



NEWS OF VALUE

SNOW AND ICE: BE PREPARED

Community associations must be prepared for inclement weather and have a snow removal plan in place. Because three out of five premises-related claims during the winter months will be “slip and fall” accidents, snow removal operations should be performed properly and thoroughly, on a timely basis. Below are some tips to help you prepare.

What’s the first step?

Every community association should have an effective snow removal program, combined with detailed record keeping of removal activities. An effective snow removal plan should include a list of primary areas to be cleared and sufficient resource allocation.

The priority is to get people into and out of buildings safely, during both routine activities and emergencies. Therefore, priority areas to be cleared include entrances nearest to parking lots, fire exits, and fire suppression system components, such as hydrants, fire department connections, and post-indicator valves. A reasonable timeframe should be established for removing snow from these routes, and routes that are not cleared should be closed.

How do I keep track of snow removal?

Snow removal activities must be documented in detail. Bodily injury claims resulting from slip and fall accidents during winter are often not reported for several months and allege that the premises were not properly maintained.

To assist managers in maintaining accurate snow/ice removal records, we strongly recommend using the “Snow Removal Chart” available on our web site at www.usicondo.com/valuableinfo. Every incident, including complaints from residents and accidents, should be documented under the “General Comments” section of the chart.

What if we use an independent contractor?

Contractors have been known to cause injuries by the manner in which they perform their work. It is essential that the association have a Certificate of Insurance on file confirming that the contractor has appropriate insurance coverage.

Although recommendations differ depending upon the type of contractor and the nature of work to be performed, we generally suggest a minimum \$5,000,000 combined single general liability limit for bodily injury and property damage with a \$5,000,000 annual aggregate limit. A single general liability policy or combination of a primary underlying and umbrella policies to achieve the suggested limits is acceptable.

Policy limits should be provided to the full extent for the benefit of the association, or the contractor should be asked for a loss run for the current policy term to confirm that aggregate limits are not in jeopardy of being exhausted.

The contract should include an indemnity clause with a “hold harmless agreement” in the association’s favor including both indemnification and defense provisions, which protects the association’s interests against claims, suits, or other causes of action caused by or arising out of the contractor’s work.

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What should I do if there is an incident?

Claims must be reported to your association's insurance agent and/or company immediately. Prompt reporting and investigation are vital to the mitigation of damages and proper disposition of premises accidents. Often, an injured person will pursue a claim because of the poor manner in which he was initially treated, or because the claim was reported late and no effort was made to provide proper attention.

Courteous treatment throughout can result in much smaller claims. Managers should listen to anyone who has fallen, indicate concern (but make no promises), and obtain prompt medical attention for such individuals.

Where should I go for more information?

If you have any questions or need further information, please contact Steve Dickerson (703-205-8788 or Steve.Dickerson@usi.biz) or Theresa Melson (703-205-8753 or Theresa.Melson@usi.biz).

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