

REDUCE THE LIABILITY OF YOUR RECREATIONAL FACILITY

Recreational activities are becoming increasingly popular with people of all ages as the public seeks exercise, general relaxation and socialization. There also is a segment of the population who wish to challenge themselves with risky activities.

Public-sector parks and recreation employees are charged with assuring the public an enjoyable and safe experience when utilizing the city's facilities. It is important that those responsible for the safety and well-being of the public understand and react to potential problems that may result in injury or damage to city property.

A first step in reduction and elimination of injury-related litigation is to become very familiar with the types of accidents that in the past have led to claims, and then to learn how to prevent them. The goal of any recreational facility is to provide an environment conducive to an enjoyable activity, while also being conscious of circumstances that may encourage liability.

The wide array of recreational activities offered today also results in a potential for accidents, injuries and liability claims. What can the concerned city and its recreational employees do to eliminate or reduce these liability claims?

A waiver or release of liability often is used in an effort to reduce liability and discourage claims. While it is a wise procedure to use these documents, there is no guarantee that they will be 100 percent effective, especially in the case of minors. When using waivers and releases of liability, it is important for the city to understand their limitations. Before using these documents, their specific language should be reviewed by the city's legal counsel.

Also, in the arena of recreational upkeep, adequate funding is the key in making certain that all equipment, resources, and services are in place. This ensures proper staffing, training, and maintenance of equipment – a must in liability control.

When hiring employees and bringing on volunteer assistance, it is critical that specific job descriptions, background checks, and reference checks be obtained. If your staff will be working with elderly persons or minors, the need for a thorough background check may even be required. It is extremely important that all employment applications be checked thoroughly, and that notes be made documenting these checks. A release should be obtained from all serious job applicants to verify all information, and to authorize background checks.

State and federal child labor laws regulate the type and hours of work minors can perform. For example, minors under the age of 16 are prohibited from operating tillers, lawn mowers and chain saws.

Also, the importance of job task orientation for all employees and volunteers prior to the actual commencement of their duties cannot be emphasized enough. The job orientation should address the city's policies and procedures, including accident investigation, drug and alcohol use, safety rules, violence in the workplace, sexual harassment and misconduct on the job.

The new employee should sign off that he or she has received, read, and understood all policies prior to and during employment with the city. Also, employees and volunteers should receive task and safety training relative to their job.

Evaluation of the employee should be made at regular intervals. Staff should be trained in first aid and CPR, and all first aid kits should be routinely maintained. Special instructions on blood-borne pathogens and other infectious diseases should be provided to all employees.

Recreational activities always are utilized, but during certain times of the year, such as summer vacation, liability concerns are heightened. It is important that written emergency procedures be developed for all situations that might occur, including fires, medical emergencies, violence, and natural disasters. Emergency telephone numbers, as well as evacuation routes, should be posted and practiced.

Fire protection is an important consideration for recreational facilities. Staff should be trained in fire evacuation procedures, and extinguishers should be readily accessible. In addition, heating equipment should be regularly inspected, along with all electrical wiring. Also important is chemical storage, good housekeeping, and attention to no-smoking policies. Next, adequate supervision of facilities can reduce the potential for injuries. This can be accomplished by having trained staff available to answer questions and monitor visitors.



Finally, employees should report any suspicious activities and periodically survey the facility to ensure that visitors are using the facility and equipment properly. Security issues that should be addressed include the following:

- Plans for dealing with threats or violence.
- Offensive behavior.
- Cash-handling procedures
- Exterior lighting
- Key control

If a location cannot be monitored continually, daily inspections should be made for vandalism and the overall condition of the site. Vandalized items should be repaired immediately and graffiti removed to discourage further acts of destruction.

Program services and facilities should be acceptably available to all persons with disabilities. This may require the use of auxiliary aids and services to accommodate people with disabilities. Communications such as signage information regarding services, activities and equipment procedures also should be in place. An adequate number of acceptable lockers, showers, toilets, etc., should be provided in order to comply with the American with Disabilities Act. In addition, day-care operations should meet state and local licensing requirements, building codes, and other applicable laws. This includes criminal record checks and a medical check from a licensed physician or health care professional.

In addition to the above, your parks and recreation department should establish procedures such as sign-in/sign-out forms with verification of identification, an appropriate staff-to-child ratio to assure proper supervision, sanitization of toys and equipment, and records of procedures for obtaining and maintaining the health status of each child, including:

- Administering medication,
- Personal hygiene, and
- Discipline, field trips, and transportation.

Many recreational activities require the transportation of the participants. Unfortunately, vehicular accidents are one of the most frequent types of claims that occur within recreation departments. Therefore, the driving records of all potential vehicle operators should be reviewed. The appropriate type of license should be required for the type of vehicle being operated and periodically, safe-driver education should be made available to all drivers.

Some Specific Ideas for Minimizing Liability

Up to this point, recreational liability has been discussed in general terms. Now, let's look at a few specific recreational activities often associated with liability claims:

- All baseball fields should be as level as possible, while still allowing for drainage. Also, breakaway bases should be used and adequate fencing provided to protect players and spectators.



- In gymnastic areas, the apparatus, mats, floor plates and lighting should be checked before each event. Equipment should be appropriate for the skill level of the participants and properly configured. Also, the design and layout the gym should be inspected by a qualified person. Finally, instructors and spotters must be properly trained.



- Safety rules should be posted and enforced in and around swimming areas. Walking surfaces, diving boards, drain covers and other pool equipment should be inspected daily and unsafe conditions promptly corrected. Pool decks should have adequate drainage and be slip-resistant. Also, lifeguards should be properly certified and their training documented. Lifesaving and emergency equipment should be readily available, and simulated drowning and rescue practice should be conducted regularly.



- Other considerations for swimming pools include installing ropes and bulkheads to divide the shallow and deep ends; posting water-depth and no-diving signs; and placing adequate fencing around outdoor pools. Pool chemicals should be stored in separate dry and well-ventilated areas. A list of all chemicals stored should be posted on the exterior of the storage structure. Finally, staff should be trained in safe chemical use and handling procedures and provided with proper personal protective equipment.

- Bleachers should be properly installed and inspected for structural integrity; all bleachers should have hand rails and back-fall protection.
- Walkways around concessions and restrooms should be free of trip, slip and fall hazards.
- Locker rooms can also be a source of slip and fall injuries; floor mats should be sanitized and slip-resistant.
- A recreational concern often overlooked is lightning strikes. To reduce this hazard, instructions should be provided for immediate evacuation during adverse weather conditions. Also, consideration of advanced lightning sensors should be given.



Skateboarding/Inline Skating Have Their Own Risks

Other areas of high concern are skateboarding and inline skating, two very popular and fast-growing activities. Without proper safeguards, serious injuries can occur in these activities. When planning a park, input from skaters is a valuable exercise, as it helps identify liability exposures. Skateboard rails and ramps should be designed and based on blueprints from experienced manufacturers; homemade ramps should not be permitted. The public entity or a qualified contractor should install the equipment. In addition, emergency phone numbers should be posted (as is the case with all recreational activities). Remember: Established rules will ensure safety and reduce the potential for injury.



Be certain to include regularly scheduled maintenance for your skateboard facility. To ensure this, your city should establish an annual budget for inspection and repairs. Visual inspections should be made daily, and it is recommended that documented inspection be no less frequent than once a month. The status of all inspections should be in writing and maintained on file.



It is important to understand that pathways set up for advanced skateboarders and inline skaters may be utilized by others. Therefore, the width of the pathways should be built to facilitate both types of users.

'Lack of Warning' – A Problem Easily Prevented

In each area of our recreational activities, we should ask the question, "What liability concerns are associated with this activity?" It generally does not take long to begin developing a liability checklist. The use of signage in liability control is essential. In this area, improper supervision and lack of warning are the major concerns. Of the two, "lack of warning" is most often addressed in lawsuits stemming from recreational activities. This inattention to a relatively easy solution is the basis for most of the civil actions against municipal parks and recreational facilities.

The importance of managing your recreational facility properly cannot be emphasized enough. Properly managing the program by following specific risk-management techniques is vital:



1. Identify the risk.
2. Evaluate your loss potential.
3. Select your method of loss control.
4. Implement your chosen technique.
5. Monitor your results.
6. Modify your techniques to reflect your experience.

