

~ ~ ACCIDENT PREVENTION/INSURANCE RISK ~ ~
NEWSLETTER
 SPRING 2020



Inside this issue:

Insurance Renewals	1
Start of New Lodge Year	2
Review Documents	2
Update Contracts	2
Master Liability Program	3
Automated External Defibrillators in the Lodges	4
Repair Work at Lodges	4
Service of Alcohol	4
Boats/Docks	5
Beware of Scams	5
Certificates of Insurance	5
“Special Event” Policies	5
Lodge Rental Agreements	6

INSURANCE RENEWAL FOR 2020-2021

The Property Plus Certificates of Coverage and invoices from AFCO will be arriving in April.

Property Plus Certificates of Coverage

The Certificate of Coverage renews the existing coverage for Lodge buildings and contents effective April 1, 2020. Please review your Certificate of Coverage for accuracy. Please contact Aon at (800) 421-3557 if any discrepancies are found.

1. Please verify that *all* Lodge buildings are listed.
2. If a building is not listed on the Certificate, it is not covered unless the Lodge carries a blanket building limit.
3. Business Personal Property limit is the amount of coverage for contents based on the cost of those items today.
4. Business Income is the insurance available to replace income the Lodge might lose if a covered loss prevented the Lodge from continuing business operations.
5. **Flood/Earthquake coverages are not provided under the Property Plus Program.** Please contact Aon for a quote if a Lodge needs insurance coverage for floods and earthquakes.

Property Plus Insurance Guide Is Online

The Property Plus Insurance Guide explains coverage provided under the Property Plus Program. The Property Plus Insurance Guide is posted on the Safety & Insurance page of the Elks website.

Invoices/Finance Agreements from AFCO

Invoices will be sent directly from AFCO to each Lodge. Lodges that choose the financing option should sign the Premium Finance Agreement and submit it with the first month’s installment by May 1, 2020. Lodges with overdue balances will not be able to choose the financing option with AFCO.



IT IS THE START OF A NEW LODGE YEAR

Now is a great time to examine the Lodge's legal wellbeing:

- Where are the Lodge's legal documents located?
- Are state and local filings and registrations maintained?
- Become familiar with all Lodge contracts.
- The officers and trustees should know all Lodge obligations.
- Lodge officers and trustees must maintain proper records.
- Contracts should avoid a conflict of interest.
- Does the Lodge have written personnel policies?
- The Lodge should have written work rules for its employees.
- Does the Lodge have an attorney that can review contracts?
- Now is the time to diary important dates such as renewal of licenses and permits.
- Does the Lodge have service contracts with repairmen, plumbers, electricians, etc.?
- If so, such service contracts should provide the Lodge with indemnification.
- Indemnification includes the obligation to protect the Lodge from claims made by the contractor's employees.
- Service contracts should require that all contractors provide evidence of liability insurance.
- Service contracts should include contractual liability coverage.
- The Lodge should be named as additional insured on the contractor's insurance policy.
- It is unacceptable for the Lodge to indemnify other individuals or corporations.
- Are the Lodge's financial and business records properly filed for retrieval and provided with back-up redundancy?
- Has the Lodge prepared a rental agreement or contract to be signed by individuals or entities using the Lodge, according to the Laws of the Order?
- In these agreements, the entity using the Lodge should hold the Lodge harmless for activities and provide evidence of insurance coverage (see Pages 10-11 of the *Liability Insurance Program* booklet).
- Now is the time to review the *Accident Prevention Manual* and *Liability Insurance Program* booklet, which are posted on the Safety & Insurance page of the Elks website.



St. Patrick's Day





LIABILITY INSURANCE PROGRAM

The Liability Insurance Program will provide \$6,500,000 coverage per occurrence for general liability, contractual liability and liquor liability coverage. The coverage commences on April 1, 2020 and continues through March 31, 2021. Lodges have online access to the updated Liability Insurance Program booklets on the Elks website.

LODGE ACCIDENT PREVENTION PROGRAM

Section 12.070 of the Laws Of The Order requires all Lodges to establish an Accident Prevention Program. An Accident Prevention Policy should be implemented, consistent with Grand Lodge and State Association programs.

LODGE ACCIDENT PREVENTION MANAGERS

Section 12.070 of the Laws Of The Order requires all Lodges to designate a Trustee as Accident Prevention Manager. The Accident Prevention Manager will continually review and implement a policy, in concert with Grand Lodge and State Association programs, to protect the Lodge from claims for accidents and injuries.

ALLEGATIONS OF DISCRIMINATION/HARASSMENT

Claims alleging harassment, discrimination and wrongful termination are *not* covered under the Liability Insurance Program. A Lodge will need to purchase a separate Directors and Officers Policy (D&O). Please contact Aon for a quote for this additional coverage for the Lodge.

AUTOMOBILES/TRUCKS/BUSES

A Lodge should never own a motor vehicle. There is no coverage for a Lodge owned motor vehicle under the Liability Insurance Program.



AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

- ◆ Each State has its own laws regulating Automated External Defibrillators (AED)
- ◆ A Member, Officer or employee is not immune from lawsuits in many States
- ◆ Members, Officers and employees must know the State Law regulating the use and maintenance of AEDs
- ◆ H.R.1227–Cardiac Arrest Survival Act is a bill that guarantees national immunity
- ◆ H.R.1227–Cardiac Arrest Survival Act is pending in the Houses of Representatives
- ◆ Elks should email their Congressman and demand that H.R.1227 be passed to guarantee immunity for our Members, Officers and employees using an AED
- ◆ Always call 911 when urgent care from a First Responder is needed for a Member or guest



REPAIR WORK AT LODGES

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

- Contractors must provide proof (an insurance certificate) that the contractor has liability insurance;
- Contractors should provide a written contract that will indemnify the Lodge;
- Extensive repairs and renovation require that the contractor name the Lodge as additional insured;
- 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
- Contact Aon at (800) 421-3557 for insurance coverage for renovations.



SERVICE OF ALCOHOL TO MEMBERS AND GUESTS

The service of alcohol is a *privilege* the Lodge extends to Members and their guests, not a means of revenue for the Lodge. Cutting off a Member or guest is better than defending a lawsuit.

- Never serve anyone approaching intoxication;
- Do not let others buy drinks for anyone who might be close to intoxication;
- No beer kegs, no pitchers and no coolers;
- Remind Members/guests not to drink and drive;
- Be observant while serving alcohol;
- Encourage designated drivers;
- Never permit BYOB;
- Do not allow games/contests involving alcohol consumption;
- An outdoor tent/bar must have a server;
- Do not hold a “Happy Hour”;
- Never discount prices to promote liquor sales;
- “Last call” should be well before closing;
- Insist on a taxi or a ride for anyone who drank too much; and
- Members that have a problem need our help, now!



BOATS/DOCKS/MARITIME EXPOSURE

Lodges with docks have exposure and need additional insurance. The Master Liability Program specifically excludes coverage for any owned boats over 18 feet in length. Lodges are covered for claims arising out of the use of non-owned water craft under 52 feet in length, however there is no coverage for the owner of any boat.

Lodges with docks should purchase a marine liability policy that covers docks, moorings and other facilities. This will protect Lodges from claims by owners of moored boats or any other third parties. Lodges' Workers' Compensation policies should include appropriate endorsements that provide coverage for work related claims arising out of maritime or dock activities.

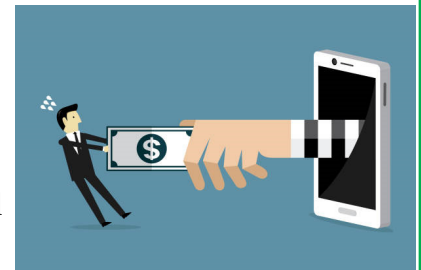
The Property Plus Program does not provide flood coverage for docks or marinas, nor does it provide coverage for any "storm surge." Lodges should obtain coverage on an all-risk marina form that would cover floods and storm surges. Contact Aon at 800-421-3557 or a local agent to get a quote for coverage.



BEWARE OF SCAMS

Scam artists always follow the money, so look out for the following:

- Deposit cash in the bank promptly, do not wait until the next day
- Government agencies/Law Enforcement never ask anyone for cash
- Do not provide anyone with bank account information
- IRS always makes its first contact by U.S. Mail, not by telephone or e-mail
- The IRS never requests Not For Profits to make special payments
- Someone "in need" asks for plane fare and cash since they heard that the Elks do good deeds
- An unsolicited "free" inspection of the roof or crawlspace will result in an unnecessary repair bill
- Make sure that you know the sender of an e-mail before you open it to avoid cyber scams



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
- ◆ Print the certificate 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 Aon Affinity Services, Inc.
- ◆ Contact the Grand Lodge Insurance Department with any questions about certificates of insurance



SPECIAL EVENT POLICIES

Anyone using Lodge facilities must provide a Certificate of Insurance that names the Lodge as additional insured *and* sign an indemnity agreement.

If the entity or individual cannot name the Lodge as an additional insured on their insurance policy, special event policies can be obtained by contacting Aon Affinity Services at (800) 421-3557. Special event policies are also available on the Elks website on the Safety & Insurance page.





LODGE RENTAL AGREEMENTS

The following should be included in all rental agreements:

- ◆ Follow pages 10-11 of the Liability Insurance Program;
- ◆ Require a certificate of insurance naming the Lodge as additional insured;
- ◆ Include a provision for an indemnity agreement;
- ◆ Describe the area to be rented, indicate any restrictions on use;
- ◆ Indicate any limitations regarding capacity;
- ◆ State all rental fees and a clearly defined cancellation policy;
- ◆ Verify with the proper authority that the Lodge's liquor license allows service of alcohol to non-Members;
- ◆ Service of alcohol must be controlled by the Lodge, no outside alcohol is allowed;
- ◆ Self-service of alcohol and self-service kegs are not allowed;
- ◆ The Lodge will reserve the right to refuse service to anyone at the discretion of the servers;
- ◆ The renter's clean-up responsibilities/requirements should be clearly indicated;
- ◆ The Lodge must not sign an agreement assuming responsibility for hired security personnel;
- ◆ The Lodge has the right to stop inappropriate behavior;
- ◆ The Lodge has the right to shut down the event; and
- ◆ Consider having an attorney review the rental agreement.

