

~ ~ STATE ACCIDENT PREVENTION CHAIRMEN ~ ~  
**INFORMATION**  
 MARCH 2010



**CRIME ALERT**

Grand Lodge has received information about a professional criminal now out on bail who is a suspect in the burglary of two Elks Lodges and had a list of Elks Lodges in Florida, Georgia and Nevada in his possession (it is assumed this list represents future prospective targets).

All Lodges should review their security arrangements and avoid holding large amounts of cash overnight, especially in the indicated states.

In the past, we have had similar situations where it seemed to indicate criminals had targeted Elks Lodges and other similar types of organizations.

Lodges should consider:

1. Keeping cash on hand to small amounts.
2. If possible, obtain a burglar alarm with central station reporting if economically possible.
3. Internal/external video surveillance.
4. Burglar resistant doors and locks with management having control of all keys.

**VIDEO RECORDERS**

Some of the more innovate Lodges have installed video recorders on a long-term loop to act as a potential preventative measure for claims and to provide a record of events happening in and around Elks facilities. I am told that such installations, with six or so cameras inside and outside on the premises can be obtained for \$1,500 - \$2,000. Such installations can be helpful in detecting crime losses and can provide information on allegations of slips and falls.

This type of installation coupled with a central station system for fire, crime and carbon monoxide can be useful in reducing the property rates and will assist in claim avoidance for the Self-Insured Property Plus Program.

**STAIRS/UNEVEN FLOORS-AREAS/ENTRANCES**

In the last few months, there has been a much larger than usual number of claims at entrances, on stairs and on rising levels in the Lodge. Special attention must be made to inspect all entrance areas to make sure there are no tripping hazards or obstructions. Uneven floor areas are a particular hazard; such as stages or multi-level floors. It is a must to mark such hazards with floor tape or rope railings, etc. For stages, do not allow persons to use such areas except when absolutely necessary. Stage areas should be blocked off and closed except when being used. When in use, there should be railings to limit the chances of falling. Claims of this sort have become a problem. Please work on this hazard.

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## CONSTRUCTION AT LODGES

When there is to be construction at a Lodge, management must be aware of possible problems. This applies to repairs, partial construction and total renovations.

- In every case, those doing the work should indemnify the Lodge from any claims arising out of the work except in the case of the sole negligence of the Lodge. The party doing the work must name the Lodge additional insured under its general liability policy (this should be done, even if the contractor is a member).
- Make sure that work is guaranteed to protect the Lodge.
- The Lodge should never take on the role of general contractor. If the Lodge takes on this duty, it creates possible obligations and duties the Lodge is neither capable to perform or not properly covered by the Master Liability Program. Lodges should not be misled by potential subcontractors or others providing bad advice in this regard.
- If the Lodge is constructing a new building, addition or a substantial renovation, the Lodge must contact Aon Affinity Services to make sure that property coverage is obtained. A new building requires builder's risk coverage, so a Lodge should contact Aon before construction begins. Always consider full or partial sprinkler installation if the Lodge has sufficient water pressure.



## COMMUNICATION WITHIN THE LODGE

A big part of any accident prevention activity is communication. Not only the communication from the State Accident Prevention Chairmen to the Lodges but also communication within the Lodge (between its leaders and all members). To get the safety message out and to keep it constantly in mind, the members of the Lodge, especially the leaders, must communicate with each other.

Too often, the Lodge Secretary (recipient of many notices and much information) does not properly talk with the Trustees. The reverse is also true.

The Lodge Secretary is primarily responsible for passing out information to the other leaders of the Lodge. The Trustees are responsible for appointing the Lodge's accident prevention manager. The Trustees must do this as they are responsible for making it work.

While I am sure that most Lodges try to work as a team, each year the Grand Lodge receives many calls from various Lodge leaders asking about insurance policies and other matters related to insurance and safety issues that are clearly stated in information provided to the Lodge by many sources. The Insurance Department is always glad to provide information and assistance, but the prime concern is that the Lodges' leaders are not talking to each other and not cooperating to accomplish accident prevention and, for that matter, good Lodge management.

## LIFE SAFETY IN LODGES

In areas occupied or used by members or guests, Lodges should have appropriate safety devices such as fire, smoke and carbon monoxide detectors.

If a Lodge owns any facilities that are rented out or used by individuals as living quarters, these same devices should be provided.

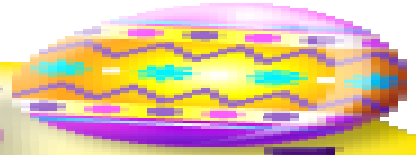
Further, any facilities should be free from lead paint and asbestos exposure. (Any claims alleging these sources are not covered under the Master Liability Program).

Entrances and exits must be accessible as well as properly constructed and configured.

In every case, all fire safety, zoning and construction code provisions must be complied with.



# HAPPY EASTER!



## DANCING

We see a number of claims involving dancers. The Lodges do a good job of keeping the dance floors in good repair in almost every case. To a large degree, the management of the Lodges control this activity but, each year, we have a number of claims, many serious, that are caused by over-impetuous actions by the injured party or by such actions of other dancers. We also have the situation where dancers put substances on the floor to make it more slippery. The following are some major points to avoid claims:

- Make sure that the floor is in good repair with no obstacles or uneven areas. It is preferable to have non-skid flooring.
- No wax or other substances should be used or placed on the floor by unauthorized persons.
- Dancers should be encouraged to dance with proper shoes. Improper shoes or stocking feet could be a hazard
- Dancers should be controlled so that they do not perform in a reckless fashion that could be dangerous to themselves or others.
- Signs might be posted to enforce the above items; such as:
  - “Under no circumstances is any substance to be placed on the dance floor.”
  - “Proper shoes must be worn by all dancers.”
  - “Please respect your fellow dancers and do not dance in a fashion that may endanger your neighbor.”
- Most importantly, there must be attentive members of management there to control activities if a dance is held at the Lodge..
- If an injury occurs, make sure the Lodge retains the names of other dancers who may have caused or contributed to the incident (bumped into injured party, put substances on the floor, etc.). Also, make sure to indicate the type of shoes the injured party was wearing and whether they were dancing in an unsafe manner.

## POOLS/DIVING

It is imperative that all diving boards be removed from Elks’ Lodges. There is no reason or excuse for keeping this dangerous equipment around.

A sufficient number of lifeguards with the proper training are a must for every pool, even if local laws do not require them. Lodges should have lifeguards if the pool is open. Any Lodge that claims they can’t afford a lifeguard should also realize that they can’t afford to have an open pool. Close the pool, remove the water.



## LOCAL LODGE ACCIDENT PREVENTION MANAGER

Has every Lodge complied with the Statues of the Order (12.070) and appointed this position? See Pages 56-57 of the Accident Prevention Manual for a suggested job description.

## **AUTO COVERAGE**



The Self-Insured Master Liability Policy is not an automobile policy, so it will not:

- provide liability property damage or physical damage to the owner of any vehicle.
- automatically or primarily provide coverage for any driver of a vehicle not owned by that driver.

In the event of an accident and in every case:

- The car owner's insurance policy is primary.
- The non-owner driver's auto insurance "driving other car" coverage is secondary.

Under the Self-Insured Master Liability Policy, the Lodge has non-ownership/hired car coverage. The Lodge would be defended if sued based on allegations related to this coverage, but the current status of law indicates that the Lodge is not responsible vicariously for the driving actions of members, volunteers or employees.

The Lodge should not expect that any coverage under any circumstances can be extended to members, volunteers or employees. No promises are valid and none should be made.

The owners of a vehicle or the non-owning driver is responsible for obtaining adequate insurance to protect his or her own situation.

## **ILLEGAL GAMBLING PROHIBITED**

Gambling that is held to be illegal in the U.S., the State or the political jurisdiction where a Lodge is located is a violation under the Statutes of the Order. Such a violation could result in the loss of the Lodge's Charter. Such violations can also result in the loss of a liquor license and in substantial fines and prosecutions of officers, trustees, employees and members.

Lodge management should not tolerate such actions by any members or guests. Even the appearance of allowing or condoning illegal acts of this sort in the Lodge can result in penalties by the Order, by local police authorities and by regulating bodies.

## **PRESERVE PROPERTY IN THE EVENT OF A LOSS**

In the event of a Property Plus loss, it is imperative that Lodge management immediately take every reasonable action to mitigate the effects of the loss.

Property should be protected from the elements and salvage actions should be conducted to reduce the proportions of a loss. Openings in a wall or roof should be covered by temporary coverings. Efforts should be made to move contents from areas where there is the potential of continued damage when this is practical.

## **EMPLOYEE/MEMBER THEFT**

In the last year, we have had several cases of substantial crime losses involving employees, officers and members. Almost all of these types of losses could have been avoided or at least substantially mitigated or reduced if good practices and common sense had been used by the Lodge's management.



Procedures must be established to provide checks and balances. In any operation, this can be done by not allowing any one person to have control over all aspects of the process.

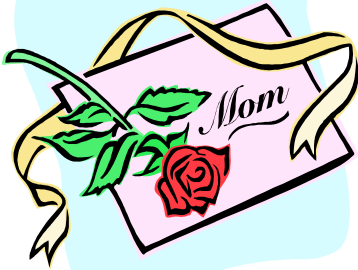
Internal audits should be conducted without prior notice. All external audits should include a full review of all operations concerning the handling of money or the processing of invoices.

It is strongly recommended that a two-signature procedure be established.

No individual or group should be allowed to incur debt or obtain access to credit for the Lodge without approval of the Lodge or, if necessary, the Grand Lodge.

## BRIEF REMINDER

If a Lodge has fidelity coverage under the Property Plus Program, there is no need to purchase bonds for Lodge officers or others required by the Lodge By-Laws.



## NOTE REGARDING LODGE AUDITS

All Lodges should be aware that outside auditors should not request insurance information from Grand Lodge or the service agents. They must refer to the Liability Insurance Program booklet and the Property Plus Insurance Program booklet.

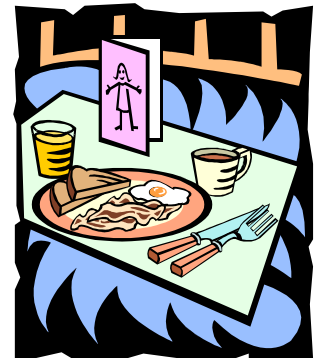
## PROPER METHOD OF SERVING ALCOHOLIC BEVERAGES

1. Lodges must not be open to the public; especially for the service of alcoholic beverages. Lodges that are open to the public violate the Statutes of the Order and jeopardize the not-for-profit status of the Lodge entity and the Grand Lodge. A violation may result in the loss of a Subordinate Lodge's Charter.
2. Lodges should not serve beer in pitchers. All drinks should be served in one-drink containers to allow a better observation of how many drinks a patron has consumed.
3. Never have kegs of beer or containers of wine allowing individuals to serve themselves. Here again, this makes it impossible to gage how many drinks a person has consumed. The same applies to self-service of any drink. In some jurisdictions, this may also violate liquor laws.
4. Lodges should not advertise or maintain low prices for drinks to encourage higher consumption. The proposition that a Lodge is a place where alcohol can be obtained on a cut-rate basis presents a negative image and may attract persons prone to abuse.
5. Service at events held at any Lodge; such as weddings, holiday parties, etc. must be tightly controlled by Lodge management. Under no circumstances is anyone to be served who is even approaching intoxication. If there is any person who even might be remotely underage, their I.D. must be checked. If there is someone who objects to providing an I.D. or being cut off from further drinking who causes a disturbance, they should be required to leave the Lodge.
6. Under no circumstances should any bartender, server, employee or volunteer be allowed to drink while working. It is also preferred that such individuals not begin drinking after their shift is over or when the Lodge is closed. No after-closing drinking should ever be allowed.

## SPRING CLEANING/FIX-UP

For those Lodges in locations that have had a winter with ice and snow, spring again approaches. The following are things a Lodge should do to prepare for the increased activity that warm weather brings:

- Parking lots and open-air areas may have damage or a need for maintenance.
- Plans should be made now to make the appropriate repairs, cleaning and removing any hazards that might cause claims by users during the spring and summer (particular attention should be given to entrances and stairs).
- Fully inspect all areas in the Lodge that will experience an increase in activity.
- Properly mark and block access to areas that are not to be used by members and/or guests.
- Make sure that all areas with different levels are clearly marked or blocked (stages, dance floors or multi-level rooms).
- Most importantly, make sure that all servers of alcohol (employees or volunteers) are properly trained to never serve anyone approaching intoxication. When in doubt, don't serve the patron.



## PREVENTING FROZEN PIPES

Each year, the Self-Insured Property Plus Program is presented with many claims caused by all types of frozen pipes. This is a type of loss that can be avoided, so every Lodge should take action to prevent such losses from occurring.

1. Do not allow heat in any building to fail or be set at such a low level at any time of day that would allow the potential of freezing in any pipe area.
2. Pipes that are in any way exposed or in possible problem areas should be provided with protective coverings or shields.
3. Spring and summer is a time for this inspection to be made and when corrective action should be taken. Even if a Lodge is in an area where winters are normally mild, inspections should be made and preventative action taken for a possible year that is exceptionally cold.



## CAPABILITY OF VOLUNTEERS

The Order could not function without the millions of hours donated by the members and their families. The work of volunteers is the lifeblood of any fraternal organization and everyone recognizes this; however, the management of the local Lodge must properly and safely direct such contributions. Just because an individual volunteers to do a task does not mean that the individual has the mental or physical ability to complete the task. If the volunteer is not able to do what is required, the work may be done in an unacceptable fashion but, most importantly, it may not be done in a safe manner.

Improperly done work may result in damage to the Lodge's property or, more importantly, may result in injury to the volunteer or to others. The Lodge leadership must review the circumstances and say no when necessary.

- Don't let inexperienced or incapable people do tasks just because they offer to attempt to do them.
- Don't let untrained persons rewire the Lodge. Don't let an octogenarian trim trees or work on scaffolding.
- Don't let well-meaning but inexperienced members replace the Lodge roof and, in the process, burn the Lodge down because of the misuse of a blowtorch used in the process.
- Don't have officers or members sign contracts obligating the Lodge without the contract being reviewed by someone knowledgeable in the implications associated with the acceptance of an agreement.

## DIRECTORS & OFFICERS/EMPLOYMENT PRACTICE

Just a reminder for Lodges that do not have this coverage. All Lodges should consider getting this coverage. Refer to letters on this subject sent to each Lodge Secretary for the last 6 years. A claim against the officer or trustee of the Lodge by an employee or for alleged mismanagement is not covered by the Self-Insured Master Liability Program. If such a claim is presented, the Lodge and its leadership will have to pay for defense, expenses and any settlement or verdict out of their own pockets.



## WORKERS' COMPENSATION

Every Lodge must have Workers' Compensation insurance. **The Master Liability Program will not defend or pay for any settlement or verdict for a claim made by a Lodge employee.** If a claim were made, even if a Lodge has no employees, the Lodge would have to pay for defense out of its own pocket. Buy a minimum premium policy to avoid the expense of defense.

It is also recommended that the Workers' Compensation policy extend its coverage to volunteer workers (if the Lodge is in a state that makes it available). If this can be done, a volunteer would be paid for the injury in the same fashion as a paid employee in the event of an accident (even if the accident was their own fault).