

DISTRICT LIABILITY
EXPOSURES AND PREVENTION

Colorado Special Districts Property
and Liability Pool

**DISTRICT LIABILITY
EXPOSURES AND PREVENTION
SUMMARY**

ETHICS POLICY

SAFETY POLICY

CLAIMS AND INCIDENCE RESPONSE

PERSONNEL ADMINISTRATION

AMERICANS WITH DISABILITIES ACT

CONTRACTUAL EXPOSURES

MOTOR VEHICLE EXPOSURES

PUBLIC IMPROVEMENT EXPOSURES

WATER AND WASTEWATER EXPOSURES

FIRE AND RESCUE EXPOSURES

PARKS AND RECREATION EXPOSURES

ETHICS POLICY

- Unfair Advantage
- Personal Gain
- Appearance of Impropriety
- Board Member Liability

Prevention Techniques

- Written Policies
- Written Procedures
- Periodic Training
- Detailed Documentation
- Check and Balance
- Limits of Authority
- Willful, Wanton and Malicious Conduct
- Due Process
- Recordkeeping
- Avoid Administration

SAFETY POLICY

- Safe Workplace
- OSHA
- Negligence
- Tort Liability

Prevention Techniques

- Written Policy
- Safety Committee/Coordinator
- Safety Program
 - Responsibilities
 - Procedures
 - Safety Rules
 - Self-Inspection

INCIDENCE RESPONSE AND CLAIMS

- First Party
- Third Party
- District Service Image
- Communication Issues
- Limit Losses

Prevention Techniques

Incidence Response

- Foreseeable Emergencies
- Written Plan
- Key Service Issues
- Training

Claims

- Written Procedures
- Avoid Admitting Liability
- Proactive Approach
- Prompt Reporting
- Accurate and Detailed Information

PERSONNEL ADMINISTRATION

- Civil Rights
- ADA Title I Employment
- Discrimination
- Sexual Harassment
- Wrongful Termination

Prevention Techniques

- Personnel Policies and Procedures
- Disclaimer
- Periodic Review and Update
- Staff Training on Regulations
- Training for Board Members
- Due Process Hearings
- Access to Legal Advice

AMERICANS WITH DISABILITIES ACT

- Title I Employment
- Title II Public Service
- Title III Facilities
- Title IV Telecommunications

Prevention Techniques

Employment

- Policies and Procedures
- Training
- Workers' Compensation Issues
- Reasonable Accommodation

Facilities

- Self-Evaluation
- Transition Plan
- Existing vs. New Construction
- Undue Hardship

Other Issues

- Barriers and Access
- Telecommunications

CONTRACTUAL EXPOSURES

- Risk of Loss
- Contractual Transfer
- Accepting Risk

Prevention Techniques

- Written Contracts
- Legal Review
- Indemnification
- Hold Harmless
- Additional Insured
- Certificates of Insurance
- Insurance Limits
- Non-Waiver of Immunity

MOTOR VEHICLE EXPOSURES

- Excluded from Immunity
- Negligent Entrustment
- Highest Employment Fatality
- Public Exposure
- District Assets

Prevention Techniques

- Pre-Employment MVR's
- Periodic MVR's
- Written MVR Review Criteria
- Accident Review System
- Discipline Procedures
- Periodic Driver Training
- Vehicle Maintenance and Inspection

PUBLIC IMPROVEMENT EXPOSURES

- High Visibility to Public
- Exposure Potential Severe
- Public, Employees and Contractors
- Prevention Highly Successful
- Techniques Very Specific

Prevention Techniques

- Periodic Inspection and Maintenance
- Location Specific Documentation
- Complaint or Hazard Notice Log
- Procedures to Address Hazards
- Work Zone Protection Procedures
- Underground Utilities Procedures
- Confined Space Entry Procedures
- Trenching and Excavation Procedures

WATER AND WASTEWATER EXPOSURES

- Service Intensive Operations
- Treatment Highly Regulated
- Facilities/System Dependent
- Aging Systems Increase Exposures

Prevention Techniques

- State Operator Certification
- Periodic Inspection and Maintenance
- Identified Hot Spots Addressed
- Location Specific Documentation
- Site Security Addressed
- Peak Demand Issues Addressed
- Chlorine Safety Procedures and Training
- Confined Space Entry Procedures

FIRE AND RESCUE EXPOSURES

- NFPA 1500
- Highly Visible Service
- Exposure Potential Severe

Prevention Techniques

- Specialized Rescue Training
- Emergency Vehicle Driver Training
- Bloodborne Pathogens Procedures
- Vehicle Inspection and Maintenance
- EMS State Qualification
- Hazardous Materials Response
- Inspection Procedures
- Location Specific Documentation
- State Certification Training

PARKS AND RECREATION EXPOSURES

- High Public Visibility
- Exposure Potential Severe
- Infant and Youth Exposure High
- Service Intensive Operations

Prevention Techniques

- Periodic Inspection and Maintenance
- Location Specific Documentation
- Deficiencies Addressed Immediately
- Complaint or Hazard Notice Log
- Procedures to Address Hazards
- Informed Consent/Waiver Forms
- Seasonal Employee/Volunteer Orientation
- Pre-Hire and Periodic MVR's
- Swimming Pool Issues
 - Chlorine Training and Emergency Procedures
 - Lifeguard State Certification
 - Site Security and Signage
 - High Risk Exposures Addressed
 - Pool Depths Marked

REGULATORY EXPOSURES

- State and Federal Regulations
- High Potential Exposure
- Enforcement Varies

Prevention Techniques

- Aboveground Storage Tanks
- Underground Storage Tanks
- Confined Space Entry
- Community Right to Know
- Hazardous Materials Disposal
- Clean Water Act