



# Risk Management Matters



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## MAKING WORKERS' COMPENSATION WORK FOR YOU!

### MODIFIED DUTY WORK IS A BENEFIT AT KELSO SCHOOL DISTRICT

#### Modified duty - What it is?

Modified duty, light duty or early return to work – these are all names for the same process. An important part of a cost-effective workers' compensation program, modified duty returns the injured employee to work as soon as s/he is medically able, even with some restrictions. Examples of light-duty work include having the employee work shorter hours, perform some job duties or different duties with lighter physical demands (a modified job), or perform a different job temporarily.

#### The modified duty program at Kelso School District

##### ITS BEGINNINGS

Linda Haseman, HR Specialist, has worked at Kelso School District in the Human Resources Department for 13 years. She began the modified duty program in 2000 to help return injured employees to work as quickly as possible.

*There were several initial steps to establishing the program:*

- a. Educating supervisors in the need for modified duty work, and how current positions may be modified to accommodate physical restrictions.
- b. Establishing light duty jobs that could be used. Initially they discussed creating a hall monitor job for light duty work, but settled on a high-need Print Center Technician position.
- c. Reviewing job descriptions of positions that are frequently off work due to injury (maintenance, custodial and food services) to include accurate physical demands of the job (so the treating physician can review the physical demands of the job).
- d. Establishing processes to make the modified duty program work. This included a process for tracking and ensuring follow-up for each doctor's work status note, coordination with payroll and benefits, and documentation of modified activities with written agreements.

##### HOW IT WORKS

The steps involved in the modified duty program at Kelso School District are outlined in their "Modified Duty Chart":

1. The employee's physician determines that the employee is released to modified duty and the employee is given a written release to present to his/her supervisor and HR
2. The employer provides a written job description to the attending physician



## ESD 112 & ESD 123 WORK TOGETHER TO PROVIDE WORKERS' COMPENSATION SERVICE

Educational Service Districts help school districts save money, operate more efficiently and assure equal educational opportunities. In an unique joint venture, ESD 112 is assisting ESD 123 (in Pasco) with its workers' compensation program.

Similar to ESD 112, ESD 123 administers a self-insurance workers' compensation trust which provides industrial injury accident insurance coverage for its member school districts. ESD123 serves school districts in southeast Washington.

Because of ESD 112's history with controlling workers' compensation costs, ESD 123 has contracted with ESD 112 to provide workers' compensation claims handling services and loss control program supervision. This began in September 2005.

To handle the additional workers' compensation claims from southeast Washington schools that are now reported to ESD 112, additional staff were added. ESD 112 staff serving ESD 123 workers' compensation member districts include: Claims Adjusters Hollie Felisiano and Karen Seymour, Claims Specialists Heather Williams and Cicely Grauer, and Claims Manager Sherri Phillips (who supervises ESD 112 claims handling as well).

Seasoned ESD 112 loss control staff will direct and support the two loss control staff located at ESD 123 in Pasco.

This unique joint venture shows how ESDs are truly working together to serve Washington schools.

*Modified Duty, continued from page 1*

3. Work restrictions are provided to HR by the physician
4. Work restrictions are reviewed with the supervisor, HR and employee
5. Modified duty work is found (from several options), and an agreement signed by the employee and supervisor – or – leave options are discussed
6. The process repeats after each doctor's follow-up visit until the employee is released for full duty

Linda says that the process often begins when the employee brings in the doctor's note listing work restrictions. (She emphasized that the district requires *original* doctor's slips.) She reviews the work restrictions with the employee's supervisor to see if the injured employee can still perform the job with or without modifications (in hours, tasks, body positioning, etc.). They will provide the treating doctor with a copy of the current job description to see if and how the work restrictions apply.

If the injured employee's current job cannot be modified, they look for open or substitute positions within the school district that meet the physical restrictions and for which s/he may be qualified. This process works for both classified and certified employees.

In an unusual situation, the district found a mutually agreeable creative job swap – a pool lifeguard changed jobs with an instructional assistant (who was also a qualified lifeguard).

If there are no substitute positions that will work, the district may use a high need and somewhat task flexible Print Center Technician position to temporarily accommodate the injured worker. (They may also use the Print Center position for work hardening.)

There may be a difference in wage from the employee's original position to the substitute or Print Center positions. It is important to note that for modified duty stemming from a worker's compensation claim, the Worker's Compensation Trust will pay the difference in wage up to the time loss wage. The Trust sometimes pays for work-related physical job modifications necessary to return an injured employee to work, such as a seat modification that returned a bus driver to work.

By the way, if modified duty work is available to an injured employee within his/her work restrictions and s/he chooses not to work, then time loss benefits can be denied.

Once a modified position is found, HR issues a letter to the injured employee on "Modified Duty Restrictions." This letter clearly lists the work restrictions, what the modified work is, and when the next doctor's note is due. It also states to the employee that "You are responsible for insuring that you do not engage in any activity that you are physically unable to perform." This letter is signed by the employee and his/her supervisor.

### A COOPERATIVE EFFORT

Linda describes the search for modified duty as an interactive process between human resources, the injured employee, and his/her supervisor. (It sounds much like the reasonable accommodation process used for ADA accommodation requests.) She finds that other employees are often willing to do heavier duties temporarily to keep a skilled worker. And this process encourages the supervisor to keep in touch with injured employees; this concern is sometimes a factor in how quickly employees return to work.

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# Executive Committee Highlights

## Southwest Washington Risk Management Insurance Cooperative

### Executive Committee Meeting of May 2, 2005

Loy Dale and Shaun Mettler reviewed the March 2005 financial reports and the current year-to-date budget expenditures as of March 31, 2005. The FY 2005-2006 Administrative Budget was approved. Rates for the 2005-2006 were approved. Jim Rochel reported on the status of open claims. Authority was given to Loy Dale to engage a new broker for the Risk Cooperative.

### Executive Committee Meeting of August 23, 2005

The appointment of Arthur J. Gallagher Risk Management Services, Inc. as broker was ratified. Members approved the selection of Excess Insurance as outlined by broker Karen Graham and declined to purchase the Terrorism coverage. Jim Rochel reported on the status of open claims. Shaun Mettler reviewed the July 31, 2005 financial reports and the administrative budget through July 2005.

The next Risk Management Insurance Cooperative Executive Committee will be held in December 2005.

## Southwest Washington Unemployment Compensation Pool

### Executive Committee Meeting of August 25, 2005

Loy Dale reviewed the PricewaterhouseCoopers actuary report as of August 31, 2004. The year end August 31, 2004 and month end July 31, 2005 financial statements were ratified. The administrative budget for 2005-2006 was approved. The committee approved the 2005-2006 FY rates staying flat.

The next Unemployment Compensation Pool Executive Committee meeting is scheduled for the spring.

## Southwest Washington Workers' Compensation Trust

There was not an Executive Committee meeting since the last report.

The next Workers' Compensation Trust Executive Committee meeting is scheduled for the Spring.

## LIMITING APPLIANCES IN CLASSROOMS

The Risk Cooperative is asked about the risks of having appliances (mainly microwave ovens and coffeepots) in classrooms.

From a safety standpoint, one major injury potential is from burns when students or staff handle hot liquids coming from appliances, and spill these hot substances on themselves and others. Also, young students can be burned touching hot surfaces, such as burners on hot plates.

There is other potential for personal injury or property damage as well. The appliance may overload already heavily used classroom electrical circuits. It may require the use of an extension cord to plug it in. (According to the Fire Code and WISHA, extension cords are to be used on a temporary basis only.) The power cord often puts another cord on the floor, which offers a trip and fall hazard. Then there is the possibility that the appliance may be left turned on and start a fire. And if the appliance is not purchased by the school, it may not be in good condition. (By the way, school district insurance typically does not cover damage to privately owned equipment.)

The microwave ovens and coffeepots that loss control staff have seen in classrooms have no direct educational value, but are in the classroom as a convenience to the staff. Schools usually provide these appliances for staff use in the staff lounge.

However, sometimes microwave ovens are used as part of the school breakfast or lunch programs, so are integral to the school's programs. Also, there are those appliances with direct educational use, such as those used to teach cooking or as part of the ASB student store's function.

Because of the injury potential, the Risk Cooperative recommends that member school districts not allow cooking appliances in the classrooms unless there is a direct educational use for the appliance.

If you have questions or would like to discuss this matter further, please call the Risk Cooperative at (360) 750-7504.

## Volunteer Coaches Need School Board Approval

Please be aware that, according to WIAA rules, "Volunteers become representatives of the district, and may serve as coaches, only upon registration, approval and authorization of the school district board of directors" (WIAA Handbook, section 23.1.0). There are other screening and training requirements for volunteer coaches found in section 23 of the WIAA Handbook. A copy of the 2005-2006 Washington Interscholastic Activities Association Handbook can be downloaded from the WIAA website at [www.wiaa.com](http://www.wiaa.com) (under "Publications").

# HOW IMPORTANT ARE THOSE PRESSURE VESSEL INSPECTIONS?

## Explosion at a Tennessee high school injures 15 people (associated press, 9/16/05)

A water heater exploded in the Cornersville High School cafeteria in September, critically injuring one employee and sending at least 13 students and a faculty member to a hospital. Students were standing in line to be served in the cafeteria when the explosion occurred. A maintenance worker was inspecting a gas water heater in the kitchen when it exploded, knocking him through the door. Thirteen students and one faculty member were treated for minor injuries. A cafeteria supervisor was cut by a falling light fixture, and a student was hit by a falling piece of ceiling. Other students reported ringing ears and eye irritation. Cornersville High School has about 450 students in grades 7-12.

This accident reminds us that pressure vessels, as ordinary as hot water heaters, can become bomb-like if not regularly maintained and inspected. To help ensure their safety, inspection of designated pressure vessels is required by the State of Washington.

Chubb Insurance Group performs jurisdictional inspections for the State of Washington for Risk Cooperative members. Pressure vessels in schools needing State of Washington

jurisdictional inspection every two years includes boilers, hot water heaters, and pressurized air and water tanks. Chubb inspectors monitor when jurisdictional inspections are due and normally contact the school district to make arrangements to complete the inspections. Chubb schedules and conducts required boiler and machinery inspections for schools, however, it remains the district's responsibility to monitor inspection compliance of its pressure vessels.

To arrange a boiler and machinery inspection, or for related questions, contact one of the following Chubb inspectors:

SCHOOL LOCATION	CHUBB B&M INSPECTOR EMAIL ADDRESS	PHONE NUMBER
Schools in: • Cowlitz County • Pacific County • Green Mountain SD	<b>Ed Parry</b> , Risk Consultant Email: eparry@chubb.com	Cell - 206-550-5499
Schools in: • Clark County • Klickitat County • Skamania County • Wahkiakum County	<b>Ed Pitzrick</b> , Risk Consultant Email: epitzrick@chubb.com	Cell - 971-409-2702
Schools in: • Yakima County • WSIPC	<b>Brad Berdoy</b> , Risk Consultant Email: bberdoy@chubb.com	Cell - 206-930-4510
For general questions	<b>Don Carpenter</b> , Manager, NW Region Email: dcarpenter@chubb.com	Office - 360-731-3963

Please tell them that you are a Southwest Washington Risk Management Insurance Cooperative member. You may also contact Peggy Sandberg at the Risk Cooperative at (360) 750-7504.

# INDEPENDENT MEDICAL EXAMINATIONS

Independent medical examinations (IME's) are a tool that is used to assist in determining the direction of a workers' compensation claim.

Perhaps there is a question of diagnosis, or if a medical condition is a result of an industrial injury or occupational disease. A good example of this would be a hearing loss, which is often controversial as to etiology. IME physicians trained in hearing loss, and the causal relationship to work environments, are often called upon to provide an opinion based on work history and physical findings. Another example is carpal tunnel syndrome, which can be controversial as well. There can be other medical conditions that cause carpal tunnel syndrome to manifest, such as diabetes or pregnancy. Thorough work and medical histories assist the independent medical examiner in determining if the condition is related to employment.

Occasionally a worker is being treated for one condition, and a few months into the claim, begins to complain of another condition he believes is related to the initial injury. An example of that would be a worker who sustains a knee injury. He begins treating for the knee injury, and a few months later, begins to complain of back pain. He contends that the back pain is caused by his altered gait due to the knee injury. An independent medical examination will provide an objective opinion of the cause of the back pain, based on medical findings.

IMEs are used to determine when a medical condition has become fixed and further treatment would be palliative in nature. There is no provision in the law for palliative treatment (treating only the pain). The goal of workers' compensation is to provide treatment until the condition is medically stationary and/or the worker is back to pre-injury status.

Once it is determined that a condition is fixed and stable, with no further treatment necessary, examiners may be asked to rate any permanent impairment to the injured body part. The American Medical Association has published a guide

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## PREVENTING THEFT AND VANDALISM IN SCHOOL PORTABLES

Portable buildings are an efficient way of creating classroom space for students when needed. Unfortunately portables can also be an easy target for criminals to burglarize and vandalize.

Following are strategies to help prevent theft and vandalism in school portables:

### 1. LOCATION OF THE PORTABLE

- Place portables in more visible areas so that school staff and neighbors can easily identify suspicious activity.
- Place portables away from hidden areas where they are easier to burglarize.

### 2. SECURITY OF THE PORTABLE

- Ensure there is adequate lighting around portables. General lighting works well as do motion sensor lights.
- Screen or otherwise restrict access to the space underneath the portables to eliminate a place for someone to hide.
- Remove any elevated surfaces near the portables or install barriers around the roof perimeter to ensure it is difficult to access the roof of the portables.
- Install steel doors and use deadbolt locks on portable doors.
- In some cases, consider protecting windows on portables with steel grating or bars (window guards) to discourage break-ins. There are window guards available that break away easily from the inside in the event of an emergency (i.e., fire, smoke).

### 3. SECURITY OF THE PORTABLE'S CONTENTS

- When possible, avoid having classrooms in portables that require valuable items (i.e., computer classes, band rooms, etc.).
- If computers are located in the classrooms, secure the computers or other valuable items with locking cables.

### 4. USE OF SECURITY SYSTEMS OR CCTV

- Install video cameras near the portables. Visible cameras can serve as a deterrent to break ins. Recorded video can be reviewed after an incident occurs. There are camera systems that record digitally and can be monitored via the internet through a password protected website, and camera systems that can be programmed to send an alert to authorities or a designated person(s) if a camera detects motion.
- Install security alarm systems in your portables.

Based on best practices, the Risk Cooperative recommends that school security system include:

- Door contacts on all exterior doors
- Limited door card access
- Motion detectors or listening devices in all hallways
- Motion detectors or listening devices in high value areas, areas where money is kept and areas where important documents are stored.

Law enforcement also recommends that school districts mark their portables with large lettering (i.e. P-1, P-2, P-3, etc.) so that the portable can be easily identified in an emergency.

There are various options that school districts can take to lower the risk of theft and vandalism at their school districts. The cost associated with preventive measures may far outweigh the insurance and replacement costs involved with break-ins.

If you would like to discuss options for preventing theft and vandalism at your school district, or schedule a safety assessment of your buildings and portables, please contact the Risk Cooperative at (360) 750-7504.

*IMEs, continued from page 4*

to rating permanent impairment and the Department of Labor and Industries has adapted this guide for use in determining impairment after an injury becomes fixed and stable. Once the injury is rated, an award, if any, is determined, and the claim will close.

If the worker files to reopen his claim, an independent medical examination may be scheduled to address whether or not the accepted condition has worsened since the claim closed. The department will make the final determination on the reopening, but the IME is a most valuable tool in making that decision.

Washington Administrative Code (WAC 296-23-255) provides a guideline for the purposes of independent medical examinations.

Once the examination is complete, the examiner(s) compiles a comprehensive report that includes the history of the injury, the past medical history, the current objective findings, causal relationship of the findings to the injury in question, and a treatment plan, if any.

Physicians apply to the department for approval to perform these specialized examinations and, upon approval, their names are placed on a list published by the department. They must agree to the terms outlined by the department, and they must be licensed. Some examining physicians prefer to work independently, but often a physician will be available as part of a panel of medical examiners. Panels often offer physicians with varying specialties. For example, a panel may include an orthopedist, neurologist/neurosurgeon, and a psychiatrist, or any configuration of specialty that is needed.

Employees attending independent medical examinations are reimbursed for wages lost, are reimbursed for travel to the examination, and are allowed to have a person accompany them for the physical component of the examination. Accompanying persons are not allowed to interfere with the examination in any way, only to offer support and comfort to the worker.

For more information, please contact a workers' compensation claims adjuster at (360) 750-7504.

# USE OF PRIVATE VEHICLES ON SCHOOL DISTRICT BUSINESS

District staff sometimes ask their principals and business managers the following question related to the use of their own vehicles on school district business:

**“Am I covered by the district’s insurance for automobile liability if I am involved in an accident in my own vehicle while on school district business?”**

The district’s coverage with the Risk Cooperative provides that when employees use their privately owned vehicles for district business, in the event of a claim, the employee’s personal auto liability insurance is primary (will pay first) and the district’s auto liability coverage is excess (pays only after the employee’s insurance limits are exhausted). This refers to *liability coverage only*. Damage to the employee’s vehicle remains entirely with the vehicle owner; there is no school district property coverage for privately owned vehicles.

## **INCREASED PERSONAL INSURANCE RATES?**

Some employees have reported that because they drive their privately owned autos on district business, they are paying higher insurance rates. There may be a surcharge above the normal “pleasure” use of private vehicles for “business use.” Employees should explain the use of their vehicles carefully to their personal insurance agents.

Please be aware that, according to the IRS, a portion of the reimbursed cost for use of personal vehicles (currently \$ 0.485 per mile) is for insurance coverage. Employees who drive their own vehicles on school business already receive money for insurance coverage in this reimbursement.



## **BE SURE PRIVATELY OWNED VEHICLES ARE INSURED AND SAFE**

The Risk Cooperative recommends that member districts require their employees who drive their own vehicles on district business carry the following minimum automobile liability limits: \$100,000 (bodily injury per person), \$300,000 (bodily injury per incident), \$50,000 (property damage). Washington State law requires liability limits of \$25,000/\$50,000/\$10,000 respectively.

In addition, drivers of vehicles transporting students should complete a brief vehicle safety inspection prior to transporting the students. (A sample vehicle inspection form is part of the “Volunteer Driver Checklist.”)

The Risk Cooperative recommends that district vehicles be used for the transportation of students whenever possible. When this is not feasible, the district retains the duty to ensure safe transportation of its students that it arranges.

If you have questions about this, please call the Risk Cooperative at (360) 750-7504.

# Say Goodbye to Mercury in Schools

In 2003, the Washington State Legislature passed the Mercury Education and Reduction Act (MERA). The goal of MERA is to protect the health of children through a **reduction in mercury use and disposal**, especially in schools. Specifically, MERA requires that as of January 1, 2006 schools may:

- No longer purchase elemental mercury or chemical mercury compounds for use in schools; and
- Must properly dispose of all elemental mercury and mercury compounds.

In addition, schools should be aware that the purchase and sale of the following mercury-added products will be illegal as of January 1, 2006:

- Mercury containing thermometers and manometers (blood pressure cuffs); and
- Mercury containing thermostats, and novelty items such as games, toys and jewelry.

Be aware that fluorescent light bulbs and all high intensity bulbs should be handled and disposed of safely so no mercury exposures occur. Please contact your local county solid waste department for details on the proper disposal of mercury-containing products.

## LIST OF PERSONNEL AFFECTED

There are a number of school personnel who could be impacted by ban on mercury:

- Administrators and principals who set and enforce the policy;
- Curriculum directors, science, family life and vocational skills teachers who use elemental mercury or thermometers for instructional purposes;
- Risk managers who are responsible for monitoring risk reduction practices;
- Nurses and office staff who may have thermometers for use with students or staff;

- Maintenance and operations staff who store, remove and discard lights and thermostats;
- Parenting, teacher and student booster groups that may have novelty items containing mercury for sale.

## LIST OF MERCURY- CONTAINING PRODUCTS IN THE SCHOOLS

Following is a partial list of products that could contain mercury in and around the educational environment:

- Elemental mercury in labs
- Mercury compounds
- Fluorescent bulbs
- High intensity lights
- Thermometers
- Manometers
- Thermostats
- Vehicle switches and ABS
- Novelty items
- Scoliometers

## PROPER DISPOSAL OF MERCURY

While many Washington school districts completed a hazardous chemical assessment as part of the "Rehab the Lab" project, not all schools were funded to have the chemicals, including mercury, removed. Many hazardous waste facilities allow schools to bring in spent bulbs, elemental mercury, mercury compounds and other mercury-added products (there may be a fee with this). If there is no hazardous waste program locally, or the local program does not allow schools to use their facility, school districts can contact their Educational Service District about available resources. Another resource is the Department of General Administration (GA) for contracts on Spent Lighting (# 11601) or Hazardous Waste Disposal and Recycling (#07198). Their Web site is [www.ga.wa.gov](http://www.ga.wa.gov), or call 360-902-7441.

## THE LAW



The law mandating this change is RCW 70.95M.040, "Schools – Purchase of mercury prohibited" which states: "A school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds. By January 1, 2006, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers."

## RESOURCES

Several resources are available from DOH (Department of Health) that could be good references to school personnel and may be found at the following web address: <http://www.doh.wa.gov/ehp/mercury/default.htm>

For further information contact the Washington State Departments of Health and Ecology at:

Madeline Beery,  
Mercury Program Manager  
Department of Health  
Toll free – 1-877-485-7316 ext. 3189  
[Madeline.beery@DOH.wa.gov](mailto:Madeline.beery@DOH.wa.gov)

Miles Kuntz, MERA Coordinator  
Department of Ecology  
360-407-6748  
[miku461@ECY.wa.gov](mailto:miku461@ECY.wa.gov)

# WORKERS' COMPENSATION TRUST LOSS SUMMARY

## WHICH EMPLOYEES ARE BEING INJURED AND HOW?

The following is a summary of the Southwest Washington Workers' Compensation Trust's loss experience for the 2004-2005 school year. The Trust is comprised of 29 school districts and ESD 112 (including Northwest Service Academy), which represents approximately 11,000 employees.

In 2004-2005, the Trust received 343 workers' compensation claims. This represents a 15% *increase* over last year's total (298 claims). This increase can partly be explained by the increase in the number of hours district employees worked last year (up 3.5%). Also, the 2003-2004 school year total of 298 workers' compensation claims was the fewest number of claims filed in the past seven years. The Trust averaged 327 claims/year in recent years.

Seven member districts completed the 2004-05 school year without a single workers' compensation claim - Green Mountain, Lyle, Naselle-Grays River Valley, Roosevelt, Skamania, Trout Lake, and Wishram. Congratulations to those districts!

## TO WHOM ARE THESE INJURIES OCCURRING? LET'S TAKE A LOOK.

2004-05 Workers' Compensation Claims by Job Position

Position	# Claims	% Claims
Aides .....	90 .....	26.2
Teachers .....	88 .....	25.6
Bus Drivers .....	45 .....	13.1
Custodians .....	38 .....	11.1
Maintenance/Grounds .....	16 .....	4.7
NW Service Academy (ESD) .....	16 .....	4.7
Administration .....	14 .....	4.1
Food Service .....	12 .....	3.5
Clerical .....	12 .....	3.5
Mechanics .....	3 .....	0.9
Warehouse .....	2 .....	0.6
Print Shop .....	2 .....	0.6
Other .....	5 .....	1.4
Total .....	343 .....	100.0

The higher frequency of teacher claims is understandable because there are more certified staff than classified staff in a typical school district. The high frequency of aide claims may be due to the varied nature of their work assignments. Custodians, food service, grounds and maintenance personnel often have more physically demanding job duties such as heavy lifting or more hazardous work such as operating machinery that contribute to their injury numbers.

Compared to the 2003-04 school year, there was a 50% *increase* in claims from aides, and a decrease in maintenance/grounds and administration employees and NWSA.

## NEW TECHNOLOGY FOR SCHOOL SECURITY

Unfortunately, school violence is not news. We all know that the safety of our students and staff is of paramount importance. To look at it another way, preventing violence and reducing vandalism is an economic issue. As you know, your insurance is affected by the losses of your district. Lower loss means lower premiums. Technology can help with both issues.

Technological advances have made security much more effective and affordable. For example, Rauland Borg Corporation's new Telecenter VI makes security an integral part of the communications system. The ability of the classroom teacher to communicate with the school office and/or the outside world is a must in emergencies. Part of this system guarantees an outside phone line to the classroom for a 911 call. At the same time the office is notified by the system that emergency is occurring and the administrator can become part of a three-part call with the teacher and 911 operator. Also, motion detectors and door monitors can be part of the system and activated by the teacher from the telephone handset on their desk.

Digital camera systems have replaced the VHS and videotapes. Affordable, large capacity digital video recorders offer a great tool for preventing problems. Color cameras change to monochrome in low light resulting in great pictures. The systems provide indisputable visual evidence when needed and are a great deterrent to vandalism and violence. Keyless entry and the ability to remotely lockdown a building are available to schools. All of these systems can be integrated to greatly increase your student and staff safety.

For more information, contact the author of this article - Dan Smith, G. B. Manchester, email: dan.s@gbmanchester.com, phone: 360-816-0484 ext 156.

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Trust Loss Summary, continued from page 8

**WHAT IS CAUSING EMPLOYEE INJURIES?**

2004-05 Workers' Compensation Claims by Cause

CAUSE	# CLAIMS	% CLAIMS
<b>FALLS</b> .....	77	22.4
Falls include falls to the same level (slip on water and fall to the floor) and falls to a lower level, such as falling from a ladder.		
<b>STUDENT RELATED</b> .....	66	19.2
Being struck by a student includes accidental and intentional contact.		
<b>STRUCK BY/ AGAINST OBJECT</b> .....	50	14.8
Being struck against an object is for example, a carpenter walking into a doorframe. Being struck by an object could be a tool falling on a worker.		
<b>OVEREXERTION</b> .....	43	12.5
Overexertion includes injuries caused by excessive lifting, pushing, pulling, holding, carrying or throwing an object.		
<b>REPETITIVE MOTION</b> .....	27	7.9
Repetitive Motion injuries are due to repeated stress or strain.		
<b>BODILY REACTION/ NO FALL</b> .....	25	7.3
Bodily reaction injuries result from bending, climbing, loss of balance and slipping without falling.		
<b>ATHLETICS</b> .....	24	7.0
Athletics includes those injuries sustained during an athletic activity such as a wrestling coach demonstrating a particular move and straining the shoulder.		
<b>CONTACT WITH</b> .....	14	4.1
Contact With includes injuries resulting from contact with insects, plants, electricity, temperature extremes, chemicals and blood.		
<b>MOTOR VEHICLE ACCIDENTS</b> .....	9	2.6
<b>CAUGHT IN OR BY EQUIPMENT</b> .....	7	2.0
<b>OTHER</b> .....	1	0.2
<b>TOTAL</b> .....	343	100.0

Compared to the 2003-04 school year, there was a 200% increase in both student related and repetitive motion claims. Athletics claims increased while overexertion claims decreased.

Falls are the most frequent employee injury, most occurring when an employee slips or trips. Loss of traction causes most slips, and most trips happen when feet encounter something that shouldn't be on the floor. Recommendations to prevent slips include wearing proper footwear, fixing leaks, cleaning up spills immediately. To avoid trips, keep pathways and work areas clean, close file cabinets and drawers, and properly store tools when not in use. Falls may also be caused by using a ladder improperly or using other items (boxes, shelves, desks or chairs) in lieu of a ladder to reach a height.

Workplace safety can help prevent injury, reduce employee pain and suffering, and help avoid the direct and indirect costs of those injuries. It is worth the effort to work safely.

**CHANGES IN WISHA RULES NUMBERING**

There has been a change to the format of WISHA's safety and health rules. In 2001, the Department of Labor and Industries assembled the "Safety and Health Core Rules," which are actually 26 basic rules that affect most employers in the state. These Core Rules replaced existing rules that in many cases were unclear, complex, complicated to find, difficult to understand and confusing to use with more concise, plain-English rules. Words like "aforementioned," "enumeration," "therein," "hereafter" and "thereof" were removed from the rules. The purpose of this change was to make it easier for business owners to understand and comply with what's expected of them in the Washington Industrial Safety and Health Act (WISHA). These general safety rules are contained in a single publication and cover most of the state's employers. These revamped rules contain no new or additional compliance requirements.

The Safety and Health Core Rules, found in Chapter 296-800 WAC, are the first phase in a several stage effort to make worker safety rules easier to find, read, understand and use. Contained in these sections are the rules pertaining to the Accident Prevention Program, personal protective equipment, first aid, fire extinguishers, hazard communication, basic electrical safety, portable ladders and exit routes among others.

Since these initial rules were published, the Department has continued the clear-language rewriting of several other safety and health rules including:

- Lockout/Tagout (WAC 296-803)
- Machine Safety (WAC 296-806)
- Portable Power Tools (WAC 296-807)
- Confined Spaces (WAC 296-809)
- Hearing Loss Prevention (WAC 296-817)
- Bloodborne Pathogens (WAC 296-823)
- Respirators (WAC 296-842)

Continued on page 10

*Modified Duty, continued from page 2*

**SUCSESSES AND BENEFITS**

Linda reports that about 75% of their injured employees return to light duty work. Employees appreciate the time and effort made by their employer, and see that the district values them as employees. Modified duty work usually keeps the employee's benefits going.

Kelso School District uses this process not just for an occupationally injured employee, but for an employee with a medical work restriction.

To be successful, Linda says modified duty has got to be considered important from the top down, and needs buy in from all players.

**WILL MODIFIED DUTY WORK FOR A SMALL SCHOOL DISTRICT?**

Linda thinks that the modified duty program would work as well in a small district, even though they may not have as many substitute positions to choose from and therefore may not be used as frequently.

Statistically, employees in modified duty programs return to full time work sooner. The longer an injured employee stays away from work, the more likely s/he is to not return to work at all.

**FOR MORE INFORMATION**

If you'd like to learn more about the modified duty program at Kelso School District, contact Linda Haseman, Human Resources Specialist, by email at [linda.haseman@kelso.wednet.edu](mailto:linda.haseman@kelso.wednet.edu) or by phone at (360) 501-1919.

For the Workers' Compensation Trust member districts, expect that workers' compensation claims adjusters will work with your school district to see if light duty opportunities exist or can be provided. If you have any questions, or if we can be of help to you, please don't hesitate to call a worker's compensation claims adjuster at (360) 750-7504.

*WISHA Rules, continued from page 9*



- Forklifts (WAC 296-863)
- Scaffolds (WAC 296-874)

The rules are available in several forms — hard copy, electronically on computer disc, or can be downloaded at: <http://www.lni.wa.gov/Safety/Rules/Find/default.htm>

To assist with WISHA compliance, sample school district safety plans are now available on the ESD 112 website resources page at <http://www.esd112.org/insurance/wisha.html>.

Included on this website is a sample Accident Prevention Program, which each school district is required to develop. The Accident Prevention Program is the district's written plan to prevent accidents, illnesses, and injuries on the job. Included in the Accident Prevention Program are samples of several forms, a compilation of job hazard assessments and safety information and rules dealing with many hazards that might be found in your district.

Also included are other required written programs addressing specific workplace hazards such as fall protection, chemical hazard communication, and the control of hazardous energy (lockout/tagout). Each district will need to evaluate which programs are needed for its specific situations.

If the district has questions as to what programs they are required to have in writing, or questions about WISHA rules and compliance, contact Scott La Bar, Senior Loss Control Specialist, at (360) 750-7504.

**MODIFIED DUTY OPTIONS**

When returning an employee to a temporary transitional work assignment, try to follow the order below in accommodating an employee's temporary physical restrictions:

1. Modify the current position. If necessary, arrange for co-workers to temporarily fulfill more strenuous job duties.
2. Identify a different light duty position in the same department or work area.
3. Find a job assignment consisting of tasks in keeping with the employer's temporary physical restrictions. A job analysis of the light duty position must be sent to the attending physician for his release before the injured employee begins the light duty position.
4. Consider cross training the injured employee in another position. This can also be helpful if an injured worker needs to be retrained vocationally as it provides the worker with different work experiences.
5. Explore opportunities outside of the employee's regular department, or within another school.

The above priority order is intended to help the employee and employer maintain as much of the employee's regular work routine and lifestyle as possible. All parties should be advised at the onset that the identified job assignment is temporary.

## "Preventing Sexual Misconduct in Athletics" Training Distributed

Each year the Risk Cooperative's loss control efforts focus on one particular area of school loss (with high frequency or severity), and provide in depth material and training to school staff to help reduce losses in this area. At the direction of the Risk Cooperative Executive Committee, the loss control focus for last year was "Preventing Sexual Misconduct in Athletics." The loss control effort had three parts:

### **PART I – COACH TRAINING**

Based on an attorney-developed curriculum, the coaches' training detailed inappropriate behavior and conversation between coaches and students and related laws. Member district athletic directors were trained on "Coaches & Inappropriate Behavior-Protecting Students While Protecting Yourself" by attorney Mike Patterson via videoconference in November 2004. Training for coaches includes the Power Point presentation and a written test that athletic directors can present to their coaches at the beginning of each sports season.

### **PART II – HIGH SCHOOL STUDENT ATHLETE TRAINING**

The second part of this training is an original 30-minute video for high school athletes (filmed at La Center High School). Coaches can present this video to their athletes at the beginning of each sports season. A copy of "Preventing Sexual Misconduct in Athletics-Student Training Video" was sent to each Risk Cooperative member district athletic director in May 2005. (You may obtain additional copies of this training video, or request it in DVD format, by contacting the Risk Cooperative.)

### **PART III – PARENT BROCHURE**

To accompany the student training, there is an explanatory brochure for parents entitled "Preventing Sexual Misconduct in Athletics – Everyone Has a Role" which can be copied and distributed it in conjunction with the student training video.

### **OTHER STAFF TRAINING**

This information has expanded to other school district audiences as well. As requested by member districts, specialized versions of training have been provided to administrators, teachers, and bus drivers as well.

For more information about this training, please contact Peggy Sandberg, Director of Risk Management, at (360) 750-7504 or by email at [peggy.sandberg@esd112.org](mailto:peggy.sandberg@esd112.org).

# Property/Casualty Insurance Coverage Update

## **NEW BROKER**

In June 2005, the Southwest Washington Risk Management Insurance Cooperative (Risk Cooperative) entered into an agreement for insurance brokerage services with Arthur J. Gallagher Company (Gallagher) in Denver. The insurance broker helps the Risk Cooperative secure excess insurance coverages above its self-insured retention.

On this renewal cycle, the insurance market is still considered a hard market. In a hard market, insurance carriers restrict the types of coverage they offer, narrow the terms of coverage and charge higher rates for the coverages. So, along with a new broker came some changes in excess insurance carriers and coverage, primarily in the casualty areas.

## **PROPERTY COVERAGE CHANGES**

The Risk Cooperative was able to retain the same insurance carriers and similar coverage for the Property insurance lines, which includes property, equipment breakdown (boiler & machinery), and crime coverages. We also secured a slightly lower rate than in the 2004-05 policy year for the property coverage, however, the total value of all insured property of member districts increased, which netted a slight increase in overall cost. Gallagher was able to secure additional and enhanced coverage for some exposures, and added coverage for fences, foundations, excavation, backfill and grades, overhead transmission lines, and underground pipes. The excess insurance carrier for the property insurance continues to be Lexington Insurance Company.

## **LIABILITY COVERAGE CHANGES**

What has changed is the liability insurance carrier and policy. Previously Genesis Insurance Company provided Liability and Errors and Omissions coverage for the Risk Cooperative's membership, but it is now provided by Princeton Excess and Surplus Insurance Company. Princeton is a company of the Munich American Risk Partners, has an "Excellent" rating (A.M. Best rating of AXV) and a financial capacity in excess of \$2 billion.

## **IMPORTANT CHANGE IN LIABILITY COVERAGE**

As mentioned previously, the insurance market has become more restrictive both in the type and limits of coverage that are offered. The largest single change that took place in the liability insurance coverage for this year is that a sublimit has been applied to "Sexual Abuse and Sexual Harassment" claims. Insurance carriers have limited coverage due to the very large claims that have been generated for these exposures. The limits for "Sexual Abuse and Sexual Harassment" coverage have been reduced, and a total annual aggregate has been applied.

An annual aggregate has been applied to the liability coverage, which means that the total the insurance carrier will pay in any one year for all claims is limited to that aggregate limit. The Risk Cooperative continues to carry the same retained limit for each liability claim.

If you have questions about specific insurance coverages or would like more information, please contact Jim Rochel with the Risk Cooperative at (360) 750-7504.

### SW WA Risk Management Insurance Cooperative Executive Committee

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Camas School District

Jim Sutton, Chairman  
Kalama School District

Dr. Glenys Hill  
Kelso School District

Mary Vagner  
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Peggy Sandberg, Director, Risk

Management

Scott La Bar, Senior Loss Control Specialist

Susan Rahl, Administrative Assistant



## Contact Insurance Programs

During normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., call (360) 750-7504, or 1 (800) 749-5861. Contact us via the internet at: [www.esd112.org/insurance/staff.html](http://www.esd112.org/insurance/staff.html)

## Emergency Paging

Member districts need to report emergencies at the time of the event.

Off Hours Access to ESD Insurance Programs is available by paging (360) 408-0373.

### Objective

The objective of *Risk Management Matters* is to provide useful information to our member districts. Your contributions and comments are welcome! Please call Loy Dale, Executive Director, with comments.

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2500 NE 65th Ave.  
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### Distribution

An effort is made to distribute this publication to districts appropriately. If someone in your district did not receive a copy who should have one, please call (360) 750-7504 to have them added to the mailing list.