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Eliminate Distracted Driving

Distracted driving is emerging as a major cause of work-related vehicular accidents, and the related claims are a workers compensation issue for employers. Additionally, employers may be subject to fines by regulatory agencies such as the Occupational Safety and Health Administration.

Distracted driving can be caused by multiple activities, but the one that is getting the most attention is mobile phone use. Although talking on the phone while driving may be necessary in some circumstances, most conversations can be postponed until the driver is off the road. If a driver is lost, he should pull off the road until he has his directions clear.

GPS systems that assist with directions can

be helpful, but they can also make mistakes and lead to driver disorientation or frustration. Instead of having vehicle operators rely on automated systems, plan a

route prior to departure and use the GPS as a backup or support tool.

As the employer, you will probably bear liability for injuries and damages for any accidents caused by your drivers. Develop a safe-driving program that includes pre-planning routes, non-use of mobile phones, and pre-set

methods of dealing with traffic or other travel problems. Ensure that all drivers are trained and have signed a company driving agreement, and refresh drivers' memories of the rules each time out.



Change During the Policy Period

Although audits and renewals happen just once a year, changes to your business that affect your workers compensation policy can occur throughout your policy period. Your policy is set up to handle those events, but we can't make the appropriate changes if we don't know about new happenings at your organization.

To keep your insurance program current, you need to notify us immediately of changes in your business that could affect your workers compensation coverage and premiums. These include, but are not limited to, such factors as new locations (especially if in states other

than your current locations), new products and services, expanded operations, additions or reductions in your number of employees, and/or significant increases or decreases in estimated payrolls.

In some cases, you might move employees from full-time to part-time status or permit them to work from home. You might start using what you think is an independent contractor. In all of those cases, you would do well to check with us to make sure they are covered as required under your state's workers compensation laws.

Nail Gun Safety



Nail guns are widely used on many construction and facility maintenance jobs. While they boost productivity, they also cause tens of thousands of painful injuries each year. In response to a unanimous motion by industry, state and labor stakeholders on OSHA's Advisory Committee for Construction Safety and Health, a new publication provides a wealth of information on preventing these kinds of injuries.

OSHA and NIOSH (National Institute for Occupational Safety and Health) worked together to make sure the guidance reflects the most current information available. The publication highlights what is known about nail gun injuries, including the parts of the body most often injured and the types of severe injuries that have been reported. It also describes the common causes of nail gun injuries and provides six practical steps that users can take to prevent these injuries. The guidance includes actual workplace cases along with a short section on other types of nail gun hazards and sources of additional information.

The hope is that, by these government organizations working together with tool gun manufacturers, safety and health professionals, and others, nail gun safety on the job site can be significantly improved.

For a copy of the publication, visit <http://www.cdc.gov/niosh/docs/2011-202/pdfs/2011-202.pdf> or go to Niosh.gov.

Liability Limits Under Part Two

One of the foundational principals of workers compensation law is the trade-off between complete coverage for on-the-job injuries to employees, without regard to fault, in exchange for employer immunity from lawsuits for that injury, regardless of fault. "Exclusive immunity" is the term for this provision protecting employers who provide benefits in compliance with workers compensation law.

Under ideal conditions, then, Part Two of the standard workers compensation policy—Employers Liability—would be unnecessary. It exists to provide defense costs coverage as well as to establish limits on how much the insurer will pay for judgments or settlements under any lawsuits against the employer that arise from

employee injuries that are allowed under the applicable state law.

And therein lies the problem. Although exclusive immunity is a fairly universal part of every state law, the manner in which the courts interpret it can vary widely. There are also possible exceptions provided by various state laws (such as forbidding lawsuits by the injured employee but allowing lawsuits by affected dependent relatives) that can represent minor or major cracks in your immunity. If you become subject to such a legal action, are your Part Two liability limits sufficient to cover the possible damages?

There is no universal answer to the question, but we can help you assess your risk and show you available coverage options.

Prevent Delayed Reporting, Worse Claims

Many workers delay reporting a workplace injury or attempt to conceal it altogether because they fear they will be replaced while off from work recuperating. Such delays in treatment can exacerbate some problems, even causing permanent physical damage.

While some employees can work around an injury by using technology or alternative work methods and can maintain their productivity, they are not necessarily healing. They may simply be putting off the day of reckoning.

Moreover, delaying needed medical care can lead to an eventual claim for a worse problem that will require a longer recuperation time, more pharmaceuticals, more employer support, and more cost to the company than if the employee had sought help early.

A well publicized return-to-work program can alleviate some of the pressure employees feel over taking time off for an injury. If employees know in advance that under your "return-to-work" program they will have a job even if they are injured, they will be more likely to follow proper reporting and medical protocol.

Research consistently shows that injured employees whose companies offer return-to-work programs recover faster, are more satisfied with their care, return to their full-duty jobs sooner, and are released from medical care earlier than where no return-to-work programs are in place. Provide all employees with appropriate communication and education to be sure they realize the full benefits of your program.



Spotting False Claims

The Coalition Against Insurance Fraud is on a mission to nip potential scams in the bud.

According to the Coalition, here is how the top five fake workers compensation claims are made:

- **Hurt off the job.** Workers get injured off the job but say they're hurt at work so their workers compensation policy covers the medical bills. A person might hurt his neck lifting a heavy box while cleaning the attic or sprain an ankle during a softball game, then pretend the injury happened at the loading dock at work.

- **Inflated injuries.** A worker has a fairly minor job injury—maybe a slight twinge in his lower back—but insists his back is seriously sprained. This lets the worker collect more



workers comp money and stay off the job longer.

- **Fake injuries.** Some workers simply invent injuries. Soft-tissue injuries, such as muscle problems with the back and neck, are popular scams. They're hard to disprove and,

thus, are easier to get away with.

- **Old injury.** Sometimes, a worker with an old injury that has never quite healed will claim he just got hurt on the job.

- **Malingering.** Basically, this is goldbricking. A worker stays at home longer by pretending still to be disabled, even though he has healed enough to return to work.

If you suspect an employee of defrauding the workers compensation system, it is your

duty and to your benefit to report him. The insurer will handle the investigation, and—if the employee is found to have an authentic claim—nothing is held against you for alerting the insurer about your concerns.

Cutting WC Costs: A Case Study

What would happen in your workplace if you announced a goal of reducing workers compensation costs by 50% within three years? At Kennametal, a leading producer of metal, that goal was realized—and surpassed—a year early, without detracting from workers compensation benefits.

Kennametal targeted two areas for generating savings: enhanced loss prevention and improved claims handling, with claims management separated further by “lost time” and “medical only.”

The initial focus of the cost-reduction initiative was to reduce the time

between occurrence of the injury and reporting it to the carrier. This was achieved by building speed into the program all the way through to resolution. This sent a powerful message to the workforce that there was a strong commitment to make sure employees were properly taken care of.

The company began reviewing each claim more seriously. By doing that, it discovered that the majority of injuries had been hand-related and slips and falls. It also reduced fraudulent or questionable claims since employees were aware of the greater vigilance. The company took immediate measures to target its loss leaders:

reviewing the work area for hazards; assuring that proper protective equipment was worn; and enforcing safety policies disciplinary action, up to and including termination.

The company also set up a system of incentives and penalties for its different locations and units, charging for workers comp losses and rewarding for improvements. Even if your company is small, you can take corrective action and develop an incentive program that rewards safety. Explore new risk management and safety ideas, begin your own program to experience savings and build a better work environment.

**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

Is Your Temp Your Employee?

According to studies, the temporary employment segment of the workplace has added more jobs during the economic slowdown than any other. There are now an estimated 10 million temps (also known as "contingent workers") in the workforce.

While temporary employees hired directly by you are clearly provided workers compensation benefits, those you hire from a temp firm could be insured elsewhere. Professional employer organization contracts and similar staffing arrangements must be reviewed to determine just who is the statutory employer for workers compensation purposes. That organization is responsible for providing workers compensation and receives the resulting employer immunities.

Call our workers compensation staff. We'll work with you to untangle these issues and determine what insurance best suits your needs.