



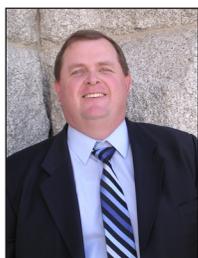
RiskWatch

A Department of Administrative Services, Division of Risk Management Publication



Property Update for Higher Education, School Districts, and State Agencies

By Brian Spencer – Director, Administrative Services



Now that spring is almost here, it is time to take a property inventory. We will soon begin the process for updating our records for property and content values. In the past year, did you add any new buildings or make any major purchases? If so, they will need to be reported to Risk Management. You will receive instructions and worksheets that need to be completed and returned to Brian Spencer. Not only is Risk required to report the value of all property we insure, but this process will also help us ensure that you have sufficient insurance coverage.

You will receive the following documents when it is time to begin the process:

1. Property Values for FY 2013 – This document will include a list of all properties that are insured with their estimated values. Please review this list to ensure that it is complete and that estimated values are as accurate as possible.
2. Instructions for updating property and contents listings – This document provides additional information on how to complete the forms and changes that have occurred in the last year.
3. Course of construction listing (if you had any buildings being built in the past year)
4. Request for course of construction insurance – If you intend to build any buildings in the next year
5. Building survey form with explanation for completing the form. This form is to be used to report new building or buildings with major changes. Minor changes (like changes in value or adding sprinklers can be done on the property values form)

We will be sending these documents out to you beginning in May 2012. Liability and property insurance billings will be mailed to you in the late July or early August time frame based on the information we have in our database. We appreciate your efforts to keep our database as accurate as possible. If you have any questions during this process, please feel free to call our office at 801-538-9560 or email Brian Spencer at bspencer@utah.gov.



Additional Property Updates for Charter Schools

Charter schools will receive all of the documents outlined above as part of the property reporting process. You will also receive Risk Management's Insurance rates for Charter Schools – FY13 These are the rates you will be charged to insure your properties in the coming year. We will be sending these documents out to you beginning in May 2012. Property insurance billings will be sent to charter schools in the late July or early August time frame. Liability insurance premiums are based on the official student count which is conducted in October of each year. Billings for liability insurance will be sent out in late July or early August and is based on the previous years' enrollment numbers. Adjustment will be sent out once we receive the official student counts from the Utah State Office of Education.



UPCOMING EVENTS



April 17 - Great Utah Shakeout
Statewide Earthquake
readiness drill



Points of Interest

[Brain Teaser](#)

More Stories

HOW CAN FIRE SPRINKLER HEADS IN A SCHOOL GYMNASIUM CREATE A POTENTIAL LOSS? -

Thomas Merrill

School architectural and mechanical design usually takes the age group being served into account when the structure is built. Under “normal” circumstances, no problems would be encountered at an elementary school gymnasium, but what happens if an outside group is allowed to use the school facilities? The safety equation and potential for damage then changes, because the age group being served has changed.

Some of our Utah elementary schools permit city basketball leagues or Junior Jazz teams to use their gymnasium facilities after hours and on weekends. School gymnasiums with unprotected fire sprinkler heads are at risk of inadvertent activation of the system from being struck by an errant ball.

Grownups are prone to pass a basketball “full court” or shoot the ball in a high arc. This can lead to a ball caroming around in the rafters, as can older adolescents kicking a basketball or participating in other horseplay. Dodge ball activities can also put gymnasium fire sprinkler heads at risk of being struck.

An easily observed danger sign is when gymnasium ceiling tiles are noted to be displaced. If a gymnasium fire sprinkler head is ever struck by a ball, the resultant water damage can result in a claim costing of tens of thousands of dollars. It takes time to find and deactivate the building fire sprinkler system. Damage to a wood gymnasium floor can be especially costly.

Unless equipped with flush-mount, drop down type fire sprinkler heads, elementary schools should install low cost, clamp-on fire sprinkler wire cages to help prevent accidental activation of a sprinkler head. High school gymnasiums and practice facilities should always have the protective cages installed.



PLAYGROUND INJURY PREVENTION AND EXERCISE EQUIPMENT - *Brian Nelson*



The U.S. Consumer Product Safety Commission (CPSC) estimates that each year about 25,000 children are injured while using exercise equipment. Types of equipment identified in these cases include stationary bicycles, treadmills, elliptical machines, air walkers, and stair climbers. Fractures and

amputations were reported in about 20 percent of exercise-equipment-related injuries.

With the increase in the installation of easily outdoor “Playground” fitness equipment, it is necessary to remind everyone that this type of equipment needs to be installed in an area that is not accessible to unsupervised children.

Risk Management recommends that all fitness equipment be installed in accordance with the manufacturer’s instructions, including all safety-related attachments. All fitness equipment must be installed on the same attenuating surface as playground equipment, and children under 13 years of age must not be allowed to access the equipment area without immediate adult supervision.

If you are planning to install outdoor fitness equipment, please call me first. I’m also available to inspect your playgrounds and address any concerns or hazards associated with those environments.

Karen Peterson, Loss Control Consultant, Certified Playground Inspector, (801) 870-7367, karenpeterson@utah.gov.

Children’s Slides Recalled by Landscape Structures due to Fall Hazard

The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product.

Name of Product: Slalom Glider

Manufacturer: Landscape Structures Inc., of Delano, Minn.

The Slalom Glider is a playground slide that lacks a transition platform on the top and sides of the chute. Children can fall when moving from the ladder to the slide and when descending the chute.

The CPSC has received 16 reports of injuries to children under 8-years old, including one bruised arm, 14 fractures to arms and legs, one fractured collar bone and one bruised spleen.

Questions: Call Karen Peterson at 801-870-7367



The Slalom Glider is a distinctive 6-foot high playground slide that is curved in shape and made from molded plastic. It includes an arched, tubular steel access ladder. The recalled product comes as a stand-alone slide or as an attachment to other playground equipment. The recalled products have model numbers 156456 and 172627 and were sold in combinations of colors, including red, blue, tan, green, granite and white.

Several Utah schools have this playground element installed. Purchase dates were between January 2006 and December 2011 for about \$2300.

Districts should immediately stop children from using the recalled gliders and owners should be contacted by Landscape Structures regarding removal instructions.

Customers will be given the option of replacing the Slalom Glider with another piece of playground equipment, receiving a refund, or receiving credit towards a future purchase. Please direct any inquiries to Landscape Structures at (888) 438-6574 or slalomglider@playsi.com.

- **Slalom Glider Removal Instructions**
- **Verification and Reimbursement Form**

SLIP AND FALLS - *James Brown*

Moving into February with a significant absence of snow makes skiers, snowboarders, and sledders despair. Yet we as risk professionals rejoice in the lower number of winter-weather-related claims. The State of Utah has had just over half as many reported workers compensation claims as were reported by this time last year. I suppose they call that looking at the silver lining...

However, there are still a few storms on the horizon and it's a good idea to remind ourselves of the slip and fall hazards present in the winter weather. It's also an opportunity to remind ourselves of the indoor slip and fall hazards we face year round. Special thanks to the Workers Compensation Fund for the following information.

Outside

Slips, trips and falls are the second most common cause of accidental deaths in the U.S. each year, second only to traffic accidents. And while fatalities aren't always the outcome, painful, sometimes debilitating injuries often result from slips, trips and falls. The good news is many of these injuries are preventable through simple safety precautions.

Parking Lots: Statistics show that almost 80 percent of slips and falls are due to the snow and ice that accumulates in parking lots and on sidewalks, with more than 50 percent occurring between 6 a.m. and noon. Take special caution while walking in parking lots in the morning (particularly when you are carrying in bagels and donuts for staff meeting).

North-Facing Entrances: When possible, avoid north-facing entrances to buildings. Unless properly cleared, these areas tend to remain icy and slippery. If your job responsibilities include ice and snow removal, keep these entrances in mind as an increased hazard.

Appropriate Footwear: Appropriate footwear in inclement weather can't be overemphasized. If you prefer to wear slick-soled or high-heeled shoes, you may want to bring along an extra pair of tennis shoes for crossing the parking lot.

When You Can't Avoid It: If you must walk on a slippery surface, slow down, take baby steps, and keep a hand free for balance. Don't forget to notify the appropriate person in your organization of the hazard so others don't face the same unavoidably harrowing experience you did.

Spills: Wet surfaces are a huge risk. Mop and dry spills immediately. Place caution signage in problem areas until dry.

Be Smart: Take only what you can carry to maintain balance. Use handrails. Slow down and watch for hazards.

Inside

Whether at an office or construction site. Slip and fall hazards are present. The following are examples of common slip and fall hazards and some ways you may be able to prevent them.

• Stairs

- good lighting
- use hand rails
- no running
- not a storage area

• Wet floors (kitchen, entryway, restrooms, etc.)

- quickly identify
- post signs
- clean floor
- proper floor mats (rugs, rubber mats, etc.)

• Housekeeping

- use proper storage area
- quickly clean up debris (boxes, tools, spills, etc.)
- close drawers / file cabinets
- organize/cover, move electrical cords

• Ladders / foot stools

- Do not use chairs, crates, shelves, or other objects to stand on, use sufficiently rated stools and ladders to elevate yourself to reach an item or perform work.

- The height and type (A-frame, straight) of ladder should be dictated by the situation and work to be performed.

• Uneven walking surface

- fix the surface
- properly cover surface
- restrict access to the area
- visually highlight surface and discuss hazard with employees

TOUGH LEADERSHIP AND LIABILITY - *Sol Garcia*

One of my challenges as a human resource consultant is to help leaders understand that it is possible to avoid liability and create a culture of accountability by being tough. Leaders are often wary of being perceived as tough. When I ask why, I get responses such as: "I want to be flexible", "I want employees to like me", or "I want to be fair". Many believe that being "lenient" will have more positive effects on their relationship with employees. I believe that tough leadership does not have to be something negative. A tough leader can be one who promotes a culture of accountability. As a leader, you can be tough and still be flexible, well liked by subordinates, and be perceived as extremely fair. In my opinion, from a liability-avoidance perspective, tough leaders have a lower risk of being accused of wrong doing than lenient ones.

Even if leniency appears to influence the employment relationships positively, this may be a superficial and short lived effect. In fact, many abuses, misunderstandings, and resentments can lie below the surface of this type of relationships. Through my experience as a human resources professional, I have witnessed how lenient leaders bring liability to the organization through their actions. Lenient leaders keep the problematic employee from facing the consequences of their actions. They tend to tell employees what the employees want to hear or look the other way instead of addressing and correcting problems.

This promotes a culture of irresponsibility. In this type of environment the best employees eventually leave.

It is difficult to protect an organization against claims of discrimination or harassment from a dismissed employee if the personnel records show a history of acceptable performance appraisals and nothing about problems or issues. Sometimes, the dismissed employees have no idea of the reasoning behind the termination decision. They are surprised when they are let go since in their minds everything was fine. This happens when supervisors do not clarify expectations or address issues as they surface. I have witnessed lenient supervisors who prefer to have a "reduction in force" instead of dismissing someone "for cause". This type of action places the organization in a difficult situation because of the logistics of a reduction in force.

I have identified the following characteristics in leaders who are perceived to be tough:

- Is clear in defining the conditions of employment and performance expectations
- Coaches and redirects employees
- Removes obstacles and provides resources
- Listens to the employee

- Is consistent in the application of work rules and policies
- Shows respect by communicating with transparency (Say what they mean and mean what they say)

Being tough does not equate to being a bully. A tough leader does not have a personal agenda or acts with malice toward employees. The tough leader actions are usually motivated by the organizational vision, mission and values. Tough leaders align the workforce to the mission and values and drive the organization to higher accomplishments.





LAW & ORDER

with Morris Haggerty
Assistant Attorney General

Fundraisers seem to be a perpetual activity at schools. There is always a need for more funds for clubs, athletic teams, even to buy books. It's nice to find an organization that will let you do an activity for them to raise needed funds. However, in reviewing many fundraisers we find that there are often hidden risks and the school employee in charge of the fundraiser can be exposing the school and even themselves to liability. How is this possible? Glad you asked.

It is more common these days in our increasingly litigious society for a fundraiser operator to require that you sign a contract. And in the contract there is often an indemnity clause. If you aren't in the insurance or risk business you probably don't know what an indemnity clause is. In short and simple terms, an indemnity clause says if the fundraiser operator gets sued you have to pay for any damages awarded against them and usually adds that you have to pay for their defense. Often an indemnity clause requires this of you even if the fundraiser operator is partially or even mostly at fault.

For example, a local fireworks seller has been advertising that selling its fireworks is a great opportunity for schools to raise funds. The contract has an indemnity clause (although this one omits the duty to defend). This particular contract is better than some because the fireworks seller provides the school with liability property insurance at the operator's expense. But if you have ever made a claim on an insurance policy you know, sometimes the company accepts the claim and takes care of everything (like Risk Management) but sometimes it denies your claim. If the insurance doesn't step up you still have the duty to indemnify the fundraiser operator.

This particular contract is unusual, it is much more common for a fundraiser contract to say you indemnify them if you are at fault in whole or in part and there is no insurance. So you are stuck with defending an expensive lawsuit and paying damages even if the fundraiser operator was mostly at fault.

What about your Risk Management insurance, will it step up to take care of your indemnity obligations? Not unless the contract has been approved by the Director of Risk Management. This particular contract would not be approved because Risk thinks it, and similar contracts, are unfair. The seller of the product should be putting you and your students under the protection of their liability insurance and, if coverage is disputed, taking the risk itself, not passing it on to you.



So what do you need to look for as red flags in fundraising opportunities? First, are they requiring you to sign a contract and, if so, does it have an indemnity clause? If so, send it up to Risk Management and ask for approval. Be warned, approvals of those are few and far between. Second, are they willing to cover you under their insurance? They should. Third, do they impose other potential costs on you? If any of these are true, you should probably look for another opportunity. And remember, *"It will be a great day when our schools have all the money they need, and our air force has to have a bakesale to buy a bomber."*

— C Robert Fulghum