

SHINE BRIGHT NATURE CENTER

Specialty Insurance Program

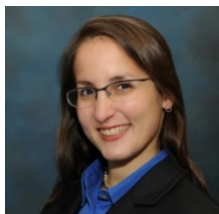
We Help Safe Nature Center Organizations Thrive!

We're here to help you achieve your mission - safely and in compliance. This month's news is full of tips to help you better protect your workforce - with important facts about the Volunteer Protection Act, strategies for managing aging workers, and the benefits of running background checks on employees and volunteers.

Along with these three important articles, I included a short video (below) on How to Use Incident Reports, and a link to one of my favorite nature sites! I hope these topics help you and your organization *Shine Bright!*


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What You Need to Know About The Volunteer Protection Act

To promote volunteerism, the Volunteer Protection Act (VPA) was signed into law in 1997. This act pre-empts existing, looser state laws protecting nonprofit volunteers, encouraging the public to participate in social service.

Overview of the Volunteer Protection Act

The VPA protects volunteers against civil liability under the following conditions:

- The volunteer was acting within the guidelines of his or her job description
- The volunteer had the proper licenses, certifications or was authorized to act, and those acts were within his or her job description
- The volunteer did not cause harm that was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed
- The volunteer did not inflict harm while using a motor vehicle, aircraft or other vehicle

The VPA provides consistent protection for all nonprofit personnel since state laws vary. More specifically, many states only provide protection to the organization's director or board members, while others protect everyone associated with the organization.

The VPA does not, however, protect a volunteer from litigation brought by the organization onto the volunteer for violating one of previously mentioned criteria.

Most importantly, the VPA does not protect the nonprofit organization from litigation; it only protects the volunteer. In other words, the organization may be liable for the



How to Use Incident Reports

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**Marshall
& Sterling**
INSURANCE

Just Press Play!

This short video shares the process for you and your staff to use incident reports to help protect your org. and prevent a future incident. [Click to watch!](#)

Featured Link of the Month:

Association of Nature Center Administrators:
www.natctr.org

*The Volunteer Protection Act
provides consistent protection of
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negligent actions of the volunteer, even when the volunteer is immune from litigation under the VPA. Therefore, the burden of responsibility is on the organization to assure that its volunteers are acting in a lawful manner while carrying out the duties assigned to them by the nonprofit.

Examples of the Scope of the VPA

Use these examples to see the scope of the VPA:

- A child is severely injured while swimming at an Environmental Education Center's summer camp. The volunteer camp counselor who neglected to supervise the pool would not be liable for the incident. However, the Environmental Education Center is liable for not hiring a properly trained lifeguard to supervise the pool.
- While driving several youngsters to a stream clean up day, a volunteer makes an illegal left turn and hits another car. In this instance, the volunteer is liable and is not immune under VPA.

Consequences of VPA

Though the act does encourage the public to volunteer without fear of litigation and assures that volunteer protection laws do not vary significantly from state to state, it also poses threats to you, the organization. With this added legal security, volunteers may take more risks while doing assigned jobs or take on responsibilities without proper training. Furthermore, they may not exercise the type of caution needed or become careless in their dealings with the populations the organization serves.

The act may also deter organizations from enacting risk management programs to ensure that volunteers are properly trained, knowledgeable and prepared.



Organization Liability Prevention

To prevent excessive liability on your organization, you should do the following:

- Establish a risk management program run by a designated committee to address factors that could negatively affect your organization. The committee should identify risks that have the potential to be costly for the organization.
- Have risk financing in place to pay for damages, legal expenses, injuries or other costs associated with litigation.
- Obtain general liability insurance, which protects against bodily injury and property damage claims that are brought against you organization by the volunteer.

General liability insurance will protect an organization's assets in the event of a lawsuit. In some cases, the VPA may also reduce the organization's risk and, therefore, may reduce the insurance premium. Contact Marshall & Sterling, Inc. to learn more about our cost-effective liability insurance solutions to protect against litigation as a result of volunteer actions.

This Risk Insights is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel or an insurance professional for appropriate advice. © 2016 Zywave, Inc. All rights reserved.

Promoting Safety in an Aging Workforce

The makeup of the working population is changing. This shift in worker demographic is largely due to the lack of early retirement by the baby boom generation. Whether these workers are coming out of retirement seeking full- or part-time work or simply staying in the workforce longer, there is a great need to manage and maintain this population safely and effectively.

This starts with understanding the safety implications associated with this age group as well as preventative measures to keep them healthy, which can lead to a safer and more effective workplace for employees of all ages.

Who is an aging worker?

There is no set age that represents an older worker. An aging worker can be defined by a variety of parameters. They are full-time and part-time workers; temporary and permanent; and can be found in almost any occupation. Older workers can be 45, 65 or even in their 70s.

As 76 million baby boomers continue to grow older, they are predicted to stay in or return to the workforce. According to the U.S. Bureau of Labor Statistics (BLS), the number of workers ages 55 and older will increase to 73 percent by 2020, while the number of younger workers will only grow 5 percent. Not only that, the BLS also reports that between 1977 and 2007, the employment of workers 65 and older increased 101 percent while total employment only increased 59 percent. For men over 65, the increase was 75 percent and for women it was as high as 147 percent.

The BLS expects this growth in aging workers to continue through the next decade with workers over the age of 75 predicted to rise more than 80 percent.

Age Discrimination in Employment Act

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. This applies to both employees and job applicants. Under ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition or privilege of employment. This includes the processes of hiring, firing, promotion, layoff, compensation, benefits, job assignments and training.



Benefits that come with experience

Many employers are wary about hiring or even maintaining a primarily aging workforce at their organization. But there are many possible benefits. Employers must consider the full range of economic implications of an aging workforce including both cost and productivity factors. There are financial implications that suggest that aging workers can reduce costs and increase productivity at the workplace:

- Older workers are somewhat less likely to be disengaged and slightly more likely to be moderately or highly engaged at work than younger groups, according to a Towers Perrin Talent Report.
- Hiring or retaining older workers means enhanced skills such as experience, maturity and engagement stay in, or are added, to your organization.
- Due to turnover costs being as much as 50 percent of an annual salary for many positions, the benefits of maintaining a stable workforce and avoiding turnover often exceed the increased compensation and benefits costs of aging workers.
- Of course average pay tends to increase with service and age, but it can also result from movement up the career ladder in an organization. Therefore, older workers are not necessarily more expensive in terms of pay.
- Even though cognitive declines can occur with age, knowledge and experience in a field can offset this. Communication and decision-making skills acquired with experience at an organization can make up for a decline in manual dexterity.

- Although health care claims costs do tend to increase with age, and are on average higher for workers nearing retirement age, costs can also vary due to many underlying factors. A study conducted by the University of Michigan Health Management Center found that age may be less of an influence in increased health care costs than factors such as individual health risk and health-care utilization.
- Older workers are not more likely to get injured or sick than other workers. They also have fewer avoidable absences, a lower turnover rate and fewer work-related accidents than younger workers. But in the event that they have an accident on the job, they are much more likely to have a serious injury.

Addressing safety concerns

Despite older workers having a lower injury rate, the fact that their work-related injuries tend to be much more serious than those incurred by their younger co-workers is a major safety concern. Age-related changes and declines can include:

- Shorter memory
- Slower reaction time
- Decline in vision and hearing
- Poor sense of balance
- Denial of decreasing abilities

These limitations can lead to many injury types for older workers:

- Falls caused by poor balance, decline in vision, slowed reaction time or other outside distractions.
- Sprains and strains from loss of strength, endurance, flexibility and balance.
- Cardiopulmonary overexertion from extreme heat or cold, heights or confined spaces.
- Injuries incurred from repeating the same task for years. For example, truck drivers who experience a loss of hearing from road noise and driving with the windows open.

There are signs to look out for suggesting that aging workers might need some accommodations to continue to be successful on the job:

- Physical signs such as fatigue, tripping or noticeable loss of balance.
- Feedback from other employees that the worker has been declining in performance.

- Psychological or emotional signs such as irritability or loss of patience with repetitive or new tasks.
- History of minor work-related injuries or “near misses” with machinery or during other tasks. As well as pattern and number of sick days.

Strategies for managing aging workers

There are many ways to help keep your aging workers safe in the workplace. By taking a proactive approach and making some workplace modifications, you’re a step toward ensuring the safety of all your workers. Consider addressing the challenges associated with aging workers by doing the following:

- Encourage all employees to participate in an exercise program. This could potentially reduce the risk of experiencing an injury on the job.
- Rotate work assignments so that aging employees have less exposure to repetitive motion risks. Rotating routines periodically can also improve employee morale by avoiding boredom.
- If possible, eliminate heavy lifts, long reaches and elevated work from ladders.
- Facility maintenance helps ensure a safe work environment. Poorly guarded machinery or other office equipment with makeshift repairs can result in injuries, especially for aging employees.
- A job safety analysis and an ergonomic assessment can be used to identify possibly improvements to a work environment. These tools can identify potential hazards and determine the safest way to perform a job.
- Falls alone are responsible for more than one-third of all injuries incurred by workers 65 and older. Because of this, prioritizing slip and fall prevention at the workplace is very important. Installing skid resistant material for flooring and stairs is a great step.
- Design work floors and platforms with smooth and solid decking that still allows for some cushioning.
- Utilize telephone equipment with the capability to adjust the volume.
- There is a connection between increased healing time and age, so in the event that one of your aging workers does get injured, remember that it may take the employee longer to heal than a younger worker with a similar injury.
- Improve lighting and color contrast around the workplace as vision is typically compromised with age.
- Ultimately, make safety a priority. Senior management must be visible in the safety effort and must support improvement

Are You Screening Applicants Using Background Checks?

Nonprofit organizations must take care in selecting employees and volunteers to avoid putting themselves at risk of liability lawsuits and legal damages. Background screening of prospective employees and volunteers is an effective risk management tool that can reduce employee turnover, deter theft and embezzlement and prevent liability and litigation troubles. Although background checks do present some costs, the risk of hiring someone without having performed this screening could signify considerably heavier financial consequences; the cost of recruiting, hiring and training an unqualified employee only to then search for a replacement is a significant waste of resources.

Benefits of Pre-Screening

Many job applicants have a criminal record that would compromise their job placement, yet they do not disclose this information. Therefore, consider these advantages of pre-screening potential employees:

1. Discourages applicants from hiding a criminal background or falsifying their credentials.
2. Eliminates any uncertainties about applicants in the hiring process.
3. Encourages honesty while going through the hiring process.

How Many Levels?

At a minimum, it is advisable to ensure that an applicant's history does not include a criminal conviction or deferred prosecution for a specific crime. Searches for criminal records might include federal, state and county records.

Depending on the sensitivity of the position, determine how many levels of screening are necessary.



Beyond the basic criminal background check, take a risk-focused approach to determining additional levels of screening, which might include:

- Identity verification
- Social security number verification
- Sex offender registry
- Employment verification
- Education verification
- Professional license verification
- Motor vehicle reports
- Drug Testing

The access level and sensitivity of the position will be key factors in determining whether or not additional screening is appropriate. It is advisable to maintain background checks on existing employees by continuing to perform them on a regular basis.

Credit Report

A final element that can be included in a thorough background check is a credit report, which not only provides alternative verification of social security numbers and employment history, but reveals other troubling financial issues that could be a factor in your hiring decision.

Streamline the Process

The background check will be more efficient, more valuable and less costly if the employment application contains certain elements, such as a statement that all information is accurate and that any untruthfulness or omissions are legal grounds for termination. A standardized format that consistently collects all necessary information will also speed the background screening process.

Some other helpful elements include:

- Any other names used
- Reason for leaving past positions (“disagreement” or “mutual agreement” are red flags)
- Specification that names of actual employers must be listed (staffing firms should be listed, not the firm hosting temporary workers)
- Detailed contact information for references listed

A simple way to streamline the process is to implement an online application process that requires certain fields necessary for the screening to be completed. When a need for revision arises, the form can be easily modified across the entire organization. The application can be linked directly to provider’s systems that will extract all necessary information for the background screen.

Obligations and Outside Providers

To simplify the task, you may find it helpful to outsource the process to a background screening service provider. For many screening tasks, such as criminal background checks, outside providers can be faster and more thorough. It is important that when selecting such a provider, you consider its financial statements and health, its hiring and employment processes, identity theft safeguards and, of course, service offerings. You have several obligations to the applicant under the Fair Credit Reporting Act (FCRA).

- Any applicant on whom an institution performs a background screen must give his or her written authorization to conduct the report.
- If you ultimately deny employment, you must provide notification through pre-adverse action and final adverse action notification letters.

For More Help...

If you need more information about protecting yourself from liabilities associated with hiring and termination, contact Marshall & Sterling, Inc. Our insurance experts can keep you covered and give you peace of mind.



Important Dates...

We consider the Association of Nature Center Administrators (ANCA) to be a great partner of ours, and an excellent resource for nature center owners. Not only is the Marshall & Sterling Shine Bright Nature Center Insurance Program an ANCA Business Member, but our program manager, Irene Jones, is a five-time ANCA summit attendee and 3-time ANCA facilitator.

The ANCA culture is amazingly supportive of you as a nature center leader. For those of you who have never attended, the summit and the regional meetings are professional development opportunities that will help you rejuvenate, and encourage you to bring fresh leadership to your center upon return.

We want to encourage you to attend these upcoming ANCA regional events and save the date to for the upcoming summit this August!

- **April 8, 2016**
[The Dawes Arboretum](#) in Newark, OH will hold the 2016 ANCA Midwest Regional Meeting. RSVP [here](#).
- **May 13, 2016**
The Next Florida Regional Meeting will be at the [Gillespie Museum](#) in DeLand, FL.
- **August 17-21, 2016**
Find Your North Star Summit XXII

Learn more at <http://www.natctr.org>