



Risk Management Solutions

A QUARTERLY NEWSLETTER OF THE ALABAMA MUNICIPAL INSURANCE CORPORATION
AND THE MUNICIPAL WORKERS COMPENSATION FUND, INC.

Spring 2011

New ADA Swimming Pool Regulations Mandatory Compliance before March 12, 2012

On September 15, 2010, the United States Department of Justice (DOJ) issued revised regulations for Titles II and III of the Americans with Disabilities Act (ADA). Title II covers state and local government facilities and services and Title III covers public accommodations and commercial facilities. Among other things, the revised regulations include new accessibility standards for swimming pools.

The most significant issue that needs to be brought to the attention of all municipalities operating swimming pool facilities is that these changes are **mandatory**. Existing swimming pools must be modified to comply with the 2010 guidelines no later than March 12, 2012. For new construction, the 2010 guidelines should be followed. This is different than the usual approach with public accommodations under the ADA. Most of the ADA requirements for public accommodations are only triggered for new construction or when making alterations to existing facilities. However, the swimming pool accessibility requirements must be in place for all existing and new public pools on or before March 12, 2012.

The new regulations are virtually the same for both state and local government (Title II) operated swimming pools and public accommodation/commercial (Title III) swimming pools. They provide that any swimming pool with less than 300 linear feet of pool wall must provide one means of access either by sloped entry or by the installation of a pool lift. In addition, any pool that has over 300 linear feet of pool wall must provide two means of access, which can be any of five designated means of access: (1) pool lifts, (2) sloped entries, (3) transfer walls, (4) transfer systems, or (5) accessible pool stairs. The criteria that each of these means of access must meet can be found in chapter 10, section 1009 of the revised ADA guidelines. Wading pools must have one means of entry



and that must be a sloped entry. Spas, both in-ground and portable, also must have one means of entry which can be either a lift, transfer wall or transfer system. The specific requirements for swimming pools, wading pools and spas can be found in chapter 2, section 242 of the revised ADA guidelines.

Title II facilities may be excluded if they can prove that the changes and modifications required by the revised regulations would significantly alter the historic nature of a facility or if the modifications create an undue hardship for the facility. However, the Department of Justice takes the position that given the flexibility and cost of a pool lift, it would be very difficult for any entity to escape these accessibility requirements. ■

Hiring Lifeguards for Private Functions



Cities and towns with municipal swimming pools have discovered that these facilities are popular venues for children's birthday parties and other private functions. They also create additional precautions when renting the facilities: the need for certified lifeguards.

Any municipality that rents a building should have the renter sign a rental agreement detailing all rules, regulations and conditions of use regarding the venue. To help reduce the liability exposure to the municipality for private functions held at municipal pools, it should always be the responsibility of the renter, not the municipality, to hire and pay directly for the certified lifeguards for a private event. When renting a municipal pool for a private function, the city/town's rental agreement should be very clear that it is the *renter's* responsibility to hire the correct number of lifeguards and check that they are actually certified. Oftentimes these lifeguards will be the same lifeguards normally employed by the city; however, since they will not be working on the municipality's payroll for the event it helps reduce the city's liability.

For more information regarding the training and use of lifeguards, contact your local Red Cross or go to their website at www.redcross.org and follow the links for "Get Trained" for Lifeguarding and Lifeguard Management Courses. ■

7 Questions to Ask Before Firing an Employee for Being Late

Excerpted from the Executive Report: *Is Your Employee Handbook Legal? 139 Questions You Need to Ask*

You have every right to expect employees to be on the job, on time, every day. But it needs to be spelled out to employees. There should be an attendance policy in every company's HR handbook that emphasizes the importance of good attendance and explains what can happen to those who are frequently late or absent. Employees who have been terminated for poor attendance have won in court when they are able to show that the policy was unclear and not enforced consistently. So ask yourself the following:

1. Does your attendance policy explain how absences are to be reported and the penalties for excessive absenteeism? Your policy should distinguish between excused and unexcused absences.
2. Do you follow state and federal law concerning absences for jury duty? It is a violation of federal law and state law to discipline employees who are absent for jury duty.
3. Does your absence policy take into account the provisions of the Family and Medical Leave Act (FMLA)? It is a violation of FMLA to charge a covered employee with unexcused absences while on a leave.
4. Does your absence policy follow the Vietnam Era Veterans' Readjustment Act to accommodate reservists' requests for time off?
5. Does your policy consider religious accommodation requirements before charging employees with unexcused absences?
6. Does your policy consider the provisions of the Americans with Disabilities Act concerning absences for drug, alcohol or medical treatments?
7. Does your policy explain that unexcused absenteeism has a negative effect on their performance appraisals, promotions and continued employment?

DIGGING DEEPER

Employee handbooks are meant to set the rules straight – once and for all. But they don't always. In fact, many wrongful discharge cases are based on published policies in the handbook that are ignored when a discharge decision is made.

MWCF Claims Reporting

Members of the Municipal Workers Compensation Fund can report work injury claims 24 hours a day, 7 days a week by filling out the First Report of Injury Form (which can be downloaded at www.alaim.org/MWCFClaimReporting.html) and email the form to FROI@mrm-llc.com or fax to (205) 263-0503. All claims should be reported immediately upon notification to the employer. You will need the following information to complete the form:

- Injured worker's name, address, telephone, social security number, date of hire and date of birth
- Date of injury and description of injury
- Name and address of the medical provider
- Wage information
- Ten digit Alabama Employer Unemployment Comp Number

Claims for the Municipal Workers Compensation Fund are administered by: Millennium Risk Managers, P.O. Box 43769, Birmingham, AL 35243, phone: 888-736-0210.

Defining Moment

Loss Exposure

A loss exposure is simply defined as any condition or situation that presents a possibility of loss, regardless of whether loss actually occurs. Knowing the definition of loss exposure is the easy part. The real challenge is identifying your exposures – the first step of the risk management process.

Risk or exposure identification requires an evaluation of all municipal operations and knowledge of potential liabilities that may be imposed by either statute or common law. Areas that should be evaluated include: vehicle usage; public use of facilities; contracts, use of independent contractors and consultants; maintenance of property and facilities; personnel questions; and personal injury and property injury exposure. As you can see, identifying your loss exposures is a complex, continuous process that changes regularly. Therefore, some risks may be inadvertently overlooked. However, by making a conscious effort, most common loss exposures can be reduced or even completely eliminated.

AMIC Claims Adjustor Elected President of Claims Association



Congratulations to Jennifer Long who was chosen to serve as the 54th President of the Montgomery Claims Association, an organization founded in 1957 to assist its members in developing relationships so they will be better qualified to render more efficient insurance services.

"After being introduced to the association, I decided to join for the purpose of networking with other professionals within the insurance industry," said Jennifer. "Soon after joining I was asked to serve as an officer and was elected Treasurer in 2008. The following year I was elected 2nd Vice President, thereafter 1st Vice President and I am currently serving as President. This experience has encouraged growth both personally and professionally and I am proud to be a part of this fine organization."

2010 Risk Management Awards

In recognition of the efforts and successes of our members, the AMIC and MWCF Board of Directors established the Risk Management Awards system in 2002.

Awards are determined based on the loss ratios for each member's prior year. For members of both the AMIC and MWCF programs, the loss ratios are combined and divided by two to reflect the overall loss ratio. Members are eligible to receive the Presidents Award once every five years and the Gold, Silver and Bronze annually.

ALM President's Awards (Top 5% for 5 years)

Akron
Allgood
Arab Sewer Board
Brent Housing Authority
Brookwood
Dothan Housing Authority
Emelle
Enterprise Rescue
Eufaula Housing Authority
Five Star Water District
Gadsden Emergency Management Agency
Glencoe Water & Sewer
Governmental Utility Services
H.E.L.P.
Hackleburg
Hartselle Utilities
Holly Pond
Hoover
HyTop
Lockhart
Luverne
Luverne Housing Authority
Margaret
McIntosh
Mountain Brook
Muscle Shoals Electric Board
Muscle Shoals Utilities
Paint Rock
Prichard Water
Russellville Gas Board
Sand Rock
Section-Dutton Water
Silas
Smiths Station
Stevenson Housing Authority
Sumiton Housing Authority
Thomasville Waterworks & Sewer
Toxey
Troy Board of Education
Tuskegee Housing Authority
Vernon

Gold Awards (Loss ratio below 5%)

Abbeville Housing Authority
Addison
Akron
Alabama Municipal Election Authority
Alabama-Tombigbee Regional Commission
Alexander City Housing Authority
Aliceville Housing Authority
Aliceville Water & Sewer
Allgood
Altoona
Andalusia Housing Authority
Andalusia Rescue Squad
Anderson
Anniston Housing Authority
Arab Housing Authority
Arab Sewer Board
Arab Water Works Board
Ardmore
Argo
Ariton
Arley
Asbury Water Board
Ashland
Ashland Water & Sewer Board
Ashville Water & Sewer Board
Athens Housing Authority
Attalla Housing Authority
Auburn Water Board
Autauga/Prattville Library
B.B. Conner Memorial Library
Baker Hill
Banks
Bay Minette Housing Authority
Bayou La Batre Water & Sewer
Bear Creek Development Authority
Bear Creek Water Works Board
Beaverton
Belk
Benton
Berry Gas Board
Berry Housing Authority
Birmingham Parking Authority
Birmingham Regional Planning Commission General Fund
Birmingham Water
Birmingham-Jefferson Civic Center
Black
Blountsville Housing Authority
Blountsville Utilities
Boaz Gas Board
Boaz Water & Sewer Board
Boligee
Boston Housing Authority
Brantley
Brent
Brent Housing Authority
Brewton Housing Authority
Brewton Natural Gas
Bridgeport
Bridgeport Housing Authority

Bridgeport Utility Board
Brookside
Brookwood
Brundidge Housing Authority
Butler
C.C.E.M.S.
Calera Housing Authority
Calera Waterworks
Camden
Camp Hill Utilities
Carbon Hill Housing Authority
Carbon Hill Utility Board
Castleberry
Cedar Bluff Utility Board
Centre Waterworks & Sewer
Chatom
Chatom Utility
Cherokee Waterworks & Gas Board
Chickasaw Housing Authority
Chickasaw Utilities
Chilton County Solid Waste Disposal
Citronelle Historical Preservation Society, Inc.
Clanton Housing Authority
Clayton
Clayton Housing Authority
Clio
Coffee Springs
Coffeeville
Coffeeville Waterworks
Coker
Collinsville
Colony
Columbiana
Columbiana Housing Authority
Columbiana Waterworks
Community Life Institute
Coosa Valley Water
Coosada
Cordova Housing Authority
Cottonwood
Cottonwood Housing Authority
County Line
Creola
Crossville Water Board
Cuba
Cullman Housing Authority
Cullman-Jefferson Counties Gas District
Dadeville
Dadeville Housing Authority
Daleville Housing Authority
Dauphin Island Water
Deatsville
Deatsville VFD, Inc.
Decatur Housing Authority
Decatur Personnel Board
Demopolis Housing Authority
Demopolis Water
Detroit
Dodge City
Dora
Dora Waterworks & Gas Board
Dothan
Dothan Housing Authority

Double Springs
Double Springs Waterworks Board
Douglas
Dozier
Dutton
East Alabama Mental Health & Retardation
East Brewton
East Brewton Waterworks & Sewer
East Central Alabama Gas District
East Geneva Co. Senior Citizens Committee
Eclectic Water & Sewer Board
Eldridge
Elkmont
Elmore County Economic Dev
Emelle
Enterprise Housing Authority
Enterprise Rescue
Eufaula Housing Authority
Eufaula Housing Development
Eutaw Housing Authority
Eva
Evergreen Housing Authority
Fairfield Housing Authority
Fairview
Faunsdale
Fayette Gas Board
Fayette Housing Authority
Five Points
Five Star Water District
Floralia Housing Authority
Floralia Water and Sewer Board
Florence Housing Authority
Fort Deposit Water Works & Sewer Board
Fort Payne Housing Authority
Fruithurst Fire Department
Gadsden Airport Authority
Gadsden Emergency Management Agency
Gainesville
Garden City
Gardendale
Gaylesville
Geiger
Geneva
Georgiana Housing Authority
Georgiana Water & Sewer
Gilbertown
Gilbertown Utility
Glen Allen
Glencoe
Glencoe Water & Sewer
Glenwood
Goldville
Goodwater
Goodwater Housing Authority
Gordo Housing Authority
Gordo Water Board
Governmental Utility Services (Bessemer)
Greene County Ambulance Service

continued next page

Gold Awards Cont.

Greensboro Housing Authority
Greensboro Utility Board
Greenville Waterworks & Sewer
Guin Housing Authority
Guin Water & Sewer Board
Guntersville Housing Authority
H. E. L. P., Inc.
Hackleburg
Hackleburg Housing Authority
Hamilton Housing Authority
Harpersville Water Board
Hayneville
Headland Housing Authority
Heath
Heflin Housing Authority
Heflin Water & Sewer
Henagar
Highland Lake
Hillsboro
Hobson City
Hobson City Housing Authority
Hodges
Hokes Bluff Sewer Board
Hokes Bluff Water Board
Holly Pond
Hollywood
Hoover
Huntsville Tennis Board
Hurtsboro Water Works
HyTop
Ider
Indian Springs
Kansas
Kennedy Housing Authority
Kinsey
Lake-View
Lamar County Gas District
Langston
Lee-Russell Council of Local Governments
Leesburg
Legacy Springs Improvement #1
Leighton
Leighton Water Works & Sewer Board
Lexington
Linden Housing Authority
Linden Utilities
Lineville
Lineville Water & Sewer
Lipscomb
Lisman
Loachapoka
Lockhart
Locust Fork
Louisville
Lowndesboro
Luverne
Luverne Housing Authority
Madison Utilities
Maplesville Water Works & Gas Board
Margaret
Marion Housing Authority
Maytown
McIntosh
Millport

Millport Housing Authority
Mobile County Emergency Management
Mobile County Personnel Board
Monroeville Housing Authority
Montevallo Water & Sewer
Montgomery Housing Authority
Mooresville
Mosses
Moulton
Moulton Housing Authority
Mount Vernon
Mulga
Mulga Waterworks & Utility Board
Muscle Shoals Electric Board
Myrtlewood
Napier Field
Natural Bridge
Nauvoo
Nauvoo Waterworks
Needham
New Brockton
New Brockton Housing Authority
New Site
Newbern
Newton
Newton Housing Authority
Newville
North Central Alabama Regional Council of Government
Northport Housing Authority
Northwest Alabama Gas District
Notasulga
Oak Hill
Oakman
Oneonta Housing Authority
Opelika Housing Authority
Opelika Waterworks Board
Opp Housing Authority
Orange Beach Water & Sewer Board
Orville
Owens Cross Roads
OZARK CITY BOARD OF ED (separate auto and property policy)
Ozark Dale Co, E-911
Paint Rock
Parrish
Parrish Housing Authority
Parrish Water & Sewer Board
Pell City Housing Authority
Pennington
Phil Campbell Housing Authority
Phil Campbell Water & Sewer Board
Pickens County Gas
Pickensville
Piedmont Housing Authority
Pike Road
Pinckard
Pine Apple
Pinson
Pleasant Groves
Pollard
Prattville Solid Waste Authority
Prattville Waterworks
Prichard Housing Authority
Prichard Water
Providence
Ragland

Ragland Housing Authority
Ragland Water Works & Gas
Rainbow City Utilities Board
Ranburne
Ranburne Water & Sewer
Red Bay
Red Bay Housing Authority
Red Bay Water & Gas
Red Level
Reece City
Reform
Reform Housing Authority
Renaissance Cooperative District
Renaissance Improvement District
Repton
Riverside
Roanoke Housing Authority
Rockford Gas Board
Rockford Waterworks
Rogersville Waterworks & Sewer
Russellville Electric Board
Russellville Gas Board
Russellville Housing Authority
Rutledge
Saint Florian
Samson Housing Authority
Sand Rock
Sanford
Sardis City
Sardis City Waterworks Board
Satsuma Waterworks & Sewer Board
Scottsboro Public Library
Section
Sheffield Housing Authority
Silas
Silverhill
Slocomb
Slocomb Housing Authority
Slocomb Water & Sewer
Smiths Station
Snead
South Alabama Regional Airport Authority (Andalusia Opp Airport)
South Alabama Utilities
South Central Alabama Development Commission
South Central Alabama Development Commission/ Senior Aides Division
South Central Alabama Regional Housing Authority
Southeast Alabama Gas
Southeast Alabama Solid Waste Disposal Auth
Southside
Southside Waterworks Board
Spirit of Anniston Main Street Program, Inc.
Steele Waterworks Board
Stevenson
Stevenson Housing Authority
Storm Water Management Authority
Sulligent Housing Authority
Sumiton Gas Board
Sumiton Housing Authority
Susan Moore
Sweet Water
Sweet Water Water Works

Sylacauga Parks and Recreation
Sylvan Springs
Talladega Springs
Tarrant Housing Authority
Taylor
The Plaza at the Towers
Thomaston
Thomasville Waterworks & Sewer
Thorsby
Top of Alabama Regional Council of Governments
Toxey
Trafford
Tri Community Water System
Triana
Triana Housing Authority
Troy Board of Education
Troy Housing Authority
Trussville Utility Board
Tuscaloosa Housing Authority
Tuskegee Housing Authority
Twelve Oaks Improvement District
Twin
Union
Union Grove Utilities
Union Springs Utility Board
Uniontown Housing Authority
Upper Bear Creek Water, Sewer & FPA
USS Alabama Battleship Commission
Valley Grande
Valley Head
Valley Head Housing Authority
Valley Housing Authority
Vance
Vernon
Vina
Vincent Housing Authority
Wadley
Walnut Grove
Washington County Library Board
Waverly
Webb
Wedowee
Wedowee Water, Sewer & Gas Board
West Alabama Regional Commission
West Blockton
West Point
Westover
Wilcox County Gas
Wilsonville
Wilton
Wilton Water and Gas
Winfield Housing Authority
Winston Cooperative District
Winston County Industrial Development Authority
Woodstock
Woodville

Silver Awards

(Loss ratio of 5% to 20%)

Abbeville
Adamsville
Alabama League of Municipalities
Andalusia
Anniston
Athens
Athens Utilities
Atmore Utilities
Bear Creek
Beatrice
Birmingham Airport Authority
Black Warrior Solid Waste Authority
Camp Hill
Cedar Bluff
Center Point
Centreville Water Works & Sewer Board
Chelsea
Chickasaw
Childersburg Waterworks, Sewer & Gas
Clanton
Clarke-Mobile County Gas District
Clay
Cleveland
Cordova Water & Gas Board
Courtland
Cowarts
Craig Field Airport Authority
Crossville
Dauphin Island
Decatur Municipal Utility Board
Elba Housing Authority
Elba Water & Electric Board
Elmore
Evergreen
Falkville
Fayette
Flomaton
Fort Deposit
Frisco City
Fultondale
Fultondale Gas Board
Georgiana
Good Hope
Gordo
Greensboro
Guin
Gulf Shores Utility Board
Haleyville
Harpersville
Hartford
Hartselle Housing Authority
Hartselle Utilities
Hayden
Headland
Helena
Hueytown
Huntsville & Madison County Senior Center (combined with Huntsville Transit)
Huntsville Housing Authority
Huntsville-Madison County Airport
Irondale

Jackson Gap
Kimberly
Kinston
Leeds
Leeds Housing Authority
Lincoln
Littleville
Livingston
Loxley
Madison
Maplesville
Marshall County Gas District
Mentone
Midfield
Midway
Mobile Airport Authority
Mobile Housing Board
Montevallo
Morris
Mountain Brook
Nectar
North Alabama Gas District
North Baldwin Utilities (Bay Minette Utilities)
Oak Grove
Oneonta
Orange Beach
Oxford Water & Sewer Board
Ozark Utilities
Phenix City Housing Authority
Piedmont
Pine Hill
Prattville
Priceville
Roanoke
Robertsdale
Russellville Waterworks & Sewer
Saraland
Satsuma
Scottsboro Sewer & Waterworks Board
Scottsboro Electric Power
Scottsboro Housing Authority
Sheffield
Shorter
Southeast Alabama Regional Planning & Development Commission
Springville
Sulligent
Sumiton Water Board
Sylacauga Housing Authority
Talladega Water & Sewer Board
Thomasville
Town Creek
Trinity
Trussville
Tuscaloosa Parking & Transit Authority
Tuskegee
Uniontown
Valley Head Water Works Board
Vernon Water & Sewer Board
Vincent Water & Sewer
Vredenburgh
Warrior
West Alabama Health Services
West Jefferson
Winfield
York

Bronze Awards

(Loss ratio of 20% to 40%)

Alabaster
Alabaster Water Board
Alexander City
Aliceville
Andalusia Utilities
Arab
Atmore
Attalla
Auburn
Autaugaville
Baileyton
Bayou La Batre
Bessemer Electric and Water
Birmingham District Housing Authority
Boaz
Brewton
Brundidge
Calera
Cherokee
Childersburg
Daleville
Daphne
Decatur
East Alabama Regional Planning & Development Commission
Eclectic
Elba
Enterprise
Eufaula
Eutaw
Excel
Fairfield
Fairhope
Foley
Foley Housing Authority
Foley/Riviera Utilities
Fyffe
Gadsden
Gantt
Greenville
Grove Hill
Gulf Shores
Guntersville Electric Board
Haleyville Housing Authority

Hamilton
Hammondville
Hanceville
Hartselle
Hokes Bluff
Jackson
Jacksonville
Jemison
Kennedy
Lanett
Level Plains
Midland City
Millbrook
Mobile Metro Transit Management
Moody
Moundville
Muscle Shoals
Muscle Shoals Utilities
Northport
Northwest Alabama Council of Local Government Auto
Northwest Alabama Council of Local Government - Senior Aides Program
Northwest Alabama Council Of Local Governments
Odenville
Oneonta Utilities
Opelika
Oxford
Pell City
Pennington Utilities
Pisgah
Powell
Prichard
Rogersville
Samson
Section-Dutton Water
Selma
Sheffield Utilities
Sipsey
South Vinemont
Sumiton
Talladega
Thomaston Water & Gas
Tuscumbia
Vincent
Waterloo

Upcoming Loss Control Seminars

Detailed information will be mailed in upcoming weeks; however, mark your calendars for the following:

- **Muscle Shoals** **Aug. 16**
- **Jacksonville** **Aug. 17**
- **Jemison** **Aug. 23**
- **Daleville** **Aug. 24**



ALABAMA LEAGUE OF MUNICIPALITIES
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Spring Safety DVDs

- 5.032 - Right-Of-Way Mowing Safety
- 5.039 - Tractor Safety
- 5.049 - Distractions: Behind the Wheel For Drivers
- 5.053 - Landscaping Equipment: Maintenance and Safety
- 5.055 - Distracted Driving: At What Cost?
- 5.057 - Backhoe Safety: Inspection and Walk Around
- 7.008 - Dog Bite Prevention
- 7.026 - Lyme Disease: Danger in the Grass
- 7.105 - Groundskeeping Safety: Dealing With Bugs & Critters
- 7.106 - Groundskeeping Safety: Be a Pro!
- 7.108 - Protecting Your Feet: Learning Your ABC's

Call, FAX or e-mail your Video/DVD request to Rachel Wagner at:
334-262-2566; rachelw@alalm.org; or FAX at 334-263-0200.

ATTENTION!

**For step-by-step instructions on filing
 work comp claims, visit:**

www.alalm.org/MWCF/claimreporting.html

EMPLOYMENT PRACTICES LAW HOTLINE

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.

2011 SKIDCAR SCHEDULE

Date/location subject to change.

Guntersville	May 10 - 20	Muscle Shoals	Sep. 6 -16
Auburn/Opelika	June 14 - 24	Jasper	Oct. 4 -14
Tuscaloosa	July 12 - 22	Orange Beach/	
Thomasville	July 25 - 29	Gulf Shores	Nov. 8 - 18
Decatur	Aug. 16 - 26	Montgomery	Dec. 6 - 16



***For more information, contact
 Donna Wagner at 334-262-2566.***

