



**Risk Management Committee Meeting
June 8, 2006**

Notes

**Held at the offices of
Rhode Island Interlocal Risk Management Trust, Inc.
501 Wampanoag Trail, Suite 301
East Providence, RI 02915**

1. ROLL CALL

The meeting convened at 9:10 a.m.

Committee members present:

M. Richard Scherza, Cranston Public Schools
David Krugman, Town of Narragansett
Robert Hicks, South Kingstown Schools
Linda Celona, North Providence Schools

Committee members absent:

Wolfgang Bauer, Town of West Warwick (Chairperson)
Lori Miller, Lincoln Public Schools
Colonel Stephen McCartney, City of Warwick
Richard Kerbel, Town of North Kingstown

Trust Management present:

Thomas E. Dwyer, Rhode Island Interlocal Risk Management Trust
Russell Godin, Rhode Island Interlocal Risk Management Trust
Brian T. Ahern, Rhode Island Interlocal Risk Management Trust
Denise C. Lapolla, Rhode Island Interlocal Risk Management Trust
Paul Brouillette, Rhode Island Interlocal Risk Management Trust

Due to the lack of a quorum of the Risk Management Committee, an official meeting of the Committee was not held. An informal discussion of the following topics occurred as described below. No votes were taken.

2. APPROVAL OF MINUTES OF SEPTEMBER 29, 2005 AND FEBRUARY 16, 2006 MEETINGS

Due to lack of quorum, approval of the Minutes of the September 29, 2005 and February 16, 2006 meetings was deferred to a subsequent meeting.

3. DISCUSSION ON TRUST SPECIAL POLICE OFFICER POLICY

Mr. Ahern referred the Committee to the memorandum dated June 2, 2006 for details surrounding management's recommendation that The Trust discontinue the liability coverage that is provided to Member municipalities in exchange for a \$1,000 per year premium. Based on research by Paul Dutra, Senior Claims Representative and an attorney, it appears that there is no legal authority for a "special" police officer to use a weapon or make an arrest, Mr. Ahern said.

Mr. Ahern provided the Committee with an overview of the reasons why The Trust implemented the policy on Special Police Officers in 1994. The Policy was designed to discourage municipalities from using "specials" because typically they did not receive the same level of training as regular police officer. In 1994, Member municipalities employed over 400 special police officers representing about 27 police departments. Today, only 13 police departments utilize about 43 special police officers, Mr. Ahern said.

Committee discussion focused on the ways in which Trust Members who continue to employ special police officers use them and alternative security arrangements that Members could adopt if they revoked the authority of the special police officer to carry a weapon or make arrest. Under such an alternative arrangement, Mr. Dwyer noted that The Trust would still provide liability coverage and do so without a premium surcharge.

The Committee and staff also discussed the inconsistency and lack of logic in The Trust providing liability coverage for an activity that The Trust's own internal legal research has concluded is likely without basis in the law. Mr. Dwyer noted that The Trust's research has been shared with and reviewed by a number of other attorneys outside The Trust, none of whom has indicated that they disagree with The Trust's view.

Mr. Scherza questioned the level of training provided to the Rhode Island Sheriffs department employees and whether they were certified by the Rhode Island Police Officers Commission on Standards and Training.

Mr. Dwyer stated that the Underwriting Committee has oversight responsibility for the Policy with input from the Risk Management Committee, and, due to a lack of a quorum, asked for a sense of the Committee so that he could report this information to the Underwriting Committee for its consideration as it deliberated about the matter. Accordingly, the Committee members advised that they concurred with the staff recommendation that The Trust discontinue such coverage effective with the start of the new policy year July 1, 2006.

4. DISCUSSION ON HIRING RETIRED POLICE OFFICERS FOR TRAFFIC DETAILS

Mr. Ahern commented on the recent accident in Cumberland where a retired Police Detective was struck by an automobile and sustained multiple injuries while directing traffic on a detail assignment. The Detective had been retired from the police force since 1991; however, under the provisions of the Injured-on-Duty statute, he is not eligible for coverage under §45-19-1 of the Rhode Island General Laws because he is retired and no longer regularly employed by the Town in its Police Department; rather, coverage for injuries sustained by the Detective while at work are to be provided under the State's regular workers' compensation laws. Mr. Ahern noted

that *The Providence Journal* had reported in a recent news article that the Town itself was now responsible for these costs because its insurance carrier had denied coverage for the claim, apparently because the Town had not reported this payroll exposure to the carrier in the apparent belief that the IOD statute instead governed the situation. Mr. Ahern also clarified that the news story erroneously identified The Trust as the Town's workers' compensation insurer when it is not.

Mr. Dwyer stated that The Trust had long believed that injuries sustained in circumstances like the Cumberland situation would be handled through the regular workers' compensation system and not under the IOD statute, and had in fact counseled its Members in this regard. Mr. Dwyer further described the way that The Trust would have handled this situation. To ensure coverage, Trust Members should report wage cost incurred for these individuals, Mr. Dwyer said. If not, wages would be recorded when the payroll audit is completed.

Mr. Ahern referred the Committee to The Trust article published in the Fall 2005 edition of *Risky Business* titled: *What Every Municipality Should Know About Hiring Retired Police Officers for Traffic Details* that outlined sensible safeguards Trust Members should utilize to minimize liability when hiring retired police officers.

Committee discussion then broadened to include other peculiar situations where municipalities and school departments might be surprised to find that certain individuals engaged to do work under its auspices are in fact the Member's responsibility for workers compensation coverage. Mr. Dwyer said The Trust always urges Members to err on the side of caution by assuming that the individual is the Member's responsibility, unless the individual can present clear evidence that he is elsewhere covered for workers compensation insurance, and accordingly report that associated payroll or even "1099" payments to The Trust so that coverage is ensured.

5. UPDATE ON LAW ENFORCEMENT "USE OF FORCE" MODEL POLICY PROJECT

Mr. Ahern provided the Committee with a memorandum dated June 2, 2006 that illustrated the current Trust Member Police Department compliance to the "Use of Force" model policy project. He reported that 20 of the 32 Member Police Departments have formally adopted the policy.

Staff will continue meeting with Member departments to provide in-service training and answer questions related to the model policy. Because this is the third model law enforcement policy project, staff does not anticipate any problems with attaining 100% compliance in the near future, Mr. Ahern said.

Mr. Ahern added that he will provide Committee members with a progress report at the next meeting in September, 2006.

6. UPDATE ON THE DRUG & ALCOHOL CONSORTIUM MODEL POLICY PROJECT

Mr. Ahern referred Committee Members to his memorandum dated June 2, 2006 that illustrated the current Trust Member compliance to adopting the revisions to the Controlled Substance and Alcohol Testing policy. The updated policy was presented, in depth, to all Trust Member

Designated Employer Representatives at two separate meetings in November, 2005 and April 2006.

Mr. Ahern reported that 23 of the 39 Consortium Members have adopted the revisions to the model policy. Staff is presently conducting in-service training sessions with all Consortium Member CDL drivers who have requested additional training. Compliance by all Members is expected soon, Mr. Ahern said, and he promised to keep the Committee apprised of progress toward that goal.

7. INFORMATIONAL ITEMS

▪ 4,000th Police Officer Trained in FATS!

Mr. Ahern reported that on Tuesday, May 30, 2006 Sergeant Joseph R. Kelley of the Lincoln Police Department became the 4,000th police officer trained on The Trust's virtual Firearms Training System (FATS). Trust staff will present Sergeant Kelley with an engraved plaque and a \$75 gift certificate at a ceremony on a soon to be determined date at the Lincoln Police headquarters.

Mr. Ahern acknowledged the fine work of Paul Brouillette, Trust Loss Prevention Specialist, who has been spearheading the FATS training with all Member Police Departments since its inception in October, 2001.

▪ "Wise Owl" Lands Again in the City of Central Falls.

Mr. Ahern stated that Tony Miguel, a foreman in the Highway Department in the City of Central Falls, became The Trust most recent "Wise Owl" award winner. Foreman Miguel, while cutting brush from a tree removal project at Jenks Park, was struck in the face when a tree branch sprung-up and hit him.

The spring force of the tree branch struck Tony on the bridge of his nose causing a laceration that required stitches to close. Tony's OSHA approved safety glasses, covered in blood from his laceration, protected his eyes from a potential disabling eye injury. A ceremony at City Hall is being planned to honor Tony with The Trust "Wise Owl" award, Mr. Ahern said.

This is the second "Wise Owl" award to a City employee, Mr. Ahern said.

▪ Automatic External Defibrillator AED Workshop A Success!

Mr. Ahern informed the Committee that the recent Automatic External Defibrillator (AED) workshop held on Thursday, May 18, 2006 was attended by approximately 43 Trust Member representatives. Trust staff, representatives from the local chapter of the American Heart Association, and Cardiologist Joseph Spinale who is the medical director for the City of Warwick's AED program presented the 4 hour workshop.

Trust Members received a model AED policy on CD-ROM in addition to numerous handouts. Although the workshop was designed for all Trust Members, Mr. Ahern stated

that Member School Districts made up most of the attendees. At the conclusion of the workshop, a panel of Trust Members that included Larry Lamothe, Director of Human Resources, West Warwick Schools and Bob Cavanagh, Director of Athletics, South Kingstown Schools joined Attorney Melody Alger for a question/answer session.

Participants requested that The Trust continue future workshops on this important topic in the future, Mr. Ahern said.

8. NOTICE OF INTENT TO SEEK TO CONVENE INTO EXECUTIVE SESSION

Because of a lack of a quorum, the Risk Management Committee did not formally convene into an executive session but did conduct an informal review of claims in litigation.

9. ADJOURNMENT

The meeting stood adjourned at 10:50 a.m.

Respectfully submitted,

BRIAN T. AHERN
Loss Prevention Manager