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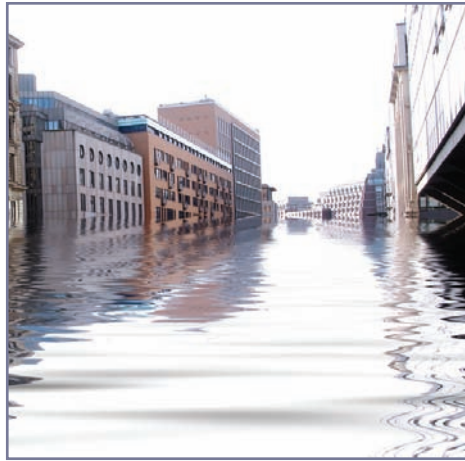


## Disaster Aftermath

Disasters can be widespread headline makers, or they can be localized or even isolated. In all cases, workers may be exposed to significant health and injury hazards in the aftermath.

With uncollected or unseen debris, damaged structures, skin and lung contaminants, and other problems, dangers to worker safety abound. If only part of your worksite has been damaged and you intend to repair your facility while continuing business in the undamaged part, you will need to ensure employees are protected from dangers associated with restoration.

It may be that your workers are inclined to assist with cleanup and restoration at differ-



ent points after a disaster, but remind them that serious damage is serious business and should be undertaken by trained professionals. What may seem like nothing—moving

debris to retrieve personal or business articles, for instance—could result in electric shock, deep wounds or exposure to chemical or biological contaminants.

Disasters can breed water-borne pollutants or disease, spread airborne fibers or contaminants, or weaken structures. Many of the hazards are invisible.

Prevent workers from injury after a disaster by having a post-catastrophe plan in place, and make sure all your employees know and follow the rules.

## Overtime Pay Affects Workers Comp

Overtime pay often throws a wrench into workers compensation calculations. Typically, you can ignore any additional amounts payable for overtime. For example, imagine your employee's normal hourly pay is \$15, and for overtime you pay time and a half—\$22.50 per hour. If you are paying workers compensation based upon the entire \$22.50, you are paying too much.

Let's assume your employee worked a 50-hour week—40 hours at \$15 and 10 hours at \$22.50. The total gross

on the employee's paycheck will read \$825. But for workers compensation purposes, you can ignore the additional \$7.50 an hour for the overtime and calculate the employee's "WC" payroll as 50 hours at \$15 hour, for a total of \$750.

Helping our clients obtain the protection they need without waste is just part of the value we offer. If you would like more information on the risk management services we provide, please give us a call.

## Coverage Ends at the Shoreline



If any of your work, including services or deliveries, takes place upon the navigable waterways of the United States or beyond, you need to make time for a special consultation with your insurance professional.

Workers compensation coverage for employees often is confined to land-based activities. While there are exceptions, nearly all injuries that occur to workers while upon navigable waters fall under the provisions of the United States Longshore and Harbor Workers Act (USL&HW). Since USL&HW is a federal compensation law, state workers compensation policies do not automatically provide the benefits required.

If your employees conduct business activities on the water, contact us. Our workers compensation staff can apprise you of whether your activities will require USL&HW coverage. We can help you make the necessary coverage and rating changes to your current workers compensation programs if needed.

## Dodging WC with Independent Contractors

If you are classifying some of your workers as independent contractors exempt from workers comp coverage, be aware that you could be at risk of an injury liability lawsuit.

One of the key advantages of workers compensation laws for an employer is the limitation on the right of the injured employee to file suit against the employer. In effect, the employer makes a deal: The employee automatically receives benefits if injured on the job, but the employee gives up the right to sue to recover damages for those injuries in court, even if the employer was at fault.

However, if the injured person is an

independent contractor, no workers compensation benefits are received, and thus no limitation is placed on their ability to sue the business for whatever damages the court will award. In effect, when you as an employer elect to use an independent contractor instead of an employee in your workplace, you may be trading immediate and limited savings on insurance premiums for exposure to unknown liability damages in a court of law.

Give us a call for a review of your employment rolls. We can help you with proper classification of all your hired workers.

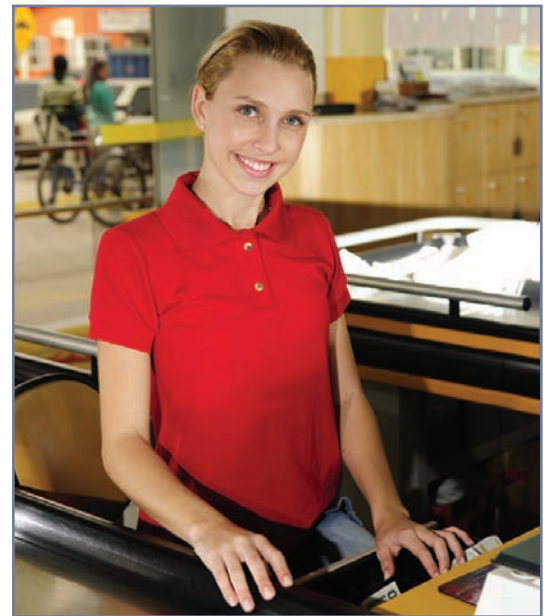
## Teens in the Workplace

If yours is one of the many workplaces that hire teenagers or increase staffing with teens over the holidays, you may want to review your training and safety programs with an eye toward these younger employees.

According to the National Institute for Occupational Safety and Health (NIOSH), about 400 young employees nationwide are injured on the job every day.

To better protect your youngest workers, take into special account their exposure to potential crush injuries; falls; burns; cuts or amputations from machinery; particle, chemical or light damage to eyes; and accidents with vehicles. Late hours and exposure to violence should also be addressed within the scope of safety training.

Keep in mind that teens learn differently from adults and may need more frequent reminders about the use of personal protective gear and other safety equipment. It is your responsibility as an employer to supervise the workplace. Diligently follow OSHA guidelines and remember that a safe worksite benefits all stakeholders.



## On-the-Job Horseplay

Sometimes, in the spirit of camaraderie, employees have a little light-hearted fun on the job. But what happens when a worker gets injured during horseplay at work?

Regardless of the circumstances—whether the playing around was approved or not—if an injury resulting from it occurs on the clock, it may very well be covered under workers compensation.

While laws vary by state, a recent court decision provides some evidence of the general thinking on the matter. Basically, the court stated that, to defeat the claim, the employer had to prove:

- 1.The injury resulted from the violation of a work rule regarding horseplay
- 2.The employee actually knew of the order or rule, and
- 3.The rule dealt with an activity



not connected with the employee's duties.

The court further stated: "Indeed, the claimant must have been involved in an activity at the time

of his injury that was so disconnected with his regular work duties as to be considered, with respect to the employer, nothing more than a 'stranger' or 'trespasser.'"

Do you have definite behavioral guidelines for your employees as to what is and isn't acceptable when on the job? What steps have you taken to be certain all employees are fully aware of those guidelines? And, while you are not opposed to enjoying life and breaking up a

long day with some light-hearted activities, do you make it clear when those activities are allowed on the job and when they are to be taken off site?

## Don't Pay in Secret

It seems logical that, if you turn in too many claims to your workers compensation carrier, at some point they'll decide you are bad news and raise your rates or drop your coverage. Some employers think it's better just to pay the little claims out of their own pocket and not even mention it to their carrier. But hold on before you do any such thing.

In some states, paying claims without reporting them to your carrier is a violation of the law. Even if it is perfectly legal for you to pay minor claims on your own in your

state, it may not be advisable. For example, if a worker steps on a nail and you receive a bill from the local emergency room or walk-in clinic for a bandage and tetanus shot, you can't be certain the claim will end there. Days or weeks later, the worker may find an infection has set in and major complications are arising from what seemed at first a relatively minor injury.

Under some circumstances, your carrier may be able to deny paying the additional expenses due to your failure to report the original injury.

If your state requires reporting the claim within a certain length of time from the date of the original injury, which has now passed, you may face legal consequences from state regulators. Additionally, by paying the claim, you may have waived your protection against being sued by the injured employee.

If you are concerned about your loss numbers, give us a call. We can go over your claims and safety record with you and show you where your problems are and where you might find some alternative savings.

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Thank you for  
your referral.

If you're pleased with us,  
spread the word! We'll be  
happy to give the same great  
service to all of your friends  
and business associates

## Heads-Up Notices

In a world of complicated regulations and myriad rules, sometimes a simple reminder is most effective. By posting one or two “heads-up” notices in critical places, employers can raise awareness of hazards in everyday situations.

Make the communication clear and simple, and use symbols that have an instantly recognizable meaning. For example, the Federal Highway Administration has begun installing flashing yellow arrows at right-turn-on-red intersections to increase awareness that caution is needed before proceeding. Similar alert symbols include the red octagon, the yellow triangle and a hard hat.

Look around your workplace. Are there danger zones where a simple alert or posted sign could give workers enough of a warning to decrease injury? If so, invest in a little on-the-spot reminder and increase your workplace safety.