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So [don't] sue me!



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Just got off the phone with Tanya Brady, manager of risk management for the Waukegan (IL) Park District. She shared some advice for turf managers with regard to keeping you out of a courtroom; a lot of it is common sense but if what she said keeps even one reader out of trouble, it's worth passing along.

There are differences between working for a government entity like a park district and a private employer because employees of the former might have "tort immunities" that preclude them from being part of any lawsuit (your state's laws might be different.) Brady urges you to consult with your employer's legal counsel to see where you stand.

Documentation is a big part of doing things right. Even when you are hiring, make sure the potential employee has the degree, licenses, etc., that he or she says. Keep those checklists and other documents you create when conducting site inspections or doing regular maintenance to prove you've done the work. Though filling out daily work orders, etc., might be a pain it can prove you did your due diligence and keep you out of a lawsuit. Especially important is tracking your use of chemicals, how much you apply and when you apply it.

Brady says you need to keep these records for 3-5 years; Waukegan PD is in the process of building computer databases for this info, and some employees use PDAs in the field to feed info right into those databases. But if you have to keep the paper, keep the paper; if you've gone digital, back up those files and keep a disk in a separate office.

Having good policies and procedures in place and being able to prove you provided training to employees regarding those policies is also a must, she says. Also make sure you have an emergency response plan in place for severe weather or an injury in the field. If you use outside contractors, make sure the contract is clear about transfer liability so if they screw up, it's not legally your fault. And make sure they have insurance themselves! You should confirm their insurance carrier is legitimate and that you are named as an "additional insured" on their policy.

You need to know your own policy and its procedures for reporting claims. What needs to be reported using what form by when? Messing this up could lead to no coverage. Know what is covered and what isn't. For example, a storm knocks over some trees—if you've documented those trees as "landscape" then you might be covered but if the insurer can call them "standing timber" then you could be on the hook for cleanup and replacement costs.

Finally, Brady says if your policy offers a risk assessment, take advantage of it. It's always good to have a third party who knows your policy well take a look around at least once a year.

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