



Risk Management Solutions



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A Quarterly Newsletter of the AMIC/MWCF Loss Control Division



Effective Procedures for Hiring Law Enforcement Officers

You are who you hire.

Terry Sanders

Police Safety Consultant • AMIC/MWCF

Each year the Alabama Peace Officers Standard and Training Commission (APOSTC) certifies approximately 1,000 new police officers in the state. This does not include the already certified officers who are re-hired at various departments. Officers are sworn to serve and protect your citizens. Every time you hire an officer, you employ someone who has the power to arrest, search property and use deadly force. Therefore, before you employ an individual, it is *imperative* that you conduct the proper screening to safeguard your liability. It's been said that a chain is only as strong as its weakest link. This is very true when it comes to a police agency. One toxic police officer or weak link can cause irreversible damage to a city and, without the proper selection procedures, it is almost impossible to shield yourself against a negligent hire lawsuit.

Selection Procedures and Processes

Always be sure you coordinate all procedures with your Human Resources Department. Ultimately, however, the police chief is the one responsible for hiring and maintaining qualified police officers. You should implement solid, sound, legally defensible procedures and then be consistent in administering those procedures to *all* applicants. **DO NOT** make the mistake of omitting any of your procedures for applicants that are already certified officers. You may be hiring a problem officer commonly referred to as a "toxic employee".

Even if you do not become involved in a lawsuit relating to negligent hiring, the burden of hiring a toxic officer on your force in most cases can be avoided with proper screening procedures. It doesn't matter if you employ two officers or 200, the responsibilities of these officers are the same and the responsibility of employing qualified personnel is the same.

The following is the selection process I used for over 25 years as an assistant police chief trained in conducting pre-employment background investigations and as a police chief responsible for the process. These procedures should be conducted in the order listed below.

FIRST

Develop a Pre-employment Checklist. This will ensure that you do not overlook any part of your pre-employment screening procedure. You should list the different procedures in the order that you want to have them completed by the applicant. Below is a brief description of each procedure that should be on the checklist.

City Application – Ensure that your applicant has filled out your City Application and that the application is dated and initialed by HR and then forwarded to the police department.

Departmental Application – This is a supplemental application in addition to your City Application. The Departmental Application is more detailed and will provide more information to assist your investigators in conducting their background investigation.

Criminal and Traffic History Check – Conduct a criminal and traffic history on all applicants. This can be done on law enforcement applicants through police communications centers and will screen out non-qualified applicants.

Physical Agility/Ability Test – This test should meet APOSTC standards.

Written Test – An excellent law enforcement written test can be obtained through the Alabama Association of Chiefs of Police AACOP website at www.aacop.com. Follow the link to Standard and Associates Public Safety Testing Order Forms.

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The AMIC/MWCF Loss Control Division Launches New and Improved Online Learning Center via LocalGovU!

Will Strength • ARM-P • Loss Control Representative • AMIC/MWCF

We recognize it is difficult to provide quality training opportunities to all your employees given the wide variety of services municipal governments provide, such as law enforcement, firefighting, public works and parks and recreation. Each service offered by municipalities comes with multiple challenges such as the weather, specialized equipment and traffic; however, more importantly, every municipal service requires highly skilled and qualified employees.

To better serve our members with continuing education and professional development, we've partnered with LocalGovU to upgrade our Online Learning Center, which now has a more modern look and feel and is fully mobile-responsive, allowing easier access to courses and videos any time from any internet-enabled computer, tablet or mobile device. Even better, this new and improved training tool will continue to be available to all AMIC/MWCF members with zero costs to the municipality.

With the previous online learning center, courses were "rolled out" on a quarterly basis, which limited the available courses and was, at times, inconvenient for employees looking for specific training. Members can now select from an entire library of e-learning courses designed specifically for local government entities addressing a full range of topics including human resources, general safety, management training, motor vehicle operations, public safety, utility operations, health and wellness as well as various technical courses. These courses can now be accessed at any time and from any location with an internet connection, and many can be used to earn CEUs.

In addition to quality training courses, the new Online Learning Center is now equipped with powerful tools designed to assist the training administrator wherein site navigation is intuitive, fast and provides unique student and administrator dashboards for assignments, course notifications or status, training calendar, credentials status and more. Training has never been more effective and efficient!

New Features

Our new and improved Online Learning Center is unique in that it provides training for all aspects of local governments, offering training opportunities for anything from human resources to highly specialized technical training. The new platform is user-intuitive while also customizable to meet each municipality's needs and align with already established internal training programs. New features include:

- **Learning Assignments:** Improved course assignments with greater ease. You also have the ability to group courses together. For example, you could select all the courses that you want newly hired employees to take, group them under a "New Hire Training" title and simply assign that group to all newly hired employees.
- **Groups:** Easily build and manage custom groups for your personnel, dividing them by certification level, rank, shift or other tailored options.
- **Credential Manager:** Monitor credentials by user, type, expiration date or completion status and set notifications to alert users of expiring credentials for compliance.
- **Flexible Reports:** Automate recurring and on-demand reports to monitor training progress and credential status to mitigate risk.
- **Classroom Room** feature now allows an instructor name to be added to meet the APOST certification requirements for classroom training.

To Access the Program

Visit www.localgovu.com/alalm and click the "Sign In" link on the site. You will be prompted to enter your login credentials – username and password. (Note: If you have not received your login credentials, please contact us at 866-845-8887 or by emailing losscontrol@localgovu.com.) Upon your first login, an automated system tutorial will highlight key features and provide access to your training. ■

Hiring Law Enforcement Officers ——— continued from cover

Oral Interview Board – The individuals on your interview board should have experience, good judgment and solid character. You should have one person reading the questions and the other individuals on the board grading. All applicants should be asked the same questions and graded on the same form. *Prior to the interview, always instruct the board to refrain from asking any questions relating to gender, race, age, religion, politics, medical condition, sexual orientation, marital status or children.*

Employment Credit History – The information that you receive on this report is valuable in the background phase of the application process. Make sure that the applicant signs a form stating that he/she knows that a credit history will be obtained.

Complete Background Investigation – It is important that the person conducting background investigations has the proper training and knows how to conduct a pre-employment investigation. Prior to your applicant taking a psychological examination and doctor's physical, which includes the drug screen, he/she should be offered **conditional employment** based on the results of those procedures. For this reason, it is crucial that you have completed a proper and thorough background investigation.

Polygraph Test – A criminal history will provide you the crime(s) for which an applicant has been arrested. A proficient polygraph operator will provide you with pertinent information an applicant has been involved in that has gone undetected.

SECOND

The next series of screening procedures should be administered following a *conditional offer of employment*.

Psychological Examination – I recommend the Wechsler Adult Intelligence Scale and Minnesota Multi-Phasic Personality Inventory (MMPI). During this psychological test, the psychologist will look for individuals who are suitable or not suitable for law enforcement. For example, the test will identify any extremes in behavior, such as the individual being too aggressive, which could lead you to believe he/she could be prone to excessive force. There are several psychologists around the state who conduct the MMPI for law enforcement.

Doctors Exam and Drug Screen – Make sure that you do not hire any individual until you obtain both your doctor's physical and the results of your drug screen.

THIRD

Probationary Period – Having sound procedures for hiring will reduce your exposure to liability; enable you to hire the best police officers; and prevent burdensome personnel issues. However, hiring procedures do not fully eliminate the possibility of making a bad hire. Therefore, the final procedure for any selection and retention process for the employment of a police officer must include a probationary period. This probationary period should be for a period of 12 months. The Alabama Due Process law does not apply to employees on probation. The probationary period is your best means for handling those individuals who slipped through the cracks of your hiring process. Use it! ■

Louis Zook Joins Loss Control Team as SkidCar Coordinator



Louis Zook joined the Loss Control Division in October 2018 as AMIC/MWCF's SkidCar Coordinator (replacing Stan Fant who retired in December after 18 years of outstanding service) and is responsible for traveling throughout the state training police officers and other municipal employees through the popular proactive driver training program.

Louis retired in 2018 after 37 years in law enforcement, including service as Chief of Staff for the Alabama Peace Officers' Standards & Training Commission (APOSTC), Law Enforcement Coordinator for the Alabama Attorney General's Office and nearly 17 years as the Chief of Police in Sylacauga. He attended Gadsden State Community College, the University of Virginia and Jacksonville State University and is a graduate of the Alabama Police Academy and the FBI National Academy. He is recognized as a Certified Police Chief by the Alabama Association of Chiefs of Police (AACOP) and a Certified Law Enforcement Executive by the Alabama Peace Officer's Standards and Training Commission. Louis is a life member of the AACOP where he served in several elected positions including President in 2007. In addition, he is a life member of the International Association of Chiefs of Police (IACP), a member of the FBI-National Academy Associates and serves on various other law enforcement and community boards and committees. For more information on AMIC/MWCF's SkidCar training: www.losscontrol.org. ■

Defining Moment

Competent vs Qualified (there is a difference)

In the safety field, we often hear the terms "Competent Person" and "Qualified Person". So, what is a Competent Person and is that the same thing as a Qualified Person? One might think the words competent and qualified are interchangeable – or assume if someone is qualified then he/she is also competent. According to OSHA, competent and qualified are not the same thing. The difference is clearly defined.

A competent person is capable of identifying and correcting hazards based on one's experience and/or training. Competency can only be determined by an employer not a third-party company. A qualified person possesses a degree, certificates or a professional title and has demonstrated through knowledge, training and experience that they can solve or resolve problems relating to the subject, work type or project for which he/she is qualified.

New Association Formed to Serve Property and Casualty Adjusters in Alabama

Congratulations to **David Sikes, AMIC Litigation Manager**, for his role with a group of insurance industry leaders in forming the Alabama Property and Casualty Adjusters Association (APCAA) to develop and offer quality continuing insurance and legal education in Alabama and to promote the Property and Casualty sector of the Alabama insurance industry to attract talent and strengthen the future of the profession. Well done!

It's Time for Workers Comp Payroll Audits

It is time for the annual payroll audits to be processed for 2018. Some MWCF members will be subject to an independent audit from Overland Solutions, and those members will be contacted to set up an appointment. Members who are not subject to the independent audit will be receiving an Audit Request Form in the mail. Please fill in this form according to the instructions provided and return as soon as possible to our underwriters at Millennium Risk Managers.

All audit information is due by March 31, 2019. If you have not received a request by 1/31/19 or have any questions, please call Carla Thienpont at Millennium Risk Managers 1-888-736-0210.

Need Help Filing Work Comp Claims?

For step-by-step instructions, visit:

www.almwcf.org

2019 SkidCar Schedule

Through an advanced, computer-controlled driver training vehicle known as the SkidCar System, trainees learn how to react quickly and safely to a range of hazardous driving conditions. Training is conducted throughout the state at a minimal cost. If you would like to schedule or host a SkidCar session in your area, please contact Donna Wagner at (334) 262-2566 extension 125. **For more information, visit www.losscontrol.org.**

Montgomery	Jan. 28 – Feb. 1
Orange Beach	March 19 – 29
Oneonta	May 14 – 24
Russellville	June 4 – 14
Demopolis	July 16 – 26
Decatur	August 6-16



Register and pay online at www.losscontrol.org!



Loss Control Division

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Winter Safety DVDs

- 5.058-DVD - Driving Safely in Winter Conditions
- 5.061-DVD - Road Rage: Highway Havoc
- 5.062-DVD - A DUI Story...What If?
- 5.063-DVD - Defensive Driving for Government Employees
- 5.067-DVD - Distracted Driving (Focus on Texting and Driving)
- 5.068-DVD - Defensive Driving: 15-Passenger Vans
- 7.044-DVD - Space Heaters
- 7.109-DVD - Working Safely in Cold Weather
- 7.129-DVD - The Buried Truth Uncovered with Eric Giguere
- 7.130-DVD - Drowsy Driving: It's Your Wake Up Call
- 7.133-DVD - Resisting the Flu
- 7.148-DVD - Blink! A Practical Approach to Workplace Stretching
- 7.149-DVD - A Better Way to Lift (with Michael Melnik)
- 8.013-DVD - An Introduction to the Globally Harmonized System (GHS)
- 10.010-DVD - Office Ergonomics: It's Your Move

**Video/DVD requests to: Sonya McCarley at: 334-262-2566
sonyam@alaim.org or FAX at 334-262-2809**

Need Help Filing Work Comp Claims?

For step-by-step instructions, visit:

www.almwcf.org

Employment Practices Law Hotline

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30-minute consultation.

www.losscontrol.org