

We are happy to provide you our publication for nonprofit risk managers, as part of our service to you. If you need to change the email address to which this is sent, please [contact us](#). Be sure to include your name, organization and address. You also are welcome to call us at 800.222.8920 for assistance. For risk management guidance between the quarterly issues of *VIS Connections*, we invite you to follow our blog at www.volunteerinsure.org.

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Politics at work – shoulds and shouldn'ts for employers

In a recent workplace survey reported by the law firm Gordon & Rees, 46 percent of employees said they plan to discuss the 2016 presidential election, with co-workers. Twenty-three percent said they had already had heated exchanges with co-workers about politics. Employers, take note: You run the risk of a discrimination claim arising out of political speech in the workplace. The good news is that you can minimize the risk, by implementing and enforcing policies on solicitation, anti-harassment, and discrimination in general.

Monitor Liability Managers, which provides directors and officers liability insurance for nonprofit organizations, and Gordon & Rees attorneys recently offered suggestions for employers, in a Webinar entitled “Keeping the Water Cooler Safe.” They noted that employers have the right to regulate political speech in the workplace, to ensure efficient operation, and suggested the following measures:

- Implement a written policy prohibiting “solicitation” of any kind in the workplace. Include the use of the organization’s electronic communications in that policy. Communicate the policy to staff and volunteers, and enforce it evenly and consistently. (Remember, volunteers should be held accountable for following your rules, just as employees are.)
- Implement a comprehensive anti-harassment/anti-discrimination policy. As with the solicitation policy, communicate it, and enforce it evenly and consistently.
- Tell managers and supervisors not to engage in any political discussions with subordinates. Point out to them that if they do, and also seem to associate mostly with subordinates who agree with them on political issues, other employees can interpret the situation as coercive and discriminatory.
- If an employee complains about any violation of your solicitation or discrimination policies, investigate right away.
- Be ready to confront an employee’s argument that your policy violates his or her First Amendment rights. As we said, employers have rights to regulate speech, dress and any form of expression if it is disruptive or otherwise affects legitimate business objectives.

The presenters noted that some states have laws affecting employers’ and employees’ rights regarding political expression, and the National Labor Relations Board will defend what it considers “protected concerted activity” by employees. For those reasons, the presenters suggested that employers consult legal counsel before disciplining employees for issues related to political expression. *Monitor Liability Managers, and many other insurers offering directors and officers liability coverage, make legal counsel available by phone to policyholders at no additional charge. These insurers also can help you craft the written workplace policies mentioned above.*

If you are interested in a proposal from Monitor Liability Managers for your directors and officers liability insurance, Volunteers Insurance Service can offer one. Please contact [Aaron Jones](#) by email or at 800.222.8920.

Also, please keep in mind that the Internal Revenue Service strictly regulates political advocacy by tax-exempt nonprofit organization. An organization can lose its 501 (c) (3) status by violating the requirements. For a 16-minute video on the subject, go to <https://www.stayexempt.irs.gov/Existing-Organizations> and scroll down to “Political Campaigns and Charities.”

Checklist to minimize the most common volunteer risks

This checklist, created by VIS and updated in 2016, originally was published in October 2003 in e-volunteerism, the online journal of Energize, Inc., an international training, consulting and publishing firm based in Philadelphia. It is included in Energize’s “Everyone Ready®” Self-

Instruction Guide, "Risk and Insurance For Involving Volunteers." For more information on this excellent training program for volunteer managers, please go to www.everyoneready.info.

- Ensure each volunteer is given a thorough orientation to his or her role, the environment in which she or he will be working, all risks involved, and any procedures or protocol that will help minimize the risk.
- Clear walkways, building entrances, steps, etc. of anything that might cause a volunteer to slip or trip.
- When volunteers are assigned to another location, make sure those areas have also been freed of fall hazards.
- Caution volunteers that they might need to use more care walking than they do when they're in their own homes.

If volunteers are asked to lift or carry:

- Make sure the material is light and compact enough to lift safely.
- Train volunteers in safe lifting techniques.
- Reduce the risk of injury by rearranging items to be lifted, assigning more (or stronger) volunteers to the task, or obtaining hand trucks, a dolly or other materials-handling equipment.
- Identify what equipment or tools volunteers use.
- Train volunteers to use all tools and equipment properly.
- Require volunteers to demonstrate that they truly can use the tools safely.
- If there is a risk of cuts or scratches in the volunteer's work, require long sleeves and gloves.
- Before assigning tasks, consider any allergies or special medical needs the volunteer might have.
- Have and enforce a formal policy for screening and supervising volunteers. Require volunteers to follow your rules, and hold them accountable for doing so.
- Make sure volunteers know and follow the chain of command for reporting abuse or other problems they observe in the course of their work.
- For volunteers who are caregivers, train them in the communication aspects of their duty, so they can understand the wants, needs, and fears of the person for whom they are caring.
- Obtain motor vehicle records and copies of drivers' licenses for all volunteers who will drive your organization's vehicles or their own, on assignments.
- Devote adequate training time to vehicle safety, particularly with respect to driving in inclement weather.
- Monitor the driving of elderly volunteers.

Around your world in a day – working with young volunteers

If you sometimes have groups of young volunteers who are working just for a day or weekend – often to fulfill a requirement -- how do you get the most productivity from them? Volunteer managers sometimes say the results aren't worth the effort it takes to train and organize these one-off volunteers. But that might not be the case. Some tips:

- Volunteer management consultant and author Tom McKee (www.volunteerpowers.com) suggests starting the workday with a “huddle” – a brief meeting (15 minutes maximum) where you talk about your cause...who you help and how; the difference you make in people's lives. If you or one of your volunteers can produce a three-minute video that includes a testimony from a client, that can be a strong introduction and motivator for teenagers. “Keep it short, moving and exciting,” Tom advises. You never know whether a 17-year-old will be back to volunteer a few years later because of what he or she learned about your organization in the “huddle.”
- Remember that your project is a social occasion for young volunteers, whether or not that's your intent. For them, Tom McKee says, “Volunteering, like everything else, is about blending in, making friends, and having a good time.” Let them work in teams, and if at all possible, let one of them be the team leader. A good way to do this is to work with whomever is sending the volunteers, asking him or her to suggest those most likely to be good leaders (which includes following an adult's game plan.)
- Be ready to handle late arrivals and early departures. Kids are overscheduled sometimes. But you might be able to hold them if they know they're getting ice cream or small prizes at the end of the day.
- Often you don't have much notice, when asked to take a group of youth volunteers. To make sure you don't have the same wall painted several times in a year (that happened, at one nonprofit), keep a list of maintenance projects that are needed but not urgent, and plan how to complete those projects if you have groups of ten, twenty, or whatever other number you expect. How could you organize those groups into teams, on short notice? What equipment will you need?
- When you get the request to bring on youth volunteers, make your safety requirements absolutely clear, and get a commitment that they will be met. Otherwise, your one-offs will show up in flip flops and, invariably, without gloves.

No bunkers...staying in front of bad news

You might have heard this adage about damage control: “Tell the worst first.” The public relations junkyard is full of organizations that thought they should be the exception. If an employee or volunteer is charged with a criminal act, remember that a police report is a public record. The media (including social media) is likely to report it, and your supporters are likely to learn about it. In this environment, it is good risk management to get out in front of the story.

Gulfstream Goodwill of West Palm Beach, FL did exactly that, after a volunteer – a case manager – was arrested for sexually assaulting a minor in his care. Goodwill went to the media to explain that the volunteer had passed the organization’s background screen for his position, and described what that screen involved. The organization also took the opportunity to affirm its commitment to those it serves: “Our main priority is to ensure the safety of all our program participants and the families we are serving.”

The McLean, VA based law firm [Gammon & Grange](#) recently published a blog post with guidance for nonprofit organizations who are served with a subpoena of records related to charges against a volunteer or employee. The guidance addresses document retention, administrative leave policy, securing property and data, and how to prevent the charging party from accessing records that do not pertain to the case. The law firm allows free copying and distribution, so if you would like a copy of the guidance, please contact VIS Executive Director William Henry by [email](#) ; at 800.222.8920; or directly at 703.778.7310.

Personal risk management – have an extra water supply

Municipal water systems and private wells alike rely on electricity. If there is an extended power outage, you might need a supply of bottled water on hand for yourself, your family, and your pets. [Do1Thing](#), a nonprofit dedicated to helping individuals and businesses respond to disasters, recommends that you keep at least three gallons of bottled water on hand for each person in your home, and another gallon for a medium-size pet – enough for three days.

If you have the space, store some of your water in your freezer. It will help keep food cold during an extended power outage.

Store commercially bottled water in a cool, dark place, and replace it once a year. [Do1Thing](#) also describes how you can bottle your own water for emergencies, treat and safely drink the water in your hot-water heater (if it isn’t submerged by floodwater), and the access the water already in your house’s pipes. For details, go to the site and click the water-tap icon under “12 Things For Individuals.” You will find other suggested disaster-preparedness measures to take, one per month.

Directors and officers liability – consider separate limits

If a lawsuit against your nonprofit organization names individual employees as well as your directors and officers, your policy limits could be depleted in defense of the employee(s)...unless you have separate limits just for your directors and officers.

Reserving separate limits of liability for directors and officers can provide vital protection if, for example, an employment-practices lawsuit names the executive director and the human resources director, in addition to the board. Typically, the additional limits would apply once underlying limits have been exhausted.

From the publication *D&O Compass*: **“If D&O coverage is written with a \$1 million limit, consider buying at least an additional \$1 million dedicated limit for directors and officers, especially if the D&O limit is shared with the policy's employment practices liability and fiduciary coverages.”**

The insurance companies that CIMA and Volunteers Insurance Service represent offer such additional, separate limits on directors and officers liability insurance, for a very reasonable additional premium. For more information, please email [Aaron Jones](mailto:Aaron.Jones@CIMA.com) at CIMA, or call him at 800.222.8920.

Driven to distraction, part 2

In the [Winter 2016 issue of VIS Connections](#), we reported State Farm's survey findings that 29 percent of respondents admitted accessing the Internet while driving – veering toward inclusion in the 15 percent of traffic fatalities caused by distracted driving. Now Erie Insurance has analyzed social media posts that used the hashtag #whiledriving, and found that a growing number of drivers who enjoy the beauty of their surroundings also are flirting with membership in the 15 Percent Club. Top photos taken while driving and posted to social media include potentially final views of clouds and – appropriately enough – sunsets.

A little over half the posts were by male drivers. The top three states with all this beauty to share were California, Florida and Texas.

In 2014, at least 3,179 people were killed and 431,000 were injured in motor vehicle crashes involving distracted drivers, according to the National Highway Traffic Safety Administration.

If you have volunteer drivers and would like to see VIS's "Preventer Papers" on vehicle safety, please [email](#) VIS Executive Director William Henry, or call him at 800.222.8920. There are 24 papers on vehicle safety topics; most are 1-2 pages – ideal for small group safety training, or just to give to drivers individually.

Coming soon (maybe)...Textalyzer

Forty-six states have laws against texting while driving, but they are difficult to enforce. It takes time and effort to subpoena phone records of a suspected texter. Bipartisan legislation in the New York State Assembly would allow law enforcement officers to use a device called the Textalyzer on mobile phones of drivers involved in accidents. The concept is the same as a breathalyzer; the Textalyzer would access the phone's operating system at the accident scene, to determine immediately whether the driver had been texting. (The content of the texts would not be shown.) The mobile forensics company Cellebrite is developing the software. Meanwhile, there are legal challenges arising out of privacy concerns.

Definitely not coming soon...texting in autonomous vehicles

There are reports and opinions in the insurance trade media almost every day about how self-driving vehicles will be insured. Some automakers have said they will assume liability for accidents involving their fully autonomous vehicles, which could make personal auto liability coverage superfluous for those vehicles' owners. But count on renewing your coverage at least a few more times. Testing and refining sensor technology that will allow vehicles to guide themselves is a continuous challenge. At the recent Los Angeles Auto Show, Volvo North America CEO Lex Kerssemakers lost his temper when Volvo's semi-autonomous prototype refused to drive itself because it could not detect faded lane markings on a highway. "You need to paint the bloody roads here!" Kerssemakers exclaimed, and Tesla CEO Elon Musk agreed.

Researchers also struggle to deal with inconsistencies in traffic light design and placement, roadside signage, and other infrastructure that vehicle sensors depend upon. According to Boston Consulting Group, semi-autonomous features currently available add \$4,000 to a vehicle's price, and automakers will have to spend \$1 billion over the next decade on research before more sophisticated autonomous features are ready. So it's a long and winding road.

How to file a claim when a volunteer is injured

When a volunteer is injured during his or her assignment, the Proof of Loss Form must be completed accurately in order for the claim to be processed in a timely way.

Please register claims with us, as soon as you are aware a claim has occurred, by completing the Proof of Loss Form found at <http://www.cimaworld.com/wp-content/uploads/2012/07/universal-claim-form.pdf>.

Important! It is the sponsoring volunteer organization's responsibility to complete page one of the form and oversee the completion of page two. Please do not mail the form to your volunteer for completion.

Do not wait until the volunteer gives you bills, Explanation of Benefits or itemized statements from providers with diagnosis codes, as this can take significant time. **Registering the claim promptly is extremely important.**

Every section of the Proof of Loss Form *must be fully completed*. Incomplete forms will be returned for completion, delaying resolution of the claim. Following these directions will allow us to register the claim for your injured volunteer in a timely manner:

1. On page one, in the "Check one" section near the top of the form, please check the appropriate box for the program where your volunteer is registered:

CNS/RSVP	Retired Senior Volunteer Program
CNS/SCP	Senior Companion Program
CNS/FGP	Foster Grandparent Program
VIS	Volunteers Insurance Program (traditional volunteers)
CRASVP	Court Referred Alternative Sentencing Program
WRVP	Work Release Program

2. Name of Sponsoring Organization – This is name of the organization that purchased the coverage, not the site where the volunteer was injured.
3. Sponsoring Organization Code – This code is on communication you receive from us, e.g., invoices, policies, etc. If you do not know the code, please call or email either Joan Wankmiller at 800.222.8920, ext. 7306, jwankmiller@cimaworld.com or Vicki Brooks at ext. 7301, ybrooks@cimaworld.com and they will be happy to provide your code. If you send an email, please provide the name of your organization, along with the city and state where you are located.
4. Address, City, State and Zip of the sponsoring organization
5. Sponsoring organization contact, email address and phone number

6. Last and first name of injured volunteer. *Please use full legal name to match the name that will be shown on bills submitted. Do not use nicknames.*
7. Social Security Number and Date of Birth of injured volunteer – These are indicators for Health Special Risk, our third-party administrator for accident claims. Refusal to provide the information is an insurance company's reason for nonpayment.
8. Nature of Injury: What body part was injured? Example: Volunteer fell, hitting leg and arm.
9. Describe how the accident occurred. – Example: Volunteer was walking out of the room and tripped.
10. Describe what the volunteer was doing when injured. – Example: Volunteer was serving lunch to client.
11. Date of the accident
12. Place of the accident (if the volunteer was at a volunteer station, it can be shown here), time of the accident and first treatment date (if known)
13. Name and title of person supervising activity (if any). List anyone present at time of the accident and whether he or she was a witness.
14. Please indicate to whom payments should be made. We suggest you enter "providers" here, so the provider is paid directly. If a volunteer has paid for something himself/herself, the volunteer will be reimbursed directly as long as receipts are provided.
15. Signature of authorized sponsoring organization representative, title, date.

Page 2, Part II is to be completed by the volunteer. All sections must be completed and/or checked and the volunteer must sign and date the form.

1. **Please do not mail the form to your volunteer for completion.** Give it to the volunteer in person, instead, and ask them to complete it then. We find that frequently the volunteer misplaces the form, if it is mailed, and the claim is not returned to be registered.

Please contact Joan Wankmiller at 800.222.8920, ext. 7306, Email: jwankmiller@cimaworld.com or Vicki Brooks at 800.222.8920, ext. 7301, Email: vbrooks@cimaworld.com any time, if you need assistance in completing the Proof of Loss Form.

CIMA licensing information

The following licensing information is being provided in order to comply with state governmental regulations:

Volunteers Insurance Service Association, Inc. is a risk purchasing group formed and operating pursuant to the Liability Risk Retention Act of 1986 (15 USC 3901 et seq.)

Notice to Texas clients: The insurer for the purchasing group may not be subject to all the insurance laws and regulations of your state. The insurance insolvency guaranty fund may not be available to the purchasing group.

Notice to California clients: License #0B01377, 0G99581 and 0I84209, CIMA Companies Insurance Services. License #0G98538 and #0G99581, XS Insurance Services

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