

COMMUNITY USE OF FITNESS CENTERS

PACE Risk Management staff receive several calls a year from members inquiring about the public use of weight and cardio workout rooms. From a risk management standpoint this can create a significant liability and property loss exposure for the entity. As a best practice we recommend not allowing it. We do at the same time recognize the pressure felt by entities from residents who want to use the taxpayer-funded facilities.



BELOW ARE SOME QUESTIONS YOU SHOULD CONSIDER THAT MAY HELP YOU DECIDE IF YOU WANT OR SHOULD TAKE ON THIS ADDED RISK.

Is there another option in your community such as a private for-profit fitness center or gym? If so, should the entity be taking business away from this private business by allowing the public to use your facility?

If you allow the community to use your fitness facility and you have a significant loss are you going to close the facility to community use? If yes, why are you undertaking this risk to begin with?

Does the layout of the facility being used by the public lend itself to keeping the public only in that portion of the building, or by allowing access will the public have free rein of a larger area of the building?

Is the gym equipment of commercial grade and in good operating condition? Do you have a replacement/repair plan for the equipment due to the additional use?

If the entity decides the risks associated with this activity are acceptable, there are numerous considerations to make to manage these risks to the best extent possible. These considerations are not an inclusive list, but are meant to give you an idea of the types of considerations that should be made.

- The entity should verify that the public use of the facilities does not violate any of their policies.
- The entity should establish set hours for public use outside the regular school day. The public and minor students should not intermingle. As a best practice the entity should provide a staff member to supervise the community use.
- A waiver should be developed outlining rules, expected behaviors of facility users and the ramifications for not following the rules. The waiver should include language that the public is responsible for knowing how to use the equipment, appropriate indemnity language and be signed by all users of the facility. PACE Legal Services is available to review your waiver at pacelegal@osba.org.

CONTINUED ON REVERSE



- No one can use the facility without having a signed waiver in place and all users should undergo a background check prior to being allowed to use the facility.
- A process should be developed to determine how the entity will enforce the rules, how the public will access the facility, how the entity will deter theft and vandalism and how to ensure that the facility is locked and secured after each use.
- Students and any other minors should not be allowed to access the facilities/equipment except under the direct supervision of a staff member and only during school hours. As a best practice, facility users should not be allowed to have any of their children on site when they use the facility.
- Weekly inspections of the facilities/equipment by entity staff should be conducted. Any item(s) determined not to be in good working order should be immediately taken out of service. Signs should also be posted with contact information, asking facility users to report any damaged equipment or other problems.
- Staff should clean and disinfect weight training equipment daily. All patrons should be expected to leave the facilities/equipment clean and in good working order after each use.

Of course, it goes without saying that your PACE Risk Management team is here to assist you in working through these difficult situations. We can help talk you through the risks to help you make decisions on whether to allow this type of use of your facilities and if you do how to best mitigate those risks.