



**Risk Management Committee Meeting  
September 28, 2006**

**Minutes**

**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:

Wolfgang Bauer, Town of West Warwick (Chairperson)  
Colonel Stephen McCartney, City of Warwick  
Richard Kerbel, Town of Coventry  
David Krugman, Town of Narragansett  
Robert Hicks, South Kingstown Schools  
Linda Celona, North Providence Schools  
Lori Miller, Lincoln Public Schools

Committee members absent:

M. Richard Scherza, Cranston Public Schools

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

**2. APPROVAL OF MINUTES OF SEPTEMBER 29, 2005, FEBRUARY 16, 2006, and  
JUNE 8, 2006 MEETING**

**On a motion made by Mr. Kerbel, seconded by Colonel McCartney, the Committee voted unanimously to approve the Notes of the September 29, 2005 and February 16, 2006 meetings and the Minutes of June 8, 2006 meeting as presented.**

**3. DISCUSSION ON RISK MANAGEMENT COMMITTEE'S "REPORT TO THE BOARD" AT THE 11<sup>TH</sup> ANNUAL TRUST BOARD AND COMMITTEE MEETING TO BE HELD ON WEDNESDAY, OCTOBER 18, 2006.**

Mr. Ahern outlined to the Committee staff's recommendation that this year's "Report to the Board" focus on the following three topics: *WorkSmart21* – Is It Working?; Law Enforcement "Use of Force" Model Policy; and Revisions to the Controlled Substance and Alcohol Testing Policy. He stated that the Committee had a productive year implementing significant changes to the Special Police Officer Policy and developing a Model Automatic External Defibrillator (AED) Policy. He requested the Committee's input as to the proposed agenda.

Using a PowerPoint presentation, Mr. Ahern provided the Committee with a historical review of the *WorkSmart21* program indicating that it started in April, 2000 and currently has 13 participants in Tier 1 and Tier II, 5 participants on the 1-year extension, and 9 Members that have graduated from the program. Three Members that have graduated have been “recycled” back into the program because of poor performance, Mr. Ahern said.

Mr. Ahern presented the Committee with a review of claims data measured over a four year period detailing types of claims, frequency and severity, and total experience for all *WorkSmart21* Tier 1 and Tier II participants. *WorkSmart21* has helped some Members curb their loss experience; however the improvement has not been sufficiently widespread or sustained, Mr. Ahern said. Consequently, he said management was recommending that the program be “tightened-up”. Committee discussion focused on the performance data presented with questions raised about whether the data conveyed an accurate representation of what was happening in the program.

Mr. Ahern and Ms. Lapolla outlined the proposed revisions to the *WorkSmart21* program that included designating a workers’ compensation coordinator, agreement to place injured employees in transitional duty along with a demonstration that employee unions concur, and designation of a specific Urgent Care facility to treat injured employees. Chairman Bauer suggested that some Member entities might find it more effective to appoint two individuals as coordinators of the program and that The Trust develop model language for inclusion in collective bargaining agreements to allow for proposed “modified/transitional or light duty” programs.

Mr. Ahern stated that staff is recommending a proposed surcharge varying from 0% to 10% be imposed on a participating *WorkSmart21* Member’s premium, depending on the participant’s conformance to the 11 mandatory features of the program. He reviewed the draft Report Card to be completed annually for each Tier 1 and Tier II participant. The amount of premium surcharge, if any, will be based upon the participant’s score on the Report Card, Mr. Ahern said.

Committee discussion focused on the correlation between the Report Card’s scoring and the participant’s performance. The Committee suggested that staff develop a “mock” Report Card test using the current participants to better evaluate the degree of correlation and make adjustments in the scoring as warranted.

**On a motion by Mr. Kerbel, seconded by Mr. Krugman, the Committee voted unanimously to endorse the *WorkSmart21* program revisions including a 10% premium surcharge for qualifying participants who elect not to participate in the program and a sliding scale premium charge from 0% to 10% for participants based on each participant’s degree of conformance with the program as measured by the Report Card.**

Mr. Dwyer noted that the *WorkSmart21* program is an official policy of the Board, so the revisions must also be submitted to the Board for approval.

Mr. Ahern provided the Committee with an update on the current Trust Member Police Department compliance to the “Use of Force” model policy project. He reported that 30 of the 32 Member Police Departments have formally adopted the policy. Only the City of Pawtucket

and the Town of Hopkinton have yet to adopt the policy. Staff has a meeting scheduled with the City of Pawtucket to finalize the policy, Mr. Ahern said.

Mr. Ahern referred the Committee to his spreadsheet detailing Members conformance to the Controlled Substance and Alcohol Testing model policy. A total of 33 of the 39 Consortium Members have formally adopted the model policy. A draft letter to the six Consortium Members who have not responded will be mailed shortly, Mr. Ahern said. The Committee requested that, prior to mailing the letters, staff follow-up with each Member to request compliance.

Mr. Kerbel stated for the record that the Town of Coventry has not adopted the Controlled Substance and Alcohol Testing model policy and that the policy will be discussed at the October 23<sup>rd</sup> Town Council meeting.

#### **4. DISCUSSION ON LOSS PREVENTION SURVEY TRACKING REPORT**

Mr. Ahern referred the Committee to the Loss Prevention Survey Tracking report that details Members compliance with staff-produced loss prevention recommendations based on site surveys and inspections. Unfortunately, one Member, the Providence Public Building Authority, has failed numerous times to respond to the Trust staff about its set of recommendations, Mr. Ahern said. He reviewed with the Committee a draft letter to be address to the Authority requesting an immediate response. In the past, this last resort letter has been signed by the Chair of the Committee.

Chairperson Bauer encouraged staff to place one last telephone call to the Authority prior to mailing the letter. Mr. Ahern agreed.

#### **5. INFORMATIONAL ITEMS**

Chairperson Bauer asked if the Committee had any questions on the informational items in the agenda. There were no questions asked by Committee Members on any of the informational items.

#### **6. CONVENING INTO EXECUTIVE SESSION**

**The Committee, after a unanimous roll call vote, convened into Executive Session to review recent activity in significant claims and to consider requests for settlement authority pursuant to the Rhode Island Open Meetings Act, Rhode Island General Laws 42-46-5(a)(1), discussions concerning the physical or mental health of a person(s) and 42-46-5(a)(2) sessions pertaining to litigation, with the cases to be discussed including Vieira v. City of East Providence and the Storm Deluge 2005: Multi-Loss Occurrence # 47:**

<u>Member</u>	<u>Vote</u>
Mr. Bauer	Aye
Colonel Stephen McCartney	Aye
Mr. Kerbel	Aye
Mr. Krugman	Aye
Mr. Hicks	Aye
Ms. Celona	Aye

Ms. Miller

Aye

**7. MOTION TO SEAL MINUTES OF THE EXECUTIVE SESSION**

**Following the close of the Executive Session, on a motion by Mr. Kerbel, seconded by Mr. Krugman, the Committee voted as follows to seal the Minutes of the Executive Session until such time as the matters taken up had been resolved:**

<u>Member</u>	<u>Vote</u>
Mr. Bauer	Aye
Colonel Stephen McCartney	Aye
Mr. Kerbel	Aye
Mr. Krugman	Aye
Mr. Hicks	Aye
Ms. Celona	Aye
Ms. Miller	Aye

**8. ADJOURNMENT**

Prior to adjournment it was noted that there were several informational items provided to the Committee by Mr. Ahern pertaining to upcoming seminars regarding OSHA and law enforcement liability, the appointment of new occupational nurse for *WorkSmart21*, and the selection of another Trust risk management scholarship winner.

**On a motion by Mr. Krugman, seconded by Mr. Kerbel, the Committee voted unanimously to adjourn the meeting.**

The meeting stood adjourned at 10:45 am.

Respectfully submitted,

BRIAN T. AHERN  
Loss Prevention Manager