

# LGIT NEWS

SERVING MARYLAND LOCAL GOVERNMENTS SINCE 1967



Spring 2005

The Local Government Insurance Trust will provide coverage and risk management services at stable and competitive rates through an organization that is owned by its local governments.

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## Predictions

We have conflicting reports on what really happened on Groundhog Day. "Punxatawney Phil" said expect 6 more weeks of winter. On the other hand, "Baltimore Bill", who reportedly is new to the scene of Groundhog weather predictions, saw no shadow thus predicting the imminent end of winter. We like to think "Bill" is the better prognosticator but, in any event, we



know that spring is just around the corner and for us at the Trust that means rate renewal time.

Knowing Maryland local government the way we do, we know how important it is for you to have your budget numbers as early as possible to help in your budget preparation. We also know that you don't want any surprises to come along in May or June that will upset your budgeting appletart. You need good numbers early. And those numbers for your budget can't change near the end of your budget cycle.

The Trust therefore, tries to fit its rerating effort to your budget

preparation cycle early in the budget development process so you can have the firm numbers you need from the Trust. Sometimes that doesn't always work out and since the 9/11 tragedy, it has been a real challenge in working with our reinsurers but know that we try. We also track your fiscal year so that Trust rates are effective for the whole year beginning July 1.

(cont. on page 3)

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## From the Boardroom.

The Board of Trustees met on January 20, 2005 and took the following actions:

□ Approved the recommendation of the Underwriting Committee to adopt the Primary/Excess Scope of Coverage changes regarding Employment Practice Liability. Those changes include:

1) The definition of "Claim" has been amended to drop the language that excludes from the definition "any assertion of liability or responsibility by a government agency or body;"

2) The definition of "Damages" has been added to Part III and has been amended from the definition in Part I by substituting the word "pecuniary" for the word "compensatory;"

3) Exclusions F, J, K and L in Part III are modified to clarify that:

a) LGIT will defend employment law claims;

b) LGIT will not pay lost wages and benefits or back pay awarded as damages in any employment law claim;

c) LGIT will defend a claim made by member's employees against member for breach of an employment contract or agreement with such employee claimants.

□ Approved the Primary/Excess Scope of Coverage change regarding Law

Enforcement, as recommended by the Underwriting Committee.

□ The definition of "Departmentally Approved Activities" has been deleted and subsumed within the definition of "Law Enforcement Activities," and the Secondary Employment and Off Duty Law Enforcement Endorsement has been appropriately amended.

□ Approved several Liability Scope of Coverage changes as recommended by the Underwriting Committee to include:

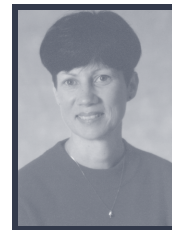
1) The definition of "Lawsuit" is amended to include any administrative proceeding, arbitration or alternative dispute resolution proceeding for a claim covered under the Primary Scope as long as the Trust has knowledge of, and has consented to, the proceeding and has the same right to defend member during the proceeding as it otherwise would have under the general conditions of the Primary Scope;

2) The definition of "Personal Injury" is amended because there is no need for the second portion of the definition that has been eliminated;

3) The definition of "member" with respect to a volunteer has been amended to clarify that coverage is provided to volunteers only to the extent that such volunteers are "acting within the scope of their authority and while providing the public service or performing

the public duty for which they volunteered."

□ Approved the change to all Scopes of Coverage regarding Equitable Subrogation to provide that the member be reimbursed first fully, and then the insurer.



Sandy Tedrow  
Executive Secretary

## New Committee Appointments

### Claims Committee:

Susanne Hayman, Kent County; Kimberly Millender, Carroll County and David Warrington, Town of Cheverly, were appointed to the committee by the Trust Chairman.



### 2 Desks to Give Away!

#### Walnut Desk:

This desk has 6 drawers w/middle drawer. There is a pull out shelf on each end. It is 60" in length, 30" wide and 28.5" tall.

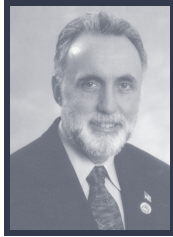
#### Oak Computer Desk:

This desk has 4 drawers and a tray for your keyboard. It is 74" in length, 19.5" wide and 28" tall.

If interested, please call Arlene Courtney at 410-312-0880.

cont. from pg. 1

The Trust's actuaries (people who live by/create numbers based on a series of variables/probabilities including such things as loss experience) have almost completed their work toward a recommendation that will be presented to the LGIT Board on March 22nd. The Board of Trustees will then review, discuss and act on the proposal, the outcome of which, will be the new rates for the property/liability pool membership for fiscal year 2006. I think there will be good news for the members but I can't spill the beans just yet. Anyway, stay tuned, the predictions will soon be numbers



Jon Burrell  
Executive Director

## 19th Annual Meeting

**Mark your calendars for  
our 19th Annual Meeting**

**November 17th, 2005**

**Turf Valley Hotel  
Ellicott City, MD**

**Details will follow!**



## Law Enforcement Officers and the Americans With Disability Act

Enacted in 1990, the Americans with Disabilities Act (ADA) is a federal civil rights law. It gives federal civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in State and local government services, public accommodations, employment, transportation, and telecommunications. Police officers, sheriffs, deputies, and other law enforcement personnel have always interacted with persons with disabilities and, for many officers and deputies, the Americans with Disabilities Act (ADA) has meant few changes in the way they respond to the public.

Law enforcement agencies are covered by Title II of the ADA because they are programs of State or local governments, regardless of whether they receive federal grants or other federal funds. The ADA affects virtually everything that officers and deputies do, for example, receiving citizen complaints, interrogating witnesses, and arresting, booking, and holding suspects.

In the field of law enforcement, problems arise when officers encounter persons with disabilities. Law enforcement agencies can best minimize

such problems through training and awareness. For example:

❑ When approaching a car with visible signs that a person with a disability may be driving (such as a designated license plate or a hand control), the police officer should be aware that the driver might reach for a mobility device.

❑ Using hand signals, or calling to people in a crowd to signal for a person to stop, may be effective ways for an officer to get the attention of a deaf individual.

❑ When speaking, enunciate clearly and slowly to ensure that the individual understands what is being said.

❑ Typical tests for intoxication, such as walking a straight line, will be ineffective for individuals whose disabilities cause unsteady gait. Other tests, like breathalyzers, will provide more accurate results and reduce the possibility of false arrest.

To communicate effectively with an individual who is blind or visually impaired, it is important for officers to identify themselves and to state clearly and completely any directions or instructions, including any information that is posted visually. Officers must read out loud in full any documents that a person who is blind or visually impaired needs to sign. Before taking photos or fingerprints, it is a good idea to describe the procedures in advance so that the individual will know what to expect.

cont. on pg. 4

Law enforcement officers also are required by the ADA to ensure effective communication with individuals who are deaf or hard of hearing. Whether a qualified sign language interpreter or other communication aid is required will depend on the nature of the communication and the needs of the requesting individual. For example, some people who are deaf do not use sign language for communication and may need to use a different communication aid or rely on lipreading. If the person uses sign language, and if the legality of a conversation will be questioned in court, such as where *Miranda* warnings are issued, a sign language interpreter may be necessary. Law enforcement officers should be careful about miscommunication in the absence of a qualified interpreter, a nod of the head may be an attempt to appear cooperative in the midst of misunderstanding, rather than consent to a confession of wrongdoing.

In conclusion, the ADA requires law enforcement agencies to make reasonable modifications in their policies, practices, and procedures that are necessary to ensure accessibility for individuals with disabilities, unless making such modifications would fundamentally alter the program or service involved. There are many ways in which a police or sheriff's department might need to modify its normal practices to accommodate a person with a disability.

Many resources provide information and assistance to law

enforcement personnel. The most effective resource is the Department of Justice. The Department of Justice has a toll-free ADA Information Line and answers questions and offers free publications about the ADA.

The telephone numbers are: 800-514-0301 (voice) and 800-514-0383 (TDD).

Source: U.S. Department of Justice



John F. Breads, Jr.  
Director of Legal Services

## LGIT Brain Teaser Puzzle #1

K C C D N D S Y K X P Z P G G  
W J O G E S U A U R D F V N W  
X D P V E H N P V G J K I H V  
R V V C E Y H D N T J T A X N  
O E X N T R H E N E I R T G Y  
L E B F K D A M X R B Q T G J  
O S T M L P O G W Y L U I L W  
E P C P E H R R E A T U T P K  
B D G O Q M E G E R L D U N E  
I F K Q P D C U A H F O D Y J  
U Z B E N E F I T S P B E T X  
M Q Q U R H N E V I T I S O P  
H W S D W I X M J V O J I F P  
Z U G L N R E W L J L P B K X  
S M A G N S P R I N G Q N S J

Attitude	Positive
Benefits	Scope
Coverage	Spring
Excess	Training
Medpay	Underwriting
Member	

*Find and circle all words.  
Solution on pg. 6*

## Local Government Insurance Trust Board of Trustees, Executive Committee & Committees

### 2005 Meeting Schedule Dates

- Wednesday, April 13,  
12:00 p.m.  
*Underwriting Committee*
- Thursday, April 14,  
10:00 a.m.  
*Executive Committee*  
  
12:00 p.m.  
*Risk Mgmt. Committee*
- Tuesday, May 10  
10:00 a.m.  
*Board of Trustees*
- Wednesday, May 11  
12:00 p.m.  
*Underwriting Committee (if needed)*
- Wednesday, May 18  
10:00 a.m.  
*Claims Committee Meeting*
- Monday, May 23  
10:00 a.m.  
*Executive Committee*
- Thursday, June 2  
10:00 a.m.  
*Board of Trustees*
- June  
TBA  
*Finance/Audit Committee*

All meetings will be held at the LGIT offices unless otherwise noted.



## Winter Training Grant Presentations

LGIT is pleased to announce the recipients for the Winter Training Grants. Trust members that were awarded by the Risk Management Committee are the following:

- ❑ **Charles County Sheriff's Office** for Cultural Diversity Training;
- ❑ **City of Mount Rainier Police Dept.** for police liability training;
- ❑ **Town of Ocean City** to attend the National Hurricane Conference;
- ❑ **Town of Riverdale Park** for Flagger Instructor Training;
- ❑ **Wicomico County Sheriff's Office** to attend the Emergency Vehicle Operations Instructor Course.

Grants awarded this cycle totaled \$11,575.00.

Congratulations to all the grant recipients and their continuing training and loss control efforts.

The LGIT Training Grant Program was developed to provide assistance to members of the Trust who wish to assist their employees with obtaining education and training to advance their skills, to reduce liability claims and property damage. Grants are only awarded if they are intended to have a positive impact on the member's insurance coverage held with LGIT.

Grants applications are reviewed and awarded three times a year by the Risk Management Committee and are limited to one grant per local government per fiscal year.

## Employment Law Hotline



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

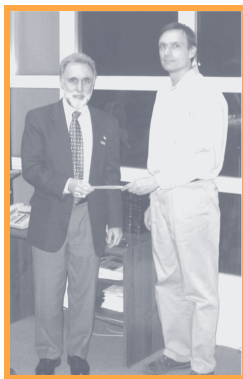
Hotline 800-845-8055 or 410-625-5981

### Question:

A local government has been using an individual from a temporary employment agency. They were very pleased with the individual's performance and offered the temporary employee a full time job. The employee failed a pre-employment drug test and as a result will not be hired. Should the temporary employment agency be advised why the individual will not be hired?

### Answer:

The local government does not owe the temp service an explanation and if contacted should simply indicate that they are not at liberty to discuss personnel matters.



*Mt. Rainier*

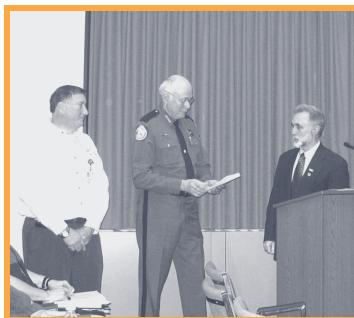
## Winter Training Grant Presentations



*Ocean City*

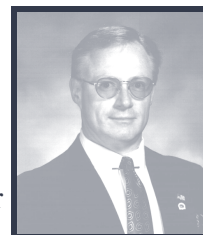


*Charles County*



*Wicomico County*

For more information concerning the Training Grant Program contact  
Larry Bohlen,  
Loss Control  
Training  
Coordinator at  
800-673-8231 or  
bohlen@lgit.org.



*Larry Bohlen  
Loss Control Training  
Coordinator*

## LGIT Congrats!

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

**Smithsburg** - for their outstanding corrective efforts to implement Hazard evaluation recommendations made by LGIT Loss Control and Risk Management Staff.

**Wicomico County & Caroline County** - for hosting regional Defensive Driving Classes and supporting LGIT's training efforts by enabling staff and employees of several other Trust members to participate.

## Roll Call Reporter and Commander's Log Available At LGIT Website

These publications are designed to keep law enforcement and corrections professionals apprised of recent changes in, or interpretations of, state and federal law that impact law enforcement in Maryland. The Roll Call Reporter, designed for law enforcement officers, officials and legal advisors, is posted monthly at our website. All issues published since June 2004 are available for reading and downloading. Just click on publications, then bulletins, to locate the Roll Call Reporter.

The Commander's Log, designed for corrections officers and administrators, is posted quarterly at our website. It also can be found in the same way as the Roll Call Reporter.

If you wish to be added to our electronic notification list for these publications, please contact Katie Adams, Legal Services Administrator, at [katie@lgit.org](mailto:katie@lgit.org).



Katie Adams  
Sr. Paralegal

## Answers to the LGIT Brain Teaser

K	C	C	D	N	D	S	Y	K	X	P	Z	P	G	G
W	J	O	G	E	S	U	A	U	R	D	F	V	N	W
X	D	P	V	E	H	N	P	V	G	J	K	I	H	V
R	V	V	C	E	Y	H	D	N	T	J	T	A	X	N
O	E	X	N	T	R	H	E	N	E	I	R	T	G	Y
L	E	B	F	K	D	A	M	X	R	B	Q	T	G	J
O	S	T	M	L	P	O	G	W	Y	L	U	I	L	W
E	P	C	P	E	H	R	R	E	A	T	U	T	P	K
B	D	G	O	Q	M	E	G	E	R	L	D	U	N	E
I	F	K	Q	P	D	C	U	A	H	F	O	D	Y	J
U	Z	B	E	N	E	F	I	T	S	P	B	E	T	X
M	Q	Q	U	R	H	N	E	V	I	T	I	S	O	P
H	W	S	D	W	I	X	M	J	V	O	J	I	F	P
Z	U	G	L	N	R	E	W	L	J	L	P	B	K	X
S	M	A	G	N	S	P	R	I	N	G	Q	N	S	J

## Med Pay Coverage

General liability claim payments are made to compensate an injured party for property damage or bodily injury caused by a member employee's negligent (tortious) action. There are four essential elements of negligence:

- (1) The negligent party must owe a duty to the injured party (claimant),
- (2) That duty must have been breached,
- (3) The breach of duty causes injury,
- (4) Which results in damage to the injured party.

If these four elements do not exist, a claimant is not entitled to compensation for the occurrence. Occasionally, an injured party may suffer a loss through no fault of his own and although the member was not negligent, the member wishes to assist its citizen with medical costs incurred because of the injury.

A little-understood coverage provided by LGIT is the **MEDICAL EXPENSE BENEFITS** coverage often referred to as "Med Pay" coverage.

Coverage C of LGIT's General Liability Coverage allows LGIT, at our member's discretion, to reimburse a claimant for damages for bodily injury caused by an occurrence on property our member owns or rents or arising from our member's operations. Payments up to \$5,000 can be made even though our member was not at fault or is immune for the occurrence.

*cont. on pg. 7*

## Your Safety Attitude

### Attitude is Everything

You've been getting advice about safety for years. You've listened to it with one ear, but maybe you never thought about it much. Deep down, you may even think, "It can't happen to me." Then, your buddy Jack (who's in a hurry to get to work), has a bad accident. It costs him his hand.

The accident affects everyone, especially you. You can see what it means to Jack's physical pain, emotional shock, lost income. He'll have to train for a new job and his wife will have to work longer hours.

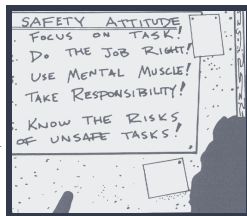
Things are going to be tough for him and his family for a long time. After the accident, you notice your attitude at work has changed. You make a point of staying alert. You take extra time to use special equipment and procedures. You're more willing to take suggestions that might protect you.

Why wait for this story to become real? A positive attitude toward safety will pay off in countless ways: saving you money, keeping your job, even saving your life. Why wait until you lose something precious before you realize how easy it would have been to save it? Now is the best time to develop a good attitude toward safety.

### A Good Safety Attitude

How you deal with these elements adds up to your safety attitude.

A good attitude is a habit you can learn!



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#### 1. Focus. A

good attitude means you are focused on the present task. How well are you concentrating? If something else is on your mind or an interesting conversation is going on nearby, you may be distracted. If you're tired or bored, a slip is easy.

2. Time. A good attitude means taking the time to do the job right. Sure, it takes longer to put on that extra equipment, but is saving a few minutes worth a painful injury? A good attitude also means managing your time well. It may help you to make a list of what you need to do each day. Number the jobs going from the most important to least. If you can do them in that order, you'll know you are doing the most important things and are less likely to rush.

3. Strength. No, we don't mean muscle strength. What we mean is the strength to do what's right. Others may want you to take shortcuts, or fool around. They may ask you to "forget" to file an accident report. A good attitude means you have the strength to do the right thing.

cont. on pg. 8

cont. from pg. 6

Expenses that can be considered under this coverage are costs of first aid, medical and dental services, ambulance, hospital, nursing and funeral services. Before such payments are made, however, LGIT requires that the claimant execute a general release so that the claimant cannot make a liability claim at a later time.

When a vulnerable citizen is injured in an unfortunate event and our member is not negligent, the "Med Pay" provision can be an effective tool to settle claims amicably, satisfy a claimant's financial deficiency, avoid bad press, or provide good public service. The decision to offer a "Med Pay" payment to a claimant is at the discretion of each member. Your adjuster will discuss this option with you.



Kathy Bauman  
Claims Examiner

#### Wellness Recipe: Tuna Celery Loaf

- 1 14 oz. can tuna, undrained
- 1 10.5 oz. can cream of celery soup
- 1 c. fresh breadcrumbs
- 2 eggs, lightly beaten
- 1/2 c. chopped onion
- 1 TB lemon juice

Mix thoroughly all ingredients. Place in well greased bread loaf pan. Bake at 375 degrees for 1 hour. Serve with lemon wedges.

Serves 3-4 Margo Lucey



4. *Responsibility.* If you care about yourself and others at work, you'll take responsibility even when a certain task "isn't my job." Wouldn't you appreciate it if someone had cleaned up that broken glass instead of leaving it for you to find slivers in your hand? A good attitude means thinking of yourself as part of a team. Everyone helps make it a winning one.

5. *Risk.* There's no way to avoid *all* risks. (Just by getting in your car you're taking a chance.) But you can weigh the risks of doing a job in a certain way. Even if the risk is one in a thousand, it's not worth it. A good attitude means being smart and avoiding taking risks whenever you can.

### **Your Attitude Affects Everyone**

Your attitude toward safety is a habit that affects everyone where you work and at home. We can always think of excuses for not acting with safety in mind, but in the end, it makes a lot more sense to have a good safety attitude.



*Richard Furst  
Senior Loss Control  
Manager*

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## **Upcoming LGIT Seminars**

LGIT invites member employees and public officials to take advantage of the loss control seminars offered near them.

### **Regional Defensive Driving Classes (DDC)**

4/06/05 — Glenarden  
4/13/05 — Glenarden  
5/04/05 — Cecil Co.  
5/11/05 — Cecil Co.  
6/09/05 — Frostburg

### **Basics of Risk Management**

6/28/05 — MML Convention  
Ocean City

### **Special Events/Special Risks - Summer Theme: Recreation**

5/02/05 — Cambridge  
5/09/05 — LGIT Columbia

### **Incident/Continuity Management**

5/17/05 — LGIT Columbia  
5/19/05 — Denton

### **ADA Accessibility Compliance**

5/25/05 — Online (10:00 a.m.)

### **Reasonable Suspicion**

6/02/05 — Salisbury  
6/07/05 — LGIT  
6/08/05 — (Online)  
6/14/05 — Hagerstown

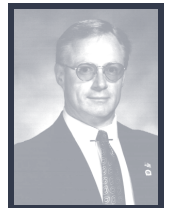
## **COPE - Conducting Property Value Surveys**

3/22/05 — Online (10:00 a.m.)  
6/20/05 — Easton  
6/22/05 — Havre de Grace

## **LGIT Renewal Workshops**

4/1/05 — Eastern MD  
North East  
4/7/05 — Central MD  
LGIT Offices,  
Columbia  
4/15/05 — Western MD  
Frostburg Library  
4/20/05 — Eastern Shore  
Cambridge Yacht  
Club

For seminar descriptions, directions, and registration forms, visit [www.lgit.org](http://www.lgit.org). For more information, call me, Larry Bohlen at 1-800-673-8231 or contact me at [lbohlen@lgit.org](mailto:lbohlen@lgit.org).



*Larry Bohlen  
Loss Control Training  
Coordinator*

