

FEBRUARY 2019

## HOSTING SPECIAL EVENTS

Many properties host a variety of special events throughout the year; including concerts, parties, conferences, golf tournaments, shows, fairs, weddings and banquets. In most cases, these events occur with no incidents, but special events always present unique exposures at your property.

Alcohol consumption is often an element of special events and it takes place in settings that may be harder to control than a restaurant or bar. A plan to prevent over-service and service to underage attendees is imperative. If a hotel over-serves a guest, or serves a minor, it can play a role in events that may lead to bodily injury, property damage, lawsuits, civil and criminal penalties, fines, jail time, loss of liquor license and business interruption. Depending upon state law, if intoxication is determined to be a cause of an accident, the property could be found liable. Staff is responsible for knowing and abiding by all of the regulations of its individual state and of the issued liquor license. All staff should be professionally trained to serve alcohol responsibly and deal with potential problems.

Hotel management frequently enters into legal contracts with the sponsors of an event and the vendors who will be providing services related to it. It is crucial that you consult with your legal team in crafting contract language to best protect your organization.

Each property should refer to the Certificate Procurement Program and consult with the Marshall Hotels & Resorts Risk Management Team on any questions regarding appropriate insurance limits, indemnity terms on contracts, or Certificates of Insurance. Certificates of Insurance must be obtained from all vendors PRIOR to the event.

Be clear with your team about the property's expectations for all special events.

- Have a specific security plan in place for each event, including consultation with local authorities or properly insured security firms where necessary.
- As host for the event, you are required to provide adequate handicapped access, fire protection, and adherence to the life safety code.
- Have a plan for inclement weather when events are held outdoors. Monitor potential inclement weather and respond accordingly.
- Plan activities that involve audience participation carefully. Participation should always be voluntary.
- If food is prepared and transported to the event, check all transport containers to ensure proper temperatures.
- Provide clear, appropriate signage throughout the event venue, making clear rules, policies, and noting any potential safety hazards.

## DID YOU KNOW?

In 2016, legislation, known as *Kari's Law*, was introduced which requires direct dial access from hotel room phones to emergency services when "9-1-1" is dialed. Prior to the introduction of this law, only 44% of franchised hotels and 32% of independent hotels allowed guests to directly dial "9-1-1." Many properties required the guest to dial "9" or another code to reach a contact outside of the property. This statute is already in effect in many states.

- S.2553 - *Kari's Law Act of 2016*  
[www.congress.gov/bills/114th-congress/senate-bill/2553](http://www.congress.gov/bills/114th-congress/senate-bill/2553)

## FROM YOU:

- Q: What do I need to document when clearing the snow and ice on property?
- A: For all snow and ice removal activity, keep a log of the date, time, action taken, weather conditions, and parties responsible. If snow and ice removal is handled by a third party contractor, always obtain a copy of its snow removal log as well as a valid, up to date Certificate of Insurance. A signed contract, reviewed by the Marshall Hotels & Resorts Risk Management Team, should be in place with all third party contractors.

## CONTACT

Bob Barczak  
410.319.0624 | [bob.barczak@dii-ins.com](mailto:bob.barczak@dii-ins.com)  
307 International Circle | Suite 610 | Hunt Valley, MD 21030



## AUTOMOBILE SAFETY PROGRAM

Many properties operate large 10-15 passenger vans which frequently shuttle guests to airports and local attractions. These vehicles present a unique set of risk characteristics.

Due to the design, handling, and balancing of these vehicles, studies have found that some of these vehicles have significantly higher rollover rates than other vehicles.

The National Highway Traffic Safety Administration (NHTSA) now prohibits most schools from transporting children with 15 passenger vans due to these safety concerns.

The Marshall Hotels & Resorts Risk Management Team recommends the following for such vehicles:

- Remove the rear seat to reduce the weight behind the rear axle
- Limit capacity to 10 passengers (including driver)
- Load forward seats first
- Do not tow trailers or load cargo on the roof

All vehicles should undergo regular, comprehensive safety inspections. The records of all drivers should be reviewed, at least annually, for any infractions or violations.

Marshall Hotels & Resorts is firmly committed to the safety of its employees and guests. Driver inattention is a factor in the majority of vehicle accidents.

Cell phone and other handheld device use while driving is a common, often harmful distraction. According to the NHTSA, distraction related fatalities represent approximately 16% of all fatalities. Researchers at the University of Toronto found the risk of having a traffic accident while using a cell phone to be the same as while drunk driving. The annual cost of crashes caused by cellphone use has been estimated at \$43 billion.

Drivers may not use any handheld device while operating a property vehicle or while driving a vehicle on company business. Cell phone use is PROHIBITED while driving any hotel vehicles.

The Marshall Hotels & Resorts Risk Management Team strongly recommends the following:

- Adhere to all state laws regarding cell phone use while driving
- Allow voicemail to handle all calls and return when safe
- Ask a passenger to make the call if necessary
- Headphones should never be worn while driving
- Laptops should never be used while driving
- Require notification by employees of any change in license status or driving record
- Enforce a clear policy banning texting while driving
- In the event of an accident, notify the Marshall Hotels & Resorts Risk Management Team immediately

Each hotel should request motor vehicle records (MVRs) for all potential drivers at the time of hiring, and annually thereafter. Driving history and violations are an indicator of future performance and may affect the insurability of a hotel driver. MVRs are readily available by request of the driver. New driver MVRs must be approved by the Marshall Hotels & Resorts Risk Management Team.

All drivers of vehicles owned and insured by the property should be added as a driver to the insurance policy. In order to do this, please provide the driver's name, date of birth, driver's license number, and current MVR to the Marshall Hotels & Resorts Risk Management Team.

## DRIVER REVIEW

MVRs should be pulled at time of hire as well as annually thereafter. All drivers must be at least 25 years of age, with 5 years of driving experience. The Marshall Hotels & Resorts Risk Management Team recommends the following points system as relates violations:

**Type A Violation:** Includes (but is not limited to) DWI/DUI, Refusing Substance Test, Reckless Driving, Manslaughter, Hit & Run, Eluding a Police Officer, any Felony, Drag Racing, License Suspension, and Driving While License Suspended. Any driver with these types of violations is a major concern.

**Type B Violation:** Includes all vehicle accidents, regardless of fault.

**Type C Violation:** Includes all moving violations not classified as Type A or Type B (Speeding, Improper Lane Change, Failure to Yield, Running Red Lights or Stop Lights, etc.).

**Type D Violation:** Includes all non-moving violations (Illegal Parking, Vehicle Defects, etc.).

As relates the guidelines for disciplinary action or driving approval, The Marshall Hotels & Resorts Risk Management Team recommends the following:

### Reassignment to a Non-Driving Position:

- Type A Violations: 1 or more in the preceding 36 months
- Type B Violations: 2 or more in the preceding 36 months
- Type C Violations: 3 or more in the preceding 36 months
- 1 Type B Violation and 2 Type C Violations in the preceding 36 months

### Probation (6 Months):

- Type B Violations: 1 or more in the preceding 36 months
- Type C Violations: 2 or more in the preceding 36 months
- 1 Type C Violation and 2 Type D Violations in the preceding 36 months
- Type D Violations: 3 or more in the preceding 36 months

## RETURN TO WORK PROGRAM

Marshall Hotels & Resorts is committed to the health and wellness of its employees. When an employee is injured in the course of their employment, we are committed to assisting the employee to return to work as soon as possible. The goal of management is to help return injured employees back to productive work quickly and aid in the healing process when possible.

Return-To-Work programs apply to all employees who have a workplace injury that precludes the employee from performing any part of their normal work duties. All Return-To-Work programs should incorporate temporary, transitional duty jobs that consist of a modification of the original job, a different job, or several part time tasks combined into one job. A transitional job should be provided within the employee's limitations until the treating healthcare provider releases the employee to his or her full, regular work. Through its Return-To-Work program, the property has the opportunity to assist the injured employee in recovering at a more rapid rate as well as to minimize employee wage loss.

Return-To-Work programs provide employees with an opportunity to continue

as valuable members of the team while recovering from an injury. This promotes speedy recovery and rehabilitates employees to normal work status as effectively and quickly as possible. This also keeps the employee's work patterns and income level consistent. As work-related injuries can result in varying degrees of disability, the property should consider both the degree of disability and the nature of the transitional duty. The program should have opportunities which address the following types of disability:

- **Temporary Partial Disability:** The employee can eventually return to full capacity work, but cannot perform their normal duties for a period of time.
- **Temporary Total Disability:** The employee cannot work presently but can eventually return to work with full or partial recovery.
- **Permanent Partial Disability:** The employee is permanently and partially disabled, having achieved maximum medical improvement, but not a full recovery.

Any questions related to the availability of transitional work and job assignment should be directed to the Marshall Hotels & Resorts Risk Management Team.

## SMOKING

More than half of states are covered by a law that prohibits smoking in public places. For those that are not covered by these laws, following suit is often still economically advantageous. Going smoke-free protects your employees' health, improves productivity, lowers maintenance expenses, reduces absenteeism and can make guests happier. Allowing smoking on property increases your risk of fire, workers' compensation, medical and liability claims.

Long-term exposure to secondhand smoke has been shown to lead to sicknesses and disabilities such as asthma, sinusitis, and other respiratory and heart problems that may result in costly workers' compensation claims.

Experience with the passage of smoke-free laws in several states demonstrates that hospitality worker health improves dramatically in the absence of smoke. After the smoke-free law in New York went into effect, the number of hospitality workers who experienced morning cough dropped by 46%. Healthier workers mean higher productivity and fewer sick days.

In a summary of studies assessing the economic impact in the hospitality industry, compiled by the VicHealth Centre for Tobacco Control, 95% of major studies showed no negative economic impact from the introduction of smoke-free policies.

Consider the following when enacting a smoke-free policy:

- Create a clear written policy prohibiting smoking on the premises by both employees and guests, distribute it, and communicate it with employees.
- Display a notice to guests prohibiting smoking in rooms or common areas.
- Enforce your policy and present a safe, alternative area where guests can smoke, if needed.

ADDITIONAL RISK MANAGEMENT RESOURCES, INCLUDING YOUR GUIDE TO CLAIMS REPORTING, ADDITIONAL CLAIMS FORMS, PAST AND CURRENT NEWSLETTERS ARE ALWAYS AVAILABLE ONLINE AT:

[WWW.DII-INS.COM/SPECIALTY-PROGRAMS/MHR-MASTER-INSURANCE-PLAN](http://WWW.DII-INS.COM/SPECIALTY-PROGRAMS/MHR-MASTER-INSURANCE-PLAN)

