



# State of Nevada

Department of Administration

## Risk-y Business Risk Management Division

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### In this issue:

New Coordinator	1
State Reduces Num.	1
Safe Driving Tips	2
Prevent Mold	
Growth	2
Windshield Claims	2
Surety Bond Alert	2
New SAM Manual	3
Court Rejects Claim	3
Exp. Precautions	4
Surviving the Drive	4
Quest. of the Quart	4

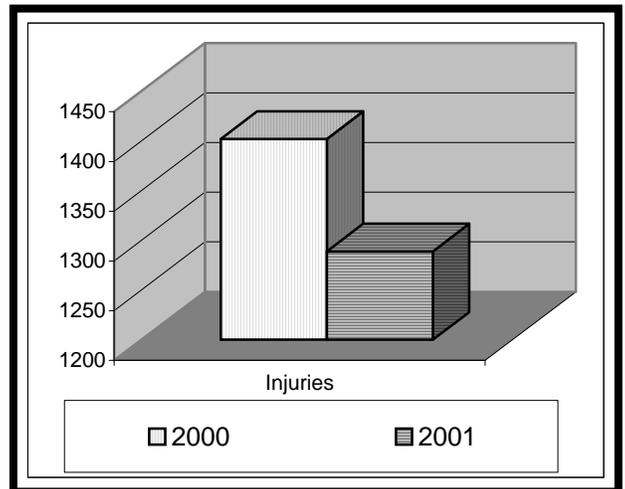
### *New Indoor Air Quality Coordinator*

Risk Management, through our loss prevention contract with Willis Pooling, has obtained a full-time Loss Prevention Representative that will be dedicated to the development, coordination and oversight of the State's Indoor Air Quality Program. The person hired is **Ted Ice**, formerly Environmental Coordinator for the SPWB. Ted has extensive experience in evaluating and responding to indoor air quality issues including mold. Ted will be working with Risk Management, State Public Works Board, agency maintenance and facility personnel, the Buildings and Grounds Division, landlords at our leased sites and other related personnel in responding to requests for investigations and development of plans for improvements. Ted will also be working with the Department of Administration in the development of short term and long term strategies related to prevention of these problems. Ted is available to inspect

proposed lease site for air quality issues prior to completing lease negotiations. **Ted can be reached at 702-596-9752 or through Risk Management at our new IAQ hotline-687-MOLD.**

### STATE REDUCES NUMBER OF ON-THE-JOB INJURIES/ILLNESSES

The State of Nevada recorded an 8.1% decrease during 2001 in workers' compensation claims as compared to the claims recorded during 2000. The number of claims went from 1402 in 2000 to 1289 in 2001. Departments showing decreases in claims include Administration, Business & Industry, Conservation and Natural Resources, Employment, Training & Rehabilitation, Gaming Control Board, Motor Vehicle Division, and Public Safety. **The most significant decrease was within the Department of Conservation and Natural Resources, which went from 268 claims the year before to 166 claims.** Departments showing increases include Human Resources (64), Transportation (3), and Corrections (2). Also showing decreases was the amount of indemnity paid for time lost. This was a decrease of \$177,018 or 31% indicative of a strong early return to work program. Utilizing statistics valued as of Dec 31 of each year showed a decrease of \$1,380,047 in total incurred losses (Actual Paid plus Future Reserves) or an 18% decrease. The State of Nevada has also renewed its Workers' Compensation Insurance policy with



**National Union Fire Insurance Company** for the year 2002. It is important for all agencies to display a current "certificate of insurance" indicating the current policy number and period covered.

## Safety driving tips

Fasten Seat Belts~That's the Law. Make sure your children use child safety seats properly installed in the back seat in accordance with the manufacturer guidelines. Older children who do not use the child safety seats should also ride in the back seat with their seat belts securely fastened.

Directions ~ Only ask for directions from a law enforcement officer. Do not pull to the side of the road to study your map.

No Free Rides ~ Never pick up hitchhikers. Keep windows up when driving.

Out Of Sight, Out Of Mind  
Always lock luggage/valuables in the trunk.

Avoid Short Cuts ~ Stick to Main streets and well-lit highways.



Park In Well- Lit Areas ~ Bright light! Make the extra effort to park in illuminated lots. When returning to your parked car keep your keys in your hand and check the back seat before opening the door. As soon as you get in the car, lock your doors. It can't hurt to play it safe.

As the State is now in its wet season, it is a good time to be diligent to observe for signs of water intrusion. The Revised SAM requires agencies to give water leaks and flood events immediate attention to prevent fungal growth.

## NEW VENDORS FOR



## WINDSHIELD CLAIMS

The State of Nevada has awarded contracts to 7 vendors for windshield replacement service for state vehicles. Agencies using the services of these vendors will no longer be required by Risk Management to secure three repair estimates prior to getting the work done. However, those agencies that cannot, for whatever reason, access the services of these vendors, will still be required to obtain competitive bids for windshield replacements. Agencies who do not insure their vehicles for physical damage through Risk Management may also take advantage of the state contract by getting windshields replaced by these vendors. However, these agencies will be responsible to pay the vendor directly. In order to take advantage of the convenience and cost savings afforded under these contracts, simply contact the vendor nearest you to make an appointment for the windshield replacement. Please mention the state contract, so that you will be billed the correct amount. Visit our website at [www.risk.state.nv.us](http://www.risk.state.nv.us) to view the new vendors.

## Surety Bond Alert

Agencies accepting surety bonds related to independent contracts should be aware that many surety bonding companies have been experiencing significant losses as a result of the weakened economy. The events of September 11 weakened the industry and the collapse of Enron had significant impact to this industry, as almost every major surety had exposure to Enron. Of the \$2.5 billion in Enron's bonded liability outstanding, over \$1 billion of the money was in forfeiture-type financial guarantees. This may produce the largest surety loss in the industry's history. All of the above means sureties bonds, particularly, performance and payment bonds, will be costly and more difficult to obtain.

Furthermore, over the past 18 months several surety companies have gone out

of business, such as Reliance and Frontier who underwrote approx. 25% of of all the surety bonds issued in the state of Nevada according to the Surety Association of America. The AM Best Ratings for many insurers, who issue bonds, have been reduced.

### What does this mean for agencies who have contracts requiring performance and payment surety bonds?.

Increase your vigilance in reviewing the quality of surety bonds you accept on behalf of the State and bonds already in place on major contracts. Review the AM Best Rating of the insurance company with whom the bond is issued. You can access the AM Best website link through our website at

[www.risk.state.nv.us/Contract](http://www.risk.state.nv.us/Contract) or view directly at [www.ambest.com](http://www.ambest.com). If a company's rating has dropped below A-VII, please contact our office at 684-7058 for further review. Check the expiration dates on bonds already accepted under current contracts and obtain updated information or new bonds from your contractors, if indicated.

**If you accept bonds from weakened surety companies, unable to stand behind their financial obligations, the taxpayers of the state become the surety. We do not want to have this happen. If you do not have access to the internet or have any questions about any surety company, please contact Risk Management at 775/684-7058.**



The State Administrative Manual was approved January 15, 2002 It can be viewed in its entirety at: <http://www.budget.state.nv.us> Section 0500 applies to Workmens' Comp Insurance and Risk Management. A summary of the revisions to this section is as follows:

Section	Title	Summary Of Revision
0504.0	Insurance and Self Insurance	Makes changes to deductibles and reporting requirements for property and automobile physical damage claims and other miscellaneous technical clarifications. Adds a section related to requests for insurance certifications
0516.0	Requests for Proposal and Contracts	Adds language related to a sole proprietor's exemption from providing proof of workers' compensation coverage for contracts with the State subsequent to the 2001 Legislative changes.
0520.0	Property Conservation and Loss Prevention	Adds a section related to agency responsibility to respond to water intrusion events within 48 hours. Agencies must follow guidelines established by Risk Management for the investigation and remediation of fungal contamination. Provides additional requirements for HVAC cleaning and inspection.
0521.0	Safety and Health Program	Requires agencies to notify Risk Management in writing of any changes in the assignment of Safety Coordinators. Adds a new section related to agency responsibility to establish/implement indoor air quality policies and programs consistent with the guidelines established by the Risk Manager. An agencies' Written Safety Program must have a statement regarding Indoor Air Quality. Establishes that all investigations related to indoor air quality must be coordinated through Risk Management.
0524.0	Workers' Comp.	Adds sections under the Early Return to Work Program that clarifies time frames for modified duty assignments and establishes an agency deductibles on lost time claims exceeding 30 days. Adds a section pertaining to contagious disease consistent with the 2001 legislative changes, as well as, clarifies agency responsibility under OSHA's Bloodborne Pathogen Standard. Adds sections under Employee Medical Examinations/Services that establish agency responsibility to develop certain procedures, such as, guidelines for personnel deemed to be unfit for duty. Establishes State standards for hearing test requirements. Provides various other technical clarifications

### U.S. Supreme Court Rejects ADA Suit For Employee With Carpal Tunnel Syndrome

In recent action the U.S. Supreme Court revisited the standards for determining who may be covered under the Americans with Disability Act (ADA). Among other things, the law requires employers to offer reasonable accommodations to those who qualify as having a disability. Only a person who is disabled within the meaning of the ADA is entitled to those accommodations. The ambiguous definition of disability under the Act is: "a physical or mental impairment that substantially limits on or more major life activities." Courts have wrestled with questions such as, what is an impairment, what is a substantial limitation and what is a major life activity.

In this case Toyota Motor Manufacturing, Kentucky, Inc. vs Williams, U.S. Supreme Court, no.001089 -Jan 8, 2002 the litigant (Williams) applied that her

limited ability to perform tasks at work and she was subsequently fired. Toyota maintained she was fired for her poor attendance record. Williams subsequently sued alleging she was terminated in violation of the ADA. The District Court found in favor of Toyota. This was reversed at the appeal level. The Supreme Court found that indeed Williams' limitations affected her performing manual tasks at her job. But that did not answer the question as to whether the employee was able to perform the variety of tasks central to most people's daily lives.

The Court said Williams did not show this was the case. She admittedly said that she was still able to brush her teeth wash her face, bathe, tend to her garden, fix meals, do laundry and pick up around the house. There were activities that she could no longer perform, however, the Court found them not severe enough in activities of central importance to most people's daily lives to establish a manual-task disability as a matter of law.



## UNIVERSAL PRECAUTIONS STILL FIRST LINE OF DEFENSE IN BLOODBORNE PATHOGEN EXPOSURES

Universal precautions simply means treating all bodily fluids and material as if they were indeed infected.

The Bloodborne Pathogens Standard stresses hand washing and requires employers to provide washing facilities and ensure they are used following an exposure to blood or bodily fluids. Employers must also require their employees to use appropriate personal protective equipment such as gloves, masks, mouthpieces, gowns and resuscitation bags. These items should be provided at no cost and be cleaned, repaired and replaced when necessary.

If contact does occur with a wound or contaminated skin, the area must be washed immediately with soap/water. Splashes to the eyes, mouth, or nose should be rinsed with water or a saline for 10 ~15 minutes. The exposure should be reported promptly so the risk can be assessed; management options discussed and treatment as soon as possible. With HIV there is a 1~2 hour window of opportunity to start prophylactic (preventative) treatment.

**Treat All Bodily Fluids And Materials As If They Are Infected.**

**Avoid Exposure.**

**Wash For At Least 25 Seconds.**

**Notify Your Supervisor.**

**Seek Medical Care Immediately.**



## Surviving The Drive

**Skidding:** Act quickly by taking your foot off the accelerator. Keep your foot off the brake and steer in the direction the rear of the vehicle is skidding. Use a light touch.

**Stay in line** when traveling to or from a snow zone. Don't blaze your own trail, especially going downhill.

**Braking:** For front-and-rear wheel-drive vehicles with disc or drum brakes, the National Safety Council recommends squeezing the brakes with a slow, steady pressure until just before they

lock. When you feel them start to lock, ease off until your wheels are rolling; then squeeze again. Brake SMOOTHLY!

**Stay clear of plows and sanders:** Slow down. Plows and sanders will pull over periodically to let traffic pass. It's risky to pass on the left of a snow plow because of blowing snow. Never pass on the right. Flying rock can damage your car if you pass a sander. The best advice is to stay three car lengths behind plows and sanders.

**Dirty headlights** can cut visibility by 50 percent or more. Keep all lenses free of dirt. Don't forget the directional lights, taillights and rotating lights



## Workers' Comp Question of the Quarter:



### *Can I Question An Injury Or Accident?*

**Question:** I am their supervisor and I know that this injury did not occur at work. Do I still need to fill out a C-3?

**Answer:** Yes, an employer must fill out the C-3 within six working days of receipt of the C-4, no exceptions. It is not a supervisor's (employer) to accept or deny a claim. By not completing a C-3 when you receive a C-4, that is exactly what you are doing. Acceptance or denial of a claim is the responsibility of the insurer/third party administrator. It doesn't matter what the circumstances of the injury were (e.g., after normal working hours, injured off-premises, etc), it is still the supervisor's responsibility to complete the C-3 (NRS § 616C.045). It is also the supervisors (employers) responsibility to have C-1's on hand (NRS § 616C.015), to have a copy of the preferred providers (NRS § 616B.527), provide first aid and transportation of the injured employee to the nearest place of treatment (NRS § 616C.085) and filing out a "leave option form"(NRS § 281.390).

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