



Local Government Liability Pool



What is Liability???



Background of LGLP

- W.S. 1-42-101 - enabled the state to create a state administered self insurance account that will offer reasonably priced liability coverage and loss prevention programs to local government entities.
- Coverage, through this account, will respond to claims brought against local governments under the WY Governmental Claims Act and arising under federal law or laws of other jurisdictions.



Coverage Description

Limits

- LGLP will provide each participant with a \$250,000 per person/\$500,000 per occurrence coverage limit for claims brought under the Wyoming Governmental Claims Act, and a \$1.5 million per occurrence with a \$5 million annual aggregate coverage limit for covered claims brought under federal law and the laws of other jurisdictions. LGLP coverage will be on an occurrence basis. Defense costs will be paid in addition to the limit of liability coverage.



- Wyoming Governmental Claims Act would apply to TORT actions - negligence in property maintenance, etc.
- Federal Laws would apply to Civil Rights Violations
 - wrongful termination of employee
 - Sex discrimination
 - rules or ordinances which violate an individuals civil rights



Deductibles

- Options, which apply per occurrence are: \$500, \$1000, \$2500, & \$5000 deductibles.
- Entities may have their choice of deductibles, with higher deductibles resulting in lower coverage premiums.



What and Who is Covered?

- General liability (including bodily injury, property damage, personal injury, civil rights, and watercraft liability, among others).
- Automobile liability
- Public officials errors and omissions liability
- Board of Supervisors and district employees are covered
- LGLP has limited amount of exclusions.



What's Not Covered

- LGLP does not provide coverage for the following:
 - Workers compensation
 - Real & personal property owned by participants or property of others required to be insured under contract.



- Automobile physical damage (comprehensive & collision); medical payments; & uninsured motorist coverage.
- Any type of property coverage.
- Contractual disputes
- Exemplary or punitive damages



Effective Date of Coverage

- Membership runs from July 1 through June 30 of each year. Coverage is not effective until enrollment forms and payment of the appropriate contribution is received by LGLP.



Cost of Program

- Each entity will be rated on its payroll expenses on the previous calendar year
- Minimum cost is \$500.00 per year
- Minimum premium can change upon approval of the LGLP Board



Program Services

- LGLP will provide liability coverage for claims which arise under the Governmental Claims Act and certain Federal statutes. In addition to this coverage, LGLP will provide services which traditionally have been provide by insurers, such as claim handling and loss prevention.



General Management

- The Joint Powers Board (created by WS 1-42-202) and the LGLP Executive Director will be responsible for the management of program. Day to day administrative duties (i.e. collection of contributions, issuing participation certificates, claim coordination) will be performed by the staff at the LGLP office.
- Contact: (307) 638-1911 or <http://www.lglpwyoming.org/index.asp>



What is a Liability Risk??



OR



Enrollment Procedure

- To apply for coverage from the pool complete
- The following activities:
 - Fill out the questionnaire and any applicable supplemental questionnaires.
 - Contact LGLP to obtain assistance in determining the contribution amount due and submit a check with the applications. Checks should be made payable to :

Local Government Liability Pool

P.O. Box 20700

Cheyenne, WY 82003

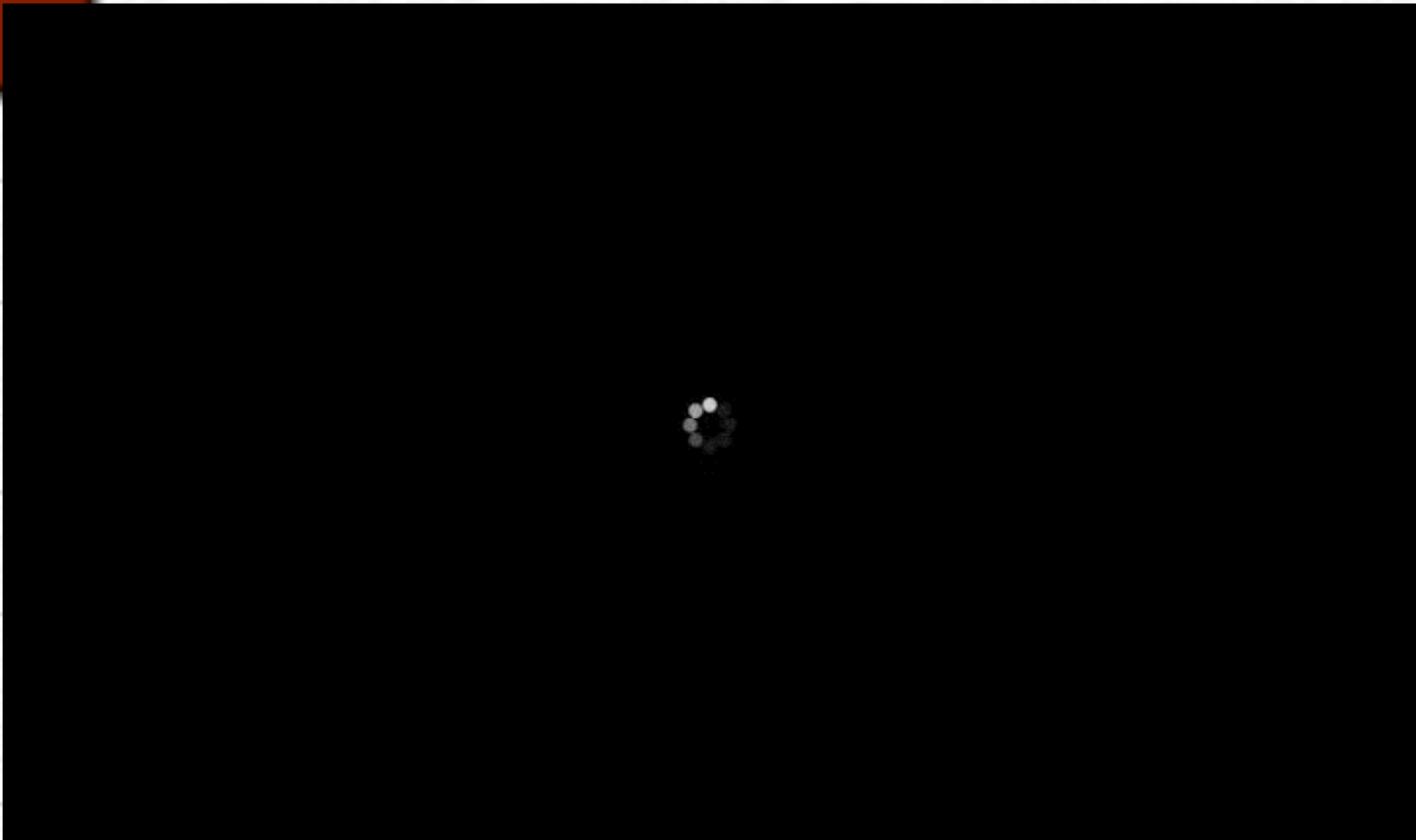




Lessons Learned

From Employers





Harassment #1

- Employee filed a complaint against the supervisor
- After the first filing, 22 others filed against the supervisor
- All employees had attended harassment training
- Investigation was conducted by a third party
- Supervisor threaten all that had filed complaint



Harassment #1

- The employee was terminated
- Was this the correct step?



Harassment #2

- Female files a harassment complaint against the Supervisor
- Investigation was done by both Law enforcement and Attorney's office
- LGLP was called in to consult.



Harassment #2

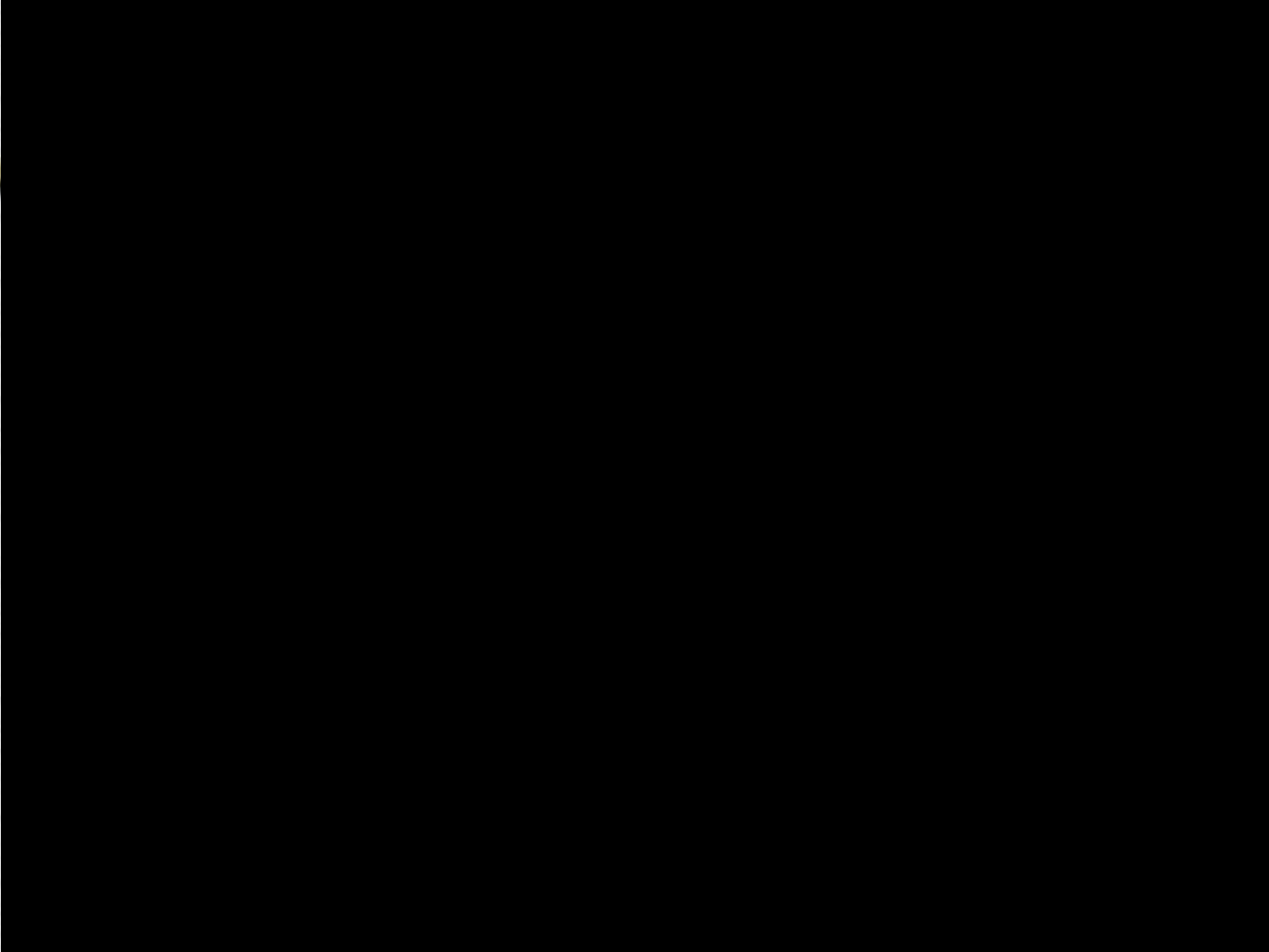
- Investigation was one sided.
- LGLP suggested and outside investigator.
- Private investigator found other issues.
- No job loss.



Discrimination #1

- Employee filed an age discrimination
- The employer was trying to force him to retire
- Employee provided documentation
- Lawsuit pending
- Back Pay and Benefits





Documentation #1

- Part time seasonal employee informs director she is pregnant.
- Because of morning sickness she was informed she could choose her own hours.
- Employee came in at different hours.
- Entity wants to term because they cannot depend on what time she will show up.
- Is this a good enough reason to terminate employment?



Documentation #2

- Entity has employee that is disruptive to the work place.
- Manager documents and places the employee on a verbal warning.
- Employee decides they have had enough and gives 2 week notice.
- Manager hears that the employee is spreading rumors.
- Manager calls in the employee and terminates
- What should have been done?



Documentation #3

- Employee was termed
- Documentation didn't follow policy manual
- Jury awarded \$25,000



Dirty Dozen

The 12 manager mistakes that spark lawsuits

- 1) Sloppy documentation
- 2) Not knowing policies, procedures
- 3) Inflated Appraisals
- 4) Shrugging off complaints
- 5) Interview errors
- 6) Changing your story
- 7) 'Papering' an employee's file
- 8) Being rude, mean-spirited
- 9) Careless statements to feds
- 10) Lack of legal knowledge
- 11) Dictating accommodations
- 12) Firing employees too fast



STATISTICS

- Employment lawsuits increased by 2,200% in the last decade.
- In the last four years the jury found in favor of the employee increased by 36%.



What Potential Jurors Think ??

Is the organization responsible for the actions of it's employees.

Yes 94%

No 6%

Companies will lie to win a lawsuit.

Yes 69%

No 31%



What Potential Jurors Think ??

In a dispute between an employee and a large organization who would you tend to believe.

Employee	88%
Supervisor	12%

It is very important for people to stand up for what they believe in.

Yes	97%
No	3%



What Potential Jurors Think ??

Is it important for juries to send a message to organizations to improve their behavior.

Yes 72%

No 28%

Is it more important to see that “justice is done” than to follow the “letter of the law”.

Yes 71%

No 29%



What Potential Jurors Think??

The Company is negligent if it does not document an employee's performance.

Yes 91%

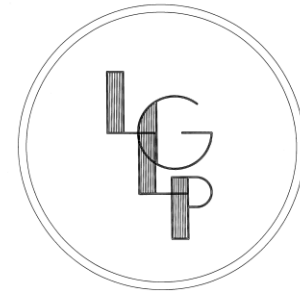
No 9%





QUESTIONS????

LGLP



Judi Just, SHRM-CP, PHR

