



Local Government Liability Pool



What is Liability???



Background of LGLP

- W.S. 1-42-101 - enabled the state to create a state administered self insurance account that will offer reasonably priced liability coverage and loss prevention programs to local government entities.
- Coverage, through this account, will respond to claims brought against local governments under the WY Governmental Claims Act and arising under federal law or laws of other jurisdictions.



Coverage Description

Limits

- LGLP will provide each participant with a \$250,000 per person/\$500,000 per occurrence coverage limit for claims brought under the Wyoming Governmental Claims Act, and a \$1.5 million per occurrence with a \$5 million annual aggregate coverage limit for covered claims brought under federal law and the laws of other jurisdictions. LGLP coverage will be on an occurrence basis. Defense costs will be paid in addition to the limit of liability coverage.



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- Wyoming Governmental Claims Act would apply to TORT actions - negligence in property maintenance, etc.
 - Federal Laws would apply to Civil Rights Violations
 - wrongful termination of employee
 - Sex discrimination
 - rules or ordinances which violate an individuals civil rights



Deductibles

- Options, which apply per occurrence are: \$500, \$1000, \$2500, & \$5000 deductibles.
- Entities may have their choice of deductibles, with higher deductibles resulting in lower coverage premiums.



What and Who is Covered?

- General liability (including bodily injury, property damage, personal injury, civil rights, and watercraft liability, among others).
- Automobile liability
- Public officials errors and omissions liability
- Board of Supervisors and district employees are covered
- LGLP has limited amount of exclusions.



What's Not Covered

- LGLP does not provide coverage for the following:
 - Workers compensation
 - Real & personal property owned by participants or property of others required to be insured under contract.



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- Automobile physical damage (comprehensive & collision); medical payments; & uninsured motorist coverage.
 - Any type of property coverage.
 - Contractual disputes
 - Exemplary or punitive damages



Effective Date of Coverage

- Membership runs from July 1 through June 30 of each year. Coverage is not effective until enrollment forms and payment of the appropriate contribution is received by LGLP.



Cost of Program

- Each entity will be rated on its payroll expenses on the previous calendar year
- Minimum cost is \$500.00 per year
- Minimum premium can change upon approval of the LGLP Board



Program Services

- LGLP will provide liability coverage for claims which arise under the Governmental Claims Act and certain Federal statutes. In addition to this coverage, LGLP will provide services which traditionally have been provide by insurers, such as claim handling and loss prevention.

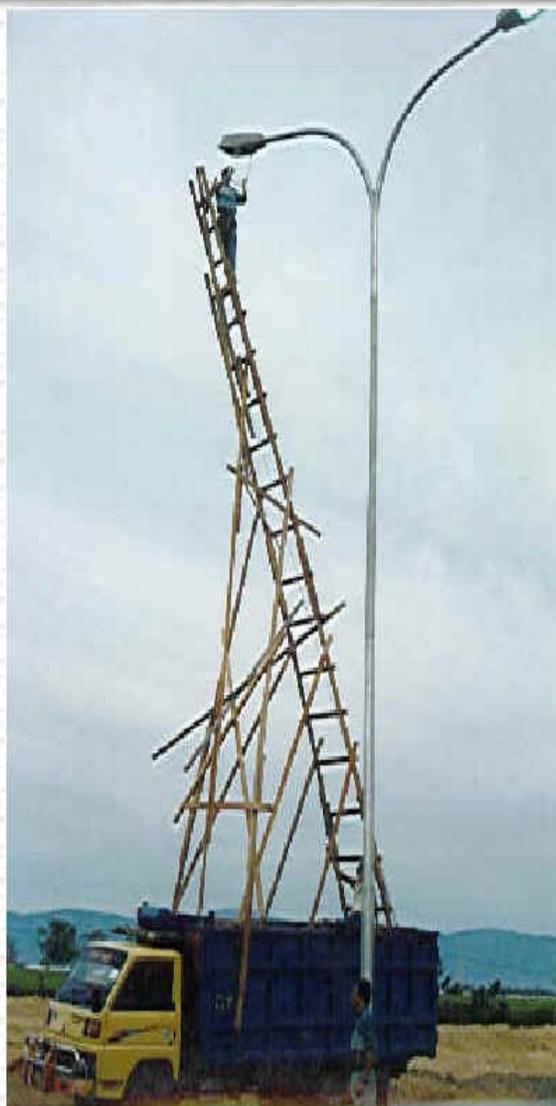


General Management

- The Joint Powers Board (created by WS 1-42-202) and the LGLP Executive Director will be responsible for the management of program. Day to day administrative duties (i.e. collection of contributions, issuing participation certificates, claim coordination) will be performed by the staff at the LGLP office. A list of trainings is provided on the webpage.
- Contact: (307) 638-1911 or <http://www.lglpwyoming.org/index.asp>



What is a Liability Risk??



OR



Documentation



Documenting the Employment Relationship

Employment actions to document:

- Hiring
- Performance evaluations
- Positive Reinforcement
- Discipline
- Termination



Documentation

- What should I document?
 - Document Everything
 - Document Factual, Not Assumptions
 - Action Plans, Awards, Disciplinary Action, etc.
 - If you question should I document or not - **DO!**



The Do's & Don'ts of Documentation

Do:

- Be fair and consistent
- Document the event when it is warranted
- Document the event at the time it occurs
- Document only what is relevant to the situation
- If you have a question of whether you should document or not, *document*.



The Don'ts

Don't:

- Back-date documents.
- Take documentation lightly. It should be part of your managerial duties.
- Do not rely on your memory.
- Nit-pick.
- Over-document.



Documentation Basics

In order to be successful in your documentation efforts, follow these basic rules:

- Document events as they occur.
- Date all documents.
- Document should be signed by the person preparing it.
- Briefly describe events in the document.
- Get in the habit of documenting the days events.



Documentation Basics – con't.

- Document should state that the employee was told that the document will be placed in their personnel file.
- Obtain employee's signature on the document.
- Does the employee have to sign?



Special Instances that Arise when Documenting

If an employee refuses to sign a document concerning themselves, do the following:

- Note on the form that the employee refused to sign.
- Get another supervisor or department head to sign as a witness to the fact that the employee refused to sign the document but read the document.



Special Instances that Arise when Documenting - con't.

If an employee requests to have his or her own statement placed in the personnel file, do the following:

- Accommodate their request.
- Make sure this type of document is signed by the employee.



Personnel Files

Does the employee have a right to see their file?

NO



Personnel Files – con't.

Should you have a policy on this?

- YES
- Employee may review under supervised conditions.
- Employees may make copies of what is in their file.
(Supervisor makes the copies)
- Remember, this is the Entities file on the employee, Not the employee's file.



Personnel Files – con't.

There should be three sets of files kept on every employee.

- One personnel file should be kept in a locked fire proof cabinet in the directors office.
- The second file is the **HIPAA** file. This will hold all medical information and kept in the directors office.
- The third should contain all employees I-9 and W-4 forms.



Personnel Files - con't.

- Review job descriptions every year.
- Make sure all employees are classified (exempt, non-exempt) correctly
- Develop a managerial guideline book – make the main policy manual very broad.



REMEMBER

If it is NOT documented -

It did NOT happen!!!!



Summary

Without a doubt, taking the time to carefully document employment actions can literally make the difference between winning and losing a lawsuit. Your documentation practices can either be your **BEST DEFENDER...** or your **WORST ENEMY!**



STATISTICS

- Employment lawsuits increased by 2,200% in the last decade.
- In the last four years the jury found in favor of the employee increased by 53%.



What Potential Jurors Think??

The Company is negligent if it does not document an employee's performance.

Yes 97%

No 3%



Make Sure You Cover Your Actions



Enrollment Procedure

- To apply for coverage from the pool complete
- The following activities:
 - Fill out the questionnaire and any applicable supplemental questionnaires.
 - Contact LGLP to obtain assistance in determining the contribution amount due and submit a check with the applications. Checks should be made payable to :

Local Government Liability Pool

P.O. Box 20700

Cheyenne, WY 82003

www.lglpwyoming.org



QUESTIONS

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