Risk Management Workshop

August 31 - September 1, 2016

Ruby's Inn, Bryce Canyon

Risk Management Workshop

Wednesday, August 31

8:00 **Breakfast**

8:30 **Welcome and Introductions**

9:00 **Promoting a Risk Management Mindset**: Doug Handy*, Utah Safety Council*

10:30 **Networking Break**

11:00 **Third Party Considerations**: Johnnie Miller*, Utah Counties Indemnity Pool*

12:30 **Lunch**

1:15 **Impact of New State and Federal Regulations:** Brandy Grace*, UAC* and Joe McKea*, Uintah County*

2:15 **Lessons Learned from Loss**: Korby Siggard*, Utah Counties Indemnity Pool*

3:15 **Networking Break**

3:30 **Understanding the Risks of Different Employee Types:** Johnnie Miller*, Utah Counties Indemnity Pool*

Thursday, September 1

8:00 **Breakfast**

8:30 **The Chemistry of Stress and Success in the Workplace:** Tom Chism*, Workers Compensation Fund*

9:45 **Networking Break**

10:00 **Use and Regulation of Drones by Local Government Entities:** Jeremiah Riley*, Premise Law Group*

11:00 **Ask a Risk Management Expert**: Dale Eyre*, Moderator,* Noah Hoagland, Bart Kunz and Kristin VanOrman

12:30 **Lunch**

Utah Counties Indemnity Pool
5397 S Vine, Murray, UT 84107
801.307.2113 ucip.utah.gov

Presenter Bios

DOUG HANDY, *Trainer*, Utah Safety Council

Doug has been a part-time Trainer for the Utah Safety Council for 15+ years, providing training on 15+ Safety and Health processes and topics. Doug earned his Bachelors of Science Degree in Manufacturing Engineering Technology at Weber State College. Doug has over 35 years experience as a loss prevention specialist. Doug was the recipient of the 2014 Award of Excellence as the top Certified Safety Professional in the nation; presented by the Board of Certified Safety Professionals. Doug is fluent in Spanish and has various articles published on general and safety topics.

JOHNNIE MILLER, *Chief Executive Officer,* Utah Counties Indemnity Pool

Johnnie holds designations from the Insurance Institute of America as an Associate in Risk Management and Risk Management for Public Entities. Also, Johnnie holds the designation of Certified Insurance Counselor from the Society of Certified Insurance Counselors. He graduated from the University of Minnesota with an Associate in Arts for Law Enforcement, and a Bachelor of Arts in Sociology/Criminology. Johnnie lives in Draper with his wife Marilyn. They have two daughters

BRANDY GRACE, *Programs Development Director*, Utah Association of Counties

After earning her Business Management undergraduate degree from Snow College, Brandy began working as a Deputy Auditor for Millard County. She was later appointed as Chief Deputy Auditor and spent a great deal of time in employee benefits administration, payroll, and employment policy. In 2001, Brandy was appointed to serve as the County Auditor. She went on to be elected and served 15 years in that role. During this time, she also accepted an appointment from the County Commission to serve as the County's HR Director.

Just a few short months ago, Brandy accepted a position with Utah Association of Counties (UAC) as Programs Development Director. One of the programs being implemented is in the area of human resources. This program will provide additional resources and support to all counties in the area of personnel services. Brandy is thrilled for this opportunity to work with the HR Directors and other staff of all 29 counties.

Brandy and her husband Shawn have four children. With Brandy's new position at UAC, they recently packed up the two boys, still living at home, and moved them to the big city. They're adjusting well considering there are more people in their new neighborhood than the entire town of Scipio, where they moved from.

JOE MCKEA, *HR Director,* Uintah County

Joe received his Management and Human Resources undergraduate degree from USU (Go AGGIES!!!) in 1999. He moved to Tooele with his wife Andrea (Andy), where she became a school teacher and he worked as the Benefits Administrator for EG&G Defense Materials, Inc. (federal contractor running the nerve agent incinerator on the Tooele Army Depot) for 4 years. During this time, Joe earned his PHR (Professional in Human Resources certificate) and went to night school to pick up a Master's in Organizational Management from the University of Phoenix. Joe took a Management position in the Warehouse, and successfully led 15 co-workers through several major organizational changes.

In 2005, Joe read a job listing in the paper for an HR Director for Uintah County. After the Commission made an offer he couldn't refuse, he hauled Andy (kicking and screaming) to Vernal and has been playing HR Director for Uintah County 5 years now.

Joe and Andy have woven themselves into the community of Vernal and are happy to live in such a fine rural Utah town.

Considering the great outdoors, and with only 100 children (all at the school where Andy works), Joe and Andy live large and play as much as possible. Since work is play in many ways, he loves working in HR and for the employees of the Uintah County organization.

KORBY SIGGARD, *Claims Manager,* Utah Counties Indemnity Pool

Korby Siggard is the Claims Manager for the Utah Counties Indemnity Pool. He graduated from the University of Utah with a bachelor's degree in Business, Finance. He went on a study abroad program in Kiel, Germany and served a two year service mission in Ireland. He is married and has four incredible children and two grandchildren with two more expected in November. Korby has completed 22 marathons including qualifying and running the Boston Marathon. Korby has over 29 years of insurance claims experience. He has taken multiple outside education courses and received several insurance designations. Korby has worked in his current position at UCIP for over 15 years.

JEREMIAH RILEY, *Attorney*, Premise Law Group

Jeremiah has extensive experience working with businesses in heavily regulated industries. He has advised the State of Utah and a number of municipal governments on policy and technology integration. Jeremiah has a B.S. in Economics from the Huntsman School of Business at Utah State University. He obtained his J.D., *with honors*, from the University of Utah College of Law. Jeremiah is an active member of the Utah Bar Association and the Alaska Bar Association. He is licensed to practice law in all courts of the State of Utah and State of Alaska. On a personal note, Jeremiah is an active outdoorsman and fly fisherman. He loves visiting his family's flower farm on Alaska's southern coast and exploring Utah's deserts. He spends his best time with his wife and young sons.

TOM CHISM, *Safety and Health Specialist,* Workers Compensation Fund

Tom Chism, and his wife Kathy, have four children & three grandchildren and are currently living in St. George, Utah. Tom grew up in Virginia and attended Old Dominion University where he earned his Bachelors in Environment Health. He earned his Masters in Industrial Hygiene from Central Missouri University. Tom is both a Certified Safety Professional and Certified Industrial Hygienist with over 35 years of experience. Tom has worked for companies such as Rio Tinto, General Electric and Barrick Gold. Tom works for Workers Compensation Fund as a Safety and Health Specialist.

NOAH HOAGLAND, *Attorney, Suitter Axland, PLLC*

Noah Hoagland joined Suitter Axland, PLLC in 2008 after completing a clerkship at the Utah Court of Appeals. He has successfully represented clients in the Utah State Courts, including appellate courts, as well as the United States District Court for the District of Utah and the Tenth Circuit Court of Appeals. Additionally, Mr. Hoagland has represented clients in administrative proceedings before various state agencies.

Mr. Hoagland's practice focuses on insurance coverage, insurance defense, personal injury and tort defense, construction defects, construction disputes, contracts, and commercial disputes.

Mr. Hoagland attended Rowland Hall St. Marks high school in Salt Lake City, Utah. He then attended Bowdoin College in Brunswick, Maine, where he received a Bachelor's of Arts Degree in Government, with a minor in Economics. Mr. Hoagland attended the University of San Francisco School of Law, where he was the recipient of a merit scholarship.

BART KUNZ, *Attorney, Christensen & Jensen*

Bart Kunz is an experienced litigator who has successfully represented individuals, businesses, and government entities in a variety of disputes, including those involving intellectual property, contracts, business torts, and land use and zoning. Bart received his Juris Doctorate degree from Brigham Young University & is presently an Attorney at Christensen & Jensen, P.C.

KRISTIN VANORMAN, *Attorney, Strong and Hanni*

Kristin has been practicing law for over 14 years. She has successfully tried and arbitrated hundreds of cases in both state and federal courts. Her practice focuses on labor and employment law, government liability and transportation. Kristin received her Juris Doctorate degree from Brigham Young University and was recognized in Utah Business Magazine's "Utah Legal Elite".

MEMBERSHIP Services	OCCUPATIONAL Safety	TRAFFIC Safety	EMERGENCY CARE Safety	HOME & COMMUNITY Safety

The mission of the Utah Safety Council is to save lives by promoting safety and health through education, services, and products.

UTAHSAFETYCOUNCIL.ORG

UTAH Safety COUNCIL

Promoting a Risk Management Mindset

Our Mission

The mission of the Utah Safety Council is to save lives by promoting safety and health through education, services, and products.

RISK?

WHAT IS IT?

WHO IS INVOLVED?

HOW TO MANAGE?

What is Risk??

(Exposure to) the possibility of loss, injury, or other adverse or unwelcome circumstance; a chance or situation involving such a possibility. (Wikipedia)

the possibility that something bad or unpleasant (such as an injury or a loss) will happen (Webster)

Probability or % of occurrence

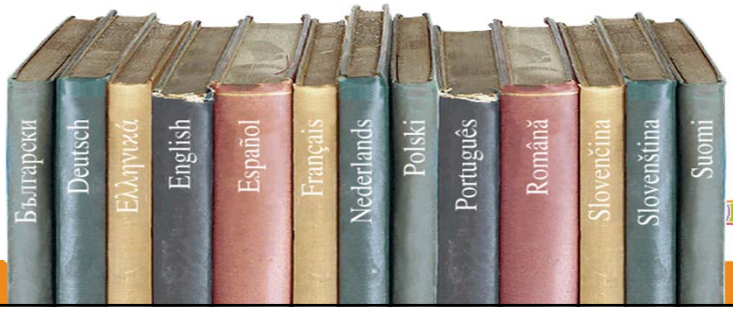
How Safe is Safe Enough? 99.9%?

IF 99.9% IS GOOD ENOUGH, THEN…

12 newborns will be given to the wrong parents daily

114,500 mismatched pairs of shoes will be shipped per year

2.5 million books will be produced with the wrong covers



4 crashed flights/day or 1460/year

880,000 credit cards in circulation will turn out to have incorrect cardholder information on their magnetic strip

20,000 incorrect drug prescriptions will be written this year

Now…

Is 99.9%

Safe Enough?

What is your acceptance level?

What are risks that we take?

Coming in today – we conducted a survey of use of handrails on the stairs – results – xx% Safe.

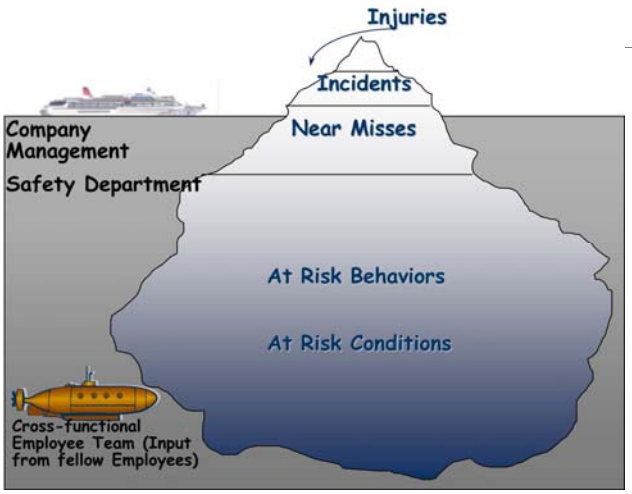
Was this high or low risk?

Was this managed? – By who?

How could we manage this?

We can’t get away from all risks!
Options??

Ri



Risk Tolerance/Acceptance

What is your level of acceptance to Risk?

What is your companies level of acceptance to Risk?

What is your family's level of acceptance to Risk?

Mousetrap demo

Risk at Whose perspective?

Safety Professional

Supervisor

Manager

Risk Control Dept.

Accounting/Comptroller

General Manager

Company President

CEO

Employee

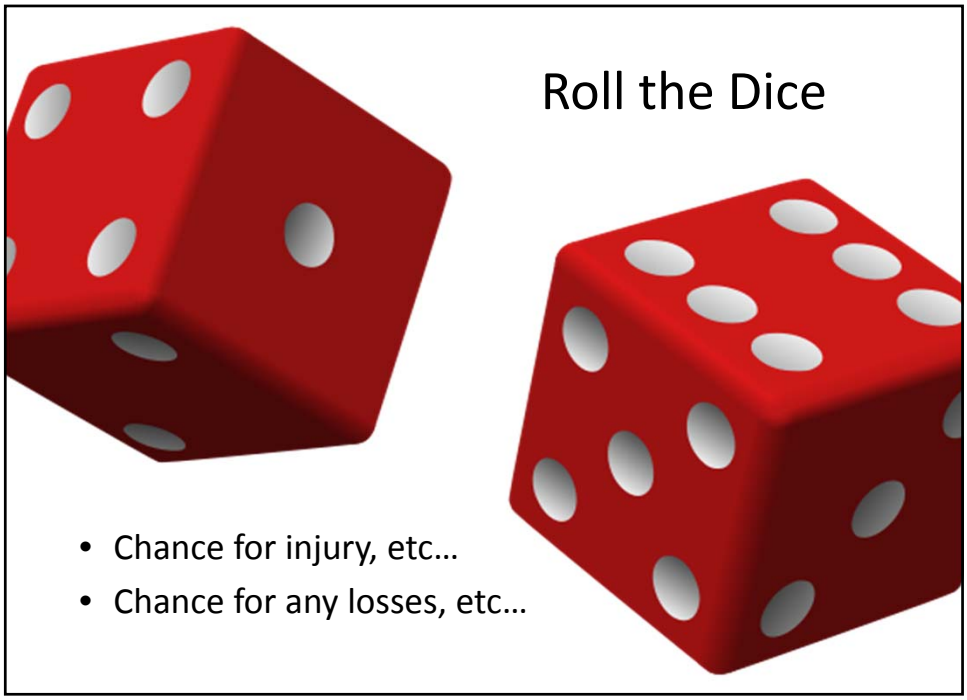
Organizations Striving for Excellence

SOLD!

"Where there is no involvement, there will be no ownership."

Stephen R. Covey

SOLD!


Roll the Dice
• Chance for injury, etc…
• Chance for any losses, etc…

Risk Handling options (James Ritchie)
REDUCE
TRANSFER
RISK
ACCEPT
AVOID

Leveraging Hierarchy of Controls (Martin Dean)

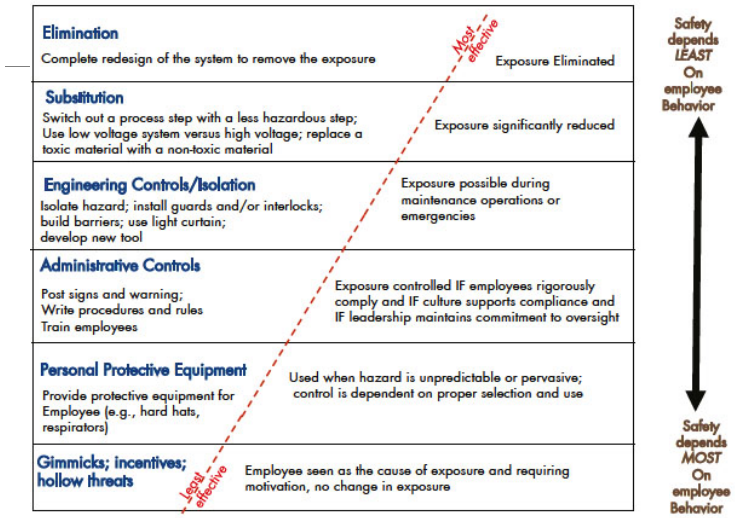
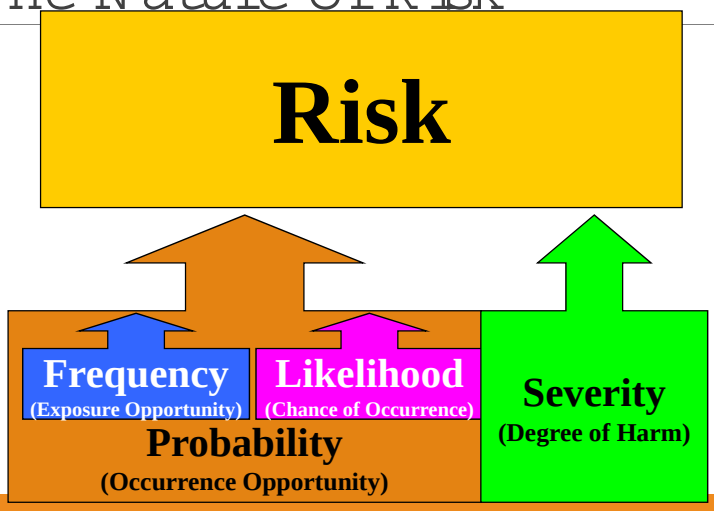


Figure 1. The hierarchy of controls: effect on exposure.

The Nature of Risk



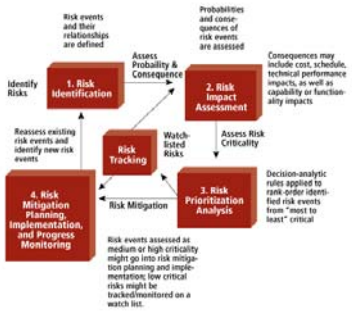
Contributing Factors

Frequency (Exposure Opportunity)
- How often the exposure exists
- How often the task is completed

Likelihood (Chance of Occurrence)
- Could be subjective
- There is opportunity to reduce the subjectivity by fact finding, assessments, observations, injury/crash history.
- In the life cycle of the system

Severity (Degree of Harm)
- How bad would it really be.

Other options – many!

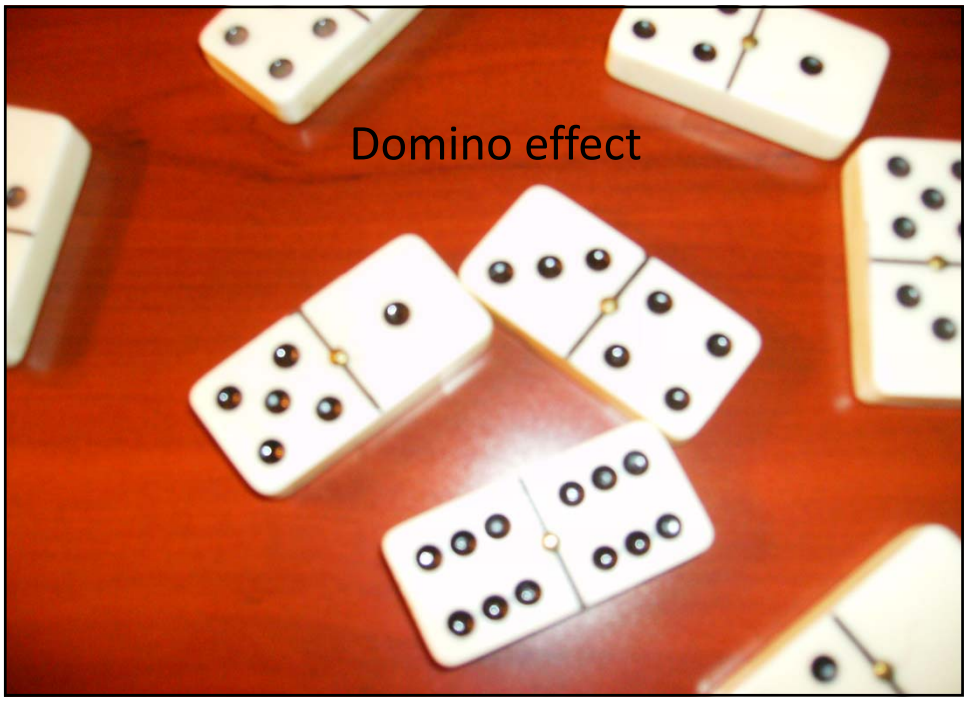


		IMPACT		
		High	Medium	Low
PROBABILITY	High	1	1	2
	Medium	2	3	4
	Low	4	5	6

Performing Qualitative Risk Analysis

What	Method	Responsibility
Data Quality Assessment	Each threat and opportunity will be further looked at for quality of data available and the risk ratings imparted.	• Risk Team will perform the data quality assessment
Assumptions Testing	Project assumptions will be revisited to ensure that identified risks are still valid.	• Risk Team will perform the assumptions testing.
Risk Matrix	**Project Risk (Threat and Opportunity) Matrix**	• Team will use the agreed upon definitions of Risk Matrix cells
Definition of Probability and Impact	A scale of 1%-100% will be used for Probability. (1-20)% means very low (21-40)% means low (41-60)% means medium (61-80)% means high (81-100)% means it is a fact A scale of 1-5 will be used for impact ratings 1 means negligible 2 means minor 3 means moderate 4 means significant 5 means severe	• Team will use the agreed upon definitions of probability and impact
Application of the Risk Threshold	Any Risk with a probability of over 80% will be treated as a fact and will be addressed in the Project Management Plan and not in Risk Management. Risk threshold (which risks move forward in the process and which ones will be	• Risk Team will determine which risks move forward and which get

Impact →	1	2	3	4	5
Probability ↓	Negligible	Minor	Moderate	Significant	Severe
(81-100)%	Low Risk	Moderate Risk	High Risk	Extreme Risk	Extreme Risk
(61-80)%	Minimum Risk	Low Risk	Moderate Risk	High Risk	Extreme Risk
(41-60)%	Minimum Risk	Low Risk	Moderate Risk	High Risk	High Risk
(21-40)%	Minimum risk	Low risk	Low risk	Moderate risk	High risk
(1-20)%	Minimum risk	Minimum risk	Low risk	Moderate risk	High risk



Safety Shoe example

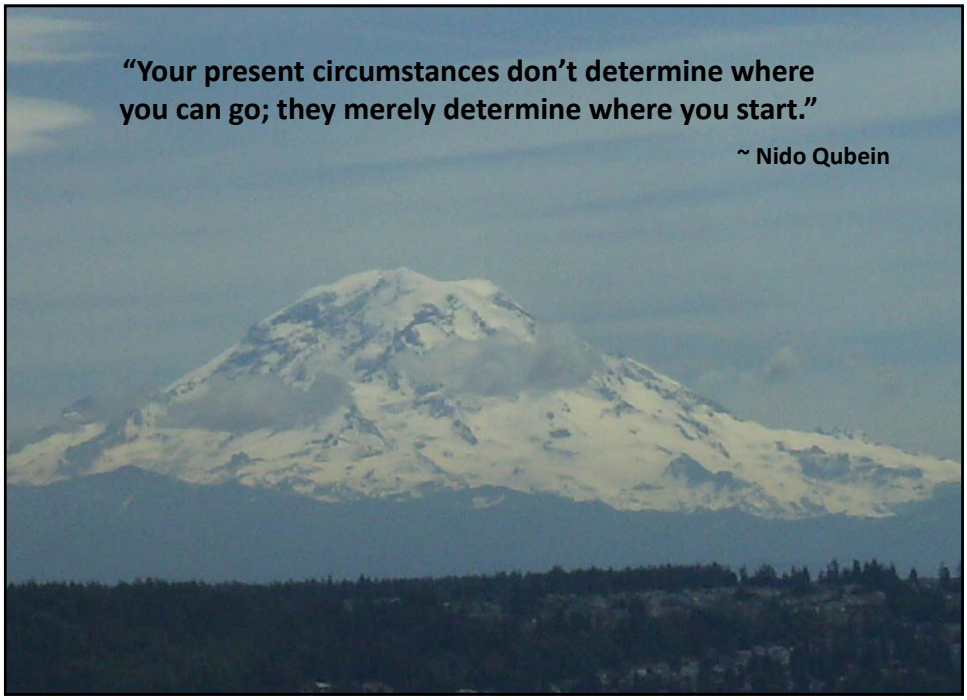
Who needs the shoes?

Who pays for the shoes?

Could this be a deciding factor on Risk acceptance?

So… .

- Risk is everywhere – we determine what is acceptable.
- Involve those actually in the risk area.
- Quantify and/or Control Risks – various options.



Thank You!!!

Questions?

Playing Nice With Others
while protecting the county

Risk Considerations When Working with Others

Managing Risks of Others

- Who are we talking about?
- What risks do these persons pose?
- Where do we look to identify this risk?
- How do we protect the county?
- How do we know what to ask for?
- How do we balance limiting risk with getting the job done?

Parties We Deal With

- Product Vendors
- Service Providers
- Subcontractors
- Event participants
- Groups at Shooting Ranges
- Parents
- Event Directors/sponsors
- Other government agencies
- Donors
- Charities
- Volunteers
- Regulated persons seeking permits

The Risks to Consider

- Injuries:
  - to third parties
  - to your employees
  - to their employees
- Property Damage
  - to third parties property
  - to your property
  - to their property
- Personal Injury, Harassment & Discrimination
  - of third parties
  - of your employees
  - of their employees

Injuries

- Caused by action of their employees
- Caused by a product they sell to you or third parties
  - Food
  - Electrical
  - Fire
  - Hazardous materials
- Caused by use of automobiles
- Caused by action of subcontractors

Property Damage

- Damage to building and equipment
- Damage to vehicles
- Damage to business or reputation
- Loss of data
- Credit Card Theft

Personal Injury/Civil Rights

- Libel/Slander
- Trademark/Copyright infringement
- Discrimination
- Harassment
- Wrongful detention
- Invasion of privacy

Criminal Acts

- Fraud
- Theft
- Assault/Battery
- Molestation

Risk Control Methods

- Contract Terms
  - Indemnification/Hold Harmless
  - Insurance/Bond Requirements
- Waivers
- Insurance requirements
- Bonds

Definitions

- General Liability
- Products Liability
- Errors & Omissions Liability
- Personal Injury Liability
- Completed Operations
- Special Events Liability
- Cyber Liability

Risk Requirements Matrix

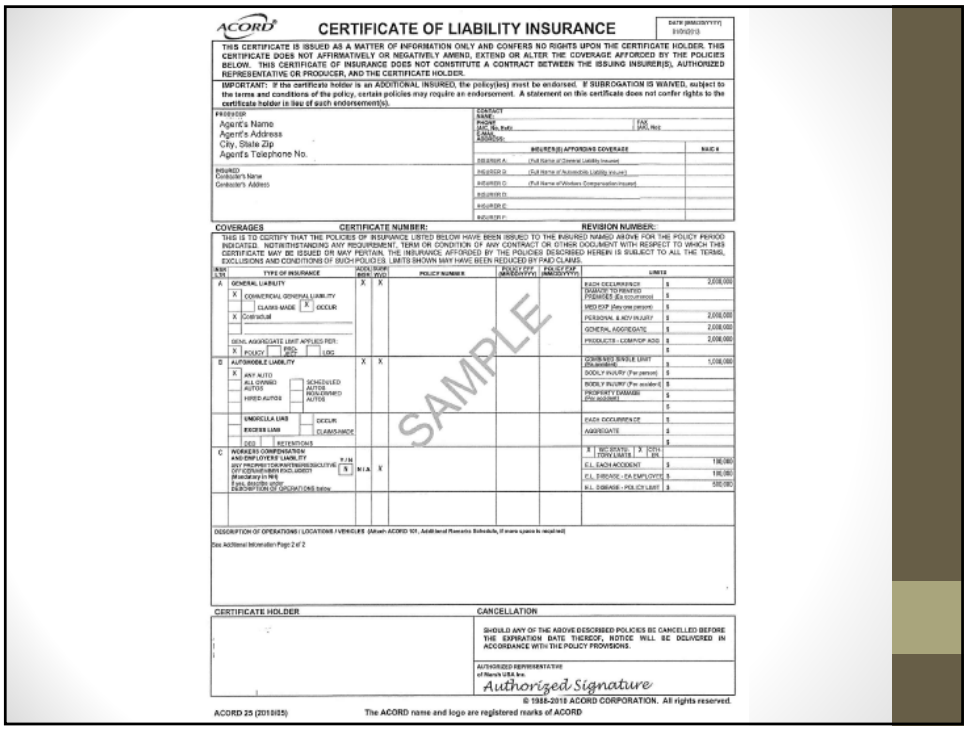
- The requirements made on different entities depends on the type and level of risk their activities present.
- Displays without products or contests present a limited risk
- Athletic events, races or contests involving autos or equipment present a much higher General Liability risk, and may create a Special Events risk.
- Vendors selling products or providing services to the county or the public often create risks that are not covered by a basic general liability policy.

Risk Requirements Matrix

- ..\Contract Insurance Requirements Matrix.xlsx
- ..\County Event Insurance Requirements.xlsx

Certificates of Insurance

- Limits
- Aggregate Limits (per policy, project or location)
- Excess/Umbrella Limits
- Occurrence vs. Claims Made
- Coverages/Exclusions
- Additional Insured status
- Utah Certificate of Insurance Act Restrictions



ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/01/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Agent's Name
Agent's Address
City, State Zip
Agent's Telephone No.

CONTACT NAME:
PHONE (AC, No, Ext): | FAX (AC, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: (Full Name of General Liability Insured)	
INSURER B: (Full Name of Automobile Liability Insured)	
INSURER C: (Full Name of Workers Compensation Insured)	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Contractor's Name
Contractor's Address

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual GEN'L AGGREGATE LIMIT APPLIES PER:	X	X				EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000,000 $ $ $ 2,000,000 $ 2,000,000 $ 2,000,000
	X POLICY PRO-JECT LOC							$
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	X	X				COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $ $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	N/A	X			X WC STATU-TORY LIMITS X OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 100,000 $ 100,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

See Additional Information Page 2 of 2

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE of Marsh USA Inc.
Authorized Signature

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SAMPLE

LODD Benefits

Explained! & Questioned?

What is 53-17?

- Continued health insurance benefits for surviving spouse (SS) & dependents (D's)
- Applies to ALL public entities with LEO's & FF's
- Two options:
  - Pay 100% premium
  - Join the trust fund

What is HB159?

- Amends UCA 53-17:
  - Lookback to July 1, 2005 – "retrospective operation"
  - Repeal discontinued benefit when surviving spouse remarries
  - "Clarify" trust fund participation

What about dependents?

- Age 26
- No provisions requiring the D's to enroll in other coverage, if available.

Cost? "It depends," a lot on the age of dependents

- SS – Until Medicare eligible
- Dependents – Until age 26
  - Example 1-LODD:
    - SS is 42, with 1 13 dep and 1 16 dep.
    - 1-12 y/o, 1-15 y/o, 1-19 y/o, 1-22 y/o
    - Family annual $19,200, 2-pty annual $14,400, Single annual $8,400
    - Fam plan for 11 yrs. = $304,702
    - 2-pty plan for 3 yrs. = $48,593
    - Single plan for 9 yrs. = $102,318
  - **TOTAL (accounting for a 6%/yr renewal) = $455,613**

Not just Dollars & Cents

- Enrollments/Terminations
- Plan Doc Amendments
- COBRA

You Decide - Now!

- No waiting until an LODD!
  - Take on the risk (wait and see if you have an LODD)
  - Transfer the risk (enroll in the trust)
  - Eliminate the risk (this really is not an option)

Lessons Learned from Losses

Presented by:

Korby Siggard
Claims Manager
U.C.I.P.

Claim Reporter Types

- **Auto**

1. County Damage $1,000 Deductible
2. Other Vehicle/Bodily Injury $-0- Deductible

- **Property**

1. County Buildings $500 Deductible
2. Flood County property $1,000 Deductible

- **General liability**

1. Third Party making Claim $-0- Deductible

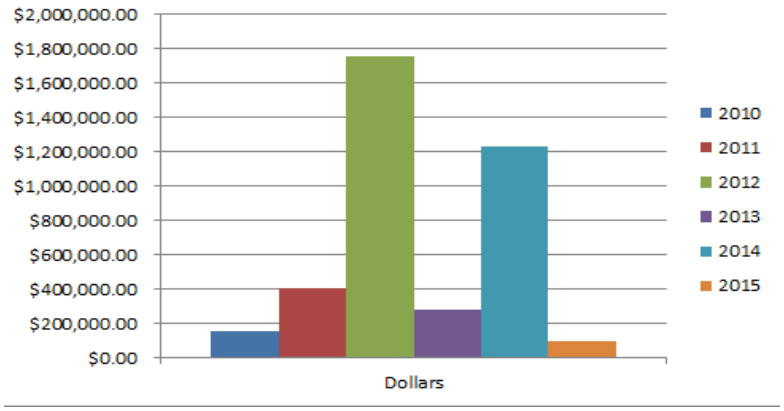
Claim Reporting

- County Vehicle Accident.
- County Driver Negligent
- Three Vehicles Involved, Sign
- 4 Injuries to passengers
- How many online loss notices?

Property Claims

- County Building
- Water/Wind damage
- Flooded Basement
- Fire Damage
- No Third Party Involved
- Mitigation of Damages
- RCV vs. ACV

Property-Excluding Auto Damage



100 Year Storms

Hot Coals in Garbage Trucks

WIND!!!

Water Pipes, Floods, Frozen, Broken

Maintenance to Old Buildings

Building Maintenance Schedule

This list below shows how often you should check and maintain your property.

Gutter Cleaning	Annually
Slated/Tiled Roof	Annually
Flat Roof	Annually
Flashings	Annually
Render Coatings	Annually
Chimneys	Annually
TV Aerials	Annually
Door Entry System	2-5 years
External Paintwork (on doors, windows, gutters and down pipes)	3-5 years
Mastic Around Windows	6-10 years
Stair Painting	10 years
Pointing (mortar between stone/brick in walls)	10-15 years

General Liability Claims

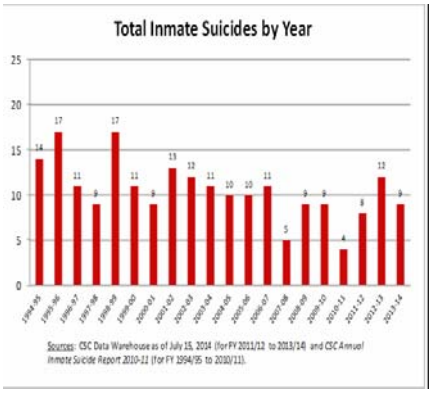
- Law Enforcement
- Lawsuits
- Slip and Fall
- County Fair/Derby
- Jail issues
- Only Third Party Claim
- NO DEDUCTIBLE!

Biggs V Morgan County

- Law Enforcement Shooting
- Female Claimant
- Shot in the Eye
- News Nationally
- Civil Rights Complaint
- Rule 68 Offer/Served
- Result?

Jorgensen V Iron County

- Inmate suicide
- Suicide Watch Cell
- Hung Himself with Bed Sheet
- Pipe in Wall
- Late Inspection
- Result?
- Deliberate Indifference



Poll V Morgan County

- County Driver FTY
- “T-Bone” Accident
- Attorney Represented
- Proper Notice of Claim
- Significant Injury
- Result?

Conclusion

- **Loss Prevention**
- **County Commissioner**
- **Q & A?**

Different Strokes for Different Folks

The Risks of Different Employee Types

Employee Types

- At-Will
- Employees with contracts
- Elected Officials
- Appointed Officials - Constables
- Volunteers
- Interns
- Compensatory Service Workers
- Independent Contractors

Employment Issues

- Compensation
- Benefits
- Performance Review
- Discipline
- Termination
- Risk Management

At-Will Employees

- Most county employees are “at-will” employees, meaning they can leave anytime for any reason, and the employer may let them go anytime, for any reason, or without reason.
- You must be careful with language in your personnel policies, employee handbooks and correspondence with employees.
- While Utah courts generally recognize that government employees have a property right to their job, maintaining the position that employees are “at-will’ provides the employer stronger defense in wrongful termination claims.
- This is the preferred status for employees.

Employees with Contracts

- There may be certain situations where the employer needs to have a written contract with an employee in order to recruit, retain or control and employee, or to allow the employer to treat the contracted employee differently than other employees.
- Be careful not to confuse employees with contracts with independent contractors.
- This employment status should be used on a limited basis when the employee provides services that are: professional or semi-professional; mandated by state or federal law; part-time…, but not to simply provide disparate treatment to different employees.

Elected/Appointed Officials

- Elected and appointed officials are treated as employees in many respects like compensation and benefits, and most importantly the employer is liable for the actions of these individuals.
- Elected and appointed officials are generally not subject the the methods used by the employer to control the actions of other employees like use of job descriptions, performance appraisals and discipline including termination.
- For those officials appointed by the county, you should consider setting out in written policy the duties and limitations on the officials along with the ability of the county to review performance and discipline the official (usually through revoking their appointment).

Constables

- As an example of an appointed official that is very difficult for the county to control from a risk management perspective.
- The entity that creates the Office of Constable is responsible for the constable and all of its deputies.
- Statute provides for a four year term once appointed, and the constable's appointment can only be withdrawn "for cause".
- The authority of the constable is laid out in statute, which limits the county's ability to restrict the activities of constables and their deputies.
- There have been several instances of constables using their office to be involved in activities not contemplated in the statute.
- Lets take a closer look at the discretion the county does have for this semi-mandated office.

U.C.A. 17-25a - Constables

- First step is governing body (commission or council) determines if they will have an office of constable.
- The nominating committee identified in statute must be established to review applications for appointment of constables.
- Committee recommends applicants most qualified.
- County legislative body must either appoint or reject any nominee.
- Constable may appoint deputies which the county is then responsible for.
- Qualifications: Special Function Peace Officer.

Volunteers

- An uncompensated person providing service to a government agency must be authorized in accordance with the Volunteer Government Workers Act (U.C.A. 67-20)
- Authorized volunteers are considered employees for the purposes of:
  - Workers Compensation Medical Benefits
  - Auto Liability
  - Liability provided to government employees
- The volunteer is immune from liability in accordance with the Immunity for Persons Performing Voluntary Service Act (U.C.A. 63G-8), but the agency is liable for their actions and must provide them a defense as if they were an employee.

Volunteer Safety Officer

- The Volunteer Government Worker Act defines "Volunteer Safety Officer" as a person providing public service to an agency while exercising peace officer authority or as a firefighter.
- Volunteer Safety Officers are considered employees for benefits of all other volunteers, and for all workers compensation benefits, with lost time benefits based on the statewide average weekly wage.

Volunteer Search and Rescue

- Volunteer Search and Rescue Team Members is defined in the Volunteer Government Workers Act as a person certified as a member of the county sheriff's search and rescue team when acting as a team member under the sheriff's supervision.
- Volunteer Search and Rescue Team Members are provided the same benefits as a Volunteer Safety Officer, except their lost time benefits are based on the average wage entry level deputies for the agency.

Compensatory Service Worker

- The Volunteer Government Workers Act defines "Compensatory Service Worker" as a person performing a public service for an agency as a condition their incarceration, plea, sentence, diversion, probation or parole.
- Under the Volunteer Government Workers Act, Compensatory Service Workers are considered an employee for purposes of receiving worker's compensation medical benefits only.
- However, by way of court decisions, the county is responsible for injury to a third party caused by a Compensatory Service Worker.

Interns

- Many counties accept interns from schools that require internship as part of their curriculum.
  - Most curriculum based internships allow for the intern to observe only, and not to provide services.
  - These interns should not be considered employees of the county, as they are correctly considered students of the school.
- Some counties solicit interns to county intern programs.
  - If the intern is compensated, they are an employee, although that employment status may be limited in duration or by ongoing receipt of grant funding.
  - If the intern is not compensated, they should be treated as a volunteer.

Spouses of Fallen Officers

- The legislature created a new pseudo employee for counties.
- Statute now requires the county to recognize the spouse of a fallen officer as an employee for purposes of providing health benefits to the spouse and dependents.

Independent Contractors

- The level of control you have over the activities will determine if they are an "independent contractor", or an employee. Courts will make this determination after the fact.
- Can they provide service to others
- Do they advertise services to others
- Do they provide their own equipment
- Do you provide office space
- Do you supervise and direct their work
- Do you have a say in who they employ
- Is their compensation set up with a "win/lose" potential
- Do they have their own insurance
- Are they incorporated as a legal entity

Risk Management Methods

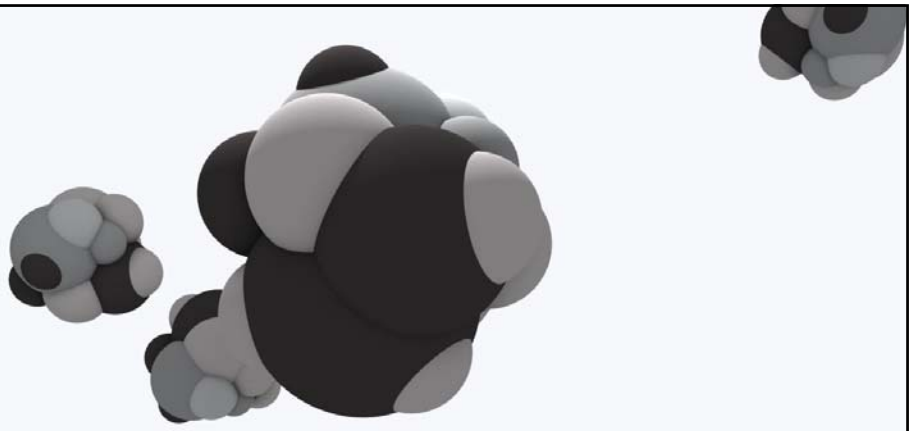
- "At-Will" Employee
  - Use of personnel policies, job descriptions, performance appraisal and disciplinary procedures.
- Contracted Employee
  - Use the contract to manage risk by identifying what personnel policies and procedures apply to the employee.
  - With the contract, you can place additional performance requirements, limitations of activities or disciplinary/termination procedures on the employment relationship.
- Elected or Appointed Officials
  - Elected officials risk is controlled through reasoned discussion with the officials on the risk they create for the county with their activities.
  - Appointed officials risk can be controlled through putting limitations on the official activities of the position and retaining the county's right to terminate the appointment.

Risk Management Methods

- Volunteers
  - Volunteer risk is best managed by creating a rigorous process for application, authorization, identification of duties, training and dismissal of volunteers.
- Compensatory Service Workers
  - Review with the Sheriff the types of activities Compensatory Service Workers are involved in and consider those risks and how to control them.
- Interns
  - The risk of interns in curriculum based programs through their schools is properly managed using a contract with the school under which the school retains liability for the student, and provide indemnification to the county.

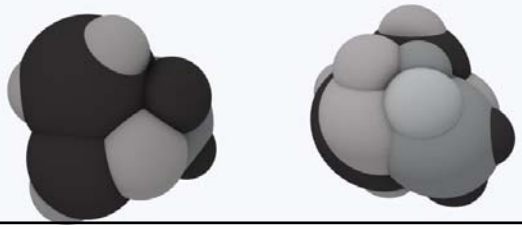
Risk Management Methods

- Spouses of Fallen Officers
  - Confirm with your health benefits carrier that they will amend their definition of employee to include the spouse of a fallen officer and include their dependents under the coverage.
- Independent Contractors
  - Assure they really are an independent contractor and not an employee.
  - Use the contract to define activities, provide for indemnification, require insurance and terminate the contract.



Chemistry of Stress…and Success in the Workplace

Tom Chism
Sr. Safety & Health Specialist
2016



What is Stress?

Stress a state of mental or emotional strain or tension resulting from adverse or very demanding circumstances.

What is Stress?

- Stress is a normal part of life
- At times, it serves a useful purpose
  - Motivate us to excel in something
  - Run the last mile of a marathon
- At times it can seriously interfere with our job, family life and health
- 50% of Americans say they fight with friends and loved ones because of stress
- 70% say they experience real physical and emotional symptoms from stress.

What is Stress?

- **Everyone has different stress triggers**
- **Work stress tops the list according to surveys**
- **40% of US workers admit to experiencing office stress**
- **One-quarter say work is the biggest source of stress in their lives.**

WebMD Causes of Stress

What is Stress?

Causes of work stress include:

- Being unhappy in your job
- Having a heavy workload or too much responsibility
- Working long hours
- Having poor management, unclear expectations of your work, or no say in the decision-making process
- Working under dangerous conditions
- Being insecure about not being successful
- Having to give speeches in front of colleagues or others

What is Stress?

Life stresses can also have a big impact:

- The death of a loved one
- Divorce
- Loss of a job
- Increase in financial obligations
- Emotional problems (depression, anxiety, anger, guilt, low self-esteem)
- Taking care of an elderly or sick family member
- Traumatic event, such as a natural disaster, theft, rape, or violence against you or a loved one
- Chronic illness or injury

What is Stress?

Sometimes the stress comes from inside, rather than outside.

- You can stress yourself out just by worrying about things.

All of these factors can lead to stress:

- Fear and uncertainty
- Attitudes and perceptions
- Unrealistic expectations
- Change.

What is Stress?

- Your stress level will differ based on your personality and how you respond to situations
- Some people let everything roll off their back. To them, work stresses and life stresses are just minor bumps in the road
- Others literally worry themselves sick.

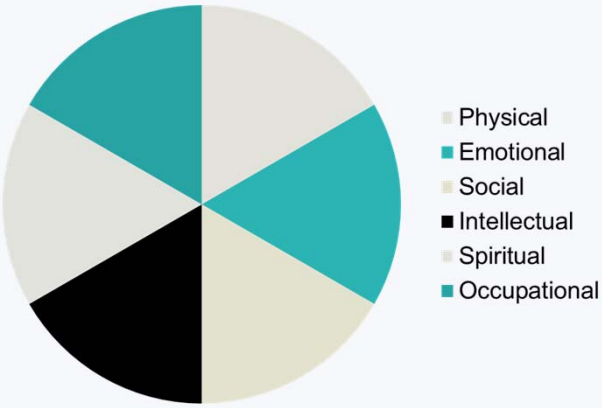
What is your Stress level?

- **Numerous stress surveys online**
  - **to determine your stress level and**
  - **how stress affects different parts of your life**
- **<u>Stress Indicators Questionnaire</u> (good one)**
  - **Produced by the "The Counseling Team International in San Bernardino CA.**
- **Physical Indicators**
- **Sleep indicators**
- **Behavioral Indicators**
- **Emotional Indicators**
- **Personal Habits.**

Chemistry of Stress....Success

- Improve Well-Being
- Improve Performance

What is Well Being?



Source: American Journal of Health Promotion & National Wellness Institute

What is Well Being?

Perspectives on Wellness:

- Physical – *fitness, nutrition, medical self-care*
- Emotional – *stress management, depression*
- Social – *community, family, friends, co-workers*
- Intellectual – *educational, career development*
- Spiritual – *love, hope, charity*
- Occupational – *safe, nurturing worksite environment*

Source: American Journal of Health Promotion & National Wellness Institute

What is Performance?

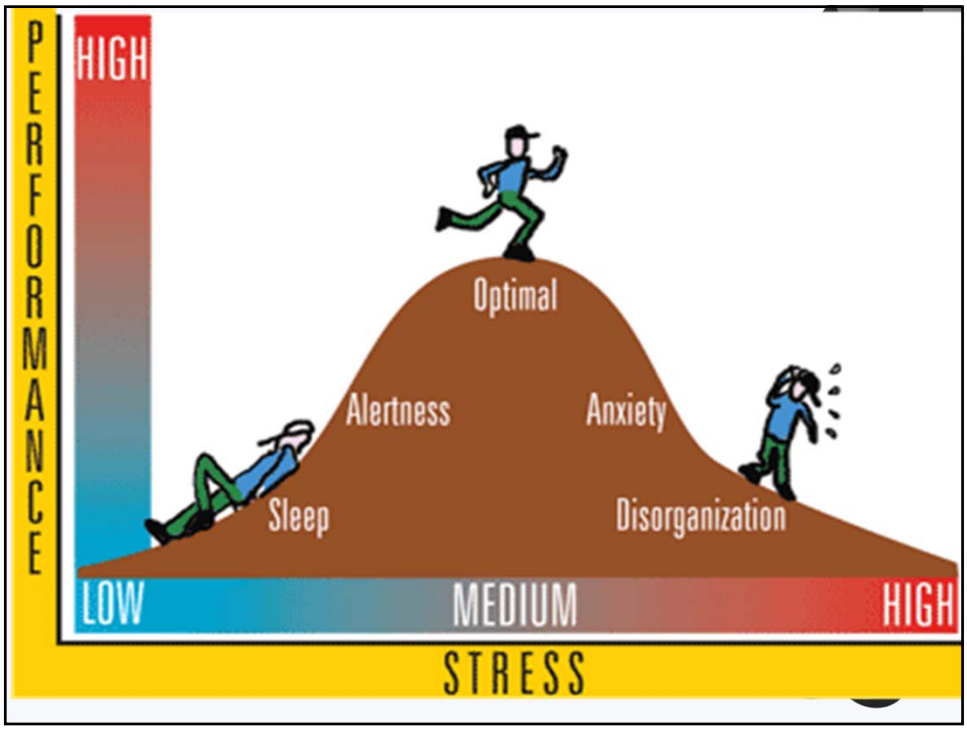
- Verbal & physical clumsiness
- Disconnection, anxiety, panic
- Overwhelmed.

The Zone!

- Superhuman, think clearly & faster than those around you
- Multitask, lots of energy.

- Flat, uninspired, don't care
- Need adrenaline to increase arousal.

Arousal



Chemistry of Success

SIF
SEVERE INJURY AND FATALITY PREVENTION GUIDEBOOK

WCF

ERROR PRECURSORS

TASK DEMANDS	INDIVIDUAL CAPABILITIES
Time pressure (in a hurry)	Unfamiliarity with task / first time
High workload (memory requirements)	Lack of knowledge (mental model)
Simultaneous, multiple tasks	New technique not used before
Repetitive actions, monotonous	Imprecise communication habits
Irrecoverable acts	Lack of proficiency / inexperience
Interpretation requirements	Indistinct problem-solving skills
Unclear goals, roles, and responsibilities	Hazardous attitude for critical task
Lack of unclear standards	Illness / fatigue
WORK ENVIRONMENT	**HUMAN NATURE**
Distractions / interruptions	Stress (limits attention)
Changes / Departures from routine	Habit patterns
Confusing displays or controls	Assumptions (inaccurate mental picture)
Workarounds / OOS instruments	Complacency / Overconfidence
Hidden system response	Minset (tuned to see)
Unexpected equipment conditions	Inaccurate risk perception (Pollyanna)
Lack of alternative indication	Mental shortcuts (biases)
Personality conflicts	Limited short-term memory

STRESS

Figure 6.1

Error precursors are conditions that make error more likely.

Chemistry of Success

- Workplace stress can spill into personal life
- Personal stress can spill into work
- Not as focused
- Not able to complete a task
- Irritable.

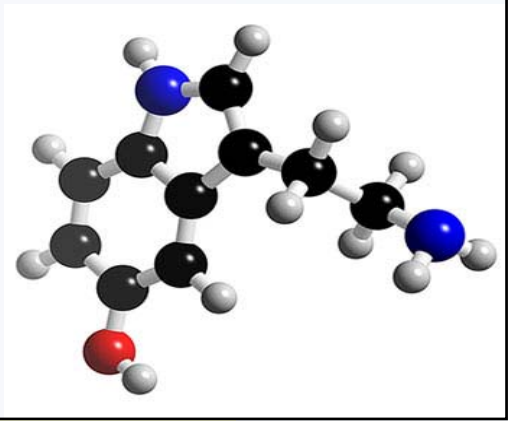
Chemistry of Success

- 33% of the 40.2 million workdays lost by illness and injury are from stress, anxiety, and depression.
- Stress can be a hidden trigger behind cardiovascular problems, musculoskeletal disorders, obesity, depression, and violence.

Source: National Safety Council - News Release September 21, 2005

Your "Internal Chemistry" Players

- Adrenaline
- Cortisol
- Serotonin
- Melatonin
- Oxytocin

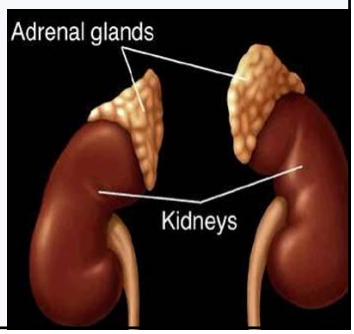


Adrenaline

"The **Acute** Stress Response"

Immediate change in heart rate and force of contraction

- ⇧ in the production of blood cholesterol
- ⇧ in the blood's ability to clot
- ⇧ in the depositing of plaque
- ⇧ respiratory rate
- ⇧ blood pressure
- ⇧ mental awareness
- ⇧ chance of producing cortisol
- ⇩ urine production



Cortisol

"The **Chronic** Stress Response"

⇧ **Increased risk of weight gain, resulting in Heart Disease and Diabetes:**
- Increases blood sugar during stress at expense of muscle protein
- Increases appetite
- Promotes truncal obesity
- Increases urine production = blood volume = hypertension

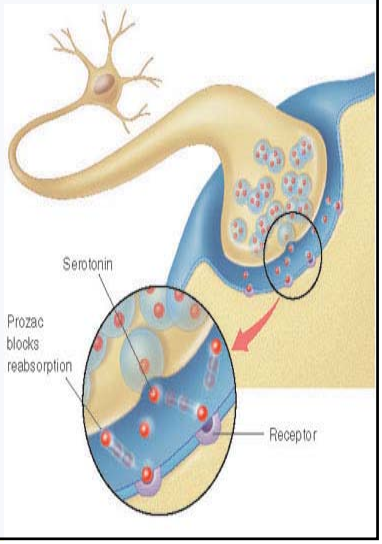
⇧ Increased risk of Osteoporosis:
- Inhibits bone formation and bone resorption

⇧ Increased risk of Illness:
- susceptibility to infection and disease

⇩ serotonin
- Mood altering - Makes us feel anxious, short-tempered and shaky

Serotonin

- The “rush” vs. the “bliss”
- Low levels of serotonin are linked to anxiety and depression
- Regulates appetite & mood
- Cortisol suppresses serotonin
- During the night our brain breaks down serotonin to create melatonin



Melatonin

- Melatonin’s production is triggered by darkness and shuts off when light hits the eye
- Required precursor molecule to serotonin

How They Work

Adrenaline ➡ Improved Performance

Too much Adrenaline ➡ ⇧Cortisol

⇧ Cortisol ➡ ⇧Weight ⇩Health

When Cortisol ⇧ Serotonin ⇩

Serotonin ➡ Melatonin

Melatonin ➡ ⇧Sleep

Sleep ➡ Improved Performance

So then…for Success…

1. Manage your Adrenaline to Improve Performance
2. Avoid Cortisol to maintain health, weight and relationships
3. Maximize Serotonin to improve mood, eating habits and sleep (Melatonin)

Goal 1 – Manage Adrenaline

- Plan your day & your APE events
- Try not let other people's urgencies run your life
- Control your thoughts – stay positive
- Learn to say "no" and "let go"
- Use adrenaline triggers sparingly

Man is distressed, not by events, but of his perception of these events

- Epictetus

Adrenaline Triggers

- Caffeine – 300mg/day is our limit
- Nicotine
- Being late
- Speeding
- Exercising on an empty stomach
- Not getting enough sleep

Goal 2 – Avoid Cortisol

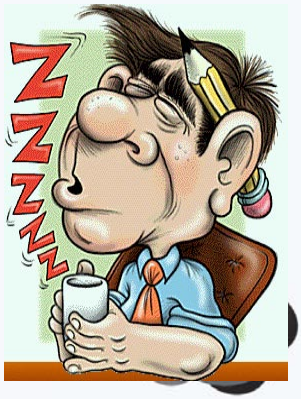
- Use your adrenaline sparingly
- Avoid exercise first thing in the morning on an empty stomach
- Eat regularly

Goal 3 – Maximize Serotonin

- Spend at least 30 minutes outside everyday
- Perform low intensity exercise everyday
- Eat <u>regular</u> and <u>balanced</u> meals to keep blood sugar levels as optimal as possible
- Use only small hits of simple carbohydrates when mood is low – 40g or 160 calories

Sleep

- Have a regular routine
- Try to get to bed before 10 PM
- Sleep in a dark room
- Aim for 7-9 hours per night



The Effects of Inadequate Sleep

- Increased heart disease
- Decreased immune function
- Increased appetite…overeating and obesity
- Decreased performance
- Decreased memory and capacity to learn

Nutrition for Success

Eat to avoid heart disease and diabetes:

- Regular, balanced meals comprised of smaller portions
- Get your carbohydrates from fruits & vegetables primarily
- Avoid processed & refined foods
- Use small hits of simple Carbs when mood is low (40g)
- Eat less saturated fat and get some Omega 3 FAs everyday

Exercise Prescription

1. **Cardiovascular Exercise:** 3-4x per week
   - 30 minutes
   - Higher intensity (if stressed) to burn cortisol
   - Long and slow to increase serotonin
2. **Resistance Training:** 2-3x per week
   - 2 sets of 12 reps – total body
3. **Flexibility Training:** 3-4x per week or daily
   - Emphasize chest, hamstrings and hip flexors

- How to Make Stress Your Friend

Daily Habits…how does this work everyday?

- Eat breakfast
- Plan your day – be clear on your priorities and goals
- Do some exercise *every day* (even just 5-10 minutes)
- Eat well (smaller, regular portions, greater nutrient density, more fruits and vegetables
- Use adrenaline triggers when needed
- *Plan* for enough sleep
- Sit less…*stand* more…*move* more
- Think positively about stress
- Stress gives us access to our heart
- Take responsibility for your life

Thank You.

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