

Questions regarding insurance coverage for the Easton Volunteer Fire Company (EVFC) and the Easton Fire Dept. (EFD).

*Is there a document that lists EVFC or EFD as an additional named insured under the Workers Comp – WC2015010439 or General Liability- LAP2015010452 policies? Is there an endorsement which lists the EVFC and the EFD as Insureds for Bodily Injury and Property Damage?

*The Cirma contract includes E&O coverage for Law Enforcement, Public Officials and School leaders. Is this coverage provided for EVFC and EFD and if so where is it. If not we would like to have that coverage.

*Can a copy of the Liability General Terms and Conditions be provided for LAP2015010452? These GT&C's are referenced in the Fire Department Endorsements in the back of the package that we received. It would help to clarify that information if the document was provided.

*What is the definition of a Public Official? Do any of the firefighters fit under this category? Are Volunteer firefighters considered employees with regards to these plans? How do the Fire Marshalls fit into the picture with regards to coverage? Are they considered public officials?

*Under the Liability – Auto –Property Pool Declarations of Coverage LAP2015010452 section J: Following Form Excess Liability. Where are the EVFC and EFD covered under this section? Is there professional liability coverage for the firefighters?

*Are the names of the firefighters and the officers required to be listed with regards to the Cirma coverage?

*As a general question – if a member of the EVFC or the EFD were to be sued for an action undertaken while participating in fire department activities – how are those individuals covered?



DATE: November 24, 2015

TO: Adam Dunsby
First Selectman – Town of Easton

FROM: James F. Tomchik, CPCU

RE: Response to attached questions from Easton Volunteer Fire Company (EVFC) and the Easton Fire Department (EFD)

We have previously given to EVFC copies of the CIRMA policies (both Worker's Compensation and Liability - Automobile- Property) including a copy of the General Terms and Conditions as they have requested.

For the purposes of reference in this memo these policies are issued by CIRMA and are effective 7/1/15 to 7/1/16. The policies numbers are:

WC 2015010439
LAP 2015010452

The named insureds for both of these policies are Town of Easton and Easton Board of Education. No other additional named insureds are included; the EVFC or EFD are not additional named insureds under these policies.

The Liability - Automobile - Property policy (LAP) provides coverage for Public Officials liability. Based on the definitions of who is an insured in the policy form public officials liability coverage would be afforded for each of the following:

- a) Your elected or appointed directors, officers, officials, and members of any boards or commissions, but only with respect to their duties as your directors, officers, officials, or board or commission members.
- c) Your employees, other than those included in a. above, but only for acts within the scope of their employment by you, or in the case of a "leased worker," while performing duties related to the conduct of your business. However, none of these employees are covered for:
 - (1) "Bodily injury" or "personal injury" to you; or
 - (2) "Property damage" to property owned or occupied by or rented or loaned to that employee, or any of your other employees except "autos."
- d) Any volunteer other than included 1., 2., 3. a., c., or d. above, but only for acts within the scope of the duties assigned by you. However, none of these volunteers are insured for:
 - (1) "Bodily injury" or "personal injury" to you; or
 - (2) "Property damage" to property owned or occupied by or rented or loaned to that volunteer except "autos."

Therefore based on this section in the policy of who is an insured volunteer firefighters are insured under all liability coverages of the policy including public officials but only for acts with the scope of their duties as defined by the insured.

Similarly paid employees of the Fire Department are insureds under all liability coverages of the policy including public officials but only for acts within the scope of the duties assigned by the insured.

Also the insured definition includes elected or appointed officials or members of boards of commissions again only with respect to the duties. This would include the Fire Chief, Assistant Fire Chief and Fire Marshalls with respect to the duties as officers or officials.

Individual names of fire fighters and/or officers do not need to be listed under neither CIRMA policy.

Lastly your general question needs some clarification and description of "firefighting activities". However as I have stated above if the individual member of the EVFC or EFD were sued while participating in fire department activities within the scope of their employment or if a volunteer firefighter within the scope of duties assigned to them, the CIRMA Liability coverage has a duty to defend these individuals and if necessary pay on behalf of that individual all sums that they could be legally obligated to pay (subject to terms, limits and exclusions of the policy contract).