



IN THIS ISSUE

Fiduciary Liability Coverage	1
Risk Management Training	1
In Good Company	2
Pool News	2
What's On Your Top 10?	4
Manage Risk with Hold Harmless Agreements	5
The Law At Work	6
Employees are Highest Risk, Best Defense	6
File Claims Online	6
Getting to School Safely . . .	7
Law Enforcement Management Institute	7



"One of the most sincere forms of respect is actually listening to what another has to say."

— Bryant H. McGill

Effective Contracts Transfer Risk

Does your entity rent apartments or provide housing to visiting guests? Does your rental agreement expose you to unnecessary risk? Learn how hold harmless agreements protect your entity from liability.

see Manage Risk with Hold Harmless Agreements, pg. 5

AMLJIA Members Enjoy Fiduciary Liability Coverage

Do you have fiduciary exposure? You probably haven't been giving fiduciary liability much thought, but there is a high probability you do have exposure. Don't worry – the AMLJIA is always looking ahead to meet your needs, even before you may be aware of emerging risks.

All AMLJIA members are now provided fiduciary liability coverage, at no added cost. Fiduciary liability coverage is designed to protect fiduciaries of employee benefit plans against legal and statutory liability arising out of their role as fiduciaries. Any person or entity who exercises discretionary authority with respect to the management of a plan or the disposition of its assets, or who has discretionary authority or responsibility with respect to a plan, is a fiduciary.

The types of benefit plans covered under fiduciary liability typically include:

- Defined Contribution
- Defined Benefit
- Deferred Compensation
- 457 Plan
- Vision Care
- Vacation
- Medical, Dental, Life, Disability
- Training
- Tuition Reimbursement
- Alcohol and Drug Abuse Programs
- Eldercare Services/Children's Services

Fiduciary liability claims may include failure to timely distribute

continued on page 3

Spring Training—Register Now!

The annual Public Entity Risk Management Seminar will be held in Anchorage on March 7-9, 2017. This is an opportunity for our municipal and school members to come together to share ideas, problem-solve and develop strategies for implementing risk control procedures. Registration is free for AMLJIA members, and travel subsidies are available.

The Law Enforcement Management Institute (see page 7), featuring nationally-recognized speaker Jack Ryan, will be held February 6-9, 2017, in Anchorage. APSC credit is available for this training. AMLJIA members enjoy reduced registration fees and may apply for a travel subsidy.

Visit www.amljia.org to register, or email sharont@amljia.org for more information.



In Good Company

Kevin Smith, Executive Director

Feeling the Squeeze

Budget shortfall. Most conversations in Alaska local government revolve around those two words these days. It's an uncomfortable place to be, and it's not likely to change soon. It's fiscal reality, and local governments and school districts are left to play with the hand they have been dealt.

As your partner, the AMLJIA can provide the stability and long-term financial viability you require. We have been working side by side with municipalities and school districts for nearly thirty years. We look forward to partnering with you for many years to come. You have placed your trust in the pool to provide you with the best value and service, and we take that responsibility seriously. The board and staff of the AMLJIA are committed to making your pool the best, most cost-effective risk financing option for you. We work each day to ensure that your trust has been well-placed.

Think of the AMLJIA staff as an extension of your own staff. Whether you need loss control services, employee training, property appraisals, human resources services or law enforcement consultation, we can help you. AMLJIA members have access to policy and contract review services, personal history background checks, and the Employment Law Hotline to help you avoid risk and protect your entity from financial and legal pitfalls. Be sure to come by the AML's Annual Local Government Conference to meet the AMLJIA staff.

The AMLJIA is providing even more member protection in FY 2017 with Fiduciary Liability Coverage (see cover story) and limited Police Professional Coverage (see Pool News at right) for all members. I encourage you to participate in our annual Public Entity Risk Management Seminar to learn how to better protect your entity and save money. Our members with law enforcement officers and jails will also benefit from training at the Law Enforcement Management Institute. Both conferences (see Spring Training, page 1) are offered at no cost to AMLJIA members.

You may be feeling the budget squeeze, but you have the resources of the AMLJIA at your disposal. Your communities rely on you for services, and you can rely on the services of the AMLJIA to help you get the job done. As always, I welcome your questions, comments and concerns. You can reach me toll-free at 800-337-3682, or email kevins@amljia.org.

POOL NEWS

Limited Police Professional Coverage Provided to All Participants

Since the program began, the AMLJIA has offered Law Enforcement Liability Coverage at an additional charge for those members who have the exposure. Starting July 1, 2016, all AMLJIA members now enjoy \$1 million in Police Professional Liability Coverage at no additional cost.

"This is a minimum amount of coverage," said Kevin Smith, Executive Director for the program. "It is intended more for incidental law enforcement coverage like a curfew officer rather than primary coverage for your certified officers and department."



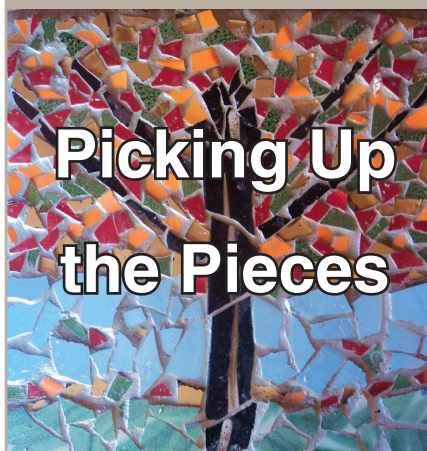
Unfortunately, there have been incidents that resulted in lawsuits against communities that had no coverage. Whether it was because the city felt that they couldn't afford to purchase Police Coverage, or because they didn't think they needed it, they faced large bills with no coverage.

Addressing this pressing need, the AMLJIA Board of Trustees approved this limited coverage for all members. Now, whether a school member's resource officer or a member municipality's Village Public Safety Officer is accused of inappropriate conduct, there is up to \$1 million in coverage in the event a lawsuit is filed.

Municipalities with police departments should still purchase the Police Professional Liability Coverage with the higher \$10,250,000 or \$15,000,000 limits to make sure adequate coverage is in place.

Alaska Municipal League

2016 Annual Local Government Conference



November 14-18, 2016

Anchorage, Alaska

Join us for a week of discussion, workshops, and camaraderie as we face this new reality.



Register online at www.akml.org



Honorable Mention

"I have to say I was impressed at the manner in which business is conducted and proud to be a member of the organization."

Leona Haffner, City Clerk/Administrator, City of Saxman



At Your Service

TRAINING PROGRAMS

AMLJIA provides members with regional and on-site training in a wide variety of loss prevention topics including OSHA required training, employment related practices, public entity risk management, and much more. We also feature an annual Public Entity Risk Management Seminar in Anchorage each spring. This year's conference will be held March 7-9, 2017.

Contact your AMLJIA Risk Control Specialist at 800-337-3682 to arrange on-site training for your entity, or register for the Public Entity Risk Management Seminar in the Event Calendar at www.amljia.org.

UNDERWRITING/CLAIMS *continued from page 1*

assets, failure to offer prudent investments or to monitor investment performance, failure of investments to perform as promised, failure to timely deposit money into participant accounts, breach of responsibilities or fiduciary duties, or negligence in the administration of a plan.

Your coverage through AMLJIA extends to fiduciaries with administrative duties to the plan and/or plan participants, fiduciaries with a fiduciary duty to the plans, the sponsor organization, and the plans themselves. All AMLJIA members

are covered for Administrative Error & Omission claims, Breach of Fiduciary Duty claims, and defense benefit claims (actual benefits are not covered).

Complete coverage details can be found in your AMLJIA Participant Coverage Memorandum, or contact your broker or AMLJIA Underwriter with any coverage questions.

AMLJIA Annual Membership Meeting and Breakfast

If you are attending the Annual Local Government Conference, we invite you to join us for breakfast at the Hotel Captain Cook on Thursday, November 17, 2016. A full breakfast buffet will be served beginning at 7:00am, and our business meeting will start at 7:30am. Whether you are already a member or would like to learn more about the AMLJIA, don't miss this opportunity to hear the latest pool news and meet your Board of Trustees and AMLJIA staff. We look forward to seeing you there!



RISK CONTROL

What's On Your Top 10?

Everybody loves numbered lists. Whether you're looking for 10 Delicious Ways to Eat More Kale, 9 Ways to Eat Bacon at Every Meal, or How to Make a To Do List in 10 Steps, lists help us organize and prioritize information. Lists help to focus our attention on specific targets.

Each year, OSHA publishes a list of their Top 10 most frequently cited standards reflecting inspection activity throughout the fiscal year. This list highlights violations commonly found during OSHA inspections.

OSHA's Top 10 most frequently cited serious violations nationally in general industry for fiscal year 2015, the most recent year for which data is available, are listed in the chart below along with the number of citations for each.

Keep in mind that OSHA's Top 10 reflects only federal OSHA enforcement cases. It can provide a starting point for addressing workplace safety, but it may not accurately reflect the problem areas specific to your entity. To accurately assess your own most frequent safety hazards, you need to review all the safety data you have. This

includes records of injuries, OSHA 300 logs, near-miss reports, and any other information you use to monitor incidents and accidents.

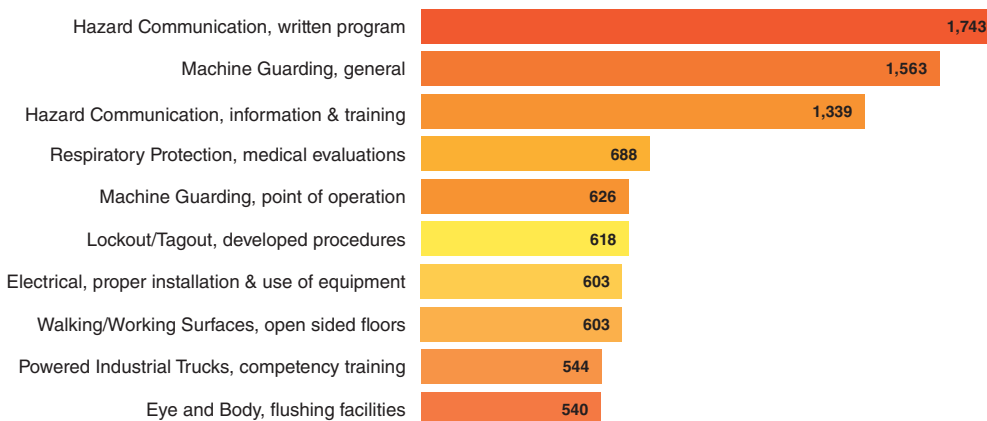
If you do not have enough data to make a list, you can begin with a survey of department managers, supervisors, your safety committee, or others who can provide information about safety concerns. Scan OSHA's Top 10 for common problems, such as lack of written programs, procedures, or training, that may need review within your entity.

Your AMLJIA Risk Control Specialists can

help by providing a target list of your high frequency and high severity (cost) claims. By reviewing your claims history with your Risk Control Specialist, you can create a plan to target your top safety concerns. Whether you target your Top 10 or your Top 2, your list will keep you focused on reducing losses and improving workplace safety throughout the year.

The next time you see an OSHA Top 10 list, take it as a call to action to review your own claims history with your AMLJIA Risk Control Specialist. Call the AMLJIA at 800-337-3682 to speak to a Risk Control Specialist today.

OSHA's Top Ten General Industry Violations, Fiscal Year 2015



OSHA General Industry Training Available

Are you responsible for the health and safety of your employees? Do you have new employees who need a strong foundation in safety awareness? Would you like to promote a strong safety culture? Don't miss the OSHA 10-Hour General Industry Outreach Training in February, available at no cost to AMLJIA Members!

The 10-hour OSHA course is designed to introduce employees to the possible hazards they may find in the workplace. It is a great starting point for employees to become familiar with safety and risk identification. It also explains OSHA's role in workplace safety and both employer and employee responsibilities. This voluntary program supplements but does not replace the certification training requirements for any OSHA standards.

This training will be held March 7-9, 2017, in conjunction with the Public Entity Risk Management Seminar. Travel subsidies are available. Visit www.amljia.org or email sharont@amljia.org for more information and online registration.



RISK CONTROL

Manage Risk with Hold Harmless Agreements

A construction company is renting the city's apartment for the summer while they are working on a local road construction project. One of the workers that is staying in the apartment falls down the stairs and is very badly injured. The city receives notice from the injured employee's attorney that they will be filing a suit against the city to recover damages from the fall. Does the city have legal responsibility?

Without a strong rental agreement that includes a hold harmless agreement clause, the city could and probably will be responsible for injuries to the tenant. Lawsuits are a common occurrence in our litigious society. An effective way to limit liability is to specify your responsibility in a contractual relationship such as in a rental agreement. Risk can be transferred contractually by including a "hold harmless" clause in these agreements.

Hold harmless agreements are also known as indemnity agreements, and they are used to transfer risk from one party to another. One party, known as the

indemnitor, assumes liability and holds the other party, the indemnitee, harmless from the liabilities associated with the hazards of a particular exposure.

If a hold harmless agreement was part the rental contract signed by the construction company, risk would have been transferred away from the City and the signer of the rental contract would have assumed the liability and they would be responsible for the injury.

Members that rent out apartments or provide housing for teachers or law enforcement officers have a liability

exposure. Members may have exposure when providing housing to visiting guests. These are just a few of the examples where AMLJIA members provide lodging to the public and could be at risk for a liability claim.

Hold harmless agreements provide a good measure of protection, but remember that they will not relieve your entity of legal liability from your entity's own negligence. For example, failure to provide working fire alarms would be an example of negligence. Do not neglect regular maintenance inspections, and keep good records of all inspections and any maintenance performed.

Rental agreements with a strong hold harmless clause are simple and easy to use. Your AMLJIA Risk Control Specialist can help you put a rental agreement in place that will provide protection to your organization. Call 800-337-3682 for assistance with hold harmless agreements or to request contract review by your AMLJIA Risk Control Specialist.



Blind Dates and Bad Hires

You probably would not run a background check on a potential date before asking them out, and you may have a disastrous evening with someone you find completely incompatible as a result. But the nice thing about dating is that you aren't stuck with the wrong person for the rest of your life.

Hiring the wrong person for a job, however, can have long-lasting consequences. At best, a poor hiring decision costs time and money while you search for a replacement. At worst, you wind up with an unethical or dishonest employee and the potential for embezzlement or litigation.

Don't treat hiring decisions like a blind date. Take the time to thoroughly vet your job applicants. The AMLJIA's Human Resources department can help with policies and procedures, job descriptions, and training. Professionally prepared personal history background checks are available. Call 800-337-3682 or email katey@amljia.org for assistance with the "people" risks of your organization.



HUMAN RESOURCES

The Law At Work

Q. Our laundry attendant sometimes works alone in the evenings and weekends. Yesterday, she reported a female resident had attacked her physically at work. She wasn't injured. The word around town is that the laundry attendant has been fooling around with the other woman's husband, but I don't know if that's true. Anyway, do we have any responsibility to do something about this situation? If so, what?

A. Contact the police and request that they investigate the alleged attack on the City employee. Employers must make reasonable efforts to keep employees safe at work, and this can include calling in the police after an assault. To prevent future attacks, consider encouraging any employee who works alone in the evenings to carry a cell phone and be prepared to call police when threatened. Even if it turns out this was a symptom of a complicated personal life, the City could be liable if it fails to employ some basic safety measures to protect employees at work.

Q. I believe our pull tab manager has been stealing from the City. Every time he works a shift, the till is lower than it should be. What can we do about this problem?

A. I recommend you investigate the possible theft, either personally or preferably, through your Village Police Officer. Place the employee on paid leave during the investigation, and let him know what you're doing and why. If you find evidence that convinces you he has stolen funds, then I recommend terminating his employment. How you proceed with a termination will depend in large part on the language in your city personnel handbook. We can determine the right course to follow, if you contact the Hotline at 877-4AMLJIA or Hotline@amljia.org.

*The Employment Law Hotline is a free service to AMLJIA member managers, mayors, superintendents and supervisors. Call **877-4AMLJIA** (877-426-5542) for a free 30-minute consultation before taking personnel action.*

Employees are Highest Risk, Best Defense Against Security Breaches

You may not think of your employees as a threat to your business operations, but they are one of the biggest threats to your cyber security. More than half of all computer security breaches result from human error. Many are the result of phishing, which tricks email users to click a malicious link in a seemingly legitimate email or to divulge sensitive information, such as usernames, passwords, or account numbers.

On the other hand, your employees are also your first line of defense against cybercrimes. Security awareness training is one of the most important safeguards for your cyber security, yet is it often overlooked. Help your employees understand the value of good cyber security practices not only for your business operations but for them personally. For example, employees become more vigilant in protecting their home email, personal data, and financial accounts when they are trained to identify potential security gaps, such as phishing attacks, while at work.

A successful employee training program requires ongoing training, because new cyber threats are continually emerging. A good security awareness program communicates through multiple formats to be most effective. Consider awareness posters in common areas, helpful hints distributed to employees via email, classroom training sessions, and webinars.

Training your employees to detect phishing and other fraudulent activity is one of the most important safeguards against cybercrimes. If you need assistance with your employee training, contact the AMLJIA at 800-337-3682.

PHISHING:

The act of acquiring private or sensitive data from personal computers for use in fraudulent activities.

Don't take the bait!



File Property and Liability Claims Online

AMLJIA members can file claims easily and securely online! Visit our website at www.amljia.org, click on "Claims" in the upper navigation bar and then click "Claim Forms" on the left side of the page. You will be able to complete property, general liability, auto accident, and crime claims and submit them electronically. Enjoy the convenience of electronic filing—no printing, mailing or faxing required.

If you need to file a Workers' Compensation claim, download the required Employer and Employee forms at www.amljia.org/claims/claim_forms.html. Remember that any work-related fatality or any injury requiring overnight hospitalization must be reported within 8 hours to Alaska Occupational Safety and Health by calling 800-770-4940 (8am-5pm weekdays) or 800-321-6742 (after 5pm or on weekends and holidays).

For all questions about filing a claim, contact the AMLJIA Claims staff at 800-337-3682.

Alaska Municipal Joint Insurance

SEARCH HOME COVERAGE CLAIMS RISK MANAGEMENT UNDERWRITING PUR

Home > Claims > Auto Accident Information Form

Auto Accident Information Form

Member Information	
1. Member name:	<input type="text"/>
2. Contact name:	<input type="text"/>
3. Business phone:	<input type="text"/>
Cell phone:	<input type="text"/>
Fax number:	<input type="text"/>
4. Email:	<input type="text"/>
Broker name, if applicable:	<input type="text"/>

Please remember to contact your broker regarding this auto accident.

Accident Information

ABOVE THE GRADE

Getting to School Safely

With daylight hours quickly waning and winter weather arriving, students and school staff are at greater risk for accidents as they arrive and depart from school. You can minimize the risks by taking steps to ensure the safety of students, staff, and visitors as they arrive and depart from school buildings.

- Establish traffic patterns that allow students to enter and exit vehicles curbside so they do not need to cross into traffic.
- Provide crossing guards at crosswalks to help students safely cross traffic.
- Remind students to wear light colored clothing and outerwear with reflective tape to increase their visibility.
- When conditions warrant, apply ice melt or traction material to walkways before the beginning and end of the school day.
- Clear snow from walkways and apply traction material if needed. Make sure

all emergency exits are kept clear. Periods of heavy snowfall may require additional snow removal throughout the day.

- Make sure exterior lighting provides adequate illumination around buildings and parking areas. Check lights regularly and replace as needed.

Slips and falls result in many employee injuries. One of the best ways to prevent slips and falls in icy conditions is to wear ice grippers or cleats. The AMLJIA can help you establish an ice gripper program for your employees' safety. You can even use your AMLJIA Safety Savings Account to help purchase ice grippers for employees. Contact your Risk Control Specialist at 800-337-3682 for more information about preventing slips, trips, and falls with an ice gripper program.



Free Training: Developing School/ District Emergency Operations Plans

This free training on October 24, 2016, offered in conjunction with the Alaska School Health & Wellness Institute, will cover the six-step planning process designed to help districts develop an Emergency Operations Plan (EOP) and conduct periodic reviews of the plan. The workshop is designed for district and school staff who serve, or will serve, on their school or district's EOP planning team and is delivered in cooperation with the Division of Homeland Security and Emergency Management. For more information, visit www.akshwi.alaska.gov or email Patricia.Owen@alaska.gov.

LAW ENFORCEMENT

Law Enforcement Management Institute Returns

The Law Enforcement Management Institute is back in 2017 with a new format and the latest legal updates! The AMLJIA and the Alaska Police Standards Council (APSC) are pleased to announce the return of nationally-recognized speaker Jack Ryan for this event. The 2017 Institute will include:

- Legal Updates and Reducing Liability for Law Enforcement – 16 hours
- Enhancing Agency and Officer Performance – 8 hours
- Legal and Liability Issues for Jails – 8 hours

Law enforcement agencies and individual law enforcement officers in the United States are the subject of intense public scrutiny. The litigious condition of American society has been a key factor in this scrutiny. The very nature of police

work—i.e. use of force, high-speed driving and pursuits, and arrest—lends itself to complaints and lawsuits from those with whom law enforcement officers have contact.

The Law Enforcement Management Institute will take place February 6-9, 2017, at the Dimond Center Hotel in Anchorage. Law enforcement personnel who complete



the entire training will earn 32 hours APSC credit. Single day registration is available for the Legal and Liability Issues for Jails session on February 9, 2017, with eight hours APSC credit provided.

Online registration is open at www.amljia.org. The registration fee for the full four-day Institute is \$125 for AMLJIA members or \$225 for non-members. Registration for the single day Jails session is \$75 for AMLJIA members or \$125 for non-members. AMLJIA members who complete the full training will be eligible to apply for a travel subsidy to reimburse a portion of your travel and lodging costs. Class size is limited! Register early to guarantee your seat at the 2017 Law Enforcement Management Institute.

Additional information is available at www.amljia.org, or contact Sharon Tunnell at 800-337-3682 or sharont@amljia.org.



807 G Street, Suite 356
Anchorage, Alaska 99501

Building on Tradition.
Protecting Your Future.

Calendar

September 2016 – December 2016

Alaska School Health & Wellness Institute	Anchorage, AK	October 24-26, 2016
AASB Annual Conference	Anchorage, AK	November 10-13, 2016
Alaska Municipal League Annual Local Government Conference	Anchorage, AK	November 14-18, 2016
AMLJIA Annual Meeting	Anchorage, AK	November 17, 2016
ALASBO Annual Conference	Anchorage, AK	December 6-9, 2016