

**Insurance:**

The Insurance Officer at the State Office obtains the information needed by the broker. The Insurance Officer (I.O.) communicates with the Chapters to determine renewal requirements, certificates of insurance and additional insured endorsements. The IO relays information from the broker to the Society regarding policies, coverage, and loss prevention.

The broker firm for the CNPS account is McDaniel Insurance Services, P.O. Box 1294, Ojai, CA 93023. The broker is Patt McDaniel (800-400-7288 or 805-646-9948, FAX 805-646-9976, e-mail : [mcins@wcost.et](mailto:mcins@wcost.et)). The Society determines which officer maintains overall responsibility for the Society's insurance; insurance questions may be referred to the insurance member of the Legal and Bylaws Committee or to the broker.

**CNPS Coverage:**

Commercial General Liability	
General Aggregate	\$2,000,000
Products and Completed Operations	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Limit for each Occurrence	\$1,000,000
Medical expense, per person	\$10,000
Non-owned Auto & Hired Auto	\$1,000,000

**Property Coverage**

The contents of CNPS offices and the posters in some larger storage areas are scheduled on our coverage, as well as chapter storage for which applications have been submitted and approved. If you have any questions about coverage, please contact our Insurance Officer. Do not assume coverage.

**Liability and Participant Coverage**

Liability insurance covers CNPS, its members, employees and volunteers (while acting on behalf of the organization). This insurance does not apply to Bodily Injury, Property Damage, or Personal Injury arising out of special events. This exclusion does not apply to the following events:

Any of the following events where attendance is less than 300:

- Meetings and Seminars
- Picnics and Dinners
- Festivals and Concerts
- Bike Races and Treks
- Foot Races and Treks

Contact the insurance officer well in advance of any planned activity to be sure coverage is afforded.

If there is any question about an activity, please call the broker. This is not intended as accident insurance. There is a modest volunteer accident and accidental death policy, however, professional liability is excluded at this time. Members are not authorized to act as professional consultants on behalf of the CNPS.

### **Premises Liability**

Any land or building owned, leased (whether or not for monetary consideration) or managed (such as a garden) by CNPS and/or its volunteers, must be listed on the policy. Contact the insurance advisor with any questions.

### **Non-Owned Auto (NOA)**

If a volunteer were involved in an at-fault accident in his/her own car while driving on behalf of CNPS, it is possible that the other party would sue CNPS. In this case, the NOA provision of our policy is designated to respond. It is expected, however, that the individual would have auto liability insurance, which would apply first.

### **Certificates of Insurance**

All insurance forms, including certificate applications, are available on the CNPS website. Certificates of insurance are freely and easily issued to those requiring proof that we have insurance. Since the company is then obligated to inform the certificate holder of any cancellation of the policy, we do need an address for any certificate holder. Please call, fax, e-mail, or write to the Insurance Officer if your chapter needs to provide a certificate. Certificates show coverage for the current policy period (July 1<sup>st</sup> to July 1<sup>st</sup>) and can be set up for automatic renewal for ongoing arrangements.

### **Additional Insured Endorsements**

A certificate holder can usually be added as an additional insured if they so request. To do this we need to provide information on the nature, of the event, the location, the date(s) and time(s) and the interest of the additional insured (landowner, building owner, funder, city or agency permits, etc.). Please remember that if a contract is involved in any situation the CNPS Contract Policy must be followed.

### **Directors' and Officers' Liability (including Publishers Liability, Association Liability and Employment Practices)**

This is a 'claims made' type policy with a \$2,000,000 limit. Because the California Native Plant Society and its chapters are one entity, coverage is included for officers and volunteers at the chapter level as "members of duly constituted committees". At the time of this writing, our policy covers representatives acting on our behalf as representatives to

other nonprofit boards, at the express written request of the organization. In this and many other situations, it is important to document in the minutes, what authority has been delegated to whom and who has been asked to perform what tasks.

### **Field Trips and Liability**

For liability reasons, in all publicity or announcement of field trips, indicate the level of difficulty of the hire. To make it clear that any car pools are not official CNPS car pools, encourage sharing rides but do not assign participants to cars.

### **Bus Trips**

If busses are hired, be sure to obtain certificates of insurance from the bus company naming CNPS, its officers, employees and volunteers as additional insured's.

### **Contracts**

Chapters or individuals entering into contracts on behalf of CNPS must follow the CNPS Contracts Policy. This document is available on the CNPS website, [www.cnps.org/archives/contracts.htm](http://www.cnps.org/archives/contracts.htm). When a chapter is involved in business dealings, where money is exchanged, some type of contract is necessary.

### **Chapter Events and Activities**

#### **Special Events: Plant Sales, Wildflower Shows, Dinners, Meetings**

Special events are not automatically covered by our insurance policy. Some specific events are covered when attendance is less than 300. These events are:

- Meetings and Seminars
- Picnics and Dinners
- Festivals and Concerts
- Bike Races and Treks
- Foot Races and Treks
- Plant Sales and Wildflower Shows

Other types of Special Events, and the above events when attendance can be expected to exceed 300, will need to be specifically added to the policy to ensure coverage. This involves completing a questionnaire and probably adding an additional premium. Contact the Insurance Officer at the CNPS State Office (916-447-2677) well in advance of any planned activity to be sure coverage is afforded.

#### **What if you need to show proof of insurance:**

Go to [CNPS.org](http://CNPS.org) and download the form for requesting a certificate of insurance. At the website, scroll down the left hand side, click on "Policy Archive", and scroll down to "Administrative Documents". The forms are entitled 2005 CNPS Special Event Insurance

and 2005 CNPS Certificate/Additional Insured Form. You may also call 916-447-2677 and ask for these forms to be faxed, mailed or e-mailed to you. (And don't worry – it will probably be fine... but do allow a couple weeks if you can.)

When you need to sign a contract:

Since we are one organization, all contracts must be reviewed by the proper parties. Please refer to the contract review guidelines.

When you hire someone to do something:

It is important to determine if someone is an independent contractor or an employee. This is a legal issue and if you are not familiar with the criteria, please contact the Executive Director to discuss the legal implications.

- 1) Employees – Any employee hiring must be coordinated with the Executive Director. We are one organization and we must legally have consistent policies for all employees.
- 2) Independent contractors – Please note that all contracts must be reviewed in accordance with the contract review guidelines. If you hire a contractor that falls under the licensing of the State Contractors Licensing Board, the contractor should be licensed and insured. Other independent contractors may need to fulfill their insurance requirements as well. Contractors must comply with these minimum insurance requirements, submit proof to the Executive Director and obtain approval before work begins. The contractor and any subcontractors must provide CNPS with:
  - a) An Acord certificate of insurance showing limits of at least \$1,000,000 commercial general liability naming “The California Native Plant Society, their Officers, Directors, Employees and volunteers and the Officers, Directors and volunteers of [insert the name of your chapter] Chapter as additional insured”. The certificate must state the nature and time frame of the work.
  - b) They must also provide the actual endorsement: Insured Services Office, Inc. (ISO) form CG 20 10 Form B. The certificate holder should be CNPS with the state office mailing address, Attn: Pam Muick.
  - c) Workers compensation insurance is required and certificate evidencing coverage with CNPS as the certificate holder and a waiver of subrogation endorsement must be provided. Workers Compensation may be waived by the Executive Director if the contractor provides a statement in writing on letterhead that he/she does not have employees and no employees or casual labor will be used on this job.
  - d) If the contractor will be using vehicles in the work, evidence of vehicle insurance in the amount of \$1,000,000 must be provided.
  - e) The certificate(s) and endorsement(s) must be provided and approved BEFORE ANY WORK BEGINS.

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