

Optimizing Your Potential as a 4-H Volunteer



Liability and Insurance for Volunteers

Introduction:

This fact sheet will provide you with an overview of Purdue University's insurance coverage as well as when, and how it applies to you as a volunteer.

General Liability Insurance:

General liability insurance provides liability coverage for bodily injury or personal injury to third parties, (4-H members) as well as damage to their property, when such injury or damage is the result of Purdue's negligent act or acts.

This coverage should not be confused with medical coverage.

"Personal injury" includes:

1. Defamation of character
2. Invasion of privacy, and
3. False arrest

General liability coverage is in the amount of \$25 million combined single limit, and coverage is provided for the university, its employees, and its volunteers.

The coverage includes payments of claims or legal settlements, plus all defense costs.

Many claims are settled between the insurance company and the party making a claim. In instances where claims proceed to litigation, the insurance company selects the legal counsel who will represent Purdue, as well as any employees and volunteers who are named in the action.

In all instances, both the insurance company and the legal counsel, in conjunction with Purdue's Risk Management Office, will work directly with those employees and volunteers.

If an accident or injury occurs, or a lawsuit is threatened, immediately contact the extension office. Don't wait!

Auto Liability Insurance:

This insurance provides coverage for bodily injury to third parties, as well as damage to their property, when such injury or damage results from:

1. Operation of a Purdue vehicle on official University business.

2. Operation of an employee or volunteer's personal vehicle on official University business.

However, the personal auto coverage carried by the employee or volunteer is ALWAYS PRIMARY! Purdue's coverage would come into play only if, and when, the limits of the personal coverage were exhausted.

The coverage for auto liability is also in the amount of \$26 million per occurrence, and again coverage includes the University, its employees, and anyone else who has been specifically approved by the University Risk Manager to operate a Purdue vehicle. Approval for non-employees is requested using a special form. (Form RM01)

For employees and volunteers who operate their personal vehicles on official University business, this auto liability insurance coverage is SECONDARY.

There is no physical damage or collision coverage for vehicles owned by employees or volunteers.

Auto liability coverage includes:

1. Payment of claims
2. Payment of legal settlements, and
3. All defense costs

The claims process is the same as those for general liability. Contact the extension office immediately when something happens!

School Bus Liability:

This coverage has been terminated as of March 1, 2003. When there is a need to transport a group of youth to an event the following guidelines should be followed.

- School buses owned by school corporations should be utilized whenever possible.

- In the case of school buses owned by private individuals, a copy of the driver's CDL license and proof of insurance is required. Indiana law requires that school bus drivers be insured with \$5 million of coverage.
- Private bus companies may be utilized. Proof of insurance from the company is required.
- University policy must be followed if utilizing rented vans.
- When parents drive youth to events and activities:
 - Should encourage parents to arrange their own rides for their children.
 - Must obtain a photocopy of valid driver's license and proof of insurance if one parent is to transport youth other than their own to events and activities. *Under no circumstances should personal vehicles carry more persons than the vehicle is designed for (a seat belt for each occupant).*
 - Must not ask anyone under the age of 21 to serve as a driver and transport other youth to or from events and activities.
 - *Any person who refuses to provide a license and verification of insurance shall not be authorized by CES personnel to transport youth to events and activities.*
- University Risk Management has required automobile liability limits in the amount of \$100,000 per accident. Individuals are encouraged to obtain higher limits if they will be transporting youth.

Worker's Compensation:

Purdue University carries worker's compensation insurance, but it only covers paid university employees. Volunteers are not eligible for workers compensation through the university.

In accordance with Indiana law, workers compensation provides coverage for medical expenses and lost wages resulting from a job-related injury or illness.

Accident and Illness Coverage:

Limited accident and illness coverage can be purchased independently for trips and activities taken with 4-H groups.

Two companies in Indiana, The American Income Life Insurance Company, and Brotherhood Mutual offer medical and accidental death and dismemberment coverage for 4-H youth and volunteers participating in approved activities.

This insurance covers youth and volunteers from the time they leave home, until they return home.

The insurance can be purchased on a per-activity basis as a blanket policy for the entire year. The costs are very reasonable and it is strongly recommended that each county 4-H Program purchase a blanket policy.

Cost of the blanket policy is \$1 per year per member (\$2 for Horse and Pony members).

Coverage for state and national 4-H events is provided by the State 4-H Department.

Directors and Officer Liability Insurance:

This insurance should be considered only if the members of the 4-H Board (or similar body) are involved with issues and decision-making that are not directly related to the mission of the University or Cooperative Extension Service. Fair organizations need additional coverage.

If there is any uncertainty as to whether the board is involved with issues and decisions not directly related to the mission of the university, it is recommended that a list of the board's activities is made and submitted to CES administration. They will consult with the Office of Risk Management for a final decision.

The Indemnification Resolution:

Although Purdue's insurance coverage is very broad, not everything can be covered by commercial insurance policies.

In order to bridge that potential "gap," the University Board of Trustees passed an "Indemnification Resolution."

This document states that the University will protect an employee or volunteer against whom an action is brought so long as that person was acting within the scope of his/her duties and in good faith.

This assures coverage, including payment of defense costs in the absence of insurance coverage.

Supervision of Youth:

Supervision of youth raises concern, especially regarding the "right" ratio of adults to youth.

There is no single "right" ratio that is appropriate for all activities. Take into account the:

- Type of activity
- The number of participants, and
- The age of participants

The common sense approach is usually best. If there is any doubt, "more supervision is better than not enough."

Here are some guidelines:

- There should always be more than one adult with a group. In case of an emergency or injury, one adult can remain with the group while the other goes for help or remains with the injured child.
- Mixed gender groups require at least one adult of each gender.

- Avoid working one-on-one, to reduce the possibility of false accusations.

The 4-H Shooting Sports Program requires that adults working in that effort have specific training and certification. All Shooting Sports and Sport Fishing activities must be conducted in compliance with State 4-H Department regulations in order for Purdue's insurance coverage to apply. There are no exceptions to this policy.

Overnight Stays at Fairgrounds:

The University policy on overnight stays at fairgrounds is quite clear. In order for Purdue's coverage to provide protection to staff and volunteers for any incidents arising out of overnight stays at fairgrounds, ANY 4-H/Youth staying overnight must be accompanied at all times by his/her parent or adult legal guardian.

Summary of Insurance Protection for Volunteers:

For coverage to be in effect for volunteers, they must have completed the application process and have been appropriately screened. They must also have signed and have on file with the extension office the Adult Behavioral Expectations Form.

Volunteers will be covered by Purdue University insurance as long as they:

- Act within the scope of authority;
- Act in good faith, and;
- Work under the direction of a university employee.

Volunteers should check their personal auto coverage if they plan to use a personal vehicle to transport 4-H members to meetings, events, or activities. The recommended amounts of coverage are a minimum of \$500,000 per accident for bodily injury and property damage.

Personal insurance will be primary, and Purdue's will be secondary.

There is no medical coverage provided for volunteers.

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