

# Risk Quick Tips

July 2011

Risk Management Division OMB

OMB  
Management



## Risk Management ~ 2011 Legislative Session

A number of bills impacting the operations of the Risk Management Division were considered during the recent Legislative Session. A summary of three of the more important pieces of legislation related to the Risk Management Fund follows:

■ **House Bill 1118- Risk Management Accident Review Board:** this was introduced at the request of the Office of Management and Budget to streamline the operations of the Risk Management Accident Review Board. The Accident Review Board currently reviews all accidents involving state-owned or leased motor vehicles. Many accidents, however, do not result in serious bodily injury or significant property damage and the determination of whether the accident was preventable and what remedial action is appropriate does not require input from various State agencies. For most accidents, it is sufficient for an official within the Department of Transportation to conduct the accident review and make recommendations to the agency employing the individual involved in the accident. More serious accidents will still be reviewed by the Accident Review Board along with appeals from employees that disagree with the findings and recommendation of the Department of Transportation.

**Sections Affected:** [N.D.C.C. § 32-12.2-14](#)

■ **House Bill 1119-Student driving in educational programs:** this was also introduced at the request of the Office of Management and Budget. This legislation allows the Risk Management Fund to cover/administer claims against students which arise from the operation of a vehicle owned or leased by the state, the operation of which is a required part of an established course of curriculum. Coverage under these instructional programs is limited to the minimum financial responsibility requirements contained in and pursuant to [N.D.C.C. § 39-16.1-02](#) and [NDCC 26.1-41-05](#). This legislation does *not* make the State responsible for the student's actions, but allows students that are required to drive as part of a course of curriculum to be treated as *permissive drivers* of state-owned vehicles with minimum financial responsibility requirements. This legislation was passed as an emergency measure and became effective on March 14, 2011.

**Sections Affected:** [N.D.C.C. § 32-12.2-18](#)

■ **Senate Bill 2232-Loss control committee records and meetings:** this was introduced at the recommendation of the Attorney General's Open Meetings and Records Task Force; Section 1 was at the request of the Office of Management and Budget, to clarify that agency loss control committees are not governing bodies within the meaning of the open meetings laws. This legislation provides that the records of any state agency loss control committee which address any pending or reasonably predictable claim are exempt records unless the director of the Office of Management and Budget determines disclosure will not prejudice any pending or reasonably predictable claim. The bill also provides that the records and communications at meetings of the committee regarding any pending or reasonably predictable claim are privileged and are not subject to subpoena or discovery or introduction into evidence in any civil action. As a result, agency loss control committees should no longer provide notice of meetings to the Secretary of State or purport to go into "executive session" to discuss agency losses or incidents. Senate Bill 2232 was passed as an emergency measure.

**Section Affected:** [N.D.C.C. §§ 32-12.2-11 and 12](#); [N.D.C.C. ch. 44-04](#)

### IN THIS ISSUE

- Legislative Updates
- Website Updates
- Seminar
- Pre-Seminar Workshop
- WSI Payroll Reports

### WEBSITE UPDATES

Various resources on Risk Management's website have been and will continue to be revised to coincide with the legislative and other program changes. For instance:

- The Loss Control Committee Documents sample forms;
- Background Checks Required Steps;
- Other Insurance – Rental Vehicles;
- Vehicle Liability – Vehicle Coverage FAQs;
- Guidelines for Safe Cell Phone Use; and
- Others in the near future, specifically the Risk Management Manual.

Ensure that the pertinent changes are distributed to all affected employees and that the training on the updates is documented.

[www.nd.gov/risk](http://www.nd.gov/risk)

2  
0  
1  
1

# Risk Management Seminar



*October 5, 2011*  
*8:00 am – 5:00 pm*

Comfort Inn  
1030 E. Interstate Ave. Bismarck, ND

Please call 701-223-1911 and reference the Risk Management Seminar to reserve your room

## ***SEMINAR HIGHLIGHTS***

- ***Legislation Effecting Risk Management***
  - ***Risk Management Manual Changes***
- ***Contract Management in the Procurement Process***
  - ***Claim Adjudication***
  - ***Out of State Employee Travel***
- ***Preventing Workplace Violence/Security Awareness***
  - ***Employment Liability Updates***
  - ***Medication Safety Plan***

***Presented by: Risk Management Division, Workforce Safety & Insurance, Office of the Attorney General, PROtective Services, Inc., and the Risk Management of Patient Safety Institute***

Register now by contacting Dawn Moen at 701-328-7584 or by email at

[dmmoen@nd.gov](mailto:dmmoen@nd.gov)

Please indicate if special accommodations are needed.  
We will contact you for further information.

# *Pre-Seminar Workshop*

## *Tuesday, October 4th, 2011*

### **Managing Risk in State Contracts**



*A Legal Overview for Agency Legal  
Counsel and Procurement Professionals*

*Presented by: Tag Anderson  
Director, Risk Management*

***Tuesday, October 4, 2011***

***9:00 AM – 12:00 PM***

*Comfort Inn*

*1030 E. Interstate Ave. Bismarck, ND*

*Continuing Education: 2 CLE*

## **Who Should Attend?**

This in-depth session is intended for agency legal counsel and procurement professionals responsible for procuring goods, services and leases on behalf of the State of North Dakota, including tasks such as:

- performing risk assessments and analyses to evaluate the risks involved
- drafting/reviewing indemnification and insurances clauses
- drafting/reviewing procurement documents (e.g. request for proposal)
- reviewing certificates of insurance and endorsements
- drafting/reviewing contracts/agreements

**A very similar session will be held the day of the seminar providing a broad overview of contract management in the procurement process and will be geared for employees with less direct involvement in the legal drafting and review of state contracts.**

*Register now by contacting Dawn Moen at 701-328-7584 or by email at [dmmoen@nd.gov](mailto:dmmoen@nd.gov)  
Please indicate if special accommodations are needed. We will contact you for further information,*

## FYI .....

**Individual State Entity Experience Rate Reports mailed mid June.** Workers compensation experience rating is a projection of future losses using an employer's past claims history. This rate represents an employer's potential to incur losses and is determined by several factors including claim losses and expected losses. Your individual experience rate directly impacts the amount of premium you will be charged. Employers with a good loss history are rewarded with premium discounts. Employers with a poor history are charged premium above the manual rates. Analyzing your state entities work injuries helps you identify areas that need improvement to prevent future losses. To request a loss run report, email [ndwsi@nd.gov](mailto:ndwsi@nd.gov).

WSI will be issuing a premium dividend to North Dakota policyholders. The RMWCP account will receive a premium dividend credit in the amount of 50% of the 2010-11 premium. The credit will be applied towards the 2011-12 policy renewal. The premium dividend credit amount will be returned to state entities based on percent of 2010 net actual premium paid.

There were no direct legislative changes to the Risk Management Workers Compensation Program, although there were a number of changes to workers compensation laws in general. The Risk Management Workers Compensation Program continues to participate in the authorized \$100,000 deductible program and facilitates the cross agency return-to-work program in order to realize State savings in workers compensation premiums. To review changes to workers compensation laws go to: <http://www.workforcesafety.com/library/documents/other/LegislativeGuide.pdf>

## Annual Payroll Reports Due by July 31<sup>st</sup>

Annual Payroll Reports are due by **July 31<sup>st</sup>**. 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](http://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.