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"Even if you're on the right track, you'll get run over if you just sit there."

— Will Rogers

## Is your rental car covered?

You rent a car on a business trip. When the car rental agent offers a collision damage or loss damage waiver, do you need to purchase the coverage, or are you already covered? Learn what you need to protect your entity from loss.

see Pool News, pg. 2

## AMLJIA Introduces Ballistic Vest Reimbursement Program

Every law enforcement officer knows there is no such thing as a "routine" shift. Any situation can take an unexpected and violent turn in the blink of an eye. Recent shootings of police officers in Chevak (\$400,000 estimated reserves) and Fairbanks (an officer's life=priceless) highlight the need for ballistic vest protection in Alaska, but the grim economic forecast makes it difficult for small local governments to meet every budget need.

The AMLJIA recognizes the value of ballistic vests for the protection of our law enforcement officers. With generous support from our reinsurance partner, Genesis, and our reinsurance broker, Doug Wozniak, the AMLJIA has instituted the Ballistic Vest Reimbursement

Program (BVRP) to help our member police agencies and their officers obtain life-saving protective gear. AMLJIA member agencies may apply for reimbursement up to 50% of the purchase price of ballistic vests for law enforcement officers.

The simple application process will verify that your agency meets the following requirements:

- Officer(s) receiving ballistic vests must meet Alaska Police Standards Council standards for hiring and retention.
- The member agency agrees to keep documentation to support BVP application and reimbursement request for at least three (3) years.

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## Don't Miss Out!

The annual Public Entity Risk Management Seminar will be held in Anchorage on March 8-9, 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.

Session topics will include ergonomics, emergency preparedness, managing human resources, managing media relations, contractual risk transfer, the Claim Game, and more! For additional training on the recognition, avoidance, abatement, and prevention of safety and health hazards in workplaces, we offer an OSHA 10-Hour General Industry Outreach Training beginning on March 7, 2017.

Registration is free for AMLJIA members, and travel subsidies are available. Online registration is open at [www.amljia.org](http://www.amljia.org), or call 800-337-3682 for more information.



## In Good Company

Kevin Smith, Executive Director

### New Year Brings New Opportunities

As we enter 2017, we are excited to offer new opportunities for AMLJIA members.

In response to several recent shootings in member cities and elsewhere in Alaska, the AMLJIA Board of Trustees approved a Ballistic Vest Program. From Buckland and

Chevak to Tanana and Fairbanks and most recently in Anchorage, police officers have been seriously injured by gun shots. Ballistic vests have the potential to save officer lives. See the lead article on page 1 to find out how your department can take advantage of this newest AMLJIA program.

In the last issue of *The Bridge*, the AMLJIA announced our Fiduciary Liability Program and our incidental Law Enforcement Liability coverage. These new coverages are provided at no added cost and should help members contain costs in the coming year. Members enjoy the added protection of these coverages with no additional action necessary.

While the Employment Law Hotline is not a new program, you will hear a new voice on the line when you call for advice. After two and a half decades of advising AMLJIA members regarding Employment Law issues, Leslie Longenbaugh has stepped aside to make room for Kim Dunn at the Employment Law Hotline Desk (see page 6). You can continue to rely on the Employment Law Hotline, 877-4AMLJIA (877-426-5542), for a free 30-minute legal consultation on employment related matters before you take personnel action.

Containing costs is the goal for everyone in public service these days. The mood in Juneau is somber as the 30th Alaska State Legislature takes to the floor. Discussions about local government and school funding levels already began on the second day. The AMLJIA recognizes this and is working hard to bring additional value to pool members with a combination of new services and innovative coverage. If you have suggestions about either, please share them with me or your AMLJIA staff. You can reach us at 800-337-3682, or email [kevins@amljia.org](mailto:kevins@amljia.org).

## POOL NEWS

### Is Your Rental Car Covered?

Members often ask, "Does the AMLJIA cover the car I rent for business purposes?" The answer could be "yes," "no," or "yes and no" depending on which coverage(s) were or were not purchased from the AMLJIA.

When renting a car for business purposes, there are two types of coverage that you should make sure are in effect. The first is automobile liability coverage, and the second is comprehensive/collision coverage.

Auto liability coverage protects your entity from claims resulting from bodily injury and property damage to a third party. When a member purchases auto liability coverage from the AMLJIA for one or more of its owned vehicles, liability coverage for rental cars is automatically included. If your entity does not purchase automobile liability coverage but needs liability coverage for rental cars, non-owned/hired auto liability coverage can be purchased separately.

Comprehensive/collision coverage will replace or repair damage to the rental car itself. Members may purchase this coverage in addition to auto liability coverage. If your entity does not have this added coverage, then it may be worthwhile to purchase the collision damage waiver from the rental company. However, purchasing a collision damage waiver for every rental can quickly become cost prohibitive, so ask for a quote if you frequently require this coverage.

Coverage provided by the AMLJIA applies to rented automobiles used in the course of business by the member. Don't forget that most major credit card companies provide physical damage coverage for rental cars, but be sure to read your credit card agreement and take note of any coverage exclusions and restrictions. Some credit card agreements exclude certain vehicles like large SUVs and luxury cars and won't cover rentals that exceed a specified number of days.

## Alaska Municipal League Winter Legislative Meeting

February 21-23, 2017

Juneau, Alaska

Register online at [www.akml.org](http://www.akml.org)



[www.akml.org](http://www.akml.org) • 877-636-1325 • 907-586-1325



## Honorable Mention

"Thank you for your help! The City and Borough of Yakutat is grateful to the AMLJIA."

*Jon Erickson, City and Borough Manager, City & Borough of Yakutat*



## At Your Service

### SAFETY SAVINGS ACCOUNT

Do you need new fire extinguishers, Personal Protective Equipment, first aid kits, or ice grippers? Your AMLJIA Safety Savings Account can help! The AMLJIA provides each member with a Safety Savings Account to help you purchase safety equipment and supplies. Your account is credited each year based on your annual contribution, with a minimum credit of \$250. Any unused funds at the end of the fiscal year roll over to the following year. Using your Safety Savings Account is easy. You can find ordering instructions and forms at [www.amljia.org/risk-management](http://www.amljia.org/risk-management), or call 800-337-3682 for more information or to check your account balance.

## LAW ENFORCEMENT

*continued from page 1*

- The member agency certifies that a written "mandatory wear" policy is in effect for all uniformed officers at the time of application for reimbursement.
- The member agency must purchase NIJ compliant Threat Level IIIA ballistic vests, sized to the individual officer(s), and retain proof of purchase. Vests remain property of the agency, not the individual officer(s).
- The member agency must submit a copy of the proof of purchase to the AMLJIA after taking delivery of the vest(s) to receive up to 50% reimbursement.



To begin the application process, call 800-337-3682 or email [rochellem@amljia.org](mailto:rochellem@amljia.org) and request a Ballistic Vest Reimbursement Program application. You will receive a checklist that verifies your agency's eligibility and leads you through the process in five easy steps. If you do not currently have a "mandatory wear" policy in effect, the AMLJIA can provide a sample policy and help you meet the eligibility requirement.

Your officers protect your communities. The AMLJIA will help you protect them. Call or email today to receive your Ballistic Vest Reimbursement Program application.

## New Board Members Seated

The AMLJIA Board of Trustees has two new members. Tom Moran serves as the City Manager for the City of Nome. Mr. Moran spent time as an attorney in private practice before moving to Alaska and has been with the City of Nome since 2011. Austin Swan, Sr., is the Mayor of the City of Kivalina and a member of the Northwest Arctic Borough Assembly. You can find a complete list of your AMLJIA Board of Trustees and contact information at : [www.amljia.org/about-us/board-of-trustees.html](http://www.amljia.org/about-us/board-of-trustees.html)





## RISK CONTROL

# OSHA Fines Increase

The Federal Civil Penalties Inflation Adjustment Act of 2015 requires the Department of Labor to annually adjust civil monetary penalties enforced in its regulations. As a result, OSHA penalty increases took effect on January 13, 2017. The annual adjustment for 2017 is 1%, based on the Consumer Price Index.

This increase comes on the heels of OSHA penalty adjustments that took effect on August 1, 2016.

OSHA's maximum penalties, which had not been adjusted since 1990, increased 78% at that time. The maximum penalty for a serious OSHA violation was \$7,000 one year ago. Today, the maximum penalty for a serious OSHA violation is \$12,675. Employers charged with willful and repeat OSHA violations face maximum penalties of \$126,749, compared to \$70,000 prior to August 1, 2016.

So what's the best way to avoid OSHA penalties altogether? If you take a look at OSHA's most frequently cited violations ("What's On Your Top 10?" *The Bridge*, Fall 2016), it really all comes down to two key areas: employee training and

management's commitment to safety. A strong safety culture depends on the commitment of every individual, but it begins at the top. Your leaders set the tone for the entire organization. If managers overlook safety violations and unsafe habits, a lax attitude toward safety becomes the norm. However, when managers place a high value on safety, employees see leadership commitment and follow suit.

Hand in hand with management's commitment to safety is ongoing employee training. Every employee, regardless of their job duties, can benefit from safety training.

Different jobs may require training in different areas, so managers have a responsibility to provide appropriate safety training for each employee based on their responsibilities. If an employee is assigned new duties or transfers to a new position, review their training and determine if additional safety training is required.

Effective safety training is more than just training at time of hire and the occasional refresher training. Safety training should

be a regularly scheduled event, not an afterthought. Effective training can include short "tailgate" topics presented at the beginning of a work shift or a monthly meeting to reinforce a specific safety topic. Training can be offered individually, such as the AMLJIA's Online University, or in a group setting. It might be a one-on-one review with an employee that had a near miss or accident in order to prevent a recurrence. Individuals have many learning styles, so variety in the types of training you offer will have the greatest overall impact. Finally, be sure to keep accurate records of all employee safety training.

The AMLJIA can help you strengthen your safety culture. If you are not participating in the Loss Control Incentive Program, contact your Risk Control Specialist to find out how easy it is to get started. This safety incentive program incorporates management commitment, employee training, and regular safety meetings, all of which will help you avoid OSHA violations, and you can earn a discount up to 5% of your annual contribution if you complete all requirements throughout the year. The AMLJIA can also provide on-site training in a wide range of safety topics. Call your Risk Control Specialist today at 800-337-3682 for more information and assistance with all your safety training needs.



**Staff development and continuing education** is a priority at the AMLJIA. Johanna Grasso, Claims Manager, and Jeff Lucas, Senior Property/Casualty Claims Adjuster, recently completed a Property Examiner training. The course focused on how to review estimates on damaged buildings with discussion of building materials, resolving scoping issues, and analyzing claim estimates.



## UNDERWRITING/CLAIMS

## Don't Settle for Average

Many entities have the misunderstanding that a workers' compensation experience modifier or "mod rate" of 1.0 is good, but why would you settle for average? A diligent risk management program can pay off with an improved mod rate, and a better-than-average mod rate can save you money at renewal.

The AMLJIA computes each member's exposure relative to the group (all members) over a five year period. The percent of their losses is computed over the same period of time, weighted by an actuarial credibility factor. AMLJIA uses five years of data to limit the potential of one bad loss year skewing the results.

This comparison results in an experience modification rate, or "mod rate," that may increase or decrease your workers' compensation or liability contributions. Basically, if an entity's losses exceed their contributions, they are assigned a higher mod rate (MOD>1.0) because they are riskier than average. If losses are less than their contributions, they are given credit for good experience with a low mod rate (MOD<1.0).

Say, for example, that your workers' compensation contribution is \$100,000. Your entity might experience several bad loss years, with high frequency and high severity losses, resulting in a mod rate of

1.2, which increases your contribution to \$120,000. On the other hand, low losses over the five year period might result in a mod rate of 0.8, which lowers your premium to \$80,000.

So how can I lower my mod rate, you ask? The mod rate will improve if you decrease your losses and/or increase your payroll, thus increasing your contribution. Obviously, unless you have reason to double your workforce, decreasing losses is the most workable solution.

To help reduce losses, the AMLJIA provides a variety of loss-control services including the Loss Control Incentive Program, online and on-site training, loss-control audits, contract review, human resource assistance, law enforcement consultation, and the Employment Law Hotline. You can find information about all of our services and member resources at [www.amljia.org](http://www.amljia.org), or call the AMLJIA at 800-337-3682.

### Tips to Reduce Your Mod Rate

These are a few specific ways you can lower your workers' compensation losses and help decrease your mod rate:

1. Train employees for the job being performed, regardless of how simple the task may be.



2. Keep policies and procedures up to date, and make sure job descriptions match the tasks being performed.
3. Equip your employees with adequate personal protective equipment (PPE). A \$10 pair of safety glasses can prevent a \$6,000 claim.
4. Be proactive with modified return-to-work post injury duties. Studies show that the longer an individual is off work, the less likely it is they will return.
5. Implement a back safety program. Safe lifting practices are critical for both new employees and long-term employees. In large part, we are an aging work force.

## Risk Management Achievement

The AMLJIA gave special recognition to several members at the 2016 Local Government Conference. Each year, members are recognized for their loss control efforts with when they keep losses to less than 25% of their annual contributions. The highest achievement is the Platinum Loss Control Award, for members with losses less than 1% of their annual contribution.

Each year, a few AMLJIA members join an elite group that receive awards for with losses less than 1% of their annual contribution for five consecutive years or more. The following members are to be recognized for their outstanding loss control efforts: City of Cold Bay, City of Delta Junction, City of Golovin, City of Kobuk, City of Napaskiak, City of Saint George, City of Shageluk, City of Shungnak, City of Tanana, City of Wales, and Star of the North Secondary School.

*Mary Leith, City Administrator for the City of Delta Junction, accepts the Chairman's Award for 5 consecutive years Platinum Loss Control achievement from Kevin Smith, AMLJIA Executive Director.*





## HUMAN RESOURCES

# The Law At Work

For more than twenty years, the Employment Law Hotline helped AMLJIA member managers, mayors, superintendents, and supervisors avoid legal pitfalls by answering your employment law questions before you take personnel action. Leslie Longenbaugh, recognized by many of our long-time members as the voice of the Hotline, has recently stepped aside for Kim Dunn to take on this role.

Ms. Dunn is a lifelong Alaskan. Her practice has focused on employment and labor law for 31 years. She has experience with discrimination and harassment complaints, resolution of union grievances, and unfair labor practice complaints. Additionally, Ms. Dunn provides advice on employee fraud and abuse of electronic data systems. She is experienced in defending wage and hour claims; gender, sexual harassment, disability, and race discrimination claims; FMLA liability, and a variety of state and federal whistleblower causes of action.

AMLJIA members will continue to receive a free 30-minute consultation when calling the Employment Law Hotline, 877-4AMLJIA (877-426-5542), so don't be surprised by the new voice on the other end of the line. Call the Employment Law Hotline if you are faced with layoffs, restructuring a department, personnel problems, or a decision to terminate an employee. Your AMLJIA Participant Coverage Memorandum specifies that you must consult with and follow the advice of an attorney before taking personnel action, so take advantage of this valuable member resource.



*Kim Dunn is the new voice of the Employment Law Hotline.*

# Documenting Employee Performance

If you are a supervisor, you have no doubt been advised to keep plenty of documentation when you have a performance problem with an employee. But what exactly does this advice mean? Is all documentation created equal, or is some information more important than the rest? In this article, we will provide some specific suggestions on what to document, when to document, and how to document, as well as to focus on the type of memos that are typically issued following an incident or series of incidents.

## Set a Goal

Your goal in documenting performance problems is not to shadow an employee and record every instance they fall short of perfect. Documentation is a tool to help the employee reach the goal of satisfactory job performance. If an employee fails to reach a satisfactory level of performance, effective documentation will help you take the necessary disciplinary actions to protect your entity. Each time you document, ask yourself if the documentation is helping you to further that goal.

## Question Yourself

Before you fire off that memo to the employee, ask yourself these questions:

- Is this the first time the problem has happened? If so, would verbal counseling be sufficient? Make sure the manner and tone of your response are consistent with the magnitude of the problem.
- Has the problem made you angry? While you can't put off dealing with a problem too long, perhaps a "cooling off" period might be in order before responding.
- Is the problem widespread? If you are aware that other employees are guilty of the same infraction of the rules, a general reminder to the entire department might be more appropriate than a memo to one person.
- Am I being fair? If you have labeled someone as a "problem employee" in your mind, it could affect your perspective on that employee's conduct. Make sure that you do not unfairly single out that employee for criticism regarding conduct that wouldn't bother you in others.
- Are you overreacting because of a case of "déjà vu"? If you are recovering from a prior supervisory nightmare, don't let that make you feel like you've got to attack the problem with a sledgehammer this time. Personnel issues seldom unfold in precisely the same way twice.
- Are you a new supervisor in the department? If the prior supervisor left a problem to fester for months or even years, you now inherit that problem. Think twice about coming down hard on the problem as soon as you step into your new position. The employees should not bear the entire burden of a prior supervisor's failure to address the problem for an extended period.



## Prepare a Memo

If you have decided that documentation is the appropriate course of action, don't just make a list of violations. A list does not teach the employee why you are concerned, provide specific directions to help the employee improve performance, or advise the

*continued on next page*

## ABOVE THE GRADE

# Student Artwork Recognized

The 2017 Student Safety Calendar contest challenged students in kindergarten through 6th grade to create artwork with the theme "Vehicle Safety." This contest, open each year to students in AMLJIA member schools, is an annual highlight for the AMLJIA staff as they review each submission.

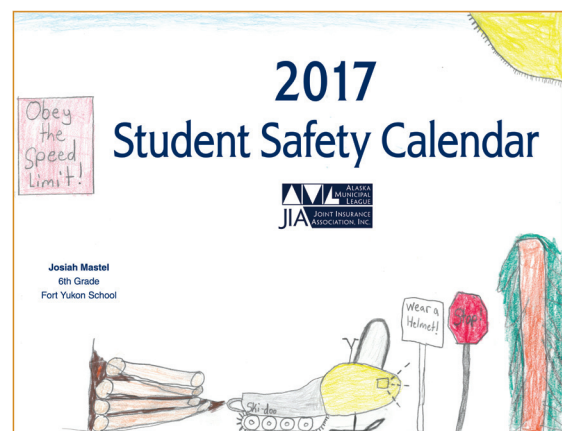
We would like to recognize the following students whose artwork was selected for the 2017 Student Safety Calendar:

Madalyn Daniels, Craig Elementary School  
 Brinleigh Page, Craig Elementary School  
 Payton McCoy, Craig Elementary School  
 Shannon McDougall, Eagle Community School  
 Syrianna Winkel, Eagle Community School  
 Noel Pierce, McGrath School  
 Kierra Egrass, McGrath School  
 Nevaeh Campbell, Ouzinkie School  
 Logan Cooke, Whale Pass School  
 Leah Rosette, Sand Point School  
 Jolie Martin, Thorne Bay School  
 Josiah Mastel, Fort Yukon School  
 Brooke Rogerson, Fort Yukon School

The students whose artwork was published received award certificates and small prizes, and every student who entered to

2017 Student Safety Calendar contest has received a certificate recognizing their contribution. Calendars were provided to all AMLJIA member municipalities and school districts. If you would like additional calendars, please call 800-337-3682 or email [rochellem@amljia.org](mailto:rochellem@amljia.org).

The AMLJIA thanks our school administrators, teachers, and support staff for modeling safe behaviors and teaching students about safety at school and at play. The good habits instilled at an early age will continue to benefit our schools and communities for years to come.



## HUMAN RESOURCES *continued from page 6*

employee of the consequences of continued violation. Furthermore, a list of violations can make you look like you're the one picking on the employee. Instead, prepare a memo with the following:

- First, remind the employee of the policy. *"As you know, the City's policy is that employees must submit vacation leave requests to their supervisor at least one work week prior to the beginning of the leave period."*
- Next, summarize the specific violations. *"You submitted a leave request on July 1 for a vacation period beginning on July 2."*
- If this is a repeat violation, remind the employee of the past instances in which the violations occurred.
- Next, address the impact of the employee's violations on your entity's operations. *"The City adopted this policy in order to ensure that positions vital to the City's operations would*

*be covered during an employee's temporary absence and to ensure that each department meets minimum staffing requirements."*

- Give a specific direction to the employee that leaves no "wiggle room." *"You must obtain approval, in writing, at least one work week prior to any vacation absence. No vacation leave will be granted without one work week's advance notice."*
- Make sure you consider other factors contributing to the problem. *"For exigent circumstances such as death of an immediate family member, please follow the specific leave guidelines in the Personnel Handbook."*
- Finally, address the consequences of continued violation. *"Any further violation of these requirements will result in disciplinary action up to and including termination."*
- Review the consequences to make

sure they are comparable to actions taken with employees in similar circumstances.

- Remember your goal is to achieve a positive, constructive, and balanced tone.
- Proofread!

This memo format can be adapted to a performance improvement plan as well. You must provide an explicit and limited time period within which to meet the benchmarks that have been established, so don't burden yourself with unduly lengthy time periods. Leave room to take disciplinary action for other matters that may arise.

Don't wait until the end of the improvement period to tell the employee whether he or she has succeeded or failed. Regularly document the employee's progress or lack thereof, and provide regular follow-up communications and evaluations. Look for ways to give positive feedback and reinforce what the employee is doing right.



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Building on Tradition.  
Protecting Your Future.

## Calendar

February – May 2017

Law Enforcement Management Institute	Anchorage, AK	February 6-9, 2017
AASB Leadership & Legislative Fly-in	Juneau, AK	February 11-14, 2017
Alaska Municipal League Winter Legislative Meeting	Juneau, AK	February 21-23, 2017
AMLJIA Public Entity Risk Management Seminar and OSHA 10-Hour Training	Anchorage, AK	March 7-9, 2017
AASB Spring Academy & Legislative Fly-in	Juneau, AK	April 1-4, 2017
ASA Legislative Fly-in	Juneau, AK	April 8-11, 2017
AMLJIA Board of Trustees Quarterly Business Meeting	Anchorage, AK	April 25, 2017