



NEW TO THE COMMUNITY CENTER?

Here are some recommendations from some old hands who often learned the hard way. Some necessary facts, recommendations, and observations follow that should help you avoid wasted effort and embarrassment. Awareness of the many services of the Risk Management Fund (the Fund) will help you make the most of important services offered without additional cost to the center.

1. The center is “a community center under the provisions of Chapter 534 of the Texas Health & Safety Code Ann. (Vernon 1992), as amended, (the “center”)” and thus a public entity or unit of local government subject to the principles of sovereign immunity and the Texas Tort Claims Act.
2. The center may have 501(c)(3) tax exempt status, but that does not make the center a “non-profit” entity. It is first and foremost a governmental entity. Any public or published reference to being a “non-profit” could cause problems in court if judges and attorneys disregard the protections of being a governmental entity.
3. The center is required to have Workers’ Compensation coverage for its employees and cannot use any other method of providing Workers’ Compensation style benefits. Nor can the center require its employees to reject the coverage. Volunteers and Board members can be covered for Workers’ Compensation.
4. The Texas Tort Claims Act establishes maximum liability of \$100,000 bodily injury per person and \$300,000 bodily injury per accident and \$100,000 for property damage. The caps on maximum for the State and municipalities in Texas are much higher, so the Fund resists any court attempt to pull community centers into a higher category.
5. Do not let sympathy for accident victims allow you to open the door to higher settlements. You could endanger the protection for all community centers and dramatically raise costs for coverage. The Fund’s claims adjusters will handle all claims fairly and expeditiously.
6. The Executive Director (ED) is the only employee of the Board of Trustees. He or she reports to the Board who have authority to hire, fire, evaluate, and compensate the ED.
7. That employment relationship is the only one the Board should have. The ED must resist the natural impulse of Board members to meddle in the employment affairs of the center. That is the responsibility of the Human Resources department and the ED.
8. Only the ED has authority to sign contracts unless authority is specifically delegated to another executive. Directors, managers, and supervisors do not have authorization to sign contracts.
9. In public relations matters, only one person should speak for the center. In serious matters involving potentially negative publicity the ED should be the spokesperson for the center.

10. The ED and Board have influence and the ability to have input on any claim the Fund is handling. You also have the right to come before the Fund's Board of Trustees to air any concern about claims or coverage matters.
11. Risk transfer in contracts is a cornerstone of the effectiveness of the Fund. If the center is paying for the services of a vendor or contractor, any contract with them should indemnify the center and provide evidence of insurance that they have the ability to pay for the risk they assume. The Fund's Risk Management Consultant works with center staff to evaluate your contracts and help prevent the center from accepting risk that should be transferred to the vendor or contractor.
12. The public's awareness of the center is commonly because of center vehicles transporting staff and clients around the community. As such, its cars, vans, and buses should be well maintained, operated safely, and be free of visible damage and cracked windshields. The Fund will order driving records on any new hires and every other year for all drivers. From time to time an individual driving record may warrant that the driver be excluded from coverage. This is to protect center clients, staff, and the public.
13. Leadership Training by Fund professional trainers is available without additional cost to the center through in person classes and webinars. A broad range of topics that help prepare managers and supervisors for their employment related roles are offered. Contact Dan Hernandez (Dan.Hernandez@sedgwick.com) for a syllabus or to arrange training.
14. Risk Control Consultants are available to review construction plans before construction begins and provide information about life safety and the overall safety of a building, including existing buildings you may purchase or remodel.
15. The Risk Management Consultant also offers assistance with RFP's and the bid award process to ensure contractors meet the insurance requirements of the center.
16. Risk Management and Risk Control consultants are available to help with any risk or safety issue facing the center and help develop safety and loss prevention strategies.
17. Pam Beach, General Counsel of the Fund, is also your legal consultant for many matters affecting the center. She deals with issues such as open records, board training, employment and disciplinary decisions, compliance, and a broad range of human resource issues. Pam's services are without additional cost to the center and augment your own general counsel's services.
18. The Risk Managers Advisory Committee also stages liability workshops each year on a variety of liability issues. Workshops on the OIG audit process, covid, contracts, employment law, custody, what to do when law enforcement people show up at the center, and "hot topics" have all been offered over the last few years. Due to the expense of travel most of the workshops will be offered as webinars. There is no additional cost to attend, and handouts and recordings are available.
19. Underwriting has the ability to issue endorsements to your coverages to comply with the requirements of vendors and contractors when they have the advantage in dictating terms to the center. These include waivers of subrogation, additional insured status, building or vehicle lease provisions, and notice of cancellation. To issue these items Underwriting will need a copy of the contract that requires the endorsement.
20. All Fund Board meetings are open to members to attend and speak to the Board if desired.

Consult with any Fund staff member for any of the services available. They can provide information or help you reach the people who can help. A current list of [Fund staff](#) contact information can be found on the TCRMF website.