

~ ~ ACCIDENT PREVENTION/INSURANCE RISK ~ ~  
**NEWSLETTER**  
 FALL 2024



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**LODGE ACCIDENT PREVENTION MANAGERS**

Each Lodge shall establish an Accident Prevention Program in compliance with the *Laws Of The Order, Section 12.070*.

A Trustee shall be appointed as the Accident Prevention Manager.

Lodge Accident Prevention Managers must be involved in Lodge safety reviews.

Lodge Accident Prevention Managers should be engaged in their Lodges' day-to-day operations.

Lodge operations and safety reviews must not be delegated to employed managers.

**ACCIDENT PREVENTION INSURANCE RISK CHAIRS**

State Accident Prevention/Insurance Risk Chairs implement the Accident Prevention Program by:

- ◆ Developing a rapport and communication protocol with the Lodges;
- ◆ Analyzing liability losses and recommending action to avoid future occurrences;
- ◆ Communicating with District Deputies;
- ◆ Reminding Lodge managers that alcohol servers must be trained;
- ◆ Keeping their Lodges informed, provide assistance and respond to inquiries;
- ◆ Collaborating with Lodge Accident Prevention Managers;
- ◆ Analyzing property claims and recommending action to avoid future occurrences; and
- ◆ Contacting the Risk Manager with any inquiries.





### HELPFUL TIPS

**Bingo:** A Lodge can reduce the likelihood of a claim arising from Bingo operations through proper planning:

- ◆ Control traffic;
- ◆ Make sure there are no pathway obstructions;
- ◆ Folding chairs and folding tables must be properly set up and fully positioned;
- ◆ Be sure floor surfaces are level and free of any debris; and
- ◆ Anticipate that the group may include the elderly or persons with disabilities.

**Employment Practices:** Every Lodge should establish and follow a personnel policy that provides a means for an employee to register a grievance.

**Service of Alcohol:** Only trained bartenders, whether they are employees or volunteers, can serve alcoholic beverages to Members and their guests.

**Food Service:** All health department rules must be observed in the Lodge kitchen. A clean kitchen in good repair is vital to a successful Lodge.

**Signing Documents:** Documents must be reviewed by the Lodge attorney before a Lodge officer or anyone signs a document that obligates the Lodge to indemnify or hold another party harmless.

**Lodge Furniture:** Inspect all chairs, stools, tables and equipment. Remove any damaged or worn items from the premises. Retain all records from the purchase of replacement items.

**Dance Floors:** Clean up spills and debris promptly and avoid applying slippery substances on the dance floor since that may contribute to falls.

**Parking Lots:** Repair any holes/broken pavement promptly. The parking area should be illuminated to permit easy access to/from the lot to the Lodge.

### ROOF MAINTENANCE

- ◆ Claims for water leakage and damage to contents frequently arise from a Lodge failing to properly maintain a roof.
- ◆ Regardless of the roof design or roofing materials involved, all roofs experience wear and tear.
- ◆ The lifespan of a roof can be extended by proper maintenance.
- ◆ The Property Plus Program only pays for unexpected losses, not wear and tear.
- ◆ The Property Plus Program will not pay to replace a roof at the end of its lifespan or replace a roof due to a lack of maintenance.



## DO YOU KNOW YOUR STATE ALCOHOL MANAGEMENT LAWS?

By **STANLEY J. WELSH**

Government Relations Committee Member

*(Reprinted from the Grand Lodge Newsletter, courtesy of Stanley J. Welsh and the Government Relations Committee)*

Laws regarding business operations, legal gambling, and alcohol sales vary by state. Knowing the laws and regulations in your city and state are important to your operation.

Because of continuing problems regarding alcohol sales and service, Lodges need to know about responsible alcohol management and the law regarding not serving **Visibly Intoxicated Persons**, also known by bartenders and servers as **VIPs**.

Every Lodge should have a written policy instructing servers and managers how to handle most situations that may come up regarding the serving of alcohol. Rules regarding **Visibly Intoxicated Persons** could help reduce your risk of liability.

First and foremost, servers and managers need to know that it is against the law to serve people who are visibly intoxicated. If a **Visibly Intoxicated Person** gets into or causes an accident, the server and the Lodge could be held accountable.

Recognizing a person who is visibly intoxicated is not difficult when servers and managers know what to look for. Some signs to notice if someone is intoxicated:

- Acting loud and boastful
- Drinking alone and fast
- Ordering doubles
- Buying round after round for friends
- Crude behavior
- Slurred speech
- Stumbling and bumping into things
- Falling asleep at the bar

These are some of the signs of visible intoxication. As soon as any of these are noticed the service of alcohol should be stopped **immediately**.

By knowing your customers and talking with them you may be able to find out that they are having a bad day. If so, a server might try to slow down their drinking by putting a glass of water in front of them between rounds, getting busy with some task to slow down service, or inviting them to have something to eat.

You should make your policy part of new and continuing employee training. Also, your policy should include filling out Incident Reports for fighting, intoxication, falls, anything your employee did to get the intoxicated person home safely (accepted or not), and anything else that could cause your Lodge a problem in the future. All reports should have a date, time, witnesses, and signature. They should be kept on file for two years.

We are all paying more for insurance coverage because of various problems caused by irresponsible alcohol service. This is a problem we can control through education and responsible alcohol management programs.

## AUTOMATED EXTERNAL DEFIBRILLATORS

- ◆ Each State has its own laws regulating an Automated External Defibrillator (AED)
- ◆ A Member, Officer or employee is not immune from lawsuits in many States
- ◆ Members, Officers and employees must know their State Law regulating the use and maintenance of AEDs
- ◆ Elks should email their Congressional Representative and demand federal legislation granting immunity for Members, Officers and employees using an AED
- ◆ Always call 911 when urgent care from a First Responder is needed for a Member or guest





### FALL MAINTENANCE

Accident prevention also involves maintaining property when the seasons change:

- ◆ Securely store deck/patio furniture for the upcoming seasons;
- ◆ Make sure that smoke detectors are working and replace if necessary;
- ◆ Lodges that heat with gas/LP/oil need carbon monoxide detectors;
- ◆ Remove leaves from roofs, gutters, walkways and parking lots;
- ◆ Drain and store garden hoses for the winter season;
- ◆ Lawn sprinkler systems need to be blown free of water to avoid frozen pipes in the winter; and
- ◆ Have chimneys and flues inspected and cleaned if necessary to reduce the risk of fire.



### REPAIR WORK AT LODGES

Issues to be addressed when there are repairs or construction at a Lodge:

- Get references from customers of the contractor;
- Check the contractor's past performance by contacting the Better Business Bureau or similar resource;
- Every contractor must provide proof (an insurance certificate) that the contractor has liability insurance;
- Every contractor must prepare a written contract that will indemnify the Lodge from any claims arising out of the work;
- Projects involving extensive repairs and renovation require that the contractor name the Lodge as additional insured under the contractor's general liability policy;
- The Lodge should never take on the role of general contractor;
- Volunteers should not be performing repairs;
- No one from the Lodge should act as a construction manager/coordinator;
- Any Member that is a contractor must also have proof of insurance and prepare a written contract; and
- When constructing a new building, putting on an addition, or making substantial renovations, the Lodge must contact Gallagher Insurance (800) 421-3557 to make sure proper insurance is obtained.



### PROPERTY PLUS PROGRAM

- ◆ All Lodges, including Lodges that rent and do not own a building, must participate in the Property Plus Program per Section 4.232 of the *Laws of the Order*

#### PROPERTY INSURANCE

- ◆ Lodges must be inspected to determine the replacement cost of the building
- ◆ Property Plus covers loss from fire, wind, storms and theft
- ◆ Property Plus protects appliances, furniture and contents in the Lodge

#### BOILER AND MACHINERY

- ◆ Furnaces, Refrigeration, Air Conditioning, Elevators, Ice Machines and Boilers are insured

#### CRIME INSURANCE

- ◆ Lodges that rent are mandated by Section 4.232 to participate in the Crime Insurance Program
- ◆ Property Plus includes crime coverage in the amount of \$50,000 for Member/Employee theft
- ◆ Crime Coverage protects Lodge Officers, Trustees, volunteers and employees
- ◆ Lodges do not need to purchase a separate bond from an insurance agent to cover Lodge Officers

### CERTIFICATES OF INSURANCE

What you need to do when someone requests a certificate of insurance from the Lodge

- ◆ A "Certificate of Liability Insurance" can be found on page 8 of the Liability Insurance Program
- ◆ Copy the Certificate of Liability Insurance and provide it to anyone that requires proof that the Lodge has liability insurance
- ◆ Lodges that require specialized certificates should also refer to page 9 of the Liability Insurance Program for guidance on how to obtain a certificate through Gallagher Insurance.
- ◆ Contact the Grand Lodge Insurance Department with any questions about certificates of insurance

### SPECIAL EVENT POLICIES

A person or organization using Lodge facilities must provide a Certificate of Insurance that names the Lodge as *additional insured* for that particular event.

If a Certificate of Insurance that names the Lodge as additional insured on their insurance policy cannot be provided, a Facility Rental Policy or Special Event Policy can be obtained by contacting Gallagher Insurance (800) 421-3557.





### DIRECTORS & OFFICERS INSURANCE

- ◇ Directors & Officers (D&O) Insurance **is not** included under the Master Liability Program
- ◇ D&O Insurance protects the *personal assets* of individual Officers and Members
- ◇ D&O Insurance provides protection for many discrimination claims
- ◇ The policy may provide officers, trustees and anyone acting as an agent of the Lodge with an attorney to defend covered lawsuits
- ◇ A Lodge may contact Gallagher Insurance (800) 421-ELKS for a policy
- ◇ A Lodge may purchase a D&O Policy from any Insurance Agent in the community

### IMPACT OF SLIPS, TRIPS & FALLS



Members and guests that slip and fall represent the most frequently reported liability claim. Please consider the following:

- ◆ Use floor treatments and cleaners that are designed for non-skid flooring;
- ◆ Avoid cluttering halls and walkways with anything that could cause a distraction or reduce visibility;
- ◆ Repair or replace worn carpet or damaged flooring;
- ◆ Limit access to areas with multi-level flooring, stages, stairways and ramps;
- ◆ Place warning signs where appropriate;
- ◆ Utilize adequate lighting inside the Lodge and outside the Lodge;
- ◆ Utilize mats at entrances/exits during inclement weather;
- ◆ During the winter months, ice/snow should be removed from steps, walkways, parking lots in a timely fashion and keep records that document the snow/ice removal work; and
- ◆ Restrooms should be monitored on a regular basis to make sure that spills or other hazards are eliminated in a timely fashion and maintain records that document the inspections.