



(Super) Heroes of Risk Management!

Making the world a better place. . . one risk at a time

The conference planning committee is in full swing preparing for the activities for our 2008 Annual Conference to be held November 19-22, 2008 at The Woodlands Waterway Marriott Hotel and Convention Center.

This year’s conference theme honors the everyday (un-sung) superheroes of risk management whose “superpowers” help them leap buildings at a single bound and see risks with their x-ray vision while doing their everyday job for their public entity!



Be on the lookout for additional details on the conference and be prepared to share and learn how to defeat the perils of risk as a Risk Management Super Hero!

Submitted by David Kester

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Conference Site Selection Committee Report

It’s not news that price increases are affecting everything, including the price of gas!! It should not be a surprise that rising costs are also affecting hotel housing. In recent years, quotes for conference housing in desirable target cities such as San Antonio, have been in ranges higher than \$170. The challenge of maintaining low conference housing costs has been achieved through multi-year agreements with hotels willing to offer affordable housing rates to our conference attendees.

In addition to low housing rates, conference sites must meet our growing space requirements within one hotel and maintain the popular Wednesday to Friday format. As can be expected, the availability of conference hotels that can fit the bill is dramatically low. As you have seen, Galveston’s Moody Gardens remains a desirable Texas PRIMA Conference venue because it satisfies all criteria at competitive costs. When our conference returns to Moody Gardens in 2009, you will find that the room rates are the same conference housing rates paid in 2007.

The Board of Directors has given the Site Selection Committee the green light to change our conference hotel criteria with a goal of finding new host cities. New options may include flexibility in rooming costs, multiple hotel housing, as well as, a Sunday to Wednesday format. Be sure to note that price increases will be published in plenty of time for consideration in your 2010 budget.

Stay tuned for more updates later in the year and remember that the Texas Chapter PRIMA annual conference will continue to earn it’s reputation as your premier educational and networking opportunity. . . . that keeps the special flavor of Texas always in mind.

Submitted by, Tina Paquet, Chair, Conference Site Selection

Letter from the President



Melissa Sullinger

Hello once again. We are now in the second quarter of the year and all seems to be going well. Many have said that the online registration process and the changes to the website look and work smoothly. Task one, check. The second change we talked about last quarter was our change in administrative staff. Ashley Waggoner is doing great and is a key component in making task one and many of the day-to-day activities a success. Task two, check plus plus.

So what now? The board met at the end of April and had a strategic planning session to determine just that. In another article, we will discuss the goals and projects that Texas PRIMA will be working on and towards during the next year. But there are a couple of items that I am really excited about and want to share in detail.

First, Texas PRIMA is focusing heavily on educating future risk management professionals about public sector risk management. We have formed a committee this year that is focused on our student populations. Currently we are working with the University of North Texas. Charles Gillenwater and Scott Payne have both been working with the professors in the risk management department by speaking with and teaching classes within the curriculum. We are working on a plan to clone this program at other Universities that offer a risk management degree plan. We are also creating a student membership rate and offering special scholarships to students to encourage them to come to the regional meetings and to our annual conference. If this program is of interest to any of our members, please contact either Charles or Scott and work with them to help us succeed with this goal.

Second, a major focus of Texas PRIMA is ensuring that others outside of our association, who have defined risk management roles, understand what we do and how important our profession is to our public entities. Many organizations have farmed out their risk management functions to different people and other areas within their organization. Often, these individuals belong to other professional associations or attend other groups, meetings or conferences. Therefore, we will be extending invitations to several other associations to partner with us to get the Texas PRIMA message out to all professional associations.

Last, we are exploring several new opportunities for members. We will be offering new membership opportunities and an opportunity for members to earn rewards for recruiting new members in a “get a member” campaign. We will also be rolling out a mentor program for new members and for those that have a need for risk management information. More details will be explained in future newsletters and by blast e-mails.

At the end of this year, I hope that we can all look back at the year and say, “This was a year of positive change.”

*From Melissa Sullinger, President-Texas PRIMA
melissa.sullinger@baytown.org*

PRIMA MEMBERSHIP NOW HALF OFF

PRIMA has created a new membership initiative specifically for its chapter members. As a member of a local PRIMA chapter, you know the benefits that come from being part of a group. Now you can join PRIMA National for half price and reap the benefits of a national network of public sector risk managers. If you are not currently a PRIMA National member, now is the time to join. For more information on this initiative, please visit the Chapter section of www.primacentral.org.

From now until December 31, 2008, join PRIMA for 50% off! That's right, YOU can join PRIMA for half price! Don't delay...put the power of PRIMA membership to work for you today!

For more information, contact Allyson Little, membership-marketing manager, at 703-253-1270 or alittle@primacentral.org. This offer is available to new PRIMA members only and only for GOVERNMENT members.

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JI Companies recognizes that the traditional plans and services available through the standard insurance market are no longer practical in terms of cost, coverage or quality of service for many businesses. In order to provide a broad range of services in self-funded and alternative risk financing, we have established a family of companies which includes:

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Timberlake Insurance SPC LTD: JI uses a segregated portfolio within Timberlake to take risk as a reinsurer on programs that we underwrite. JI offers Timberlake as a rent-a-captive to allow administrative clients to assume a portion of their own risk and share in the savings of the program. Timberlake is domiciled in the Cayman Islands and is under the regulation of the Cayman Islands Monetary Authority (CIMA).

Printing the Texas PRIMA Directory

In January, Texas PRIMA launched a new member-only section of our web site. We hope that you have browsed around and are enjoying the new features. One of the major features is the directory and the ability to print the directory. To print the directory, here are a few steps to follow:

1. Log into the member-only area of the PRIMA web site.
2. Click on "member directory/view entire directory" on the left navigation bar.
3. Click on the "print" button on the right side of the page (under "search").
4. Make sure #1 and #2 are checked with the only selection available.
5. Click #3, "preview".
6. Wait a moment and a PDF will be generated for you.

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Texas Chapter PRIMA Wants A Few Good Mentors



I'll take a chance and say that all of us have had many mentors in our lives. Whether you call them teacher, friend, coach, mom, dad, big brother or sister, they provided us with knowledge and skills based upon their training and experience. Likewise, there aren't many of us that haven't benefited from guidance from one or more of the many successful risk managers in Texas.

With the above in mind, Texas Chapter PRIMA is launching a Mentoring Program for our members. During the next few months we plan to:

- Establish overall objectives and timelines of the program
- Establish effective documentation of the program
- Determine the Target Population – Risk Managers, Risk Associates, Students (?)
- Identify responsibilities of Mentors and “Mentees”
- Select Mentors based upon experience, expertise, willingness to objectively review existing policies of the Mentee's public entity, and motivation to participate
- Identify available training tools and resources
- Have the initial program ready to go by November

If you have an interest in being a risk management mentor, please take a minute to answer the following survey:

You Might Be A Mentor If

(Please answer Yes or No)

1. I like it when someone asks me for advice or guidance
2. I find it rewarding to help others learn
3. I have specific knowledge that I'd like to pass on to others
4. I enjoy collaborative learning
5. I realize that I don't know it all
6. I find working with others who are different from me to be stimulating and enjoyable
7. I'm always looking for opportunities to further my own growth

If you answered Yes to the above, you just might be a good Mentor.

Watch for more details on this program in the future. If you have questions or comments, please contact me at garyu@ci.waco.tx.us

Submitted by Gary Urban

Strategic Planning Meeting: An Action Plan for 2008-09

The board of directors met at the end of April in a strategic planning meeting to determine and discuss priorities and goals for the organization. The board was challenged to determine up to four realistic and achievable goals.

The first goal is to Build Depth in Leadership. The board firmly believes in growing our leadership from within our membership. The primary focus of building leadership is through committee involvement. We will ensure that each committee member understands the scope, roles and responsibilities of the committees. The board will focus less on board members making up the committees and more on getting member participation on the committees.

Our second goal is to continue to focus on growing the Membership. Membership is the heart and soul of our organization. To accomplish this goal, we will need to ensure that we reach out to all members who do not renew their membership and find out why. Whatever reason we discover is the reason for non-renewal, we will attempt to address that reason. We will reach out to non-members that attend our events and ensure that they know what else Texas PRIMA can offer. We will offer incentives and programs to get our current members involved with recruiting our future members. We will also work towards establishing a student membership program.

We want to focus our attention on increasing and ensuring the value of PRIMA to its Members. This is our third goal. We want to ensure that meeting and conference information is up to date and that it is the information that the membership desires. We are establishing a mentoring program for new members and for individuals that are taking on new risk management tasks. We will continue to increase the value of the website by adding additional resources and forums. A major focus is to create a certification program that allows our members to achieve a professional credential. This year we will focus on the development of an implementation plan.

For our fourth goal, it was decided that Texas PRIMA has a responsibility to the public sector and we need to increase the profile of public risk management throughout the State. The entire focus of Texas PRIMA is to provide information to all individuals that have been charged with risk management duties by their employer. It is vital that these individuals have the educational opportunities and resources to do their jobs. We as an association need to reach out to ensure that they know about our services; and the most efficient way for that to occur is through other associations that serve this common goal. We will work with other professional associations to share resources with each group's membership. We will work with our pool and corporate partners to promote our mission. And we will continue to expand our program with the universities to educate the risk managers of the future.

The board will focus on these particular goals over the next few months. We feel that each is a challenge and all of these goals are achievable. We will need our membership's support and help to ensure that we can accomplish the goals and timelines that have been established. If anyone is interested in participating in any of these initiatives and in helping us reach our program goals, please let me know.

Submitted by Melissa Sullinger

Call for Award Nominations

It is hard to believe summer is just a few weeks away. Soon it will be time for Texas Chapter PRIMA 2008 Conference at The Woodlands. One of the highlights of the conference is our awards program that recognizes our peers who have distinguished themselves through innovation, commitment and leadership. Nominations for this recognition come from PRIMA members, or someone who is aware of the nominee's work and professionalism. All of us encounter a unique risk professional whose work or ideas exceeded expectations. When that happens you are encouraged to nominate that person for one of three award categories.

Nominations for **Risk Manager of the Year** and **Risk Management Associate of the Year** honor individuals who exemplify the risk management profession. **Risk Management Achievement Awards** honor public entities who respond to challenges with creative and successful risk management programs. A description of the three award categories are on the Texas Chapter PRIMA website.

This may be your opportunity to thank someone who mentored you early on in your risk management career. Take a moment to think about someone who had a positive influence on your career, and if they are eligible, nomination them for a PRIMA award as a way of saying, "THANKS".

TASB Innovation Award Winners Included members of Texas PRIMA

At their annual risk management conference, the Texas Association of School Boards Risk Management Fund, presented a number of school districts with innovation awards for their loss control programs. These awards included a cash prize of \$1,000. Four Texas PRIMA members were recipients of this award.



From left to right (back row) – David Plummer, South Texas College, Sharon Whitby – **Garland ISD**, John Bremer - Katy ISD, Kevin Carbo – **Mesquite ISD**, Cindy Purdy – Fund Chair – Muleshoe ISD, Laurie Lee – Eanes ISD, Patricia Guidry – Aldine ISD, Debbie Payne- Rio Vista ISD. From left to right (front row) Barbara Russell – **Garland ISD**, Bill Tarro - **Lubbock ISD**, Norma Hysler – Deer Park ISD, Laura Santos --Farry, Susan Pulis -- Eanes ISD, Trae McNeill – Muleshoe ISD, Judyann Robinson – **Irving ISD** .

Submitted by Stacy Hobbs

FMLA Changes

The war on terror is being fought in two nations, each half a world away. Despite our distance from the front, those of us in the United States see constant reminders that we are at war. One cannot go to most airports without seeing young men and women in their uniforms, traveling halfway around the world to see their families. We are inundated with stories of bombings, assaults, and casualties. We see friends, family members, and co-workers volunteering to serve our country, some returning with serious injuries, and some, tragically, suffering even worse fates.

As Americans, we all share in the responsibility to support the members of our Armed Forces, who risk their lives to protect our freedom and our nation. Even though we all share the responsibility to support our troops, until recently employers had lacked a clear, objective standard for how to help employees affected by troop deployments or service-related injuries.

On January 28, 2008, President Bush signed into law the National Defense Authorization Act for FY 2008 (the "Act"). The primary focus of the Act was to authorize the expenditure of approximately \$459 billion for national defense. But, the Act also included a provision to amend the Family and Medical Leave Act of 1993 ("FMLA") to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 work weeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

In addition, under the Act, an employee is entitled to take FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." While the Secretary of Labor has yet to issue final regulations defining "any qualifying exigency," employers have been encouraged to provide this type of leave to qualifying employees.

In sum, employers now have a legal framework through which to support service members and their families, and existing legal protections under FMLA have been greatly extended to protect those risking their lives in defense of our country.

Submitted by David LaBrec, David.LaBrec@strasburger.com

National Safety Council Texas Conference & Exhibition

Several Texas PRIMA members received awards from the National Safety Council at their Texas Conference and Exhibition held in Houston, March 30-April 2.

Public entity award recipients included the City of San Marcus, Allen ISD, City of Corpus Christi, Garland ISD, Mesquite ISD, City of Bryan, Texas Department of Transportation, City of Houston, and the Trinity River Authority.

Alan Smith, Risk Manager for Garland ISD, said that there are several great values of this awards program. "It not only brings national recognition to an entity's safety program, but in reinforces the value of safety within the organization when the awards are presented in a public forum."



Photo: (Center) Henry Kaplan received National Safety Council awards on behalf of the Garland ISD. Presenting the awards are (left) Gary L. Visscher, from the U.S. Chemical Safety Board, and (right) Michael Henderek, Vice-Chairman Board of Directors, National Safety Council.

Call for Presentations: 2008 Texas PRIMA Annual Conference

On behalf of Texas Public Risk Management Association, we invite you to submit your proposal to speak at the 2008 Annual Conference being held November 19-21 at The Woodlands Waterway Marriott Hotel & Convention Center in The Woodlands, Texas. The Texas PRIMA Annual Conference is attended by hundreds of public risk management professionals from across Texas and other states.

We look forward to receiving your proposal to speak and help to make the 2008 conference a big success. Texas PRIMA strives to strengthen the quality of risk management through continuing education. Our Annual Conference gives members an excellent opportunity to network with attendees, exchange ideas, and consult with colleagues. This is your opportunity to share your ideas, best practices, and experience with public risk management professionals and industry representatives.

If you know of a great speaker who would consider making a presentation at the Texas PRIMA Annual Conference, please forward the information to one of the two links below.

Additional information can be found at the Texas PRIMA web site www.texasprima.org or by contacting Regan Rychetsky, speaker chairperson at Regan.Rychetsky@hsc.state.tx.us.

Carrier's Subrogation Rights Upheld

Respect them liens: the Texas Supreme court has held that a workers' compensation carrier is entitled to first money recovered by an injured worker from a third party tortfeasor despite efforts to settle around the carrier by the attorney for the survivors of the deceased employee and his estate.

Charles Ledbetter was electrocuted while working for his employer. Texas Mutual paid death benefits to his widow and minor son. These survivors and the deceased employees' estate then brought suit against the third party tortfeasor. Shortly before trial, the case settled and the attorney for survivors and the estate non-suited all claims except those of the estate in an attempt to avoid paying any portion of the settlement to the carrier. The trial court allowed the nonsuit over the carrier's objection that it would subvert the carrier's subrogation rights.

In the decision upholding the carrier's lien, the Supremes noted the right of first money reimbursement to the carrier is crucial to the workers compensation system because it reduces costs to the carriers (and thus employers and the public) and prevents double recovery by workers. When an injured worker settles without reimbursing the carrier, everyone involved is liable to the carrier for conversation -- the plaintiffs, the plaintiffs' attorney, and the defendants. . . Texas Mutual Insurance Co. v. Paula Ledbetter, et al. (Tex. April 4, 2008).

Submitted by Chamberlain McHaney

When Domestic Violence Comes to Work

Part 1: Introduction

Each year, thousands of Texans become victims of domestic violence. Domestic violence affects relationships with family and friends and, don't kid yourself, domestic violence impacts the workplace. In 2004, there were 182,087 reported incidents of domestic violence in Texas; 115 women were killed by their current or former partner; 11,983 adults received shelter from an abusive relationship; and 17,619 children received shelter. Chances are very good that you will know someone who is or has been a victim of domestic violence.

This article is part of a two-part series that addresses domestic violence in the workplace. Part 1 will introduce you to domestic violence, and Part II, which will appear in the next issue of this newsletter, will provide guidance regarding how to respond to threats of domestic violence, including safety planning.

Domestic violence is a pattern of coercive behavior that is used by one person to gain power and control over their current or former partner, which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence is about control, NOT love, anger, addiction problems or financial matters. Although these are factors that may intensify the effects of domestic violence, they are not the reason a batterer attacks his victim. Domestic violence is a crime.

Who are the most likely victims?

Domestic violence occurs between people of all racial, economic, educational and religious backgrounds; in heterosexual and same sex relationships, living together or separately, married or unmarried, in short term or long-term relationships. Domestic violence has no socio-economic boundaries. A batterer or victim may be a doctor, lawyer, judge, police officer, firefighter, refuse truck driver, custodian, or risk manager.

Domestic Violence is NOT an isolated event, but a PATTERN of behaviors used against a current or former partner that entail a variety of abuses occurring throughout the relationship. One form of abuse builds on past behaviors and sets the stage for future episodes.

Forms of domestic violence

Physical abuse - includes assault, rape, broken bones, bruises and all forms of external and internal physical injury.

Psychological abuse - include threats of violence and harm (workplace), attacks against pets or property, stalking, discrediting victim's reputation and damaging her relationship with others. Psychological abuse includes the following:

Emotional Abuse - wide variety of verbal attacks and humiliations, often emphasizing the victim's vulnerabilities (family, friends or strangers). Used to maintain POWER and CONTROL.

Isolation - cuts off victim from support networks (family, friends, etc.) with claims of interfering. Prevents discovery of abuse.

Economic Control - controls victim's access to family resources: transportation, food, clothing, shelter, insurance and money. Does not matter who the primary provider is, the perpetrator controls the finances.

Why is domestic violence important for employers to recognize as a workplace issue?

Since we work better with statistics, here are some additional domestic violence statistics.

Domestic violence is the leading cause of injury to women, more than motor vehicle accidents, muggings, and rapes combined. Annually in the U.S., over 500,000 women are stalked by an intimate partner. In fact, 1 out of 4 workplace homicides are a result of domestic violence coming to the workplace. In 2000, intimate partner homicides accounted for 33.5% of the murders of women and 4% of the murders of men.

The reason employers must be cognizant of domestic violence is because the batterer does not have control of his victim in the workplace. Think of it this way, if the batterer is unsure of his victims whereabouts outside of work hours, he knows for sure where she is during work hours. He will make attempts to contact her at work, and most likely come to the office to intimidate and threaten her. The reality of the employers' situation is that the perpetrator knows where his "reason for existence" is located from 8-5 every day, regardless of whether the employee has been living in a location unknown to the perpetrator. A batterer will call your employee constantly on either her work phone or cell phone asking questions like "I called, the line was busy. Who are you talking to?"; "You were not at your desk when I called, where were you?"; "Who are you going to lunch with?"; and the list goes on. This will eventually make it impossible for the employee to be productive. You will notice increased absenteeism, lower production and/or a work product that is not consistent with what she has produced in the past. Some employees will physically be unable to come in to work.

If an employee notifies you that their current or former partner has threatened to come to the workplace and "take care of her" or "kill her", the employer must take action to mitigate the risk of a serious incident from occurring. If a violent incident occurs at work and the employee had previously informed you of the threats and intentions of her current or former partner, you expose your employees to a grave security and safety risk, and your entity to greater liability if you do not take action.

Part II will discuss the profile of the perpetrator, how to speak with an employee or friend who is a victim, safety planning, workplace actions and resource information.

The National Domestic Violence Hotline is 1-800-799-SAFE (7233); TTY: 1-800-787-3224

Submitted by Regan J. Rychetsky

TDI-DWC Issues Fines

The Texas Department of Insurance Division of Workers' Compensation (TDI-DWC) has announced that total Division fines issued rises to \$1,110,904 since June 2007. During the months of February and March 2008, orders issued by Commissioner of Workers' Compensation, Albert Betts, exacted penalties and fines on insurance companies and employers, which included two school districts. Administrative penalties totaled \$63,800 for violations during these two months. The two school districts that were fined were not identified. One ***school district*** was fined \$5,000 for failure to timely process a medical bill (two instances); and failure to take final action on a correctly completed request for reconsideration of a medical bill. The other ***Independent School District*** was fined \$7,800 for failure to timely refund an IRO fee upon receipt of an order from the commission regardless of whether an appeal had been filed.

<p style="text-align: center;">Correspondence</p> <p>The Texas PRIMA Press is the official newsletter of Texas PRIMA. Correspondence should be sent to: Texas PRIMA PO Box 4693 Austin, TX 78765-4693 Telephone: 512-394-0719 Fax: 512-394-0720</p> <p>For information about the Chapter, visit the Texas PRIMA website at http://www.texasprima.org.</p>	<p style="text-align: center;">Communications Committee</p> <p>Chair: Charles Gillenwater Board Liaison: Scott Payne Newsletter: Courtney Sturgeon Judyann Robinson Website: Rene Burt</p> <p>Newsletter Editor: Henry Kaplan, ARM, ALCM 972-494-8382 hdkaplan@garlandisd.net</p>	<p style="text-align: center;">About This Newsletter</p> <p>This newsletter is published quarterly for the benefit of Texas PRIMA members. However, the opinions expressed in the newsletter are those of the writers and do not necessarily represent the views of Texas PRIMA. The aim of this newsletter is to provide information to our members about Chapter events and risk management issues. Please send news, information, comments, etc. to the editor via email, hdkaplan@garlandisd.net. The deadline for the next issue of this newsletter is three weeks following the next meeting of the Board of Directors.</p>
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Texas PRIMA Annual Conference: November 19-21, 2008, Waterway Marriott, The Woodlands, TX
PRIMA Annual Conferences: June 1-4, 2008, Anaheim, CA