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## Acclimatize Your Outdoor Workers

As part of its “Water, Rest, Shade” effort, the Occupational Safety and Health Administration (OSHA) has created important materials on acclimatizing workers. They are designed to reduce the thousands of heat-related illnesses and injuries that occur at workplaces annually. Employers can use these resources to help construct a heat acclimatization program that helps workers with the natural process of adjusting to hot environments. The natural process of full acclimatization generally takes approximately 5 to 7 days.

Employers are encouraged to craft a plan with added emphasis on new workers and those returning to work after being away due to illness or vacation. If conditions suddenly change, as can occur with a heat wave, even



seasoned workers may require acclimatization.

OSHA requires employers to provide workers drinking water and recommends at least a pint an hour for each worker. Frequent breaks in the shade or air-conditioning are also part of the agency’s suggested hot-weather work regimen. While the guidelines are particularly relevant for outdoor workers, it is important to remember that some indoor workers—especially those in close quarters or without indoor temperature controls—need the same heat-related care.

Other OSHA resources available for employers include: checklists, training ideas, how to estimate a safe workload, how to identify and appropriately respond to heat-related emergencies and other helpful information.

## Review State Rules on Exemptions

Workers compensation rules vary by state and are rarely static. Various state workers compensation departments often make changes to provisions that affect your firm’s cost and coverage. For example, keeping up with changes in exemptions may be difficult but essential in avoiding problems with cost and coverage.

Following are a few reasons why a review of your state’s workers compensation department website may be worthwhile:

- Review information concerning the entity status of your business—LLC, corporation, etc. Exemption rules may vary based on entity status. This is especially important

if you have recently formed a new entity.

- Review rules concerning the use of exempt subcontractors. Pay close attention to how your state approaches a situation if their exemption is outdated at the time they are injured.

- Review rules regarding the number of employees that trigger state-mandated coverage by industry. For example, states may require employers to provide coverage if there are at least four employees who meet one of the construction classifications.

- Review information concerning changes in the minimum/maximum payroll requirements for officers who may not be exempt.

## Get Ready for Travel Claims



Workers compensation claims by employees who travel for your business may have recently gotten a broader berth. A study from Columbia University looked at health problems faced by frequent business travelers.

The problems go far beyond work-related injuries or illnesses contracted while on business travel. They include chronic conditions that are common throughout American culture but now could be claimed as work-related health problems.

The list of conditions includes hypertension, musculoskeletal injuries, heart disease, depression, and obesity. The study also says that employees reported “less than good health” in direct proportion to the amount of time they spent on business travel. The causes of health problems from travel include inadequate or irregular sleep, poor diet and lack of exercise.

Consider building a wellness plan for workers who travel. If you are sending your employees on business travel, make sure to go over their personal care needs and embed enough time and money in their travel plans to allow them to eat right, sleep comfortably and exercise. If vaccinations are needed, for example on foreign travel, make sure medical appointments are kept.

## Consider an Internal Audit

It’s estimated that one in five workers compensation policies contain errors made by a clerical or administrative employee of the policyholder. Such an error can cost your business hundreds or thousands of dollars in additional premiums and other costs.

To avoid such an error that could result in penalties due at audit, increase oversight of your end of the application process.

Common problem areas include:

**Payroll Projections** - Is someone on staff paying attention to the projections made in previous policy years and the resulting audit? Is that person paying attention to the projections for the current policy year and communicating changes to the insurance company as needed?

**Payroll Classification** - Is someone on staff researching class codes and confirming them with the insurer during the payroll estimate process? Misclassified payroll is considered the most common error resulting in significant additional cost.

**Uninsured Contractors** - Is someone on staff verifying the insurance carried by subcontractors? If subs do not carry workers compensation, they may be subject to your workers compensation policy.

**Experience Modifier** - Is someone on staff aware of how an experience modifier is calculated? Miscalculations in this important indicator could result in additional premiums as well as the inability to secure bids for certain jobs.

## The Ergonomics Fad That Ended

Ergonomics, the science of preventing worker injury through proper equipment design and employee posture or motion, has fallen off the radar to some extent.

But that doesn’t mean it isn’t still an important consideration in reducing workers compensation claims.

As an employer, you can make common-sense adjustments to your work environment to minimize work-related musculoskeletal disorders. The first step is to understand the primary causes of problems. Those include repetition of a function (such as keyboarding or even texting on a smartphone); poor posture; vibration; temperature (for example, colder environments tend to cause people to become tense and more rigid); force-related trauma; and too much sitting or standing, among others.

Look at your employees’ duties and tasks, their work areas, and their motion. Desks, cabinets, chairs, and work targets (such as patients, drafting tables, screens and keyboards), should be aligned with worker height so chronic positions of poor or unnatural posture are not required. If employees sit for long periods, breaks need to be scheduled and enforced to get them up and walking. For employees who must stand for long periods, breaks that include sitting with legs elevated slightly should be included in the workday.

There are consultants who can be hired to evaluate your workplace and provide expert recommendations on implementing ergonomic improvements in your work areas.



## Workers Comp for Telecommuters

Telecommuting is growing in popularity as an option for employers and employees. Options include a range of one day a week out of the office all the way through full-time telecommuting for certain positions.

The benefit allows companies to hire exceptional employees who don't live locally but who make a daily or otherwise regular contribution to the business's output. Telecommuting can reduce employer overhead by minimizing office space needs, and it can be good for the environment, cutting down significantly on commuter traffic.

Of course, there are also complications that need to be ironed out before your company can pursue telecommuting. Some of those have to do with workflow, time accounting, technical glitches, and secure communications. One thing that must not be overlooked is the workers compensation implications.

You are required to provide workers compensation insurance for your employees, and that includes those who telecommute part-time or full-time. Workers compensation law has not really kept up with the trend in off-site work, so it is important to talk to your



insurance agent about your setup and to have well written employment agreements on the subject.

In a Tennessee case, for example, the state Supreme Court held that, since the employer had not set specific work hours, didn't prohibit the injured worker from taking breaks, and didn't restrict activities during work hours, the employee's injury during a lunch break was compensable. Other courts have

found that, whenever the employer is the beneficiary of the at-home work, injuries occurring while that work is being performed are compensable.

Talk with our professionals about a risk management policy for telecommuting that reduces the likelihood of claims, and turn to us for interface with your workers comp insurer to make sure no telecommuters are excluded from your insurance coverage.

## Paid Sick Leave Lowers Injury Rates

A 2012 study published in *The American Journal of Public Health* found that employers who offer paid sick leave may reduce the incidence of nonfatal injuries among workers. The Centers for Disease Control surveyed about 38,000 employees across the nation and found that the injury rate per 100 workers who had paid sick leave was 2.59%, contrasted to a rate of 4.18% among those without the benefit.

After accounting for variances by industry, gender, education level and

geography, researchers put the odds of a nonfatal injury at 28% lower for workers with paid sick leave benefits. Though they weren't able to establish a causal relationship between paid sick leave and lower injury rates, the correlation is one to consider as you develop your overall worker safety plan.

Paid sick leave can help reduce the phenomenon known as "presenteeism," coming to work sick and in a diminished capacity. When workers feel ill or have decreased mobility or strength, they have a higher likelihood

of getting injured on the job. Those with contagious illnesses are also more likely to spread sickness throughout the workplace.

Keep in mind that injured or ill workers who come to their jobs aren't always the ones who file the claims; they may be the cause of another's injury or illness. It may be worth reviewing your workers compensation claims history to see if you have a substantial correlation between claims and employees coming to work despite illness or injury.

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happy to give the same great  
service to all of your friends  
and business associates

## Flame-Resistant Clothing

If your employees work around open fires or combustibles, they may be required to wear flame-resistant clothing that your company must provide.

It's not only those working near open flames who need protection. Flash fires can occur in a number of industries and can spread very quickly. Without proper protective wear, workers can be in grave danger. If your employees work with gases—containerized, piped, in wells or in construction work—you have heightened risk. This is also true for those working with petroleum, whether that's in distribution, drilling, rigging, or even in gas stations. Welding, brazing and cutting can all fall under the hazard specs.

It is incumbent upon your management to evaluate your employees' risks and establish proper personal protective equipment policies. Those may very well include the use of fire-resistant clothing. The Occupational Safety and Health Administration takes lax enforcement very seriously. Don't get caught with unprotected employees. Train workers and supervisors on the need for, and use of, fire-resistant clothing, and provide that clothing where necessary to ensure safety.