

Risk Quick Tips

March 2010

Risk Management Division OMB



From the Desk of Risk Management's Director Tag Anderson

LOOK FOR INCREASE IN 2011 - 2013 CONTRIBUTIONS

The actuarial analysis undertaken every two years, which determines necessary contributions to the Risk Management Fund, is currently under way. Initial funding recommendations from the actuary for the 2011-2013 biennium are significantly higher than the previous biennium. The primary reason for the higher recommended contribution level is due to an increase in the number of reported employees, particularly from the North Dakota University System. The allocation of the total funding for each respective entity should be completed in March and available for budgeting purposes by early April.

FYI.....

Current training opportunities offered to state employees with a NDGOV account through the Risk Management Online Training System are now available for access through Enterprise Learning Management (ELM).

If a State Agency wishes to review their past workers compensation injuries a loss run report must be requested through Risk Management.. A loss run reports lists all claims and medical costs paid on an account. This information will help you recognize those areas that may be in the need of improvement to help avoid future losses.

Discount Applications requirements for 2010 remain the same as last year. Discount Applications deadline is June 30th.

As of January 1, 2010, fees charged by vendors under the WSI Ergonomic Initiative program are paid by WSI at a 3:1 ratio, meaning WSI pays for 75% of the project and the employer is responsible for the remaining 25%. If an agency submits an Ergonomic Initiative Employer Application you will need to ensure that funds are available to commit to this program.

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.

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This newsletter may be forwarded or printed and shared in its entirety within your institution.

Statement from Workforce Safety & Insurance (WSI) about Workers' Compensation Coverage for Flood Fighters

The following guidelines are intended to provide guidance as to who is covered by WSI workers' compensation coverage and when they are covered or not covered during times of disaster including spring flooding.

A key determination as to whether flood fighters are covered by traditional workers' compensation coverage is whether the employee is under the direction and control of their employer. If an employee is directed by an employer to participate in flood fighting activities, WSI will deem the employee covered, even if they extend their hours beyond the normal work shift. On the other hand, if employees are simply released by their employer, without specific direction, to help in the flood fighting activities they are not covered by workers' compensation coverage during their flood fighting activities. Additionally, employees who are injured while protecting their own property will be viewed by WSI as being outside the scope of employment and those injuries will not be covered.

Employers, defined as sole proprietors, partners and corporate officers, have the option of covering themselves on their WSI workers' compensation policies. For those employers who have secured such coverage, activities will be covered to the extent they are related to the protection of business property or assets.

Organizations such as political subdivisions, civic groups, churches, etc. with volunteers may establish a volunteer policy to provide coverage for volunteers who assist in flood relief activities. Coverage must be secured and volunteers pre-registered with WSI prior to them engaging in volunteer activities. The cost for volunteer coverage is \$15.60 per volunteer subject to a minimum premium of \$250.

<http://www.workforcesafety.com/FloodCoverageInfo.pdf>

Disaster or Emergency Services Volunteers: Leave

When an order or proclamation declaring a disaster or emergency is issued pursuant to [North Dakota Century Code chapter 37-17.1](#), the executive officer in charge of a state agency may grant a leave of absence, not to exceed five working days, to any full-time employee who is certified by the American Red Cross as a disaster services volunteer or who is an emergency medical service provider, a member of the civil air patrol, a firefighter, police officer, emergency radio operator, or who performs other services necessary in an emergency.

The leave of absence is for the employee to participate in disaster relief services or provide voluntary emergency services. The leave may not result in a loss of compensation, seniority, annual or sick leave, or accrued overtime for which the employee is otherwise eligible.

A person on leave under this section is not deemed to be an employee of the State for the purposes of workers' compensation.

References

[NDCC 54-06-14.3 and 54-06-27](#)

<http://www.nd.gov/hrms/managers/lawguide/disaster.html>

Preparedness Information

[ND Department of Emergency Services](#)
[ND Department of Health \(Flood Cleanup Health and Safety\)](#)
[Federal Emergency Management Agency \(FEMA\)](#)
[NDSU Extension Service](#)

Some Resources

<http://nd.water.usgs.gov/floodinfo/>
<http://www.co.burleigh.nd.us/departments/default.asp?ID=410>
<http://www.ag.ndsu.edu/flood/>
http://www.cms.hhs.gov/Emergency/12_StormFlood.asp
<http://www.egfflood.info/web/25>
<http://www.nd.gov/gis/news/flood-mapping.html>

WSI Ergonomic Grant Program



In 2001 the Legislature directed that there be a single workers' compensation account for all state agencies to operate within a retained deductible amount. The Risk Management Workers' Compensation Program collects the premiums assessed by Workforce Safety and Insurance (WSI) and uses the premium dollars it receives from State entities, to establish a fund to pay the first \$100,000 on each claim, the premium to WSI for the State entities' single workers compensation account, pay excess workers compensation coverage premiums to WSI, and pay associated costs with the program.

In order to encourage agencies to adopt practices that have been proven to reduce workers compensation claims, the Risk Management Workers Compensation Program has also adopted a discount program. Implementing this program provides the necessary tools to construct an effective method of promoting safety and claims management for State entities' workers compensation exposures.

The discount program focuses on workplace ergonomics, work process and facility safety, an implementing an effective claims management program including the designated medical provider and transitional duty.

Statistics for FY 2006 showed that 46% of workers compensation claims filed by state employees and 62% of all state agency claims medical costs related to musculoskeletal disorders (MSDs). Accordingly, in the summer of 2007 the Risk Management Division introduced a new ergonomic program aimed at reducing or eliminating work-related musculoskeletal disorders suffered by State employees.

The program was designed to ensure administrative support and employee involvement in the identification and resolution of hazards through training and evaluation on an on-going process. To emphasize the importance RMWCP placed in the prevention of work related musculoskeletal disorders, the RMWCP dedicated the FY'07 workers compensation premium discount program to rewarding State entities that established a proactive ergonomics prevention program.

Presently, 50 State agencies have developed ergonomic programs that meet discount program criteria and have reported fewer injuries due to ergonomic factors.

However, the need remains not only to provide continued training information to these 50 state agencies with proactive ergonomic programs but also to afford those state employees, employed by agencies who have not yet established ergonomic programs an opportunity to receive self service information on ergonomic awareness and the identification of ergonomic risks. The WSI Ergonomic Grant Program provides an opportunity to fulfill this need.

To address cumulative stress injuries, WSI has established an Ergonomic Initiative Program. The program consists of a provider network of ergonomics specialists, financial assistance to have providers evaluate an employer's ergonomic needs, and a grant program to help off-set the costs of ergonomic-related purchases. (<http://www.workforcesafety.com/employers/grants/ergoinitiativeoverview.asp>) Several state agencies have submitted Ergonomic Initiative Employer Applications to WSI and have received financial assistance for Provider Services.

Because all state agencies fall under one employer account (RMWCP), the state is only eligible to receive an Ergonomic Grant award amount of up to \$20,000. Risk Management has made the determination to submit a grant application that would benefit all or at least most state agencies.

The Risk Management Division has proposed the development of an online Ergonomic Training Tool Resource Kit that can be accessed through Risk Managements website. Once the user access's Risk Managements website they will navigate to a newly created content page in which they will find information on various aspects of Ergonomics. The content page will contain training video demonstrations and hands on tools that can be used to improve both an understanding of ergonomics and how to use it.

Through the WSI Ergonomic Initiative Program, Risk Management has requested expert assistance with the development of content and presentation of the video/PowerPoint's and various assessment tools and resources needed to develop effective ergonomic programs that will be contained on this web site. It is anticipated that this resource will result in continued reductions in musculoskeletal workplace injuries by state employees in all agencies under the single employer account.

TEXT MESSAGING WHILE DRIVING STATE FLEET VEHICLES

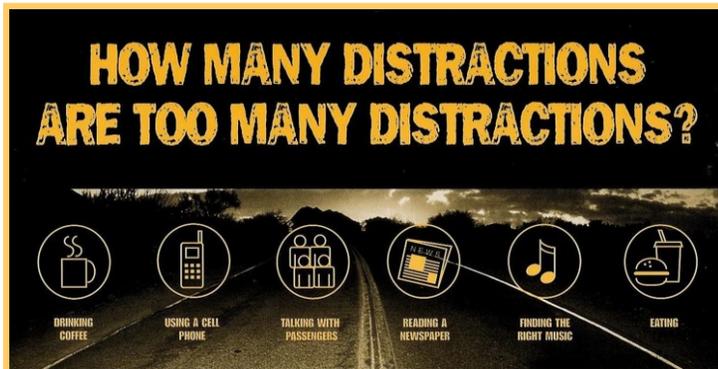


Distracted driving, including text messaging while driving, has become a major contributor to auto crashes. To reduce the risks of such crashes, NDDOT has issued a [NDDOT Fleet Manual Directive](#) prohibiting text messaging while driving in a state fleet vehicle. Please distribute this Directive to all employees within your entity.

What Is Distracted Driving? Distracted driving is any non-driving activity a person engages in that has the potential to distract him or her from the primary task of driving and increase the risk of crashing. There are three main types of distraction:

- Visual — taking your eyes off the road
- Manual — taking your hands off the wheel
- Cognitive — taking your mind off what you're doing

While all distractions can endanger drivers' safety, texting is the most alarming because it involves all three types of distraction.



Other distracting activities can include:

- using a cell phone
- eating and drinking
- talking to passengers
- grooming
- reading, including maps
- using a PDA/navigation system
- watching a video
- changing the radio station, CD, or Mp3 player

Alarming Research Results:

- Using a cell phone use while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08%. (Source: University of Utah)
- Driving while using a cell phone reduces the amount of brain activity associated with driving by 37%. (Source: Carnegie Mellon)
- 80% of all crashes and 65% of near crashes involve some type of distraction. (Source: Virginia Tech 100-car study for NHTSA)
- Nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured. (NHTSA)
- The worst offenders are the youngest and least-experienced drivers: men and women under 20 years of age. (NHTSA)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)

Source: NHTSA (www.distraction.gov)

To help increase awareness of this topic, Risk Management has posted a training video called [Texting While Driving](#) that was developed as a part of Utah's Zero Fatalities program. This video focuses on the hazards of texting while you drive and we encourage you to distribute this with NDDOT's new directive.

Drivers often overestimate their ability to multitask behind the wheel. Test your skills with the following game [Gauging Your Distraction](#). This game measures how your reaction time is affected by external distractions.





North Dakota Department of Transportation

Francis G. Ziegler, P.E.
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John Hoeven
Governor

NDDOT Fleet Manual Directive

From NDDOT Director, Francis Ziegler

Text messaging while driving or operating a state fleet vehicle

Deadly crashes involving drivers distracted by text messaging highlight a growing danger on the roads nationwide. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering themselves and others.

State employees shall not engage in text messaging while driving a state government fleet vehicle.*

**Use of electronic devices while driving related to the mission of essential equipment for vehicles used in emergency operations, law enforcement and state highway system maintenance will be governed by agency policy.*

Definitions : "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.

"Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.