

## LGIT to Implement a New Member Value-Added Service

### The HR Compliance Portal

I am happy to announce that LGIT has partnered with "The Workplace Helpline" of Boston, Massachusetts to enhance the Employment Law Hotline already in place. This service, which we are calling the HR Compliance Portal, is being provided to those members that purchase public officials coverage from the Trust. Please be assured that this service is a supplement to the employment advice already provided by the law firm Karpinski, Colaresi and Karp.

The Workplace Helpline provides services that include sample employment policies and procedures, employment-related posters, legal updates from around the country and access to questions asked by other human resource specialists. Best of all, this enhanced service will be free. The HR Compliance Portal may be accessed through a portal on the LGIT website. In addition to the services mentioned above, members will also have access to customized Unlawful Harassment Training that was created by our own Matt Peter and John Breads, a Monthly HR Express Update, and various other Human Resource-related items.

By making this product available, LGIT is providing both insurance protection and consultative services in one valuable package. Your entity will be contacted in the near future to set up your own customized site. In the meantime, if you have questions, please feel free to contact me at the LGIT office.

Tim Ailsworth  
Executive Director, LGIT



How does  
**LGIT HR Compliance Portal**  
work?

Employers are provided access to an online destination which includes:

- State-specific handbook builder
- Forms and posters
- Personalized HR Resources
- News and regulation updates
- Online Unlawful Harassment Training... and more!

***Also included are monthly  
HR Express Updates!***

***Stay up to date on relevant  
employment law issues  
with HR Alerts!***

**LGIT HR Compliance Portal**  
serves employers of all sizes and is  
included in your relationship with  
LGIT for no additional cost!



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## From the Boardroom

The Board of Trustees met on June 18, 2010 and took the following actions:

- Approved the Executive Committee's recommendation to adopt the FY 2011 operating and capital budgets.
- Approved the ratification of Rockville as a new member of the Trust.

### ***LGIT Trustees Election***

The following were elected by the membership to a three year term on the Board of Trustees commencing July 1, 2010:

- Sonny Bloxom, County Attorney, Worcester County
- Sharon Greisz, Director, Office of Finance, Howard County
- Susanne Hayman, County Administrator, Kent County
- Susan Keller, Councilmember, City of Frostburg

The Board of Trustees voted to appoint Angel Jones, City Manager, City of Gaithersburg, to fill Susan Keller's unexpired term on the Board effective August 13, 2010.

### **Newly Appointed Board Member Angel L. Jones**

Angel L. Jones began her tenure as Gaithersburg City Manager in September, 2008. With a municipal background spanning more than two decades, Jones brings a wide range of experiences to this position. In her first year on the job she was required to present a balanced budget in the most challenging economic climate this community has known in decades. Additionally, she spearheaded initiatives to reorganize several departments, to completely update the Personnel Rules and Regulations Manual, and to begin discussing long term organizational efficiency in a climate of decreasing revenues.

Prior to her service in Gaithersburg, Jones served as Assistant City Manager in Eugene, Oregon, a community with just over 150,000 residents, 1,547 municipal employees and a budget of \$475.7 million. Other experiences include Executive Director of Eugene's Department of Library, Recreation and Cultural Services, Deputy Director of the City of Richmond's Department of Parks, Recreation and Community Facilities, and Financial Manager/Analyst with Richmond's Department of Public Utilities. She also served in the U.S. Army Reserves.

Jones holds a Bachelor of Science degree in accounting from Virginia Union University. She lives in Gaithersburg and has one son.

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Please direct questions, suggestions and comments regarding LGIT NEWS by e-mail to editor@lgit.org or by mail to LGIT News, 7225 Parkway Drive, Hanover, MD 21076. Telephone: 443-561-1700, MD Toll Free 1-800-673-8231, Fax 443-561-1701, Web site: [www.lgit.org](http://www.lgit.org)

#### **LGIT Board of Trustees**

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Director of Claims Services  
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Director of Legal Services  
Marsha Carpenter  
Human Resources  
and Heath Co-op Account Manager

You are Cordially Invited to the  
**23<sup>rd</sup> ANNUAL MEETING**  
of  
The Local Government Insurance Trust



FEATURING GUEST SPEAKERS  
**Anirban Basu, CEO, Sage Policy Group**  
**"Maryland's Economic Forecast for Local Government"**  
AND  
**DeWitt F. "Mac" McCarley, President,**  
International Municipal Lawyers Association  
**"Getting What You Want"**  
— How Negotiating Can Save You Money —

Thursday, October 7, 2010  
7:30 AM - 4:00 PM  
The Sheraton Annapolis Hotel of Annapolis  
Annapolis, Maryland



Don't Miss These  
**ACADEMY FOR EXCELLENCE CORE COURSES**

**ETHICS**

Ernest Crofoot, Instructor

**CONDUCTING EFFECTIVE MEETINGS**

Jay Gullo, Instructor

**PUBLIC INFORMATION ACT**

Robert McDonald, Instructor



RSVP and REGISTER for this event at [www.lgit.org](http://www.lgit.org)

# Blizzard of 2010 in Review

There's a heat index of 105° outside; this makes the 30 inches of snow that fell in Maryland between February 5 and 11 a distant memory. Yet, LGIT is still resolving snow claims, and it is appropriate to look at some of the things we learned during this extraordinary snow event.

## Backing Snowplows

Numerous claims involving backing snowplows were reported this year. These occurrences were especially prevalent because plows were attempting to remove very deep snow from the intersections by pushing snow onto non-paved right of ways.

Backing accidents are caused by many factors, including blind spots, poor visibility, and driver fatigue and inattentiveness. The motoring public should focus on avoiding snowplow activities and allowing snowplows to do their job without traffic interference but, unfortunately, this isn't always the case. Each driver must remember that he or she is the one driving the 18-ton dump truck, and §21-1102 of Maryland Vehicle Law specifically states that a driver may not back a vehicle unless this can be done safely and without interfering with other traffic. Here are some strategies for snowplow drivers to avoid vehicle backing accidents.

- All snowplow vehicles should be equipped with back-up warning devices and vehicles MUST NOT be operated if the device is not operating. Allow the device to sound before you actually reverse.
- Place a warning sign on the back of the vehicle warning motorists that the vehicle may back up (see above).
- If a "helper" is riding along, the helper must get out of the vehicle and act as a spotter during backing activities. Believe it or not, several members reported backing incidents where a ride-along "helper" failed to get out of the vehicle and "spot" for the driver.
- Make a mental note of all the vehicles around you as you drive. If you see a motorist stop or turn off, then you can cross that motorist off the list. If not, that vehicle is likely hiding in your blind spots. Use curves in the road to help you.
- At night, use reflected light from snow banks or trees as indicators that a vehicle is behind you.
- Look in your mirrors constantly. Lean to see as much in your mirrors as possible.
- Stop and let motorists pass before you begin clearing an intersection. Remember that some motorists may be confused and may not react like you think they should.
- Back very slowly. If you feel an unusual amount of resistance or the back end of the truck appears, stop immediately.
- When purchasing new equipment, consider back-up camera devices.
- If you operate a snowplow or any other heavy equipment during snow storms it is not a matter of *if* a motorist will come too close to you, but *when*.



## Plowing Side Streets

Most of the claims LGIT received after the snow event involved snowplows striking parked vehicles. As members reported these events they specifically advised LGIT's investigating claims staff that their driver was not negligent but that the claim should be paid because their snowplow had struck a parked vehicle.

LGIT'S obligation to all of our members is to pay only those claims for which our members are legally liable under Maryland law. LGIT cannot pay claims simply because a member wants a claim paid. With the exception of an emergency vehicle response situation, Maryland law specifically holds that local governments are immune from liability for occurrences arising from the operation of a motor vehicle. Simply put, liability rests with the vehicle's driver.

Local government employees and citizens alike automatically assume that when a snowplow strikes a parked vehicle, the local government is responsible for that damage. That is simply not the case. For years, Maryland "courts have held that the mere fact that a vehicle skids or slides on a slippery highway does not of itself constitute evidence of negligence." *Christ v. Wempe*, 219 Md. 627 (1959). Courts have commented that, "when roads are wet or icy, there are situations in which a driver may lose control of his vehicle regardless of how carefully or reasonably he may be driving." *Lewis v. State Farm Mut. Auto. Ins. Co.*, 112 Md. App. 311 (1996). Therefore, every accident must be investigated based on the facts surrounding the accident and the actions of the driver of the local government vehicle. It is always necessary that we have the opportunity to interview the driver involved in the accident. Most snow-related accidents involved situations where the driver, while attempting to push very deep snow, unavoidably slid into a parked vehicle. The driver did not drive negligently; in fact, most of these accidents happened at speeds of less than 10 mph. Most of these accidents occurred on side streets where homeowners' vehicles were parked on both sides of the street, leaving large snowplows little room to maneuver, and making parked vehicles vulnerable to sliding plows.

Consider some of the following ways local governments can avoid these occurrences and allow snowplow drivers to perform their duty to open streets and make them safe for travel.

- Consider passing an ordinance that requires homeowners to park completely off-street, if possible, or to park only on even or odd sides of streets when off-street parking is not available. This would allow snowplows to clear a passage

on one side of the street (see Article 14 of the City of Bowie Code which prohibits the parking of vehicles along city streets after an accumulation of two or more inches of snow). LGIT investigated many accidents that occurred because citizens parked on the right of way even though off-street parking was available.

- Notify residents in newsletters, e-mails and on websites of your municipal regulations or recommendations regarding street parking during snow emergencies. Also advise residents that your local government cannot be held responsible for damage to structures and plants or trees placed within the right of way.
- If on-street parking is allowed, notify residents that they should make an effort to clear or flag their vehicles so plows can see them.
- Notify drivers that they should never plow a street or alley when leaning vegetation obstructs their view of the right of way or when the vehicle is too large to safely maneuver the street.

- Do not allow other municipal vehicles such as trash trucks to travel side streets until the streets have been cleared and these vehicles can safely maneuver on them.

LGIT's claims staff has learned that, in spite of a lack of negligence on the driver's part, some local government members want LGIT to pay for damages to their citizens' parked vehicles caused by city snowplows. If that is the case, we recommend you speak with your underwriter about maintaining a **liability deductible**, which will give your local government more autonomy regarding the payment of a claim.

— Submitted by LGIT Claims Services Department

## SNOW RELATED PROPERTY CLAIMS

LGIT members reported 92 property loss claims related to the snow storms of December 2009 and February 2010. These snow loss claims resulted in a 94% increase in property claims from FY09 to FY10. To date LGIT has paid \$2,031,244 to our members for last year's storm related losses.

## Opportunities through Accident Investigations

In today's world of fast cars, in-car technology, and dense populations, collisions are inevitable. Collision repair costs for our members' high-tech and large commercial vehicles are rising. Likewise, liability physical damage and bodily injury settlements are on the increase. Diminishing local government budgets require that each member discovers why collisions have occurred; determine what corrective action, if any, is required; and assess how similar accidents can be prevented. An important tool for collision response is an Accident Investigation Policy.

Many local governments have a routine for dealing with collisions. This protocol usually involves calling the local police to the scene to document the occurrence and notifying the driver's supervisor. After a collision, the report of loss and the police report are sent to LGIT. Though this routine is followed with good intention it really can become just routine. If an Accident Investigation Policy does not assign and direct specific responsibilities after an occurrence then opportunities to obtain and preserve valuable claim information may be lost. A routine approach to responding to collision occurrences can limit LGIT's ability to adequately defend liability claims on your behalf and can make loss-control accident reviews meaningless.

Of course, an Accident Investigation Policy must be tailored to meet the size and limitations of your local government. The policy should have two main objectives: to gather claim information to report the claim and perform follow-up review of the occurrence for loss control purposes. A good start is to have LGIT Vehicle Accident Kits located in all vehicles for drivers to review after a collision. Consider the following components for your policy:

- Identify who is responsible for preparing and storing the investigation report for individual departments and for filing reports with LGIT. Written and electronic documents should be kept for four to five years following an occurrence;

- Disseminate the policy to all employees and have them verify that they have received the policy and understand the response process;
- Identify who is responsible for responding to the occurrence and for conducting the investigation process;
- Identify the investigation process:
  - Ask the driver and any employee passengers to complete a written statement regarding the occurrence. This exercise allows an employee to reflect on the cause of the occurrence and take ownership of negligent action, if any. This also assists in the claims process;
  - Verbally review the occurrence with the driver to determine the root cause of the accident. Have the driver give suggestions on how to avoid similar accidents;
  - Determine if the driver has been responsible for similar occurrences and if he may need re-training or reprimand.

When supervisors and employees become more involved in reviewing vehicle occurrences, opportunities may arise that identify accident trends allowing the opportunity for corrective action, which will reduce the likelihood of accidents, thereby saving money for your town or county. Please remember that frequent losses will likely lead to severe loss costs.

So, get out of your routine for dealing with collisions and write a procedure that all employees understand and can easily follow in the event of future collision responses for the benefit of your local government.



Jeff Perkins  
Loss Control Services Associate

# State of Maryland Discontinues Performing State Required Boiler Inspections

Effective October 1, 2010, the State of Maryland will DISCONTINUE performing state-required boiler inspections thereby requiring building owners to HIRE a state-approved private contractor to perform these inspections.

Since LGIT already provides this service through our boiler insurer, please contact your LGIT Underwriting representative to obtain this state-required service if you do not currently have this coverage through LGIT. If you already have Equipment Breakdown (Boiler & Machinery) coverage through LGIT, the inspection service will be provided at no cost to you.

Note, that your LGIT Property Scope of Coverage does not provide Boiler & Machinery coverage which includes this state-required inspection. Our members must request this separate Boiler & Machinery coverage to obtain these required inspections free of charge.

State-required inspections include, but not limited to the following:

- All boilers
- Pressure vessels smaller than 5 cubic feet in volume operating at greater than 250 pounds per square inch (psi).
- Pressure vessels 5 cubic feet or larger operating at 15 psi or more, unless the vessel is used in conjunction with a heating system (i.e. expansion tanks, in which case other limitations apply).
- Hot-water heaters with heat inputs of 200,000 btu/hr or more.
- Newly installed boilers or pressure vessels.
- Repairs or replacement of a boilers or pressure vessel.

Furthermore, LGIT's broker, Chubb Insurance, covers additional losses or damages for the following:

- HVAC systems
- Telephone systems
- Water plant systems
- Sewer plant systems
- Deep well pumps
- Compressors, chillers, refrigeration systems

Please contact your LGIT Underwriters – Scott Soderstrom and Ellen Nudd for more information.



Scott Soderstrom  
Underwriting Manager



Ellen P. Nudd  
Underwriter

## Employment Law Hotline

The Hotline is a phone service available to Liability Program members. It provides up to 30 minutes of free legal advice on employment matters. We have selected one inquiry of interest that was posed through the Hotline to print. This member service is provided by LGIT, with the assistance of attorneys Daniel Karp, and Kevin Karpinski.

**Call Before  
You Act!**

**800.845.8055**

**Question:** Can a local government use material found on Facebook about an employee as a basis for denying a promotion to a position of supervisor, based on information found adversely reflecting on this individual's judgment?

**Answer:** Yes. Facebook postings are public, and if the material found there, or in some other public medium, could justify the employment decision, it can certainly be used.

## LGIT Attends MML & MACo Summer Conferences

LGIT staff enjoyed the chance to meet and network with local government officials at both the MML and MACo summer conferences this year. The summer conferences provided a unique opportunity for LGIT to share new programs and information with both elected and appointed municipal and county officials from across the state. At the conferences, LGIT continued to promote the new Maryland Local Government Health Cooperative program through its partnership with CIGNA Healthcare and the BENECON Group.

### Congratulations to our prize-winners!

LGIT's executive director, Tim Ailsworth, presented grand prizes to raffle winners at the MML and MACo summer conferences.



MML Summer Conference

Photo Left: Commissioner Charles Hicks of the Town of Elkton.



MACo Summer Conference

Photo right: Director of Human Resources Carole Hammen of Carroll County Government.

## Salisbury Receives Safety Committee Award

LGIT Executive Director Tim Ailsworth presented a plaque to Salisbury Mayor Jim Ireton in recognition of the City's safety efforts. The City's Interdepartmental Safety Committee, which leads these efforts, was created fifteen years ago by City Administrator John Pick, with assistance from LGIT's Senior Loss Control Manager Dick Furst.

This marks the first time LGIT has presented this award. LGIT's Board of Trustees and staff congratulate all involved for supporting safety in their community.

## Congratulations to Members

Congratulations go to the following LGIT members for their loss control and safety efforts:

**Town of Princess Anne** — for its outstanding effort of hazard mitigation at its public works facility by utilizing a thorough inspection and maintenance follow-up.

**Town of Laytonsville** — for its outstanding work drafting and implementing both a Personnel Policy and a Safety and Health Policy.

Laytonsville has also put in place a citizen Complaint Log and requires mandatory completions of written self-inspection forms.

**Carroll County** — for the thorough review of all its properties to determine if they are located in Flood Zone A. This work is very valuable in determining proper flood coverage for members' scheduled property.



Larry Bohlen  
Manager, Member Services and Education

# Training & Seminar Class Schedule

Fall 2010

## September

### **Harassment in the Workplace:**

### **How Hostile Work Environments Are Created and How to Avoid Them**

Town of Capitol Heights  
Brooke Road Park & Recreation Center  
Monday, September 13, 2010  
1:00 p.m. — 3:00 p.m.  
and 4:00 p.m. — 6:00 p.m.

### **NSC Defensive Driving**

Calvert County  
Court House Square  
Tuesday, September 14, 2010  
8:30 a.m. — 3:00 p.m. (lunch provided)

### **NSC Defensive Driving**

Calvert County  
Court House Square  
Wednesday, September 15, 2010  
8:30 a.m. — 3:00 p.m. (lunch provided)

### **NSC Defensive Driving**

City of Havre de Grace  
Community Center  
Wednesday, September 29, 2010  
8:30 a.m. — 3:30 p.m. (lunch provided)

## October

### **The University of Maryland Center for Health and Homeland Security Continuity of Operations Planning (COOP)**

LGIT Headquarters  
Wednesday, October 13, 2010  
Thursday, October 14, 2010  
Friday, October 15, 2010  
8:00 a.m. — 5:00 p.m. (lunch provided)

City of Hagerstown  
Hagerstown Fire Department Administrative  
Office  
Wednesday, October 27, 2010  
Thursday, October 28, 2010  
8:00 a.m. — 5:00 p.m. (lunch provided)

## LGIT's 23rd Annual Meeting Sheraton Annapolis Hotel- Annapolis October 7, 2010

## AGENDA

7:30 – 9:30 a.m.	Registration
8:00 – 9:30 a.m.	Academy (Core) course <b>Conducting Effective Meetings</b> – Jay Gullo, City Attorney for the City of Taneytown and the Town of Rising Sun
9:30 – 9:45 a.m.	Break
9:45 – 11:00 a.m.	DeWitt F. "Mac" McCarley, President, International Municipal Lawyers Association <b>"Getting What You Want; A Review of Negotiation Skills"</b> Sponsored by M & T Bank
11:00 – 11:15 p.m.	Break
11:15 – 12:15 p.m.	Anirban Basu, CEO Sage Policy Group <b>"Maryland's Economic Forecast for Local Government"</b> Sponsored by Alliant Insurance Services
12:15 – 1:15 p.m.	Business Meeting Chairman's Report Business, Administrative Updates Committee Reports Audit/Finance, Underwriting, Risk Management, Claims Good of the Order Awards: Training: Queen Anne's County Risk Management: Town of Laytonsville Claims: City of Gaithersburg Anniversary Awards Certificates to Committee Members
1:15 – 2:00 p.m.	Lunch – Invocation – Juan Torres, Director of Public Works, Town of Cheverly Door Prize Drawing – MD Theme Basket
2:00 – 4:00 p.m.	Academy (Core) courses (run concurrently): <b>Ethics</b> – Ernest Crofoot, County Attorney, Caroline County Department of Law <b>Public Information Act (PIA)</b> – Robert McDonald, Chief of Opinions and Advice, Office of the MD Attorney General

RSVP and REGISTER at <http://www.lgit.org>

## Training & Seminar Class Registration

**General Information** — 800-673-8231 or 443-561-1700

**Schedule of Classes and Online Registration** — <http://www.lgit.org/schedule.htm>

**FAX registration forms to Attn: Michelle Yannone** — 443-561-1701