



# State of Nevada

Department of Administration

## Risk-y Business Risk Management Division

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## 2005 Legislative Wrap-Up

Well the 2005 Session of the legislature is over and we have 8 workers' compensation that bills were approved:

**AB 58** – Directs the Division of Industrial Relations to produce an annual report involving complaints and investigations and their disposition. **Allows an injured worker to be given temporary total disability for every hour of work missed if they are required to travel more than 50 miles from their employment for an appointment.** Directs the Hearings and Appeals Division to create an annual report concerning disposition of cases heard before them. This bill becomes effective Jan 1, 2006.

**AB 186** – Provides for a disbursement of \$500,000 from the Uninsured Employers' Claim Account to injured workers, injured before Jan 1, 2004 whom are receiving Permanent Total Disability not to exceed \$1,200 per claimant. This is in lieu of the annual cost-of-living-allowance provided to injured workers who were injured on Jan 1, 2004 or after.

**AB 254** – Increases the fine amount that DIR may assess employers, insurers and third party administrators by 50%.

**AB 364** – Provides that insurers and third party administrators give an injured worker on permanent total disability an annual accounting statement regarding their compensation. Allows a claim to be reopened if it was closed prior to a permanent partial disability award that the injured worker should have been awarded. Allows an injured worker to choose a different vocational rehabilitation counselor if the counselor is affiliated with the entity administering the injured worker's case.

**SB 66** – An injured worker, who resides in this state or within 50 miles of its border, may use an out of state vocational rehabilitation counselor provided the counselor is within 50 miles of the injured worker's residence.

**SB 121** (same as SB 226) – This bill provides that the entity administering the workers' compensation claim is required to reimburse the injured employee directly, or reimburse the health/casualty insurer that paid for the treatment or other services on behalf of the injured worker, for costs incurred between the period of time that the claim was filed and the claim was accepted. This bill also allows the injured worker or other insurer to recover from the health care provider any amount that it paid in excess over the DIR established rates for workers' compensation.

**SB 203** – Provides language to NRS 617.135 to provide heart/lung benefits to game wardens. Clarifies that post termination testing for contagious diseases must be provided **regardless of whether or not there was a prior exposure history** on police officers and firefighters. (This overrides the current AG opinion that only employees who reported an exposure needed to be provided this screening). Provides conclusive presumption for hepatitis C for "State" police officers, provided they submit to baseline/initial screening between the time frame of Oct 1, 2005 and Sep 30, 2006.

**SB 225** – Provides additional duties/qualifications for vocational rehabilitation counselors

An additional bill of interest is AB 528, which changes the language of NRS 199.300, which defines the crime of intimidating or threatening public officers and employees. Additions include: If the threat or intimidation communicates the intent, either immediately or in the future bodily injury to any person, physical damage to property of any person, to subject any person other than the person addressing the threat or intimidation to physical confinement or restraint or to do any other act which is not otherwise authorized by law in respect to health, safety, business, financial condition or personal relationships. 1<sup>st</sup> offense is a Class C felony and 2<sup>nd</sup> or subsequent offense is a Class B Felony.

## Protect Yourself From Insects & Rodents



With warmer weather coming, also come the insects and rodents and if there is a food source, they will gladly relocate. As a good safety measure it is wise to visually inspect under roof eaves, inside and behind sheds first before trying to clean out and retrieve storage etc. Be aware of hornet nests, large spider webs and any mice

droppings. Please be aware, especially in **rural** areas when sweeping or cleaning storage room floors or sheds for DEER MICE droppings. It is recommended to spray down floors and shelves with a 10% bleach and water solution to wet down the excessive dust and dirt. **Don't** sweep, use a mop instead and wear rubber gloves. Don't breath or touch any mice droppings as there

is the potential to expose your self to "Hantavirus", a serious respiratory virus which can be fatal without immediate medical attention. If in doubt, leave the heavy cleaning to the professionals or contact the CDC (Center for disease Control) for more detailed information. Awareness is the key to staying safe and healthy, so go out and have a great summer!!!!

## Documenting Your Personal Possessions

An up-to-date home inventory is one of the best ways to make the most of your insurance dollars. A home inventory is basically a list of all of your personal possessions and their estimated value.

Consumers can, of course, simply note all of their belongings in a notebook and keep a file of major receipts. But using technology such as the computer and/or digital camera or video recorder simplifies the process. Consumers can take digital photographs and store them with this software. Using a digital video camera can be quite effective, since individuals can also narrate what they are filming.

When making a record of possessions, it is important to note expensive items such as jewelry, furs and collectibles since they may require additional insurance. But, it is also important to make note of more commonplace items such as toys, CDs, clothing and even towels and linens since the cost of replacing these items can really add up if one suffers a major disaster.

As for storing one's electronic home inventory, individuals can burn a CD or print out a room-by-room document to be stored in a safety deposit box or other secure location. It can also be e-mailed to a friend or family member so that an electronic version will live in cyberspace. If there is a disaster, one can always remotely access their e-mail

For more information please visit [www.homeinventory.com](http://www.homeinventory.com).

## Ergonomic Standards Refer to SAM, Section 0521 for State Policy

Division heads shall identify and request adequate funds to obtain the appropriate equipment and tools necessary for employees to safely perform their job duties. Standard ergonomic equipment should be provided to employees who perform sedentary and repetitive motion duties for greater than 50% of their average workday. This equipment generally includes an adjustable workstation, adjustable chair, articulating keyboard headset, wrist rests, footrest, copyholder and glare screen. Employees who are not within the normal height and weight range or have disabilities may need special equipment. Consideration should be given to the use of voice activated software systems, when appropriate, for positions that require extensive data entry. Automated equipment including, but not limited to, electric staplers and automatic date stamps should be provided whenever possible to prevent repetitive motion injuries. Agencies should utilize vendors that take appropriated measurements in recommending equipment/furniture, provide employee/supervisor training, and utilize credentialed/ certified personnel in this assessment/ training. In the event that an unanticipated need arises, an agency can request financial assistance from the Risk Management Division to prevent immediate injury to an employee.

Questions concerning Ergonomic Evaluations call Nancy Martin 775-687-3188.

## EMPLOYEE PERSONAL PROPERTY LOSS

If a State employee incurs loss of personal property due to an accident and or theft, the loss will only be reimbursed by the Risk Management Division if the provisions of NRS 284.155 and 284.175 have been met. Otherwise, State employees' personal property kept or maintained on State property will be considered to be "at their own risk" and to be covered by their own personal insurance.

COMING IN AUGUST.....

A training program from FM Global, hosted by Risk Management and Buildings and Grounds

### "Leadership in Loss Prevention"

Who Should Attend: Facility Managers/Personnel, Fiscal Representatives, Loss Control Coordinators

When: August 10, 2005

Where: Nevada Net Statewide Sites

Topic: A review of loss prevention issues related to the preservation of property and prevention of fires and components of formal FM Global loss prevention surveys; preparing for an inspection, conducting self-inspections and planning and budgeting issues related to property preservation.

More info to follow.....

If you drive with a cell phone, avoid unnecessary calls and always make the driving task your top priority. Here are a few basic safety tips:

#### **Keep Your Hands on the Wheel.**

Buckle your seat belt and place all ten fingers on the steering wheel. Wrap them firmly around it, positioned at "10 and 2 o'clock" and keep them there while you drive.

#### **Keep Your Eyes on the Road.**

If you must use your phone while driving, learn how to operate your phone without looking at it. Memorize the location of all the controls, so you can press the buttons you need without ever taking your eyes off the road.

#### **Use a Hands-Free Model.**

A hands-free unit lets you keep both hands on the wheel while you talk on the phone. Attach the microphone to the visor just above your line of vision, so you can keep your eyes on the road.



#### **Use Speed Dialing.**

Program frequently called numbers and your local emergency number into the speed dial feature of your phone for easy, one-touch dialing. When available, use auto answer or voice-activated dialing.

#### **Never Dial While Driving.**

If you must dial manually, do so only when stopped. Pull off the road, or

better yet have a passenger dial for you.

#### **Take a Message.**

Let your voice mail pick up your calls in tricky driving situations. It's easy to retrieve your messages later on.

#### **Know When to Stop Talking.**

Keep conversations brief so you can concentrate on your driving. If a long discussion is required, if the topic is stressful or emotional, or if driving becomes hazardous, end your call and continue when you're not in traffic.

#### **Don't Take Notes While Driving.**

If you need to take something down, use a tape recorder or pull off the road. If you have an electronic scratch pad on your phone, use it to record numbers while you are talking.

# ITS SHOWTIME

Risk Management has a great **VIDEO LIBRARY!** So all you Safety Coordinators out there call and reserve a safety video for your next Safety Committee Meeting. We have videos including but not limited to: "Office Safety" to "Workplace Violence" to "Defensive Driving" to "Blood Borne Pathogens". The Library list is also on our website @ [www.risk.state.nv.us](http://www.risk.state.nv.us). Call and reserve today. For more information please contact Joan Tiearney at (775) 687-3190.

## SMOKING DAMAGES NEARLY EVERY ORGAN IN THE HUMAN BODY

(Surgeon General's Report 2004)

The major findings of the Surgeon General's report are:

1. Smoking harms nearly every organ in your body, causing many diseases and reducing your health in general.
2. Quitting smoking has immediate as well as long-term benefits, reducing risks for diseases caused by smoking and improving your health in general.
3. Smoking cigarettes with lower tar and nicotine provides no clear benefit to health.
4. The list of diseases caused by smoking has been expanded to include abdominal aortic aneurysm, acute myeloid leukemia, cataracts, cervical cancer, kidney cancer, pancreatic cancer, pneumonia, periodontitis, and stomach cancer.

## TRUE OR FALSE???

Sad but true, most people think a Fire Drill is a waste of time and energy. You hear things like "Oh it's only a drill, I don't have to go" or "I'm too busy, you go and let me know how it goes" or "why do we have to do these drills all the time?" Fire and smoke are serious business; thousands of people are seriously burned or die every year. If drills were taken seriously, and a plan was in place, people would not be left behind or trapped in burning buildings. Practice your drills and there will be less panic and chaos and remember there is no such thing as a "False Alarm". It's not only the Governor's wish that all State employees be protected but also a Law that all State employees participate in Fire Drills. **IT IS VERY IMPORTANT THAT MANAGEMENT, PARTICULARLY ADMINISTRATORS, SET A GOOD EXAMPLE BY PROMPTLY**



**COOPERATING WITH ALL ALARMS AND DRILLS.** If your agency needs assistance in coordinating a drill or would like Risk Management to be a part of a drill, please call 687-3190.

## Workers' Comp Question of the Quarter:



### Why is the Leave Choice Option Form and Communication so important?

Recently, I read an article that Nevada's Attorney General's Office had charged a woman with workers' compensation fraud because she was drawing temporary total disability (TTD) benefits while working.....at the place where she was injured. Certainly, the woman had certified that she was unable to work which is the crime in this case. However, I have to wonder about the employer and the insurance company. Where was the communication? State employees are allowed to keep drawing their normal salary, in leau of, drawing TTD. According to Nevada Revised Statue 281.390, an employee who is eligible at the same time for benefits for TTD and sick leave may, by giving notice to their employer (via the Leave Choice Option Form), receive their normal salary. The employer is then supposed to notify the insurer of that election. The insurer then either sends the TTD check to the employee (if they opted for a leave without pay status) or to the agency payroll clerk (if the employee opted for accrued leave usage) so that the leave used can be bought back at a reduced rate. When accrued leave is exhausted or when the employee returns to work, the employer must notify the insurer, so proper procedures are followed. If an employee declines to make an option on the leave choice option form (or can not), accrued leave is utilized. NRS 281.309, sub 3 clearly states that an injured worker may not earn more than their normal salary. Had the above employer and insurance company had similar rules and procedures in place, maybe the crime wouldn't have taken place or the old adage "We make rules to keep honest people honest".



Be sure and check out our award winning website at: [www.risk.state.nv.us](http://www.risk.state.nv.us)

