Local Government Liability and Insurance Issues

by

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Griffin, Georgia
OVERVIEW

• CLAIMS UNDER FEDERAL LAW
  – Standard for Liability
  – Defenses

• CLAIMS UNDER STATE LAW
  – Standard for Liability
  – Defenses
LOCAL GOVERNMENT LIABILITY FOR FEDERAL CONSTITUTIONAL CLAIMS

  – No Respondeat Superior (vicarious) liability for local government
  – A Plaintiff must prove that an official policy or custom of the city or county was the moving force beyond the violation.
  – In most circumstances will absolve city or county of liability.
HOW CAN A PLAINTIFF PROVE A POLICY OR CUSTOM

• Official act or statement formally adopted and promulgated by body’s officers.
  – Regulation.
  – Ordinance.
  – Policy statement.
  – E.g., policy stating that all arrestees are subjected to strip search regardless of circumstances or crime.
• Custom
  – Formal approval not necessary.
  – “[P]ractices of state officials so permanent and well settled as to constitute a ‘customer or usage’ with the effect of law.” Monell.
  – Series of similar events.
• Inadequate training
    • Failure to train in an area can be the equivalent of an unconstitutional policy.
    • Prisoner medical care case.
    • Policy was constitutional on its face.
    • Standard: Deliberate Indifference.
    • Similar events may demonstrate need to train to policymaker.
    • Even if bad training, no recovery if no underlying constitutional violation.
• Inadequate supervision.
  – Deliberate indifference.
WHO CAN CREATE POLICY?

• THE POLICYMAKER
  – Mayor and Council
  – County Commission
  – Person or persons to whom responsibility has been delegated
    • City/County Manager
    • Sheriff
    • Public Safety Director
    • Police Chief
    • Training Officer
    • Supervisory Personnel
POLICY CAN BE ESTABLISHED BY A SINGLE ACT OF A POLICYMAKER

• If a policymaker is involved in a particular decision, that one decision can establish policy.
  – Arrest by police chief.
  – Personnel decision by a department head.
    • Depends on whether there is further review.
• The action must constitute official policy.
  – Not personal, private misconduct (e.g., bribery, assault, battery).
DEFENSES AVAILABLE TO LOCAL GOVERNMENT

• Constitutional Injury was not the result of official policy or custom.
• Local governments are immune from punitive damages.
Remember

LOCAL GOVERNMENTS DO NOT HAVE SOVEREIGN IMMUNITY ON FEDERAL CLAIMS.

*Beyond immunity for punitive damages.
FEDERAL CLAIMS AGAINST THE INDIVIDUAL DEFENDANT

• Unlike the local government:
  – Individuals are responsible for constitutional violations.
  – Compensatory damages
  – Punitive damages.

• FIRST LINE OF DEFENSE . . .
QUALIFIED IMMUNITY
QUALIFIED IMMUNITY

• Available to individual defendant.
• In defense to any federal statutory or constitutional claim.
• Elements:
  – Defendant acted within discretionary authority.
  – Objective good faith standard.
    • Must not violate clearly established constitutional or statutory rights of which a reasonable person would have known.
    • Subjective intent is completely irrelevant.
• “No reasonable police officer.”
Absolute Immunity

• Legislative Acts Only
POTENTIAL CONFLICT OF INTEREST

• LOCAL GOVERNMENT
  – Individual was not acting in accordance with policy or custom.

• INDIVIDUAL
  – Acting consistent with:
    • Official policy.
    • Training.
    • Custom.

• Avoid at the outset by either:
  – Assigning separate counsel.
  – Making the de facto decision to ratify the officer’s conduct.
SUPERVISORY LIABILITY

• Supervisor may only be held personally liable based upon his or her own culpable action or inaction in training, control, or supervision of subordinates.
• Supervisor may not be held liable on respondeat superior basis.
• If supervisor is also a policymaker, may also create liability for the municipality.
• Federal courts generally apply deliberate indifference standard—more than negligence, but less than actual intent.
CLAIMS UNDER STATE LAW

- Local Government
  - Sovereign/Governmental Immunity
- Individual
  - Official Immunity
SOVEREIGN IMMUNITY

- Georgia Constitution
- Waived as authorized by statute
  - Whistleblower Act
  - Open Records Act
  - Motor Vehicles
- Waived to the extent of Insurance
- No immunity for ministerial acts.
- Statutory waiver for motor vehicle claims even in the absence of insurance.
  - “Only when the tide goes out do you discover who’s been swimming naked.” Warren Buffett
  - Buy coverage.
- No waiver for punitive damages.
OFFICIAL IMMUNITY

• State law counterpart of qualified immunity.
• Requires that the employee or officer be performing discretionary (i.e., not ministerial) act.
• May only be overcome by demonstrating actual malice—intent to injure.
• Not available for ministerial acts.
• Classic examples:
  – Emergency driving.
  – Use of force.
  – Decision to arrest.
MINISTERIAL FUNCTION
VICTORY

- **FEDERAL**
  - No policy or custom
  - Qualified Immunity

- **STATE**
  - Sovereign Immunity
  - Official Immunity
HIGH RISK ISSUES

• Multijurisdictional task forces and projects.
• High-speed pursuits.
• Officer-involved shootings.
• Taser.
• Electronic communications.
• Nuisance.
INSURANCE

• Duty to indemnify.
• Duty to defend.
  – Reservation of rights.
  – Declaratory judgment actions.
COVERAGES

• General Liability
• Law Enforcement
• Automobile
  – Statutory waiver of immunity
• Worker’s Compensation
  – Mandatory
  – Exclusive Remedy
• Errors and Omissions
• Employment Practices
WHERE COVERAGE MAY NOT EXIST

- Non-fortuitous risks.
- Claims for non-monetary relief.
  - Declaratory judgment.
  - Injunctive relief.
  - Mandamus.
  - Zoning appeals.
- Acting outside the scope.
- Intentional misconduct.
- Employment practices.
- Attorney’s fees.
- Punitive damages.
• HOW LEADERS REDUCE RISKS WITHIN CITIES

BY
Dan Beck
Director of LGRMS
• Joint effort of ACCG & GMA
• Set up as a non-profit corporation in 1988
• Overseen by joint ACCG & GMA Board
• Developed as a service organization
• Funded by and services 6 insurance programs
Workers’ Compensation Members: 434

Property & Liability Members: 334

Health Insurance Members: 153
Risk Management Progression

70’s
- Purchase Insurance
- Policy’s

80’s
- Loss Control
- Claims Mgmt.
- Regulatory Compliance
- Public Safety RM

90’s
- Cost Allocation
- Contractual Risk Transfer
- Claims/Litigation Management
- Outcome Orientation & Benchmarking
- Integrated Disability Mgmt.

2000’s
- Leadership
- Enterprise RM
- Bus. /Gov’t Partnerships
Workers’ Compensation

- Required by state statute
- 100% coverage of medical expenses
- Payment for lost wages, subject to calculation formula and state maximums
  - 66 2/3% of AWW, maximum $500/week
- Rehabilitation benefits, if appropriate
- Death benefits
Documents

• Posted Panel of Physicians
  – 6 unrelated physicians (employee’s choice)
  – One orthopedic surgeon, one minority physician
  – No more than 2 industrial clinics
  – Pink paper?

• Employee Bill of Rights
  – Posted with panel
  – Rights and responsibilities
  – Pink paper?
Workers’ Comp
CLAIMS AND MEDICAL MANAGEMENT
Workers’ Comp Coordinator

Responsibilities:
• Report all WC claims to Claims Adjusters
• Maintain file of all documents pertaining to the claim
• Maintain OSHA log (Not required for Cities/ Counties)
• Coordinate communications between outside and inside resources
Claim Reporting Process

Employee Responsibilities:
- Immediately report incident to supervisor
- Cooperate and provide truth within investigation
- Cooperate with medical providers and ask for written medical update after each treatment
- Maintain contact with supervisor, WCC, adjuster, Area Nurse, others
- Provide good faith effort on return to work

- Report all claims
  - Within 30 days
  - Internal policy?
Claim Reporting Process

Manager/Supervisor Responsibilities:

- Evaluate injury/illness for medical treatment
- Forward claim information to WCC immediately
- Complete a full incident investigation within 24-48 hours
- Maintain communications with employee, WCC, adjuster, others
Hiring Process

- Application
- Physical capability Analysis
- Post Hire Medical Examinations
Medical Treatment Recommendations

• have at least one person trained in emergency first aid and CPR

• have pre-determined medical facilities (Posted Panel of Physicians)

• Medical provider must be familiar with your operation, working conditions, and return to work program.
Return To Work

• Generally temporary work
• Meaningful/value added work
• Job Analysis – Physical and Environmental Demand Survey
• Communications
  – Employees
  – Supervisors
  – Physician
  – Adjuster
Communication

- Communication
- Communication
- Communication
Claim Resolution

- Claim Reviews – as needed
- Each claim should have:
  - Clear diagnosis
  - Treatment plan
  - Length and anticipated disability
  - Need for special resources
- Red Flags for claims
- Resolution
  - Employee returns to regular duty
  - Placement in a permanently restricted job
  - Placement through a job placement vendor
  - Lump sum settlement
  - Long term workers comp payments
What Motivates you?

What is your top job priority?
Why Safety?
City of Atlanta sued over car accident caused by cop

On behalf of Daughtery, Crawford & Brown, LLP posted in Car Accidents on Friday, May 10, 2013

A woman severely injured in a car accident involving three vehicles is suing the City of Atlanta police officer involved, according to a lawsuit. She claims the cop was negligent in blocking the intersection and causing the accident.

The injured woman is suing the city for personal injuries based on the negligence of the officer. Her vehicle then crashed into the Damage. The second car, in turn, was forced into the front end of the officer's vehicle.

Fort Oglethorpe Officials File Lawsuit Against The City

Submitted by Heather on Thu, 09/16/2013 - 8:04am

Richmond Hill City Council, Mayor And Police Officer Sued Over Young Girl’s Suicide

City Councilman John Bowdy, left, a defendant in the suit, has resigned his post, according to the Richmond Journal-Constitution.

Among numerous allegations, the lawsuit charges that Bowdy, a 5-year veteran of the city's police force, is to be anti-immigration, flash game Flickr, released anonymously in 2006, Border Patrol disparages Hispanics with epithets such as "drug dealer" and "bipartisan."
Regulatory Compliance (Internal/External)
ACCIDENT COSTS ICEBERG
Claims Costs

- Property Damage
- Reduced productivity
- Accident investigation
- Administrative costs
- Lost time by supervisor
- Costs of training replacement worker
- Overtime
- Equipment repair
- Negative publicity
- Damage to customer relations
Moral Issue

• No one wants to see someone get hurt

• Everyone has the right to leave work in the same condition as when they arrived.

• Family Explanation
BEST IN CLASS
Recordable Incidents Per 100 Employees
(2011 BLS Data)
WHY ARE WE HERE?

How many safety experts do we have within your organization?

What are the most dangerous words you will hear in any new organization?

• HISTORICAL
  – SAFETY, SAFETY, SAFETY, SAFETY
So how do we control these risks?
What are some of the key elements of a “World Class” “Best Practice” “ETC” Safety Culture?
Key Elements of Safety Process

- Leadership
- Employee Engagement
- Risk Management / Compliance
- Training and Learning
- Continuous Improvement
  - Measures
  - Audits/ Assessments
  - Hazard Observation/ Incident Investigation
- Communications/ Records/Recognition
LEADERSHIP - BREAKOUT

• What is Safety Leadership?

• What is the Role / Activities of:
  – Safety Professional?
  – Upper / Mid Level Manager?
  – Front Line Leader?
Leadership

• Recent studies show that over 85% of an organization’s safety and health problems can be controlled through effective leadership.

• The lack of understanding of what effective leadership is -- is at the base of most problems, including those occurring in safety and health.
Leadership & Commitment

- Establishing a Vision
- Assessment
- Planning
- Resource Allocation
- Accountabilities/Personal Responsibility
- Demand Continuous Improvement
- Engage Lead by Example
- Visible Commitment
Road-eo Training
September 2013

2014 SAFETY LEADERSHIP AWARD

THE HAROLD F. HOLTZ MUNICIPAL TRAINING INSTITUTE
Employee Engagement / Involvement
1. The Hater - Actively Disengaged Employees, aka Vampires:
   - Negative attitude about their employer and job duties
   - Malcontent, often openly showing their distaste while on the job
   - Focus on problems
   - Behavior and actions will cause more harm than good

2. The Yeah Whatever - Ambivalent Employees:
   - Not apt to “going the extra mile”, they do what is asked of them and nothing more
   - Rarely, if ever, volunteer for extra assignments or take lead roles
   - Lower energy and lackluster performance on assignments
   - Can often feel unappreciated or unimportant

3. The Supporter - where they ‘buy-in’ to the goals, objectives and vision
   - that the company has, and identify with those goals so they contribute more to the overall effectiveness of the department. They understand why they are working there and are happy to support your goals as a manager and take their roles and responsibilities seriously.

4. The Owner - Level three is where they show ‘ownership’ of results.
   - This is when they take personal responsibility for hitting targets, achieving objectives and carrying out more than what is expected. For most employees, this level is satisfying and motivating as they achieve a lot more personal pride in their work and drive toward building their self-worth and self-confidence. Results are good because they ‘want’ to do well rather than ‘need’ to do well.
How do you get employees engaged?

• Trust in leadership
• Communications
• Defined roles
• Career paths
• Shared ownership / decisions
Activities to increase Employee Involvement

- Process/ Program Leadership
- Safety Team Membership
- Risk Assessments
- Inspection
  - Rotate individuals to inspect one system
- Training
  - Department trainers on specific topics
- Safety suggestions
- Mentors
- Safety Observations
- Safety Leads
Accountability Performance Chain

- Setting clear expectations
- Removing barriers
- Ensuring employees are capable
- Providing quality training and tools
- Providing feedback
- And if necessary establishing consistent consequences
Risk Management / Compliance
Compliance Programs

- Asbestos/Lead
- Bloodborne Pathogens
- Confined Space
- Electrical Safety
- Emergency Action Plan
- Excavation and Trenching
- Fire Safety/Hot Work
- Hazardous Communication
- Machine Guarding
- Hearing Conservation
- Personal Protective Equipment
- Powered Industrial Truck
- Respirator
- Control of Hazardous Energy
- Waste Water
- Hazardous Waste
Compliance Program Implementation

- Are you in total compliance?
- Overwhelming
- Role of the Safety Professional
Why Risk Assessments?

- Be International
- Proactive VS Reactive
- Great Opportunity for Engagement
- Plan your work and work your plan
- Efficient and Effective
- Leader Education
- Great Leading Measure
What are Risk Assessments

- Risk Identification
- Risk Evaluation
- Risk Prioritization
- Risk Control
## Analyze and Estimate Risk

<table>
<thead>
<tr>
<th>LIKELIHOOD (L)</th>
<th>EXAMPLE</th>
<th>RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most likely</td>
<td>The most likely result of the hazard / event being realized</td>
<td>5</td>
</tr>
<tr>
<td>Possible</td>
<td>Has a good chance of occurring and is not unusual</td>
<td>4</td>
</tr>
<tr>
<td>Conceivable</td>
<td>Might be occur at sometime in future</td>
<td>3</td>
</tr>
<tr>
<td>Remote</td>
<td>Has not been known to occur after many years</td>
<td>2</td>
</tr>
<tr>
<td>Inconceivable</td>
<td>Is practically impossible and has never occurred</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SEVERITY (S)</th>
<th>EXAMPLE</th>
<th>RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catastrophic</td>
<td>Numerous fatalities, irrecoverable property damage and productivity</td>
<td>5</td>
</tr>
<tr>
<td>Fatal</td>
<td>Approximately one single fatality major property damage if hazard is realized</td>
<td>4</td>
</tr>
<tr>
<td>Serious</td>
<td>Non-fatal injury, permanent disability</td>
<td>3</td>
</tr>
<tr>
<td>Minor</td>
<td>Disabling but not permanent injury</td>
<td>2</td>
</tr>
<tr>
<td>Negligible</td>
<td>Minor abrasions, bruises, cuts, first aid type injury</td>
<td>1</td>
</tr>
<tr>
<td>Likelihood (L)</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>---------------</td>
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<td>2</td>
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<td>4</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Table C

- High: Red
- Medium: Yellow
- Low: Green
<table>
<thead>
<tr>
<th>RISK</th>
<th>DESCRIPTION</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 - 25</td>
<td>HIGH</td>
<td>A HIGH risk requires <strong>immediate</strong> action to control the hazard as detailed in the hierarchy of control. Actions taken must be documented on the risk assessment form including date for completion.</td>
</tr>
<tr>
<td>5 - 12</td>
<td>MEDIUM</td>
<td>A MEDIUM risk requires a planned approach to controlling the hazard and applies temporary measure if required. Actions taken must be documented on the risk assessment form including date for completion.</td>
</tr>
<tr>
<td>1 - 4</td>
<td>LOW</td>
<td>A risk identified as LOW may be considered as acceptable and further reduction may not be necessary. However, if the risk can be resolved quickly and efficiently, control measures should be implemented and recorded.</td>
</tr>
</tbody>
</table>
## Comprehensive Risk Assessment Process

### 2. Hazard Identification

<table>
<thead>
<tr>
<th>Work Activity/ Process/ Task</th>
<th>Hazards</th>
<th>Potential Cause/ Effect</th>
<th>Risk Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooling Tower- check spray nozzles</td>
<td>Pump is running at the time, PPM Chemicals Chlorine Sulfonic acid,</td>
<td>Chemical Burn</td>
<td>3 2 6</td>
</tr>
<tr>
<td>Using 2 skylacks and a lift, too complete work on equipment within the high ceilings</td>
<td>Work completed 20 to 30 feet overhead.</td>
<td>Fracture, Contusions, Fatality</td>
<td>3 4 12</td>
</tr>
<tr>
<td>Compression Tanks - no mainteance</td>
<td>Potential for explosions compressed air</td>
<td>Lacerations, contusions, fatality</td>
<td>2 5 10</td>
</tr>
<tr>
<td>Fork truck- changing LP Tanks</td>
<td>Extreme Cold of LP, fire explosion of LB</td>
<td>Chemical/ thermal burns</td>
<td>3 2 6</td>
</tr>
</tbody>
</table>

### 3. Risk Analysis

<table>
<thead>
<tr>
<th>Current Controls in Place</th>
<th>Likelihood</th>
<th>Severity</th>
<th>Risk Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOTO Training PPE</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Training, Fall arrest and protection systems in place</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Training, PPE</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

### 4. Risk Control

<table>
<thead>
<tr>
<th>Likelihood with current control in place</th>
<th>New Likelihood Score</th>
<th>New Likelihood Score</th>
<th>Risk Priority Score</th>
<th>Recommended Controls</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training, PPE</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>Training, PPE,</td>
</tr>
<tr>
<td>Increase focus on Fall Protection Training</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>Increase focus on Fall Protection Training</td>
</tr>
<tr>
<td>Conduct PM and inspections on pressure vessels</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>8</td>
<td>Conduct PM and inspections on pressure vessels</td>
</tr>
<tr>
<td>enforce</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>enforce</td>
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</table>

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Please assess and prioritize focus on the following activities/tasks conducted by the employees within the Chilled Water Plant:

1. A public works employee required to fill pot hole on a busy road.

2. The employees are required to conduct general maintenance and cleaning of cooling towers. The employee sit on cross beams near the fan blades about 10 feet off the ground to complete these tasks. No railing systems or fall arrest systems are utilized.

3. A Police Officer is required to arrest a resistance suspect. The Officer is 5’1” 145 lbs., and the suspect is 6’7” and 280 lbs.
<table>
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<tr>
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<tbody>
<tr>
<td></td>
<td>Hazards</td>
<td>Potential Cause/Effect</td>
<td>Likelihood</td>
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</tbody>
</table>
Training and Learning

- Technical, HSE Leadership
- General awareness
- Equipment - / job-specific
Continuous Improvement

- Incident Analysis/Investigation
  - In-process Checks
  - Assessments/Audits
  - Measures
- Safety Action Plans
Why Investigate?
<table>
<thead>
<tr>
<th>Likelihood (L)</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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</tr>
</tbody>
</table>

Table C

- **High**
- **Medium**
- **Low**
Why Investigate?

- Prevent future incidents (leading to accidents).
- Identify and eliminate hazards.
- Expose deficiencies in process and/or equipment.
- Reduce injury and worker compensation costs.
- Maintain worker morale.
- Meet DOSH rule requirement that you investigate serious accidents.
Do you garden?
The Five Whys

• Basic Question  - Keeping asking “What caused or allowed this condition/practice to occur?” until you get to root causes.

• The “five whys” is one of the simplest of the root cause analysis methods. It is a question-asking method used to explore the cause/effect relationships underlying a particular problem. Ultimately, the goal of applying the 5 Whys method is to determine a root cause of a defect or problem.

The following example demonstrates the basic process:

My car will not start. (the problem)

1) Why? - The battery is dead. (first why)
2) Why? - The alternator is not functioning. (second why)
3) Why? - The alternator belt has broken. (third why)
4) Why? - The alternator belt was well beyond its useful service life and has never been replaced. (fourth why)
5) Why? - I have not been maintaining my car according to the recommended service schedule. (fifth why and the root cause)
Hierarchy of Controls

• Elimination
• Substitution
• Engineering
• Administration
• Behavior
• PPE
Interim vs. Long-Term

• Once identified, risks must be controlled
• Problem
  – Highly effective controls can take time to implement
  – Highly effective controls can be expensive
• Solution
  – Implement interim controls lower on the hierarchy or temporary fixes while long-term controls are researched, planned, and implemented.
CORRECTIVE ACTIONS – SMART GOALS

• Specific
• Measurable
• Attainable
• Realistic
• Timely
What is the root cause?
What is your corrective Action?
Peters:

“What gets measured gets done.”
What does Safety really want to be when it grows up?

- What is a World Class Safety Process?
- What do you want out of your Safety Process?
- What level of Safety Process do we want?
- What additional resources do we need to achieve the Safety Process we want?
- What are our goals for the Safety Process?
- How do we measure the success of our Safety Process?
Workers’ Compensation - Loss Analysis

**All - % of Claims $s by Dept**

- Police: 36%
- Public Works: 17%
- Utilities: 15%
- Fire: 9%
- Sanitation: 4%

**Police - % of Claims $s by Type**

- Motor Vehicle: 34%
- Strains / Sprains: 16%
- Slips / Falls: 12%
- Altercations: 11%
- Foot Pursuit: 6%
- Physical Training: 11%

**Public Works - % of Claims $s by Type**

- Strains / Sprains: 35%
- Slips / Falls: 29%
- Motor Vehicle: 13%
- Struck By: 11%
- Caught Between: 5%

**Fire - % of Claims $s by Type**

- Strains / Sprains: 54%
- Slips / Falls: 22%
- Motor Vehicle: 5%
- Struck By: 12%
Property and Liability - Loss Analysis

All - % of Claims $s by Dept

- Police: 44%
- Admin: 31%
- Public Works: 10%
- Fire: 4%

Police - % of Claims $s by Type

- Motor Vehicles: 24%
- Human Resources: 21%
- Property: 7%
- O&A: 6%
- Excessive Force: 5%
- Shootings: 2%
- Misc Police Ops: 13%

Admin - % of Claims $s by Type

- Property: 67%
- O&A: 14%
- Human Resources: 8%
- Civil Rights: 5%
- Motor Vehicles: 3%

Public Works - % of Claims $s by Type

- Property: 29%
- Motor Vehicles: 27%
- O&A: 8%
- Human Resources: 6%
- Streets/Roads: 1%
- Recreational: 1%
GMA’s Workers’ Compensation Overall Loss Analysis (2014 to 2016)
WC Claims/ Cost by Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$13,129,249</td>
<td>40%</td>
<td>2,024</td>
<td>36%</td>
</tr>
<tr>
<td>2015</td>
<td>$10,129,151</td>
<td>31%</td>
<td>1,905</td>
<td>34%</td>
</tr>
<tr>
<td>2016</td>
<td>$9,281,386</td>
<td>29%</td>
<td>1,678</td>
<td>30%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$32,539,787</td>
<td></td>
<td>5,607</td>
<td></td>
</tr>
</tbody>
</table>

- 5,607 WC Claims and $33,000,000 Total Incurred from 2014 to 2016
- Development Factor sometimes 2 to 3 times the first years Total Incurred
- Total Incurred – Paid plus Reserved
WC Claims/ Cost by Departments

- Police 32% of Claims (1,776), 40% of Total Incurred ($13M)

- Public Works 18% # of Claims (988), 16% of Total Incurred ($5.2M)

- Fire/EMS 12% # of Claims (672), 13% Total Incurred ($4.1M)

- Water Utility 7% # of Claims (416), 21% of Total Incurred ($3.5M)

- Police, Public Works, Fire, and Water Utilities account for 69% of Claims, 79% of Total Incurred

<table>
<thead>
<tr>
<th>Dept</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
<th>Cost/ Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>$ 12,937,472</td>
<td>40%</td>
<td>1,776</td>
<td>32%</td>
<td>$ 7,285</td>
</tr>
<tr>
<td>Public Wrks</td>
<td>$ 5,225,570</td>
<td>16%</td>
<td>988</td>
<td>18%</td>
<td>$ 5,289</td>
</tr>
<tr>
<td>Fire</td>
<td>$ 4,110,871</td>
<td>13%</td>
<td>672</td>
<td>12%</td>
<td>$ 6,117</td>
</tr>
<tr>
<td>Water Utility</td>
<td>$ 3,484,086</td>
<td>11%</td>
<td>416</td>
<td>7%</td>
<td>$ 8,375</td>
</tr>
<tr>
<td>Housing Auth</td>
<td>$ 968,033</td>
<td>3%</td>
<td>246</td>
<td>4%</td>
<td>$ 3,935</td>
</tr>
<tr>
<td>Electrical Utili</td>
<td>$ 913,187</td>
<td>3%</td>
<td>136</td>
<td>2%</td>
<td>$ 6,715</td>
</tr>
<tr>
<td>Refuse</td>
<td>$ 801,108</td>
<td>2%</td>
<td>181</td>
<td>3%</td>
<td>$ 4,426</td>
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<tr>
<td>School</td>
<td>$ 756,478</td>
<td>2%</td>
<td>225</td>
<td>4%</td>
<td>$ 3,362</td>
</tr>
<tr>
<td>Bldg Mant</td>
<td>$ 655,405</td>
<td>2%</td>
<td>124</td>
<td>2%</td>
<td>$ 5,286</td>
</tr>
<tr>
<td>Admin</td>
<td>$ 546,899</td>
<td>2%</td>
<td>180</td>
<td>3%</td>
<td>$ 3,038</td>
</tr>
<tr>
<td>Water WW</td>
<td>$ 539,520</td>
<td>2%</td>
<td>72</td>
<td>1%</td>
<td>$ 7,493</td>
</tr>
<tr>
<td>Parks</td>
<td>$ 398,672</td>
<td>1%</td>
<td>165</td>
<td>3%</td>
<td>$ 2,416</td>
</tr>
<tr>
<td>Gas Utility</td>
<td>$ 376,167</td>
<td>1%</td>
<td>74</td>
<td>1%</td>
<td>$ 5,083</td>
</tr>
<tr>
<td>Other</td>
<td>$ 272,567</td>
<td>1%</td>
<td>167</td>
<td>3%</td>
<td>$ 1,632</td>
</tr>
<tr>
<td>Exhibitions</td>
<td>$ 207,679</td>
<td>1%</td>
<td>32</td>
<td>1%</td>
<td>$ 6,490</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$ 32,539,787</strong></td>
<td><strong>5,607</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Claims/ Cost by Years of Service

<table>
<thead>
<tr>
<th>Yrs of Srv</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Year</td>
<td>$4,306,988</td>
<td>13%</td>
<td>1,099</td>
<td>20%</td>
</tr>
<tr>
<td>Second Year</td>
<td>$2,534,625</td>
<td>8%</td>
<td>595</td>
<td>11%</td>
</tr>
<tr>
<td>Third Year</td>
<td>$1,983,829</td>
<td>6%</td>
<td>408</td>
<td>7%</td>
</tr>
<tr>
<td>Fourth Year</td>
<td>$2,668,485</td>
<td>8%</td>
<td>353</td>
<td>6%</td>
</tr>
<tr>
<td>Fifth Year</td>
<td>$1,430,645</td>
<td>4%</td>
<td>274</td>
<td>5%</td>
</tr>
<tr>
<td>1 to 5</td>
<td>$12,924,572</td>
<td>40%</td>
<td>2,729</td>
<td>49%</td>
</tr>
<tr>
<td>6 to 10</td>
<td>$6,328,766</td>
<td>19%</td>
<td>1,109</td>
<td>20%</td>
</tr>
<tr>
<td>11 to 15</td>
<td>$6,497,432</td>
<td>20%</td>
<td>660</td>
<td>12%</td>
</tr>
<tr>
<td>16 to 20</td>
<td>$3,182,442</td>
<td>10%</td>
<td>494</td>
<td>9%</td>
</tr>
<tr>
<td>21 to 25</td>
<td>$1,863,782</td>
<td>6%</td>
<td>120</td>
<td>2%</td>
</tr>
<tr>
<td>26 to 30</td>
<td>$1,036,414</td>
<td>3%</td>
<td>121</td>
<td>2%</td>
</tr>
<tr>
<td>31 to 35</td>
<td>$373,076</td>
<td>1%</td>
<td>67</td>
<td>1%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$32,539,787</td>
<td></td>
<td>5,607</td>
<td></td>
</tr>
</tbody>
</table>
## Claims/ Cost by Age

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teens</td>
<td>$21,237</td>
<td>0%</td>
<td>31</td>
<td>1%</td>
</tr>
<tr>
<td>Twenty's</td>
<td>$1,875,658</td>
<td>6%</td>
<td>944</td>
<td>17%</td>
</tr>
<tr>
<td>Thirty's</td>
<td>$6,579,332</td>
<td>20%</td>
<td>1400</td>
<td>25%</td>
</tr>
<tr>
<td>Forty's</td>
<td>$10,612,004</td>
<td>33%</td>
<td>1386</td>
<td>25%</td>
</tr>
<tr>
<td>Fifty's</td>
<td>$7,571,265</td>
<td>23%</td>
<td>1205</td>
<td>22%</td>
</tr>
<tr>
<td>Sixty's</td>
<td>$5,170,412</td>
<td>16%</td>
<td>559</td>
<td>10%</td>
</tr>
<tr>
<td>Seventy's</td>
<td>$569,575</td>
<td>2%</td>
<td>48</td>
<td>1%</td>
</tr>
<tr>
<td>Eighty's</td>
<td>$134,087</td>
<td>0%</td>
<td>8</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$32,539,787</strong></td>
<td></td>
<td><strong>5581</strong></td>
<td></td>
</tr>
</tbody>
</table>
# Claims/ Cost by Sex

<table>
<thead>
<tr>
<th></th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
<th>Cost/ Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>$ 4,171,123</td>
<td>13%</td>
<td>971</td>
<td>17%</td>
<td>$ 4,296</td>
</tr>
<tr>
<td>Male</td>
<td>$ 28,332,060</td>
<td>87%</td>
<td>4,577</td>
<td>82%</td>
<td>$ 6,190</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$ 32,539,787</td>
<td></td>
<td>5,550</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Police by Cause

<table>
<thead>
<tr>
<th>Cause</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
<th>Cost/ Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altercation</td>
<td>$2,956,270</td>
<td>23%</td>
<td>486</td>
<td>27%</td>
<td>$6,083</td>
</tr>
<tr>
<td>Foot Pursuit</td>
<td>$2,053,856</td>
<td>16%</td>
<td>128</td>
<td>7%</td>
<td>$16,046</td>
</tr>
<tr>
<td>MVA</td>
<td>$1,836,317</td>
<td>14%</td>
<td>232</td>
<td>13%</td>
<td>$7,915</td>
</tr>
<tr>
<td>Slip Fall</td>
<td>$1,415,725</td>
<td>11%</td>
<td>206</td>
<td>12%</td>
<td>$6,872</td>
</tr>
<tr>
<td>Training</td>
<td>$1,330,373</td>
<td>10%</td>
<td>109</td>
<td>6%</td>
<td>$12,205</td>
</tr>
<tr>
<td>Non Category</td>
<td>$813,100</td>
<td>6%</td>
<td>335</td>
<td>19%</td>
<td>$2,427</td>
</tr>
<tr>
<td>Ergo</td>
<td>$643,253</td>
<td>5%</td>
<td>82</td>
<td>5%</td>
<td>$7,845</td>
</tr>
<tr>
<td>Ex In MV</td>
<td>$622,104</td>
<td>5%</td>
<td>27</td>
<td>2%</td>
<td>$23,041</td>
</tr>
<tr>
<td>Duty Belt</td>
<td>$412,857</td>
<td>3%</td>
<td>1</td>
<td>0%</td>
<td>$412,857</td>
</tr>
<tr>
<td>Struck by MV</td>
<td>$347,997</td>
<td>3%</td>
<td>6</td>
<td>0%</td>
<td>$57,999</td>
</tr>
<tr>
<td>Tree Wrk</td>
<td>$151,520</td>
<td>1%</td>
<td>4</td>
<td>0%</td>
<td>$37,880</td>
</tr>
<tr>
<td>Exposure</td>
<td>$130,816</td>
<td>1%</td>
<td>156</td>
<td>9%</td>
<td>$839</td>
</tr>
<tr>
<td>Shot</td>
<td>$119,250</td>
<td>1%</td>
<td>2</td>
<td>0%</td>
<td>$59,625</td>
</tr>
<tr>
<td>Changing Tire</td>
<td>$104,036</td>
<td>1%</td>
<td>2</td>
<td>0%</td>
<td>$52,018</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$12,937,472</strong></td>
<td><strong>1,776</strong></td>
<td><strong>1,776</strong></td>
<td><strong>1,776</strong></td>
<td><strong>$12,937,472</strong></td>
</tr>
</tbody>
</table>

- **Leadership, Action Planning, Policy, Training, and Accountability**
  - Altercations/ Shootings, Foot Pursuits, Motor Vehicle Incidents, Slip Trip Fall, Incidents while training, & Exiting / Entering MV 79% of Total Incurred
LGRMS Services Law Enforcement Focus

- Opportunity/ Targeted Members
  - Problem Solving/ Action Planning Training
- Focused Audit Protocols
  - Motor Vehicle Operation
  - Use of Force
- Driver Training
  - Driving Simulator Training (Defensive Driving Focus)
  - Backing Train the Trainer
  - Pursuit/ EVOC
  - Etc....
- De-escalation Training with Simulator
- Other Training
  - Below 100
  - High Risk Critical Tasks
  - Safety Officer Training
Fire Dept Claims by Cause

<table>
<thead>
<tr>
<th>Cause</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Category</td>
<td>$236,228</td>
<td>6%</td>
<td>144</td>
<td>21%</td>
</tr>
<tr>
<td>Ergo</td>
<td>$385,498</td>
<td>9%</td>
<td>141</td>
<td>21%</td>
</tr>
<tr>
<td>Exposure</td>
<td>$58,618</td>
<td>1%</td>
<td>140</td>
<td>21%</td>
</tr>
<tr>
<td>Slip Fall</td>
<td>$332,575</td>
<td>8%</td>
<td>86</td>
<td>13%</td>
</tr>
<tr>
<td>Training</td>
<td>$1,127,686</td>
<td>27%</td>
<td>72</td>
<td>11%</td>
</tr>
<tr>
<td>Fighting Fire</td>
<td>$1,112,996</td>
<td>27%</td>
<td>35</td>
<td>5%</td>
</tr>
<tr>
<td>Lifting Patient</td>
<td>$414,505</td>
<td>10%</td>
<td>23</td>
<td>3%</td>
</tr>
<tr>
<td>MVA</td>
<td>$6,132</td>
<td>0%</td>
<td>16</td>
<td>2%</td>
</tr>
<tr>
<td>Ex En MV</td>
<td>$390,320</td>
<td>9%</td>
<td>13</td>
<td>2%</td>
</tr>
<tr>
<td>Stk by MV</td>
<td>$4,140</td>
<td>0%</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Unknown</td>
<td>$42,173</td>
<td>1%</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$4,110,871</td>
<td></td>
<td>672</td>
<td></td>
</tr>
</tbody>
</table>

- Leadership, Action Planning, Policy, Training, and Accountability
  - Ergonomics, Training, Slips/ Falls, Exit and Entering Motor Vehicles & Lifting Patients 64% of Total Incurred
LGRMS Services Fire/ EMS Focus

• Opportunity/ Targeted Members
  – Problem Solving/ Action Planning Training

• Driver Training
  – Driving Simulator Training (Defensive Driving Focus)
  – Backing Train the Trainer
  – Pursuit/ EVOC
  – Etc....

• Other Training
  – Fit Responder (Pilot)
  – Slips/ Falls
  – Ergonomics
  – Safety Officer Training
### Public Works by Cause

#### GMA Public Works/ Street WC

<table>
<thead>
<tr>
<th>Cause</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slip Fall</td>
<td>$1,687,948</td>
<td>32%</td>
<td>147</td>
<td>15%</td>
</tr>
<tr>
<td>Ergo</td>
<td>$878,512</td>
<td>17%</td>
<td>240</td>
<td>24%</td>
</tr>
<tr>
<td>Fall off MV</td>
<td>$678,072</td>
<td>13%</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Struck by MV</td>
<td>$552,484</td>
<td>11%</td>
<td>3</td>
<td>0%</td>
</tr>
<tr>
<td>Tree Wrk</td>
<td>$454,988</td>
<td>9%</td>
<td>18</td>
<td>2%</td>
</tr>
<tr>
<td>non Category</td>
<td>$395,970</td>
<td>8%</td>
<td>399</td>
<td>40%</td>
</tr>
<tr>
<td>MVA</td>
<td>$318,485</td>
<td>6%</td>
<td>69</td>
<td>7%</td>
</tr>
<tr>
<td>Exposure</td>
<td>$232,326</td>
<td>4%</td>
<td>103</td>
<td>10%</td>
</tr>
<tr>
<td>Ex In MV</td>
<td>$4,303</td>
<td>0%</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$5,203,088</strong></td>
<td>100%</td>
<td><strong>988</strong></td>
<td></td>
</tr>
</tbody>
</table>

Leadership, Action Planning, Policy, Training, and Accountability

- Slips/ Falls,
- Ergonomics,
- Fall off Motor Vehicles,
- Tree Work,
- Motor Vehicle Incidents
- Account for 77% Total Incurred
## GMA Water Utility by Cause

<table>
<thead>
<tr>
<th>Type</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Category</td>
<td>$ 696,553</td>
<td>17%</td>
<td>183</td>
<td>38%</td>
</tr>
<tr>
<td>Ergonomics</td>
<td>$ 1,396,897</td>
<td>35%</td>
<td>98</td>
<td>20%</td>
</tr>
<tr>
<td>Exposure</td>
<td>$ 49,022</td>
<td>1%</td>
<td>88</td>
<td>18%</td>
</tr>
<tr>
<td>Slip Fall</td>
<td>$ 650,828</td>
<td>16%</td>
<td>84</td>
<td>17%</td>
</tr>
<tr>
<td>MVA</td>
<td>$ 127,192</td>
<td>3%</td>
<td>19</td>
<td>4%</td>
</tr>
<tr>
<td>Fall Off Eqt</td>
<td>$ 607,937</td>
<td>15%</td>
<td>12</td>
<td>2%</td>
</tr>
<tr>
<td>Trenching</td>
<td>$ 495,175</td>
<td>12%</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$ 4,023,605</td>
<td></td>
<td>488</td>
<td></td>
</tr>
</tbody>
</table>

Leadership, Action Planning, Policy, Training, and Accountability
- Slips/ Falls,
- Ergonomics,
- Fall off Motor Vehicles/ Equipment,
- and Trenching
- account for 78% Total Incurred
Opportunity/ Targeted Members
– Problem Solving/ Action Planning Training

Driver Training
– NSC DDC Driver Training
– Backing Train the Trainer

Other Training
– Trenching
– Slips/ Falls
– Ergonomics
– Tree Work
– Heavy Equipment
– Exit and Entering Motor Vehicles
Conclusion

• Review your Losses
• Review the Pools Losses
• Identify Predictable Loss Trends that you can impact
• Leadership, Leadership, Leadership
• Develop Action Plan
  – Programs/ Policies
  – Training
  – Accountability
GMA’s Property & Liability (GIRMA) Pool’s Loss Analysis (2014 to 2016)
Why are we here?

• Overview of ACCG’s Property & Liability (IRMA) Pool’s Loss Analysis (2014 to 2016)

• Identify trends in order to predict future losses

• 80/20 Rule

• Develop processes to control predicted losses

• Your data is best, depending on statistical sample size
### PL Claims/ Cost by Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Incurred</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$ 22,927,123</td>
<td>1591</td>
<td>34%</td>
</tr>
<tr>
<td>2015</td>
<td>$ 17,770,814</td>
<td>1550</td>
<td>33%</td>
</tr>
<tr>
<td>2016</td>
<td>$ 17,937,884</td>
<td>1519</td>
<td>33%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$ 58,635,821</td>
<td>4660</td>
<td></td>
</tr>
</tbody>
</table>

- 4,660 PL Claims and $59,000,000 Total Incurred from 2014 to 2016
- Development Factor sometimes 2 to 3 times the first years Total Incurred
- Total Incurred – Paid plus Reserved
PL Claims/ Cost by Departments

- Police 39% of Claims (1,809), 43% of Total Incurred ($25M)
- Administration 19% # of Claims (866), 33% Total Incurred ($19M)
- Streets / Public Works 26% # of Claims (1,197), 9% of Total Incurred ($5M)
- Police, Admin, and Streets/Public Works account for 83% of Claims, 84% of Total Incurred

<table>
<thead>
<tr>
<th>Dept</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
<th>Cost/ Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>$25,060,296</td>
<td>43%</td>
<td>1,809</td>
<td>39%</td>
<td>$13,853</td>
</tr>
<tr>
<td>Admin</td>
<td>$19,216,021</td>
<td>33%</td>
<td>866</td>
<td>19%</td>
<td>$22,189</td>
</tr>
<tr>
<td>Streets/ Pb Wrks</td>
<td>$5,070,541</td>
<td>9%</td>
<td>1,197</td>
<td>26%</td>
<td>$4,236</td>
</tr>
<tr>
<td>Sewage</td>
<td>$2,489,905</td>
<td>4%</td>
<td>153</td>
<td>3%</td>
<td>$16,274</td>
</tr>
<tr>
<td>Water Prod</td>
<td>$1,619,360</td>
<td>3%</td>
<td>157</td>
<td>3%</td>
<td>$10,314</td>
</tr>
<tr>
<td>Recreation</td>
<td>$1,368,646</td>
<td>2%</td>
<td>108</td>
<td>2%</td>
<td>$12,673</td>
</tr>
<tr>
<td>Fire</td>
<td>$1,294,877</td>
<td>2%</td>
<td>134</td>
<td>3%</td>
<td>$9,663</td>
</tr>
<tr>
<td>Electric Dis</td>
<td>$1,243,792</td>
<td>2%</td>
<td>76</td>
<td>2%</td>
<td>$16,366</td>
</tr>
<tr>
<td>Refuse</td>
<td>$1,043,359</td>
<td>2%</td>
<td>130</td>
<td>3%</td>
<td>$8,026</td>
</tr>
<tr>
<td>Schools</td>
<td>$229,023</td>
<td>0%</td>
<td>30</td>
<td>1%</td>
<td>$7,634</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$58,635,821</strong></td>
<td></td>
<td><strong>4,660</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Police by Cause

- Leadership, Action Planning, Policy, Training, and Accountability
  - Motor Vehicle Incidents,
  - False Arrest,
  - Human Resources,
  - Excessive Force/ Shooting/Taser
  - Account for 83% of Total Incurred

<table>
<thead>
<tr>
<th>Cause</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
<th>Cost/ Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>MVA</td>
<td>$13,857,567</td>
<td>55%</td>
<td>1,452</td>
<td>80%</td>
<td>$9,544</td>
</tr>
<tr>
<td>False Arrest</td>
<td>$2,270,295</td>
<td>9%</td>
<td>107</td>
<td>6%</td>
<td>$21,218</td>
</tr>
<tr>
<td>Human Resources</td>
<td>$3,302,643</td>
<td>13%</td>
<td>72</td>
<td>4%</td>
<td>$45,870</td>
</tr>
<tr>
<td>Bang Flash</td>
<td>$1,065,404</td>
<td>4%</td>
<td>44</td>
<td>2%</td>
<td>$24,214</td>
</tr>
<tr>
<td>Excessive Force</td>
<td>$1,032,372</td>
<td>4%</td>
<td>33</td>
<td>2%</td>
<td>$31,284</td>
</tr>
<tr>
<td>Officials</td>
<td>$1,577,496</td>
<td>6%</td>
<td>32</td>
<td>2%</td>
<td>$49,297</td>
</tr>
<tr>
<td>PBE</td>
<td>$299,331</td>
<td>1%</td>
<td>25</td>
<td>1%</td>
<td>$11,973</td>
</tr>
<tr>
<td>Jail</td>
<td>$991,458</td>
<td>4%</td>
<td>11</td>
<td>1%</td>
<td>$90,133</td>
</tr>
<tr>
<td>Search &amp; Siezure</td>
<td>$212,485</td>
<td>1%</td>
<td>11</td>
<td>1%</td>
<td>$19,317</td>
</tr>
<tr>
<td>Shooting / Taser</td>
<td>$263,818</td>
<td>1%</td>
<td>10</td>
<td>1%</td>
<td>$26,382</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$25,060,296</td>
<td></td>
<td>1,809</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LGRMS Services Law Enforcement Focus

- Opportunity/ Targeted Members
  - Problem Solving/ Action Planning Training
- Focused Audit Protocols
  - Motor Vehicle Operation
  - Use of Force
  - Jail
- Driver Training
  - Driving Simulator Training (Defensive Driving Focus)
  - Backing Train the Trainer
  - Pursuit/ EVOC
  - Etc....
- De-escalation Training with Simulator
- Other Training
  - Human Resource/ Hiring
  - High Risk Critical Tasks
### Administration by Cause

<table>
<thead>
<tr>
<th>Type</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>$11,983,724</td>
<td>62%</td>
<td>402</td>
<td>46%</td>
</tr>
<tr>
<td>PBE</td>
<td>$1,471,091</td>
<td>8%</td>
<td>167</td>
<td>19%</td>
</tr>
<tr>
<td>MVA</td>
<td>$570,215</td>
<td>3%</td>
<td>144</td>
<td>17%</td>
</tr>
<tr>
<td>Officials</td>
<td>$2,578,181</td>
<td>13%</td>
<td>85</td>
<td>10%</td>
</tr>
<tr>
<td>Human Resource</td>
<td>$1,248,976</td>
<td>6%</td>
<td>40</td>
<td>5%</td>
</tr>
<tr>
<td>Officials</td>
<td>$1,363,835</td>
<td>7%</td>
<td>28</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$19,216,021</strong></td>
<td></td>
<td><strong>866</strong></td>
<td></td>
</tr>
</tbody>
</table>
Leadership, Action Planning, Policy, Training, and Accountability

- Public Building/ Equipment (Slip and Fall on Sidewalks, etc…)
- Motor Vehicle Incidents,
- Heavy Equipment Operations,
- Road Conditions/ Design,
- Flying Debris
- Account for 75% of Total Incurred

<table>
<thead>
<tr>
<th>Type</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>PBE</td>
<td>$ 2,000,743</td>
<td>39%</td>
<td>571</td>
<td>48%</td>
</tr>
<tr>
<td>MVA</td>
<td>$ 1,646,831</td>
<td>32%</td>
<td>410</td>
<td>34%</td>
</tr>
<tr>
<td>Property</td>
<td>$ 888,578</td>
<td>18%</td>
<td>33</td>
<td>3%</td>
</tr>
<tr>
<td>Storm Water</td>
<td>$ 213,022</td>
<td>4%</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Human Res</td>
<td>$ 146,842</td>
<td>3%</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Road Cond</td>
<td>$ 129,133</td>
<td>3%</td>
<td>113</td>
<td>9%</td>
</tr>
<tr>
<td>Debris</td>
<td>$ 27,454</td>
<td>1%</td>
<td>53</td>
<td>4%</td>
</tr>
<tr>
<td>Sewer</td>
<td>$ 10,276</td>
<td>0%</td>
<td>4</td>
<td>0%</td>
</tr>
<tr>
<td>Public Trans</td>
<td>$ 7,681</td>
<td>0%</td>
<td>5</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$ 5,070,541</strong></td>
<td></td>
<td><strong>1,197</strong></td>
<td></td>
</tr>
</tbody>
</table>
LGRMS Services Roads/ Public Works

• Focused Audits
  – Member Survey Guide
  – Roads Conditions/ Design Process

• Driver Training
  – NSC DDC Driver Training
  – Backing Train the Trainer

• Other Training
  – Regional Training - Roads Liability
  – Heavy Equipment
LGRMS Services Parks and Recreation

- Focused Audits
  - Playgrounds/ Parks/ Pools

- Driver Training
  - NSC DDC Driver Training
  - Backing Train the Trainer
All GMA PL Claims by Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>MVA</td>
<td>$16,822,989</td>
<td>29%</td>
<td>2,227</td>
<td>48%</td>
</tr>
<tr>
<td>All Other</td>
<td>$35,610,159</td>
<td>61%</td>
<td>2,287</td>
<td>49%</td>
</tr>
<tr>
<td>HR</td>
<td>$6,202,674</td>
<td>11%</td>
<td>146</td>
<td>3%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$58,635,821</td>
<td></td>
<td>4,660</td>
<td></td>
</tr>
</tbody>
</table>
## All GMA PL Claims by Type

### Percent of Total Incurred MV Claims
- **Police**
- **Streets, Roads, & Public Works**
- Account for 83% of Total Incurred

### GMA PL Claims Table

<table>
<thead>
<tr>
<th>Dept</th>
<th>Total Incurred</th>
<th>%</th>
<th># of Claims</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE</td>
<td>$ 12,269,633</td>
<td>73%</td>
<td>1,328</td>
<td>60%</td>
</tr>
<tr>
<td>STR &amp; RDS</td>
<td>$ 1,653,676</td>
<td>10%</td>
<td>401</td>
<td>18%</td>
</tr>
<tr>
<td>ELEC DISTR</td>
<td>$ 1,160,113</td>
<td>7%</td>
<td>43</td>
<td>2%</td>
</tr>
<tr>
<td>ADMIN</td>
<td>$ 530,386</td>
<td>3%</td>
<td>145</td>
<td>7%</td>
</tr>
<tr>
<td>FIRE</td>
<td>$ 512,611</td>
<td>3%</td>
<td>84</td>
<td>4%</td>
</tr>
<tr>
<td>REFUSE</td>
<td>$ 350,861</td>
<td>2%</td>
<td>94</td>
<td>4%</td>
</tr>
<tr>
<td>Water Prod</td>
<td>$ 217,694</td>
<td>1%</td>
<td>72</td>
<td>3%</td>
</tr>
<tr>
<td>Sewage</td>
<td>$ 56,722</td>
<td>0%</td>
<td>15</td>
<td>1%</td>
</tr>
<tr>
<td>GEN REC</td>
<td>$ 36,044</td>
<td>0%</td>
<td>25</td>
<td>1%</td>
</tr>
<tr>
<td>SCHOOLS</td>
<td>$ 33,953</td>
<td>0%</td>
<td>19</td>
<td>1%</td>
</tr>
<tr>
<td>MVA</td>
<td>$ 1,295</td>
<td>0%</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$ 16,822,989</td>
<td></td>
<td>2,227</td>
<td></td>
</tr>
</tbody>
</table>

---

The table shows the total incurred costs and the percentage of claims for each department, with Police and Streets, Roads, & Public Works accounting for 83% of the total incurred costs.
Conclusion

• Review your Losses
• Review the Pools Losses
• Identify Predictable Loss Trends that you can impact
• Leadership, Leadership, Leadership
• Motor Vehicle, Motor Vehicle, Motor Vehicle
• Develop Action Plan
  – Programs/ Policies
  – Training
  – Accountability
SAFETY ACTION PLAN - BREAKOUT

Opportunities for Improvement

• Current culture is tolerant of deviations from established Health and Safety expectations

• Managers and Supervisors Health and Safety Leadership capabilities are inconsistent

• Sense of complacency in follow-up on Health and Safety concerns
Your organization has about 500 employees. You have a Total incident (TRI) rate of 19.2 and a DAW rate of 7.4. Your annual W/C cost is $750,000

Distribution of TRI by Safety Program:
- 60% Ergonomics
- 15% Walking Working Surfaces
- 15% Other

Distribution of TRI by Contact Type:
- 35% Ergo - lifting below shoulder
- 10% Ergo - Awkward Posture
- 10% Ergo – Pushing Pulling
- 10% WWS – Fall Same Level
- 5% Ergo – Lifting Above Shoulder
- 5% Caught Between
- 5% Struck By
- 5% Sharp Object
<table>
<thead>
<tr>
<th>Process Gap</th>
<th>Corrective Action</th>
<th>Estimated Date of Completion</th>
<th>Owner/Team</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# LGRMS Risk Reduction

## Loss Trend Analysis and Action Plan

**Member:** Anytown, GA  
**Year:** 2015

### Loss Trend Analysis

Top Departments by % of Claims Dollars

<table>
<thead>
<tr>
<th>#</th>
<th>Department</th>
<th>% of Claims Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Police Department</td>
<td>36% WC / 44% PL</td>
</tr>
<tr>
<td>2</td>
<td>Public Works</td>
<td>17% WC / 10% PL</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Action Plan

**#1 Focus Department:** Police Department

- **Department's Loss Types Focus:** Motor Vehicle Incidents 34% WC and 29% PL
- **Department's Risk Reduction Goal:** 2014 we had 12 MV Incidents, our goal for 2015 is 6

<table>
<thead>
<tr>
<th>#</th>
<th>Action Item</th>
<th>Owner's Name</th>
<th>Target Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Communicate the target/goal and its status to Department in monthly meetings. You may want to include within employee evaluations.</td>
<td>Chief Smith</td>
<td>Feb-15</td>
<td>Open</td>
</tr>
<tr>
<td>2</td>
<td>Enhance or develop Motor Vehicle Policy (LGRMS has several examples of MVPs)</td>
<td>Captain Wilson</td>
<td>Apr-15</td>
<td>Open</td>
</tr>
<tr>
<td>3</td>
<td>Investigate all Motor Vehicle Incidents, no matter severity. Identify root cause, and corrective action. Communicate results of investigation to department staff.</td>
<td>Chief Smith</td>
<td>15-Jun</td>
<td>Open</td>
</tr>
<tr>
<td>4</td>
<td>Provide training on Motor vehicle related expectations, Policy and incident trends to entire Police Force (Local Gov U is a great resource for this type of training)</td>
<td>Captain Wilson</td>
<td>15-Jun</td>
<td>Open</td>
</tr>
<tr>
<td>5</td>
<td>Provided feedback during supervisor ride-alongs</td>
<td>Supervisors</td>
<td>15-Aug</td>
<td>Open</td>
</tr>
</tbody>
</table>
Communications/Records/Recognition

- What is/are the key(s) to communication?
- What records do you need to keep and how long?
- Who, when and how should you recognize people for EHS?
Any questions?