

Risk Quick Tips

Risk Management Division OMB

From the Desk of Risk Management's Director

Although you enjoy certain protections as a state employee, you can still be sued for job-related actions or decisions. The real question is whether the lawsuit against you will be successful.

The North Dakota Legislature has enacted several laws to protect state employees from job-related lawsuits. However, in order for you to be protected by these laws, you must follow certain established procedures. These procedures, and your responsibilities, are explained in this presentation. I encourage all state employees to watch this video.



Tag Anderson, Director
Risk Management Division

Workers Compensation Coverage for State Employees Working Outside of North Dakota for More Than 30 days.

As an employer, the state of North Dakota is required to procure workers compensation for employees working outside of the state of North Dakota for more than 30 days. This coverage must be in place at the time the employee begins his or her duties. The Risk Management Workers Compensation Program coordinates the purchase of this required coverage for all state agencies through its broker. We currently have workers compensation coverage in 30 states.

If you have employees domiciled and working in states other than North Dakota who are not currently covered, coverage that meets the statutory workers compensation requirements in the states where the employees are working must be secured.

Ohio, Washington, West Virginia, Wyoming, and Nevada are monopolistic states. Workers compensation can only be purchased directly from those states' programs (not through an insurance company). Risk Management will complete the application forms to obtain coverage for state employees working in these states more than 30 days.

How to secure coverage

Mission

The mission of the Risk Management Division of the Office of Management and Budget is to protect the assets of the state of North Dakota – its people, property and financial resources – so that the state can continue to meet its obligations to its citizens.

Staff

- Tag Anderson: Director
701.328.7580
- Vicki Ableidinger: Claims Manager
701.328.7581
- Terry Milas: Loss Control Analyst
701.328.7582
- Diane Walliser: Manager, RMWCP
701.328.7583
- Dawn Moen: Admin Staff Officer
701.328.7584

IN THIS ISSUE

- Annual Payroll Reports
- Out of State Coverage
- Grants
- Vehicle Coverage FAQ's
- Self Inspection Survey

IMPORTANT IMPORTANT IMPORTANT IMPORTANT Annual Payroll Reports Due by July 31st

Annual Payroll Reports are due by **July 31st**. To expedite the receipt of your payroll report you are encouraged to utilize Workforce Safety & Insurance's online service. To submit your payroll online, log onto www.WorkforceSafety.com, Online Services section, Payroll Reporting. Online reporting is efficient and confidential. Payroll information can be entered online or electronically submitted by attaching an Excel or Text File. If you are not using the online service remember to send this report directly to WSI.

A couple of things you may want to remember when reporting payroll:

- If an employee only worked part of the reporting period and is no longer employed by that agency, all wages earned at the agency by that employee must still be reported.
- In an employee changed positions within an agency during the reporting period, report each wage under the proper classification-total wages will be capped.
- If you do not know your access (log-in) code, call Workforce Safety & Insurance at 328-3800.
- Make sure that the wages reported for an individual agency are only the wages for that agency – do not report wages earned from a different agency by transferring employee.
- This is not the appropriate place to report wages for employees permanently working outside the state of North Dakota.

If you have any questions, feel free to Diane Waliser at 701-328-7583 or WSI's Customer Service at 1-800-777-5033.

Boards and Commissions

If a board member just receives per diem or mileage, etc. – this is not ordinarily considered taxable and is not reportable to WSI for workers' compensation purposes –coverage is optional and these individuals are treated volunteers.

If a board member receives any type of wages or fee for attending board meetings-then workers' compensation coverage is mandatory and should be reported as employee wages.



Vehicle Accidents: Who Pays . . . Could It Be Me?

State Vehicles: Authorized Use Must Be Necessary To State Business

The operation of vehicles on State business is addressed and regulated by various statutory provisions, including the Tort Claims Acts, as well as the State Fleet Services Policy Manual. If an agency develops and adopts its own policy regarding vehicle use, the policy must be equal to or more stringent than the provisions in state law and through State Fleet.

When considering coverage: do you and other state employees know who is eligible to operate or ride in a vehicle; or know what is considered authorized or unauthorized use of a State vehicle? Answers to these questions and others can be found in Risk Management's [Frequently Asked Questions regarding Vehicle Coverage](#).

Because of the potential financial implications to both the State (including the individual agency) and the employee personally, it is important to share these FAQs and train all employees on the proper use of vehicles on State business.



Remember the old saying that “if you don’t like the weather in North Dakota, wait five minutes, it will change.” With the weather patterns we have this past year we could have a new motto to reflect that fact that “if you want inclement weather come to North Dakota.”

With this in mind it is important to remember, having plans in place for dealing with natural disasters as well as fire emergencies, and man-made disasters is critically important to preventing the loss of life and controlling injury to people and damage to property.

Each plan should be periodically communicated to all employees. All personnel should know exactly what to do in the event of an emergency because time counts – and you may only have seconds.

The plan should be updated whenever changes make it necessary and should be tested by actual drills.

The ultimate determination of how to handle emergency situations must be made by the individual responsible for the threatened facility.

The steps for establishing each kind of plan are outlined in the Risk Management Manual <http://www.nd.gov/risk/publications/docs/chap4.pdf>.

WSI Safety Grant & Discount Programs

And the Risk Management Workers Compensation Program (RMWCP)

The 2001 Legislation established a single workers compensation account for all state entities referred to as the Risk Management Workers Compensation Program (RMWCP). The Risk Management Division (RMD) of the Office of Management and Budget (OMB) administers this program. For coverage periods beginning July 1, 2001, RMD entered into deductible contracts with WSI for 143 consolidated state agency accounts. The deductible amount selected was \$100,000 per claim. *Under the deductible program, certain grant programs are not open to the State account.*

The Risk Management Workers Compensation Program was eligible to apply for grants through the Workplace Injury Reduction Challenge (WIRC) program. Unfortunately, as of June 30, 2009, Workforce Safety & Insurance (WSI) will no longer accept new applications for its WIRC I and II safety grant program.

<http://www.workforcesafety.com/library/documents/other/WIRCSuspend.pdf>

A proposal that was submitted to the Risk Management Division for a possible grant submission to WSI, was for a statewide Online Self Inspection Survey to be developed and administered by the Risk Management Division.

The recommended online inspection survey would be designed with the end user in mind. It would show areas where safety is lacking and help develop a plan of action. This would hopefully reduce an agency's liability. In addition the state entity would receive a discount for completing the survey, which would reduce the cost of premiums.

Claims histories have always given the Risk Management Division guidance on liabilities that threaten state facilities. But this survey would

establish trends from the agency's own perspective. The manner in which the agency could utilize the information obtained from the online self-inspection survey would only be limited by the agency's own imagination. Some uses may include:

- Generating work orders from survey data.
- Survey data can be used to help budget maintenance expenditures.
- An honest and accurate survey will identify needed changes, record the problems, and eliminate the most hazardous problems in order of priority,
- The survey findings validate commonly known conditions, detail current needs and allow for open discussion to gain resolution.

Although WSI is no longer accepting applications under the WIRC program, the Risk Management Division would like your comments on the above recommended proposal. Please email your comments regarding the Online Self-Inspection Survey proposal to drwaliser@nd.gov.

If the majority of state agencies find this Online Self Inspection Survey a useful loss control tool, the Risk Management Division will pursue other funding options.