coker
Collinsville
Colony
Columbia
Columbiana
Community Life Institute
Coosa Valley Water
Cottonwood Housing Authority
County Line
Craig Field Airport Authority
Creola
Crossville
Dadeville Housing Authority
Dauphin Island
Dauphin Island Water
Deatsville
Deatsville VFD, Inc.
Decatur Personnel Board
DeKalb-Cherokee Counties Gas District
Demopolis Water
Detroit
Dothan
Double Springs
Double Springs Waterworks Board
Dozier
Dutton
East Brewton
East Brewton Waterworks & Sewer
East Central Alabama Gas District
Eclectic
Eclectic Water & Sewer Board
Elba Water & Electric Board
Elkmont
Elmore
Elmore County Economic Dev
Enterprise Rescue
Eufaula Housing Development
Eutaw Housing Authority
Eva
Evergreen Housing Authority
Fairfield Housing Authority
Faunsdale
Fayette Gas Board
Fayette Housing Authority
Five Points
Five Star Water District
Flomaton
Floralia Housing Authority
Fort Deposit
Frisco City
Fruithurst Fire Department
Fulton
Fulton Utilities
Gadsden Airport Authority
Gainesville
Gantt
Gaylesville
Geiger
Georgiana
Georgiana Housing Authority
Gilbertown
Glen Allen
Glencoe Water & Sewer
Glenwood
Goldville
Good Hope
Goodwater Housing Authority
Goodwater Waterworks & Sewer
Gordo Housing Authority
Gordo Water Board
Governmental Utility Services (Bessemer)
Greene County Ambulance Service
Greensboro Utility Board
Greenville YMCA
Guin Water & Sewer Board
Gulf Shores Utility Board
Gurley
H. E. L. P., Inc.
Haleyville Water & Sewer Board
Hamilton Housing Authority
Harpersville Water Board
Hartford
Hartselle Housing Authority
Hayden
Headland Housing Authority
Heath
Highland Lake
Hobson City Housing Authority
Hokes Bluff Sewer Board
Hokes Bluff Water Board
Hurtsboro Water Works
HyTop
Indian Springs
Jackson Water & Sewer Board
Jasper Waterworks and Sewer
Kansas
Kennedy
Kennedy Housing Authority
Kinsey
Kinston
Langston
Lee-Russell Council of Local Governments
Legacy Springs Improvement #1
Level Plains
Lexington
Linden Housing Authority
Linden Utilities
Lineville Water & Sewer
Lipscomb
Lisman
Lockhart
Locust Fork
Luverne
Luverne Housing Authority
Magnolia Springs
Maplesville Water Works & Gas Board
Margaret
Marion
Maytown
McIntosh
Midland City
Mobile County Emergency Management
Mobile County Personnel Board
Mooresville
Morris
Mosses

continued next page

Gold Awards Cont.

Moulton Housing Authority
Moundville
Mount Vernon
Mulga
Munford
Muscle Shoals Electric Board
Napier Field
Natural Bridge
Nauvoo
Nauvoo Waterworks
Nectar
Needham
Newbern
Newton Water & Sewer
Newville
North Courtland
Northport Housing Authority
Northwest Alabama Gas District
Oak Hill
Odenville
Opelika Waterworks Board
Opp Housing Authority
Orange Beach Water & Sewer Board
Orville
Owens Cross Roads
Ozard City Board of Education
Paint Rock
Pell City Housing Authority
Perdido Beach
Phil Campbell Housing Authority
Pickensville
Pike Road
Pine Apple
Pinson
Pleasant Groves
Pollard
Powell
Prattville Solid Waste Authority
Prattville Waterworks
Priceville
Prichard Water
Providence
Ragland Housing Authority
Ragland Water Works & Gas
Rainbow City Utilities Board
Ranburne
Ranburne Water & Sewer
Red Level
Reece City
Reform Housing Authority
Reform Water & Sewer Board
Rehobeth
Renaissance Cooperative District
Renaissance Improvement District
Roanoke Housing Authority
Rockford
Rockford Gas Board
Rockford Waterworks
Rogersville Waterworks & Sewer
Russellville Electric Board
Russellville Gas Board
Russellville Housing Authority
Russellville Waterworks & Sewer
Rutledge
Saint Florian
Sand Rock
Sanford.
Sardis City
Scottsboro Public Library

Silas
Slocomb Water & Sewer
Smiths Station
South Central Alabama Development
Commission
South Central Alabama Development
Commission/ Senior Aides Division
Southeast Alabama Solid Waste Disposal
Authority
Southside Waterworks Board
Spirit of Anniston Main Street
Program, Inc.
Steele Waterworks Board
Storm Water Management Authority
Sumiton Gas Board
Sumiton Water Board
Summerdale
Sweet Water
Sweet Water Water Works
Sylvania
Talladega Springs
Tarrant Electric Department
The Plaza at the Towers
Thomaston
Thomaston Water & Gas
Thomasville Waterworks & Sewer
Toxey
Tri Community Water System
Troy Board of Education
Troy Housing Authority
Troy Housing Services
Tuscumbia Utilities Department
Tuskegee Housing Authority
Twin
Union
Union Grove
Union Grove Utilities
Uniontown
Upper Bear Creek Water, Sewer & FPA
Valley Grande
Vernon
Vernon Water & Sewer Board
Vincent
Vincent Water & Sewer
Vredenburgh
Wadley
Washington County Library Board
Waterloo
Waverly
Webb
Wedowee
Wedowee Water, Sewer & Gas Board
West Blockton
West Point
Westover
Wetumpka Water & Sewer
Wilcox County Gas
Wilsonville
Wilton Water and Gas
Winston Cooperative District
Winston County Industrial Development
Authority
Woodville

Silver Awards

(Loss ratio of 5% to 20%)

Alabama League of Municipalities
Alabama-Tombigbee Regional
Commission
Alabaster
Alexander City
Allgood
Ashland
Ashland, Goodwater-Lineville Solid Waste
Disposal Authority
Atmore
Auburn
Autauga/Prattville Library
Autaugaville
Bay Minette
Birmingham Airport Authority
Black Warrior Solid Waste Authority
Brewton
Brilliant
Carbon Hill
Castleberry
Cedar Bluff
Centreville
Chatom Utility
Chickasaw
Clanton
Coosada
Courtland
Decatur
Decatur Housing Authority
East Alabama Regional Planning &
Development Commission
Eufaula
Eufaula Water Works
Eutaw
Falkville
Floral
Floral Water and Sewer Board
Gardendale
Geneva
Geneva Water
Glencoe
Gordo
Greensboro
Grove Hill
Guin
Headland
Heflin Water & Sewer
Helena
Hobson City
Homewood
Hoover
Hueytown
Jackson
Jackson's Gap
Kimberly

Lamar County Gas District
Leighton
Lexington Water Works
Lincoln
Linden
Madison
Millport
Mobile Airport Authority
Mobile Housing Board
Montevallo Water & Sewer
Montgomery Housing Authority
Moulton
New Hope
New Site
Newton
North Alabama Gas District
Notasulga
Oneonta
Orange Beach
Oxford
Ozark
Ozark Housing Authority
Piedmont
Pinckard
Red Bay
Red Bay Water & Gas
Repton
Robertsdale
Samson
Saraland
Scottsboro
Shorter
Skyline
Snead
South Alabama Regional Airport Authority
South Alabama Utilities
Southeast Alabama Gas
Sylacauga Parks and Recreation
Tarrant City
Thomasville
Top of Alabama Regional Council of
Governments
Town Creek
Triana
Tuscumbia
Union Springs
Union Springs Utility Board
Valley Head
Vance
Walnut Grove
Weaver
West Alabama Health Services
West Jefferson
Winfield
Winfield Waterworks & Sewer
York

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.

Bronze Awards (Loss ratio of 20% to 40%)

Abbeville
Alabaster Water Board
Aliceville
Andalusia
Anderson
Anniston
Arab
Athens Utilities
Auburn Water Board
Bayou La Batre
Bear Creek
Birmingham-Jefferson County Transit Authority Property
Brent
Bridgeport
Brighton
Carbon Hill Utility Board
Central Alabama Regional Planning Commission
Centre Waterworks & Sewer
Clarke-Mobile County Gas District
Cuba
Dadeville
Daphne Utilities
Dora
Dora Waterworks & Gas Board
East Alabama Mental Health & Retardation
East Geneva Co. Senior Citizens Committee
Elberta
Elmore Water Authority
Enterprise
Evergreen
Fairfield
Fairhope
Fayette Water Works Board
Foley
Fort Payne
Gadsden
Geraldine
Greenville
Greenville Waterworks & Sewer
Guntersville
Hanceville

Hartselle
Hartselle Utilities
Hayneville
Heflin
Hokes Bluff
Huntsville & Madison County Senior Center
Jasper
Killen
Lanett
Leeds Water & Sewer
Leesburg
Leighton Water Works & Sewer Board
Louisville
Lynn
Madison Utilities
Malvern
Mentone
Midfield
Millbrook
Montevallo
Montgomery Water & Sewer
Moulton Water & Sewer Board
Myrtlewood
Northwest Alabama Council of Local Government Auto
Oak Grove
Ohatchee
Opelika
Opp
Opp Utilities
Oxford Water & Sewer Board
Parrish
Pelham
Pleasant Grove
Rogersville
Scottsboro Sewer & Waterworks Board
Spanish Fort
Sulligent
Sylacauga Utilities
Sylvan Springs
Trafford
Troy
Trussville Utility Board
Tuskegee
Tuskegee Utility Board
USS Alabama Battleship Commission
Valley
Woodland

Mayor Richard Long Joins AMIC Board of Directors

Mayor Long was first elected to serve on the Jackson City Council in 1984, representing Districts one and two for 12 years until he was elected mayor in 2000. He is an active member of the Alabama League of Municipalities and has served on the League's Executive Committee since 2000. In addition, he has received his Basic and Advanced CMO designations. Mayor Long served as Chairman of the Clarke County United Way for three years and has been a member for more than 10 years. Board service includes the Clarke Mobile Gas Board of Directors, the Clarke Mobile Gas Supply District, the Lower Alabama Gas District and the Coastal Gateway Economic Development Authority. He is a U.S. Navy veteran and worked as a systems engineer and sales executive before retiring from the Boise Cascade operation after 30 years of service. Mayor Long joined the Board of Director's for the Alabama Municipal Insurance Corporation in January.



Defining Moment

Identifying and Defining Hazards

The importance of identifying hazards within our public entities is a responsibility for all employees and should be emphasized by management as a critical component of a safety and risk management program.

What is a hazard? In the simplest terms, a hazard is anything that increases the chance of an accident or loss such as a financial loss. For instance, a police car with tires that have little or no tread increases the chance of an auto accident and the possibility of resulting claims such as injury to employees and other persons, property damage claims and negligence claims due to poor maintenance activities by the public entity. The hazard in this example exemplifies how one hazard increases the potential severity or seriousness of injury and financial loss if the accident occurs.

Hazards can be classified or defined as physical, morale or moral. A morale hazard means the actions of individuals or a public entity's carelessness or irresponsible actions can increase the possibility of a loss. Closely related to morale hazards are moral hazards where a person or entity creates a loss on purpose with the intent to collect financial compensation. Physical hazards are those hazards that arise from the condition, occupancy or use of property. Several examples of physical hazards include uneven walking surfaces, insufficient fire extinguishers and blocked exits.

For additional information on common physical hazards and the development of a self-inspection program to identify hazards in your public entity, we encourage you to visit the AMIC website at www.amicentral.org and download the AMIC/MWCF Loss Control resource "Developing a Self-Inspection Program."

MWCF Claims Reporting

Members of the Municipal Workers Compensation Fund can report work injury claims 24 hours a day, 7 days a week by filling out the First Report of Injury Form (which can be downloaded at www.alaim.org/MWCFClaimReporting.html) and e-mailing the form to FROI@mrm-llc.com or faxing to 205-263-0503. All claims should be reported immediately upon notification to the employer. You will need the following information to complete the form:

- Injured worker's name, address, telephone, social security number, date of hire and date of birth
- Date of injury and description of injury
- Name and address of the medical provider
- Wage information
- Ten digit Alabama Employer Unemployment Comp Number

Claims for the Municipal Workers Compensation Fund are administered by: Millennium Risk Managers, P.O. Box 43769, Birmingham, AL 35243, phone: 888-736-0210.



ALABAMA LEAGUE OF MUNICIPALITIES
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Spring Safety DVDs

- 4.014-DVD Disaster Safety: Aftermath and Cleanup
- 5.032-VHS Right-Of-Way Mowing Safety
- 5.039-VHS Tractor Safety
- 5.053-VHS Landscaping Equipment: Safety and Maintenance
- 7.068-VHS Responding to Allergic Reaction
- 7.070-VHS Responding to Asthma
- 7.083-VHS Inspecting Playgrounds for Hazards
- 7.084-VHS Softball & Baseball Field Maintenance & Safety
- 7.106-DVD Groundskeeping Safety: Be A Pro!
- 7.118-DVD Safety Procedures for Lawn Mower Operators
- 7.119-DVD Landscape Power Tool Safety
- 7.120-DVD Hedge Trimmer Safety
- 7.121-DVD Video Guide to Chainsaw Safety
- 7.122-DVD String Trimmer Safety
- 7.123-DVD Boating Safety
- 16.008-DVD Recreational Activity Liability

**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

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1-800-864-5324

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2012 SKIDCAR SCHEDULE

Date/location subject to change.

Pelham	April 3 – 13	Russellville	July 24 – Aug. 3
Birmingham Airport Authority (FULL)	May 1 – 11	Decatur	Aug. 14 – 24
Homewood	June 12 – 22	Scottsboro	Sept. 11 – 21
Thomasville	July 10 – 13	Ozark	Oct. 9 – 19
		Orange Beach	Nov. 6 – 16
		Montgomery	Dec. 11 – 21



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

