



# Member Standards

## Required & Advisory

# RMSA

## Risk Management

SERVICE AGENCY

SECURITY | STABILITY | SERVICE



# Introduction

The AWC Risk Management Service Agency's Member Standards were adopted by the RMSA Board of Directors in an effort to provide consistent administrative practices for members, reducing property and liability losses.

The Standards selected were identified as those which have historically driven RMSA's claims expenses and where compliance with these Standards would either eliminate or greatly reduce exposure for RMSA and its membership. By following these Standards, the Board is confident that members will reduce costs for themselves and help the long-term financial stability of the RMSA.

Required Member Standards are mandatory. An RMSA member's failure to comply with certain Required Member Standards, will result in a deductible, applicable to the claim costs resulting from that member's non-compliance with the Standard, to include defense, investigative and settlement costs.

Advisory Member Standards are principles and practices which, while not required, have been identified and recognized by the industry, and by the RMSA, as sound best practices which help increase members' day-to-day operations and lend toward efficient municipal administration. The RMSA strongly believes that following these Advisory Member Standards will significantly decrease the likelihood of experiencing property and liability losses.

Compliance with these Member Standards can be accomplished in various ways, including through multiple RMSA online, on-site and on-demand training. RMSA will work with the membership and each member individually to assist with achieving compliance with all Standards, and in tracking and documenting that satisfactory compliance.

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## **Required standards**

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## Advisory standards

|        |  |         |
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| DR-AS1 | All drivers of emergency vehicles should complete EVOC/EVIP courses every three years  | Page 10 |
| DR-AS2 | Members should keep on file drivers abstracts for all employees that operate member owned vehicles and update every three years                            | Page 10 |
| EO-AS1 | Mayor, Council, Board and Commission members should attend AWC or AWC RMSA Elected Officials training within six months of taking office                   | Page 11 |
| EO-AS2 | Mayor, Council, Board and Commission members should take a refresher course on Open Public Meetings, public records and records retention every four years | Page 11 |
| EP-AS1 | Personnel policies & procedures should be reviewed by an attorney every five years   | Page 12 |
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| LU-AS1 | Council, Planning Commission and other staff should attend training within six months of assuming land use responsibilities                                | Page 14 |
| LU-AS2 | Council, Planning Commission and other staff take refresher course on land use hearings every four years   | Page 14 |
| LE-AS1 | All sworn and reserve officers should comply with training requirements every three years  | Page 15 |
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# Frequently asked questions

The ultimate benefit of the Member Standards is to educate our members, provide technical assistance and reduce claim exposures. Below are answers to the most frequently asked questions regarding the AWC RMSA Member Standards.

## **Must we be fully compliant by January 1, 2016?**

YES, RMSA has had member standards in place since 2013 and all members should be in compliance by this time. The goal is that you start working in 2016 on meeting the advisory standards. AWC RMSA staff can provide assistance in helping you meet the training standards.

## **What if we can't afford the training?**

Most of the training standards can be completed for FREE using RMSA-U, the AWC RMSA lending library, webinars, or from our on-site workshops. We also provide a limited number of scholarships for training offered by both AWC and other organizations.

## **Are we required to send all contracts and interlocal agreements to AWC RMSA before we approve and sign?**

NO. AWC RMSA is happy to review the insurance and indemnification portions of contracts and agreements to protect our member's interest. AWC RMSA can provide standard insurance and indemnification language which you can incorporate into your contracts and agreements.

## **Does the contract review standard include labor agreements?**

NO. It was never our intent to review your labor or collective bargaining agreements.

## **Is it required for us to contact AWC RMSA prior to terminating an employee?**

NO; however, if a claim or lawsuit is filed, a deductible will apply if you did not contact AWC RMSA prior to taking an action which results in termination of an employee. AWC RMSA can provide some FREE attorney services for employment matters. Our FREE pre-litigation service is designed to reduce the potential liability on employment related matters.

## **Do other risk pools have member standards?**

YES, and in many cases they are more rigorous and expensive to comply with than the AWC RMSA Member Standards.

**Must we have AWC RMSA review all land use ordinances, moratorium, and/or proposed land use actions?**

NO. However, if a claim or lawsuit is filed as a result of not contacting RMSA before the adoption or extension of a land use moratorium, a deductible will apply.

**Does RMSA have resources to help with meeting the Standards?**

YES, RMSA has many free resources such as model polices, loss prevention guides, inspection forms, and training which can be used to help meet these standards. In addition, using the free AWC RMSA HR Helpline (Enquiron) template or the AWC RMSA personnel policies manual template will meet this standard.

**Do the deductibles apply immediately to all of the Standards?**

The deductibles only apply to the required Member Standards, not to the advisory Member Standards. The deductible for required standards EP-RS1 and LU-RS1 are effective January, 2016 and the deductibles for required standards DR-RS1, LE-RS1 and PW-RS1 will be effective January, 2017.

**The deductibles increase for additional occurrences. Do these apply for multiple occurrences during a calendar year?**

The Member Standards are effective on January 1, 2016, and will remain in effect until the Board of Directors approves revisions. If initial and subsequent occurrences occur after January 1, 2016, and while the Standards remain in effect, the applicable increased deductible(s) will apply.

**Who is responsible for maintaining the training records?**

RMSA will track attendance for RMSA conducted or sponsored trainings, however, the member is responsible for maintaining training records for any non-RMSA sponsored training which they want credit for in meeting a standard.

# Abbreviation key

|    |                               |    |                          |
|----|-------------------------------|----|--------------------------|
| AD | Administration standard       | LU | Land use standard        |
| CR | Contract review standard      | LE | Law enforcement standard |
| DR | Driving standard              | PW | Public works standard    |
| EO | Elected officials standard    | FA | Facilities standard      |
| EP | Employment practices standard |    |                          |

## Department reference

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### All staff

|        |                                     |
|--------|-------------------------------------|
| DR-RS1 | Driving – Required standard         |
| DR-AS1 | Driving – Advisory standard         |
| DR-AS2 | Driving – Advisory standard         |
| CR-AS1 | Contract review – Advisory standard |

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### HR/Administration

|        |   |
|--------|---|
| AD-AS1 | Disaster plan – Advisory standard             |
| AD-AS2 | Electronic communications – Advisory standard |
| AD-AS3 | Program orientation – Advisory standard       |
| EP-RS1 | Employment practice – Required standard       |
| EP-RS2 | Employment practice – Required standard       |
| EP-AS1 | Employment practice – Advisory standard       |

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### Elected officials

|        |                                       |
|--------|---------------------------------------|
| EO-AS1 | Elected officials – Advisory standard |
| EO-AS2 | Elected officials – Advisory standard |

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### Land use/Planning

|        |                                       |
|--------|---------------------------------------|
| LU-RS1 | Land use/planning – Required standard |
| LU-AS1 | Land use/planning – Advisory standard |
| LU-AS2 | Land use/planning – Advisory standard |

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### Law enforcement

|        |                                     |
|--------|-------------------------------------|
| LE-RS1 | Law enforcement – Required standard |
| LE-AS1 | Law enforcement – Advisory standard |
| LE-AS2 | Law enforcement – Advisory standard |
| LE-AS3 | Law enforcement – Advisory standard |

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### Public works/Facilities

|        |   |
|--------|---|
| FA-AS1 | Fire protection inspections – Advisory standard |
| FA-2   | Fire protection maintenance – Advisory standard |
| FA-3   | Hot work permit – Advisory standard             |
| PW-RS1 | Public works/Facilities – Required standard     |

# Deductibles

When RMSA members are in compliance with all of the Required Member Standards, deductibles will not apply to claims which may arise. It is when a member is out of compliance that the following deductibles will be applied.

Deductibles are applied in two ways to claims which result from a member's non-compliance with a Required Standard. The following deductibles apply to every RMSA member, regardless of size, for the first occurrence.

|               |   |                   |
|---------------|---|-------------------|
| <b>DR-RS1</b> | Driving – Required standard                 | <b>\$5,000**</b>  |
| <b>EP-RS1</b> | Employment practice – Required standard     | <b>\$10,000*</b>  |
| <b>LU-RS1</b> | Land use/Planning – Required standard       | <b>\$10,000*</b>  |
| <b>LE-RS1</b> | Law enforcement – Required standard         | <b>\$10,000**</b> |
| <b>PW-RS1</b> | Public works/Facilities – Required standard | <b>\$5,000**</b>  |

For the second and third occurrences where deductibles are warranted, members will be charged the deductible described above, plus an additional deductible based on the size, identified by worker hours reported to the Washington State Department of Labor & Industries (L&I). Each RMSA member will fall into one of the following deductible tiers and the corresponding additional deductibles will be enforced for subsequent occurrences.

RMSA reserves the right to waive or reduce a deductible, on a case-by-case basis and based on extenuating circumstances.

| Worker hours         | Additional deductible |                |
|----------------------|-----------------------|----------------|
|                      | 2nd occurrence        | 3rd occurrence |
| Less than 5,000      | \$10,000              | \$25,000       |
| 5,000 – 10,000       | \$15,000              | \$30,000       |
| 10,000 – 30,000      | \$20,000              | \$35,000       |
| 30,000 – 60,000      | \$30,000              | \$40,000       |
| 60,000 – 100,000     | \$40,000              | \$45,000       |
| Greater than 100,000 | \$45,000              | \$50,000       |

*\*Deductibles for required standards EP-RS1 and LU-RS1 are effective January, 2016.*

*\*\*Deductibles for required standards DR-RS1, LE-RS1 and PW-RS1 are effective January, 2017.*

# Standards

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## Administration

### Advisory standards

**Purpose:** Those responsible for providing management, supervision and direction to various city/town departments are critical to reducing risk and maintaining consistent day-to-day municipal operations. Ensuring that proper plans and policies are in place and understood by all staff assists with and supports loss prevention efforts.

**AD-AS1** – The mayor, all department heads and others identified with emergency management responsibilities should annually review the member’s disaster plan. The plan should also be tested annually by an emergency operations exercise such as a table top, sand table, or full scale test of a part of the plan; or by an actual local emergency declaration.

**AD-AS2** – The member should adopt a policy addressing the member-related business use of electronic communication, including cell phones, computers, email, texting, and social media by elected officials, employees, and volunteers. The preferred method is for all member-related communications to be via member supplied equipment. If an individual is allowed to use personal communications devices, the policy should require the individual to follow the records retention schedule as adopted by the State Archives Office.

**AD-AS3** – The city/town administrator, the mayor, and the designated RMSA contact should participate in an RMSA program orientation, which consists of an overview of claims reporting; grant, scholarship, and training opportunities; loss prevention inspections; and program administration.

# Standards

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## **Contract and inter-local agreement review**

### **Advisory standard**

**Purpose:** Contracts and inter-local agreements typically include an indemnification clause that places control of an exposure in the hands of a third party. It is easy for a member to inadvertently accept more risk than they should in these documents. By including proper indemnification and insurance language, a member can transfer significant risk to the appropriate party.

**CR-AS1** – Any contract or inter-local agreement having a third party indemnification clause, or having an insurance coverage provision, should use RMSA's pre-approved insurance and indemnification language, or should be forwarded to the RMSA for review of the indemnification and insurance language, in advance of adoption by the member's governing body.

# Standards

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## Driving

### Required standard

**Purpose:** Every day, member owned vehicles are being driven in the course of business. Vehicle accident claims rank among the top 3 in claims frequency. Driving defensively can greatly reduce the potential for auto accidents.

**DR-RS1** – All drivers (employees and volunteers, including public safety and law enforcement) who operate member owned vehicles shall complete a RMSA approved defensive/distracted driving course within six months of being hired and at least every three years thereafter.

### Deductible

If an auto accident occurs and the operator of the member owned vehicle is at fault and has not completed a defensive driving course within the past three years, a deductible will be applied as described.

### Advisory standards

**Purpose:** Specialized training in responding with emergency vehicles provides the skills necessary to safely operate these vehicles. An employee's/ volunteer's personal driving record is a good indicator of their driving habits, which can impact how well they drive member vehicles. Requiring specialized training and analyzing a driver's driving habits are two good ways to manage fleet exposure.

**DR-AS1** – All drivers of emergency vehicles should complete an EVOC/EVIP training every three years. If the EVOC/EVIP course includes a defensive/distracted driving component, that will satisfy the DR-RS1 requirement.

**DR-AS2** – Members should have on file a driver's abstract for all drivers who operate member-owned vehicles and should obtain updated abstracts every 3 years.

# Standards

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## **Elected official, Board member, Commissioner training**

### **Advisory standards**

**Purpose:** The role of elected officials, appointed board members, planning and civil service commissioners is not only that of community leadership, but also to ensure that their decisions and actions are lawful in intent, practice, and process. Knowing the roles and limitations of elected and appointed officials is important to reduce the risk for a potential lawsuit.

**EO-AS1** – All newly elected or appointed mayors and councilmembers, board members and commissioners should complete either the AWC Elected Officials Essentials or AWC RMSA Public Officials Principles training within six months of taking office.

**EO-AS2** – The entire council, board, or commission should receive a refresher training on open public meetings, public records request, and records retention at least every four years.

# Standards

## Employment practices

### Required standards

**Purpose:** Employment practice litigation remains among the most expensive exposure for our members and RMSA. RMSA's litigation history demonstrates that defense costs for a termination matter can be very costly. Training and pre-termination case review significantly reduce the potential for employment related lawsuits.

**EP-RS1** – Prior to taking any personnel action that may result in termination of an employee, and/or notifying the employee of such final disposition, the member shall notify RMSA.

### Deductible

If a claim related to a termination is filed and the member had not previously contacted RMSA, a deductible will be applied as described.

**EP-RS2** – All department heads, supervisors, and mayors of a strong-mayor form of government, shall complete at least one RMSA approved training course per year in any one of the following employment law related topics:

- Anti-harassment
- Disciplinary action and procedures
- Performance management
- Leadership vs. management
- Supervisory skills 101, 201
- ADA
- Understanding the Family and Medical Leave Act
- Handling angry employees

### Advisory standard

**Purpose:** As new laws are passed and case law sets precedent, it is important to periodically review and revise personnel policies and procedures. This helps the member reduce the potential for a law suit related to out-of-date or illegal personnel practices.

**EP-AS1** – Personnel policies and procedures should be reviewed at least every five years by an attorney who specializes in employment practices liability. When recommended, the personnel policies and procedures should be revised and the changes communicated to all employees.

# Standards

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## Facilities

### Advisory standards

**Purpose:** Built-in fire protection systems significantly reduce the potential for a damaging fire. However, these systems can only operate when maintained in accordance to state law and nationally recognized standards.

**FA-AS1** – Control valves on automatic fire sprinkler systems, the alarm monitoring panel on fire detection systems, and all portable fire extinguishers should be visually inspected by the member at least monthly, and documentation of the inspections maintained.

**FA-AS2** – All automatic fire sprinkler systems, fire alarm systems, fire detection systems, and portable fire extinguishers should be serviced annually by a licensed fire protection contractor.

**FA-AS3** – The member should adopt procedures to issue a “hot work permit” and work standards anytime the member, or a contractor is conducting “hot work” such as cutting, welding, brazing, soldering, torch applied roofing etc. outside of a designated shop area.

# Standards

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## Land use

### Required standard

**Purpose:** Land use recommendations from Planning Commissions, and land use decisions by councils are highly regulated. Improper action by planning commissioners and council members can result in expensive lawsuits.

**LU-RS1** – Any member considering adoption of a new moratorium, or renewal of an existing moratorium shall contact RMSA prior to council action. The proposed moratorium shall be reviewed by an RMSA approved attorney prior to adoption.

### Deductible

When a member fails to meet the Land Use Standard LU-RS1 by adopting or extending a moratorium without contacting RMSA, and a lawsuit or legal action results, a deductible will be applied as described.

### Advisory standards

**Purpose:** Land use recommendations from planning commissions and councils is specialized and highly regulated. A simple procedural error can result in costly lawsuits and penalties. Training for councilmembers and planning commissioners reduces the potential for costly errors.

**LU-AS1** – The council and planning commission should complete training within six months of assuming responsibility for land use issues. This training should include a review of the moratorium process.

**LU-AS2** – The council, planning commission and other appropriate staff should attend refresher training on land use hearings every four years. This training should include a review of the moratorium process. If the member uses an outside hearings examiner, the council does not need to complete this refresher training.

# Standards

## Law enforcement

### Required standard

**Purpose:** The unreasonable use of force has resulted in numerous high profile law suits against law enforcement agencies and individual officers. Regular training on use of force can increase the potential that only the minimum use of force will be used to control a situation.

**LE-RS1** – Commissioned officers and reserve officers shall annually complete training on the use of force policy adopted by the member.

### Deductible

If an excessive use of force claim is filed, and the officer involved has not completed a use of force training within the past year, a deductible will be applied as described.

### Advisory standards

**Purpose:** It is important that members of law enforcement are trained in specific operational areas to reduce or eliminate potential accidents and liability exposures.

**LE-AS1** – Every three years, all sworn and reserve officers should have formal or certified training on the following:

- Use of lethal and less-lethal force
- Vehicle pursuit & termination of vehicle pursuit
- Responding to domestic violence incidents
- Search and seizure
- Civil liabilities/Unbiased policing
- EVOG
- Dealing with mentally ill and emotionally disturbed individuals
- Report writing
- Supervisory review of reports

**LE-AS2** – All commissioned and reserve officers should receive annual recertification training in the use of firearms (including personal weapons carried while on duty), Tasers and stun guns.

**LE-AS3** – If the member allows a non-police department individual to ride-along with officers while on duty, the department should adopt procedures to include the following:

- Ride-along program citizen policy and application
- Waiver and release of claim form
- Ride-along orientation check-off sheet

# Standards

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## Public works

### Required standard

**Purpose:** Regular inspections and maintenance of facilities is useful in identifying and correcting problems before damage occurs or people are injured. Written documentation of inspections and maintenance help determine conditions, establish budgets for repairs and replacement, and help prove that the member is being a responsible property owner.

**PW-RS1** – The member shall maintain written procedure(s) that require the staff to document the inspection and maintenance of each of the following:

- Sidewalks
- Streets
- Sanitary sewer system
- SCADA or other sewer and water system liquid level alarms
- Domestic water system
- Retro-reflectivity on regulatory and warning signs
- Parks and recreational facilities

### Deductible

If a claim is filed by a member not having an adopted written procedure, and the member has failed to follow that documentation procedure, a deductible will be applied as described.





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