

~ ~ ACCIDENT PREVENTION/INSURANCE RISK ~ ~  
**NEWSLETTER**  
 SPRING 2021



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**INSURANCE RENEWAL FOR 2021-2022**



**Gallagher**

Insurance | Risk Management | Consulting

Gallagher Insurance (800) 421-3557 is the Elks new Insurance Broker effective April 1st. First Insurance Funding is the new Property Plus Financing Company.

**Invoices/Finance Agreements from First Insurance Funding**

Invoices will be sent from First Insurance Funding to each Lodge. Lodges that choose the financing option should sign the Premium Finance Agreement and send it with the first month’s installment by May 1, 2021.

**Property Plus Certificates of Coverage**

Gallagher Insurance will send each Lodge a Property Plus Certificate of Coverage this Spring. The Certificate of Coverage shows the existing coverage for Lodge buildings and contents effective April 1, 2021. Please review the Certificate and contact Gallagher Insurance at (800) 421-3557 if you have any questions.



## 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?
- Become familiar with all Lodge contracts.
- 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.
- 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.





## LIABILITY INSURANCE PROGRAM

The Liability Insurance Program provides coverage for general liability, contractual liability and liquor liability coverage. The coverage commences on March 31, 2021 and continues through March 31, 2022. The cost for this Insurance is included in the Lodge's per capita payment to the Grand Lodge. 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 Gallagher Insurance at (800) 421-3557 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
- ◆ Elks should email their Congressional Representative and demand federal legislation granting 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 Gallagher Insurance at (800) 421-3557 for insurance coverage for construction 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!



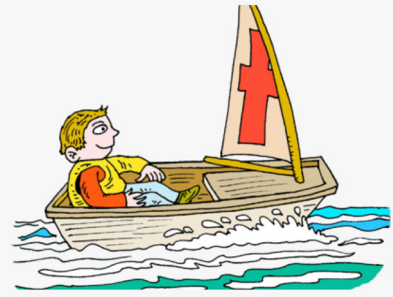


## BOATS/DOCKS/MARITIME EXPOSURE

Lodges with docks have exposure and need additional insurance. The Master Liability Program 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. 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 Gallagher Insurance 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 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 request specialized certificates should refer to page 9 of the Liability Insurance Program for guidance on whether a certificate can be issued by Gallagher Insurance.
- ◆ Contact the Grand Lodge Insurance Department with any questions about certificates of insurance



## FACILITY RENTAL POLICIES

Anyone using Lodge facilities must provide an Additional Insured Certificate that names the Lodge as an additional insured.

# REUNION

If the Additional Insured Certificate is not provided, Facility Rental policies can be obtained by contacting Gallagher Insurance at (800) 421-3557. Facility Rental 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;
- ◆ Determine whether 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.

