

Risk Management Service Agency

# RMSA

SECURITY | STABILITY | SERVICE



# Member Standards

# AWC RMSA Member Standards

The AWC Risk Management Service Agency's Member Standards were adopted by the Board of Directors to provide consistent administrative practices for members, reducing property and liability losses.

The Standards selected were identified as those which have historically driven AWC RMSA's claims expenses and where compliance with these Standards would either eliminate or greatly reduce exposure for AWC RMSA and its membership. By following these Standards, the Board is confident that members will reduce costs for themselves and help the long-term financial stability of the AWC RMSA.

An AWC RMSA member's failure to comply with required Member Standards will result in a deductible being applied to the loss costs.

Advisory Member Standards are principles and practices which, while not required, have been identified and recognized by both AWC RMSA and the pooling industry as sound best practices. AWC RMSA strongly believes that following these Advisory Member Standards will significantly decrease the likelihood of experiencing property and liability losses.

Compliance with these Member Standards can be accomplished in various ways. Many Standards can be met through AWC RMSA online, on-site, or on-demand training. AWC RMSA will work with members to assist in achieving compliance with all Standards.

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# Frequently asked questions

The Member Standards educate our members, provide technical assistance, and reduce claim exposures. Below are answers to the most frequently asked questions regarding the AWC RMSA Member Standards.

## **Must we be fully compliant with the Member Standards?**

Yes. AWC RMSA has had Member Standards in place since 2013 and all members are required to be in full compliance with at least the required Member Standards. Ideally, members are also in full compliance with the Advisory Member Standards but lack of compliance with Advisory Standards does not carry a financial penalty. AWC RMSA staff can provide assistance in helping you comply with the Member Standards.

## **What if we can't afford the training needed to comply?**

Most of the Member Standards requiring training can be completed for free using RMSA-U webinars, our on-site or regional trainings, or by taking advantage of AWC RMSA's scholarship program.

## **Do other risk pools have member standards?**

Yes, and in many cases they are more rigorous and expensive to comply with than the AWC RMSA Member Standards.

## **Does AWC RMSA have resources to help with meeting the Member Standards?**

Yes. AWC RMSA has many free resources such as model policies, loss prevention guides, inspection forms, and training which can be used to help meet these standards. In addition, a personnel policies manual template is available using the free AWC RMSA HR Helpline.

## **Do the deductibles apply immediately to all of the Standards?**

The deductibles only apply to the Required Member Standards, not to the Advisory Member Standards.

## **Who is responsible for maintaining the training records?**

The member is responsible for maintaining training records.

**Is it required for us to contact AWC RMSA prior to terminating an employee?**

Yes. If a claim or lawsuit is filed, a deductible will apply if you did not contact AWC RMSA and allow AWC RMSA to review the merits and risks of the termination and provide guidance at staff's discretion prior to taking an action which results in termination of an employee.

The AWC RMSA Claims and Pre-Litigation Manager will determine if a deductible will be applied if staff's guidance is not followed. AWC RMSA can provide free attorney services for employment matters. Our free pre-litigation service is designed to reduce the potential liability on employment related matters.

**Must we have AWC RMSA review all land use ordinances, moratorium, and/or proposed land use actions?**

Yes. If a member adopts a new moratorium or renews an existing moratorium without allowing the moratorium to be reviewed by an AWC RMSA-approved attorney prior to council action or adoption and a claim or lawsuit is filed, a deductible will apply. However, AWC RMSA's free pre-litigation service can help members identify if adopting or extending a land use moratorium is a prudent course of action.

**Are we required to send all contracts and interlocal agreements to AWC RMSA before we approve and sign?**

No. AWC RMSA is happy to review the insurance and indemnification portions of contracts and agreements to protect our member's interest. AWC RMSA can provide standard insurance and indemnification language which you can incorporate into your contracts and agreements.

**Does the contract review standard include labor agreements?**

No. AWC RMSA does not review your labor or collective bargaining agreements. These should be reviewed by an attorney with expertise in employment practices, labor, and/or collective bargaining.

# Required standards and deductibles

When AWC RMSA members are in compliance with all of the required Member Standards, deductibles will not apply to claims which may arise. It is when a member is out of compliance that the following deductibles will be applied.

Deductibles are applied to claims which result from a member's non-compliance with a Required Standard. The following deductibles apply to every AWC RMSA member out of compliance with the below Required Standards:

|  |   |
|--|---|
| <b>Driving required standard 1: Employee driving</b>   | <b>Driving required standard 2: EVOC/EVIP training</b>  |
| All drivers who operate member owned vehicles shall complete an AWC RMSA-approved defensive/distracted driving course before driving a member vehicle and at least every three years thereafter. | All drivers of emergency vehicles shall complete an EVOC/EVIP training before driving a member vehicle and at least every three years thereafter. |

|   |   |
|---|---|
| <b>Employment practices required standard 1: Employee termination</b>   | <b>Employment practices required standard 2: Employment training</b>  |
| The member shall notify AWC RMSA prior to any personnel action that may result in termination of an employee and allow AWC RMSA to review the merits and risks of the termination and provide guidance at staff's discretion. | All employees with direct reports, elected officials, and all department heads shall complete at least one AWC RMSA-approved training course per year on an employment practices related topic. |

|  |                |
|--|----------------|
| <b>Land use required standard 1: Moratoriums</b>   | <b>\$1,000</b> |
| Adoption of a new moratorium or renewal of existing moratorium shall be reviewed by AWC RMSA land use legal counsel. |                |

|  |                |
|--|----------------|
| <b>Law enforcement required standard 1: Use of force policy</b>                            | <b>\$1,000</b> |
| Law enforcement officers shall receive annual training on the adopted use of force policy. |                |

|   |                |  |                |
|---|----------------|--|----------------|
| <b>Public works required standard 1:</b>  | <b>\$1,000</b> | <b>Public works required standard 2:</b>   | <b>\$1,000</b> |
| <b>Sewer systems</b>  |                | <b>Streets and sidewalks</b>   |                |
| The member shall retain documentation confirming routine inspections and/or cleaning in the past 12 months of their sanitary/ stormwater sewer systems. |                | The member shall retain documentation confirming complaints and the member's responses to complaints regarding issues and/or repairs needed for sidewalks and streets. |                |

Members will be charged the deductible described above, when not in compliance with the associated Member Standard at the time of loss.

# Standards

## Administration

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### Advisory standards

**Purpose:** Those responsible for providing management, supervision, and direction to various city/town departments are critical to reducing risk and maintaining consistent day-to-day municipal operations. Ensuring that proper plans and policies are in place and understood by all staff assists with and supports loss prevention efforts.

**Administration advisory standard 1:** The mayor, all department heads, and others identified with emergency management responsibilities should annually review the member's disaster plan. The plan should also be tested annually by an emergency operations exercise such as a table top, sand table, full scale test of a part of the plan, or by an actual local emergency declaration.

**Administration advisory standard 2:** The member should adopt a policy addressing the member-related business use of electronic communication, including cell phones, computers, email, texting, and social media by elected officials, employees, and volunteers. The preferred method is for all member-related communications to be via member supplied equipment. If an individual is allowed to use personal communications devices, the policy should require the individual to follow the records retention schedule as adopted by the State Archives Office.

**Administration advisory standard 3:** The city/town administrator, the mayor, and the designated AWC RMSA contact should participate in an AWC RMSA program orientation, which consists of an overview of claims reporting; grant, scholarship, and training opportunities; loss prevention inspections; and program administration.



# Standards

## Contract and interlocal agreement review

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### Advisory standard

**Purpose:** Contracts and interlocal agreements typically include an indemnification clause that places control of an exposure in the hands of a third party. It is easy for a member to inadvertently accept more risk than they should in these documents. By including proper indemnification and insurance language, a member can transfer significant risk to the appropriate party.

**Contract and interlocal agreement review advisory standard 1:** Any contract or interlocal agreement having a third-party indemnification clause, or having an insurance coverage provision, should use AWC RMSA's pre-approved insurance and indemnification language, or should be forwarded to the AWC RMSA for review of the indemnification and insurance language, in advance of adoption by the member's governing body.

# Standards

## Driving

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### Required standards

**Purpose:** Every day, member owned vehicles are being driven in the course of business. Vehicle accident claims rank among the top three in claims frequency. Driving defensively can greatly reduce the potential for auto accidents.

**Driving required standard 1:** All drivers (employees and volunteers, including public safety and law enforcement) who operate member owned vehicles shall complete an AWC RMSA-approved defensive/distracted driving course before driving a member vehicle and at least every three years thereafter.

**\$1,000 deductible:** If an auto accident occurs and the operator of the member owned vehicle has not completed a defensive driving course or EVOC/EVIP course (as applicable) before having driven the vehicle or within the past three years, a deductible will be applied as described.

**Purpose:** Specialized training in responding with emergency vehicles provides the skills necessary to safely operate these vehicles. Requiring specialized training is critical to reducing and preventing auto accidents which can be extremely costly to the pool.

**Driving required standard 2:** All drivers of emergency vehicles shall complete an EVOC/EVIP training before driving a member vehicle and at least every three years thereafter. If the EVOC/EVIP course includes a defensive/ distracted driving component, that will satisfy the requirement.

### Advisory standard

**Purpose:** An employee's/volunteer's personal driving record is a good indicator of their driving habits, which can impact how well they drive member vehicles.

Analyzing a driver's driving habits is a good way to manage fleet exposure.

**Driving advisory standard 1:** Members should have on file a driver's abstract for all drivers who operate member-owned vehicles and should obtain updated abstracts every three years.

# Standards

## **Elected official, board member, commissioner training**

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### **Advisory standards**

**Purpose:** The role of elected officials, appointed board members, planning, and civil service commissioners is not only that of community leadership, but also to ensure that their decisions and actions are lawful in intent, practice, and process. Knowing the roles and limitations of elected and appointed officials is important to reduce the risk for a potential lawsuit.

**Elected official advisory standard 1:** All newly elected or appointed mayors and councilmembers, board members, and commissioners should complete either the AWC Elected Officials Essentials or AWC RMSA Public Officials Principles training within six months of taking office.

**Elected official advisory standard 2:** The entire council, board, or commission should receive a refresher training on open public meetings, public records requests, and records retention at least every four years.

# Standards

## Employment practices

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### Required standards

**Purpose:** Employment practice litigation remains among the most expensive exposure for our members and AWC RMSA. AWC RMSA's litigation history demonstrates that defense costs for a termination matter can be very costly. Training and pre-termination case review significantly reduce the potential for employment related lawsuits.

#### Employment practices

**required standard 1:** Prior to taking any personnel action that may result in termination of an employee, and/or notifying the employee of such final disposition, the member shall notify AWC RMSA and allow AWC RMSA to review the merits and risks of the termination and provide guidance at staff's discretion. If staff's guidance is not followed a deductible may apply at the discretion of the AWC RMSA Claims and Pre-Litigation Manager.

**\$5,000 deductible:** If a claim related to a termination is filed and the member had not previously contacted AWC RMSA and followed the guidance of staff as determined by the AWC RMSA Claims and Pre-Litigation Manager, a deductible will be applied as described.

#### Employment practices

**required standard 2:** All employees with direct reports, elected officials, and all department heads shall complete at least one AWC RMSA-approved training course per year on an employment practices-related topic. Non-AWC RMSA sponsored trainings will require advance approval from AWC RMSA to apply.

**\$1,000 deductible:** If a claim related to the conduct of an employee with direct reports, elected official, or department head is filed and that person has not completed an AWC RMSA-approved training course on an employment practices-related topic within the past year, a deductible will be applied as described.

# Standards

## Employment practices *con't*

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### Advisory standard

**Purpose:** As new laws are passed and case law sets precedent, it is important to periodically review and revise personnel policies and procedures. This helps the member reduce the potential for a law suit related to out-of-date or illegal personnel practices.

**Employment standard advisory standard 1:** Personnel policies and procedures should be reviewed at least every five years by an attorney who specializes in employment practices liability. When recommended, the personnel policies and procedures should be revised and the changes communicated to all employees.

## Facilities

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### Advisory standards

**Purpose:** Built-in fire protection systems significantly reduce the potential for a damaging fire. However, these systems can only operate when maintained in accordance to state law and nationally recognized standards.

**Facilities advisory standard 1:** Control valves on automatic fire sprinkler systems, the alarm monitoring panel on fire detection systems, and all portable fire extinguishers should be visually inspected by the member at least monthly, and documentation of the inspections maintained.

**Facilities advisory standard 2:** All automatic fire sprinkler systems, fire alarm systems, fire detection systems, and portable fire extinguishers should be serviced annually by a licensed fire protection contractor.

**Facilities advisory standard 3:** The member should adopt procedures to issue a "hot work permit" and work standards anytime the member, or a contractor is conducting "hot work" such as cutting, welding, brazing, soldering, torch applied roofing etc., outside of a designated shop area.

# Standards

## Land use

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### Required standard

**Purpose:** Land use recommendations from planning commissions, and land use decisions by councils are highly regulated. Improper action by planning commissioners and council members can result in expensive lawsuits.

**Land use required standard 1:** Any member considering adoption of a new moratorium, or renewal of an existing moratorium shall contact AWC RMSA prior to council action. The proposed moratorium shall be reviewed by an AWC RMSA approved attorney prior to adoption.

**\$1,000 deductible:** When a member fails to meet the land use Standard by adopting or extending a moratorium without contacting AWC RMSA, and a lawsuit or legal action results, a deductible will be applied as described.

### Advisory standards

**Purpose:** Land use recommendations from planning commissions and councils is specialized and highly regulated. A simple procedural error can result in costly lawsuits and penalties. Training for councilmembers and planning commissioners reduces the potential for costly errors.

**Land use advisory standard 1:** The council and planning commission should complete training within six months of assuming responsibility for land use issues. This training should include a review of the moratorium process.

**Land use advisory standard 2:** The council, planning commission, and other appropriate staff should attend refresher training on land use hearings every four years. This training should include a review of the moratorium process. If the member uses an outside hearings examiner, the council does not need to complete this refresher training.

# Standards

## Law enforcement

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### Required standard

**Purpose:** The unreasonable use of force has resulted in numerous high-profile law suits against law enforcement agencies and individual officers. Regular training on use of force can increase the potential that only the necessary use of force will be used to control a situation.

**Law enforcement required standard 1:** Commissioned officers and reserve officers shall annually complete training on the use of force policy adopted by the member.

**\$1,000 deductible:** If an excessive use of force claim is filed, and the officer involved has not completed a use of force training within the past year, a deductible will be applied as described.

### Advisory standards

**Purpose:** It is important that members of law enforcement are trained in specific operational areas to reduce or eliminate potential accidents and liability exposures.

**Law enforcement advisory standard 1:** Every three years, all sworn and reserve officers should have formal or certified training on the following:

- Use of lethal and less-lethal force
- Vehicle pursuit & termination of vehicle pursuit
- Responding to domestic violence incidents
- Search and seizure
- Civil liabilities/unbiased policing
- EVOC
- Dealing with mentally ill and emotionally disturbed individuals
- Report writing
- Supervisory review of reports

**Law enforcement advisory standard 2:** All commissioned and reserve officers should receive annual recertification training in the use of firearms (including personal weapons carried while on duty), tasers, and stun guns.

**Law enforcement advisory standard 3:** If the member allows a non-police department individual to ride-along with officers while on duty, the department should adopt procedures to include the following:

- Ride-along program citizen policy and application
- Waiver and release of claim form
- Ride-along orientation check-off sheet

# Standards

## Public works

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### Required standards

**Purpose:** Regular inspections and cleaning of sanitary/stormwater sewer systems is critical to identifying and correcting problems before damage occurs and can help prove that the member is being a responsible property owner.

#### **Public works required**

**standard 1:** The member shall retain documentation confirming routine inspections and/or cleaning in the past 12 months of their sanitary/stormwater sewer systems.

**\$1,000 deductible:** If a claim is filed by a member not having inspected or cleaned some portion of their sanitary/stormwater sewer system within the past 12 months, a deductible will be applied as described.

**Purpose:** Documenting complaints of issues with streets and sidewalks and responding to them timely is critical to identifying and correcting problems before damage occurs or people are injured and can help determine conditions, establish budgets for repairs and replacement, and help prove that the member is being a responsible property owner.

#### **Public works required**

**standard 2:** The member shall retain documentation confirming complaints and the member's responses to complaints regarding issues and/or repairs needed for sidewalks and streets.

**\$1,000 deductible:** If a claim is filed by a member not having documented a complaint or having properly responded to that complaint a deductible will be applied as described.



# Standards

## Public works *con't*

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### Advisory standards

**Purpose:** It is important that members annually inspect regulatory and warning signs to ensure they are properly reflective to prevent injuries and accidents.

**Public works advisory**

**standard 1:** The member should retain documentation confirming annual inspections of retro-reflectivity on regulatory and warning signs.

**Purpose:** It is important that members annually inspect their parks and recreation facilities to ensure they are safe for use by the public.

**Public works advisory**

**standard 2:** The member should retain documentation confirming annual inspections of parks and recreation facilities.

Risk Management Service Agency

[wacities.org/RMSA](http://wacities.org/RMSA)

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