
❖ The Safety Net ❖

Protecting Your Human and Financial Resources

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SDML Workers' Compensation Fund Approves Loss Control Credit

The SDML Workers' Compensation Fund made an announcement at their annual meeting held October 9, 2002, that they are introducing a new loss control credit for the members that are in compliance with the loss control recommendations made in their last survey, that the recommendations are being taken seriously and the member is working towards long term goals, as well as taking advantage of the free training offered. Members will be reviewed individually prior to applying the credit to their renewal.

The credit will be 9%! This credit will be in addition to the 20% Renewal credit and 10% equity credit

already allowed on the coverage.

Additional business covered at the Annual meeting was a rate action. Rates have not changed for the Fund in 4 years. It was determined that with medical inflation being the primary cause, that rates had to cover the loss cost; therefore rates will be increased an average of 9%. However, with the new loss control credit, contributions should stay pretty much status quo. The SDML Workers' Compensation Fund's pricing remains very competitive in the marketplace, and their financial condition is outstanding.


If you have any questions, please call Karen Ripperda, Insurance Benefits, Inc. 800-456-0737.

Feds Propose Major Changes for CDL Holders

On September 30, 2002, the Federal Motor Carrier Safety Administration put into effect a revision to the current regulations regarding the Disqualification of Commercial Drivers. The Federal Motor Carrier Safety Administration originally required the disqualification of drivers only for offenses committed while operating a Commercial Motor Vehicle (CMV). The new revision does not include offenses while operating recreational vehicles designed for off-road use.

The revisions include: imposing a disqualification on CDL drivers who have been convicted of traffic offenses while operating a non-CMV which results in their license being canceled, revoked or suspended; or of committing drug or alcohol related offenses while driving a non-CMV. The disqualifying offense for speeding in a CMV or non-CMV is excessive speeding, i.e., 15 miles per hour or more over the posted speed limit.

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**PLEASE
SHARE
WITH ALL
DEPTS. IN
YOUR
ENTITY!!!**

Mine Safety & Health Administration (MSHA) Part 46 Training

Changes in the Mine Act – Affecting Cities and Counties

One of the most recent changes of the Federal Mine Safety and Health Act regards the training and re-training of workers. Starting in FY 2001 all mines must complete employee training required under the Mine Act. MSHA (Mine Safety and Health Administration) standards apply to all mining operations, including those operated by state, local and tribal governments. Risk Services of South Dakota has been in contact with the Rapid City MSHA Field Office and the MSHA District Office in Denver, CO, and both are in agreement that if you operate a mining operation, or have employees working at gravel pits you are required to comply with these requirements.

Failure to comply may result in citations and fines of up to \$10,000 per occurrence for your entity. Individuals who falsely certify employees as having the required training can also receive civil and criminal penalties of up to \$10,000, 5 years in federal prison or both.



Risk Services of South Dakota
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8 Hour Refresher Training

Location	Date
Bison - Social Room - Grand Electric – Main St. off Hwy. 20	December 16, 2002
Timber Lake Community Activity Center – Main St.	December 17, 2002
Pierre – AGC Building – 300 E. Capitol	December 18, 2002
Kennebec – Lyman Co. Hwy. Shop	December 19, 2002
Aberdeen – Brown Co. Community Center	January 7, 8 or 9, 2003
Sioux Falls - W.H. Lyons Fair Grounds Office	January 13, 2003
Watertown - Extension Bldg.	January 14 or 15, 2003
Mitchell – Council Chambers – City Hall	January 16, 2003
Burke – Civic Center Community Room Across from Post Office on Main St.	January 27, 2003
Vermillion – Fire & EMS Bldg. (Corner of Duke & Dakota -1 blk. south of Dakota Dome)	January 29, 2003 *
Huron – Extension Bldg (3 rd & Lincoln SW (State Fair Grounds)	February 12 or 13, 2003
Sturgis – Community Center	February 17, 2003*
Belle Fourche – Recreation Center	February 18, 2003***
Custer - Custer Co. Annex / Pine Room	February 19, 2003
Rapid City – Pennington Co. Hwy Office	February 20 or 21, 2003 **
Brookings – Multi-Plex Center – Room C	February 25 or 26, 2003

8:00 AM – 5:00 PM ALL Locations

except

*Vermillion & Sturgis which are 7:30 AM – 4:00 PM &

**Rapid City which is 7:00 AM – 3:30 PM &

*** Belle Fourche is 7:30 AM – 3:30 PM

Lunch is on your own.

MSHA PART 46 Training

The Training Plan

The Training Plan is a written document outlining all aspects of training for newly hired employees, Annual Refresher training of employees, courses of instructions, trainer(s) that will be used, length and location of training. This documentation must either be approved by MSHA, or have sufficient content that MSHA approval is implied.

New Hire Training

Ninety calendar days after a miner begins work at a mine.

An experienced miner is described as follows:

- 1) they were employed on April 14, 1999,
- 2) they began employment after April 14, 1999, but before October 2, 2000, and have at least 12 months cumulative similar experience
- 3) any employee hired after October 2, 2000 who has had approved MSHA training and 12 months cumulative similar experience.

Task Training

All employees must receive training on the tasks they are required to complete prior to starting the task. If an employee has similar work experience, this training is not required. Example: if an employee is required to load a gravel truck with a front-end loader, and the employee has experience loading snow, tree branches or other material, the employee does not need task training under this rule.

Annual Refresher Training

Each employee who works at a mine must receive 8 hours of annual refresher training as outlined in the training plan. This training must be completed no later than 12 months after the previous Annual Refresher training was completed.

COST OF MSHA TRAINING:

SDPAA (Liability Pool) and SDML WC Fund (Work Comp Pool)

Pool Members: NO CHARGE

Non Pool Members:

Training Plan:	\$150
New Hire 4 Hour Outline:	\$150
8 Hour Refresher	\$ 50
Per Person	

REGISTRATION:

Entity:

Contact Person:

Phone Number:

Need Training Plan:

[] Yes [] No

8 Hour Refresher Course

Location & Date Attending:

Attending _____

Winter Is A Good Time to Plan Safety Training

Now is a good time to outline the safety and loss control training that you want to provide your employees for 2003. Hopefully, the weather will cooperate and the next few months will allow you time to conduct some expanded training sessions. RSSD can help in the following ways. You can order safety videos on-line by visiting the SDPAA website at www.sdpaa.org. There are over 10,000 different titles available. If you do not have access to the website you can contact Janet at RSSD and order them through her. You can also order web-based training courses from the website on a wide variety of safety topics. Again, these are listed on the SDPAA website. If you need further information about web courses, contact Janet at (800) 456-0373.

RSSD can also provide on-site training for your employees. We recommend that your employees complete a defensive driving course every 2 years. RSSD offers the National Safety Council's 4-hour class. Two other classes that have been very popular this year include Preventing Sexual Harassment and Non-Violent Crisis Intervention. We also can provide training on many other safety and loss control topics. Let us know what your needs are and we may be able to help you coordinate a regional class that can be hosted by your entity. There is no charge for these training sessions.

Remember most accidents are caused by unsafe acts committed by employees. Providing training and refresher training for your employees is an excellent way for you to protect your most valuable resource, *your employees*.



2002 Safety and Loss Control Recognition Awards Program

Risk Services of South Dakota, on behalf of the South Dakota Public Assurance Alliance and the SDML Workers' Compensation Fund sponsored the "Safety and Loss Control" recognition awards program for 2002.

The purpose of these awards is to promote loss control and safety awareness and to honor the many members who work very hard in these areas. We feel it is important to let the citizens know of your efforts. Loss control and safety programs save money by protecting your employees and reducing your exposure to civil liability. Today, taxpayers expect local governments to be more productive yet spend less money. Your loss control and safety programs are doing just that for your taxpayers.

There were three different achievement levels again this year. Members were encouraged to strive to achieve the Gold Level. However, a good starting place is the Bronze Level. Members can apply for the level for which they feel they have met all of the criteria. Please keep in mind that you are only competing against yourself and not other pool members. Each entity that meets the qualifications for a level will receive an award.

This year the awards were presented on October 9, 2002 at the Safety Award Luncheon in Aberdeen, SD. Congratulations to the 14 Bronze Level, 2 Silver Level and 18 Gold Level winners for 2002. They are as follows:

BRONZE LEVEL

Belle Fourche Irrigation District
Clark County Highway Dept.
Codington County Highway Dept.
Edmunds County
Hand County Courthouse
Hand County Highway Dept.
Hughes County
McCook County Courthouse

Minnehaha County Employees
Stanley County Employees
Stanley County Sheriff's Office
Town of Tulare
City of Wall
City of Webster

SILVER LEVEL

McCook County Highway Dept.
City of Brandon

GOLD LEVEL

City of Aberdeen
City of Brookings
Brookings County Highway Dept.
Brown County
City of Deadwood
City of Lead
Lead-Deadwood Sanitary District
Minnehaha County Highway Dept
City of Mitchell
Pennington Co. Bldgs. & Grounds
Pennington Co. Highway Dept.
Pennington Co. Sheriff's Office
City of Pierre
City of Sioux Falls
City of Spearfish
Spearfish Ambulance Service
City of Watertown
Watertown Municipal Utilities

The criteria will be sent out in January to all pool members for the 2003 awards.

Upcoming Events

MSHA Classes - see Page 3 for dates and locations.

January 21 & 22, 2003
Defensive Driving Class - Codington County, Watertown, SD

November 19 & 20, 2003
Safety & Loss Control Training Conference - Mitchell, SD

4th Annual Safety & Loss Control Training Conference

The 4th Annual Safety and Loss Control Training Conference was held November 13 & 14, 2002 at the Ramkota Inn Convention Center in Pierre, SD.

The title for this year's conference was Safety - First ... Last ... ALWAYS and the speakers conveyed that message to the 104 registrants.

Gary Higbee opened the conference with "Why Safety is Never #1" (Even when they tell you it is). Then Keith L'Esperance addressed "The Employment Relationship: Staggering Exposures to Loss" and Regan Smith finished the day with "Emergency Action Planning".

Gary Higbee started us off again the next morning with "The Smart Worker". Followed by the two breakout sessions: "Guaranteeing the Success of Safety Committees - also presented by Gary Higbee and "Computer Safety" presented by Dana Hagen. Mutch Usera closed the conference with "Teaming for Effective Performance".

Kathy Shroyer from Avera/Queen of Peace spoke on "Pre-Employment / Post-Offer Physicals" and "Job Descriptions".in a special session offered after the formal conference concluded.

There were many door prizes presented throughout the conference and the grand prize winners were John Hillmer from Stanley County Highway Department who won the large Terry Redlin Print donated by Risk Services and Joan Nelson, Human Resource Assistant, who won the Palm Pilot donated by Insurance Benefits.

The 2003 Safety & Loss Control Training Conference will be held at the Holiday Inn in Mitchell, SD on November 19 & 20, 2003 so mark your calendars and plan to attend.

Retaliation: It Doesn't Belong in the Workplace

We are all human and we interact with each other in ways in which no others in the animal kingdom are capable. Humans have the ability to reason. We are social beings who interact together at work or play. And inherent in that interaction is conflict. When one wrongs another, the injured party may hold a grudge and/or attempt in some manner to "get even". That's called retaliation.

As a result of frequently disseminated information and ongoing training, many SDML member entities have enacted sexual harassment/ workplace violence/ harassment prevention policies. New employees are trained and veteran employees are retrained in what is acceptable behavior and the consequences of policy violation. However, an often overlooked issue is retaliation in the workplace.

"You can, and in fact, must take steps to ensure the safety of your entity's employees and the public that it serves."

How can retaliation be stopped? The first step is to make certain any harassment policy contains a "zero tolerance" section that addresses retaliation and the consequences for those acts. The second step is to train and retrain all employees. The third step is to promptly investigate all complaints of

Ideally, an effective policy and the resultant training will address what actions will be taken when retaliation does occur. A thorough policy should contain a section on retaliation prevention such as:

Retaliation: *No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:*

- a) *filing or responding to bona fide complaint of discrimination or harassment;*
- b) *appearing as a witness in the investigation of a complaint; or*
- c) *servicing as an investigator.*

Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to severance sanctions up to and including termination.
(Source: Society for Human Resources Management)

Defining and identifying acts of retaliation can be elusive because these acts can often be very subtle. Retaliation occurs when an employer illegally strikes back at or seeks revenge on an employee or applicant who has complained of discrimination or some other allegedly unlawful act by the employer. It also involves employee/employee retaliation and might be something as covert as employees shunning a complainant and not including him/her in workplace activities to such blatant acts as damaging an employee's personal property or vehicle. Being on the giving end of retaliation takes valuable time and energy that could be put to much more productive use. Being on the receiving end doesn't feel very good.

retaliation and take firm and definitive action when a legitimate incident happens and the investigation determines that retaliation did, in fact, occur. Anything less than appropriate action sends a clear signal to all employees that the policy has no bite and management will not enforce the policy.

Assuming you have a harassment prevention policy in place, examine your current policy to make sure there is a section prohibiting retaliation. If you don't have a policy, now is the time to draft one and get it enacted. As evidenced by recent school shootings, the world isn't getting any nicer. You can, and in fact, must take steps to ensure the safety of your entity's employees and the public that it serves.

Keith L'Esperance, SPHR, MSAS
Risk Manager
City of Rapid City

Feds Proposed Changes

Continued from Page 1

The Federal Motor Carrier Safety Administration also added two new disqualifying offenses: driving a CMV after the driver's CDL was revoked, suspended or canceled for violations while operating a CMV and causing a fatality through the negligent or criminal operation of a CMV.

Convictions in a non-CMV prior to applying for a CDL will prevent the issuance of the CDL. The Act clearly states that penalties for offenses committed by a CDL holder in a non-CMV shall be counted. Therefore, only non-CMV convictions for offenses committed after a person obtains a CDL can be counted against his or her driving record.

The FMCSA can only take action on offenses that occur after the effective date of the final rule and a State only has to take action upon the effective date of its State law or regulation.

Currently, the State of South Dakota **has not** established a law placing these rules into effect. The State has three years to adopt the Federal rule and as of December 3, 2002, there has not been a bill presented to the Legislative branch of government.



HAVE YOU NEEDED ANY GOOD VIDEOS LATELY?

RSSD has over 10,000 available!!!

Contact Janet at (800) 456-0737 or
FAX: (605) 334-0556 or
www.sdpaa.org

For any questions, please contact:

SDML WC Fund

Karen Ripperda

SDPAA (Liability Pool & Health Pool of SD)

Ladene Bachtell

Risk Services of SD, Inc.

Doug Kirkus

Janet Sporrer

Look us up on the Internet

Our websites are:

www.hagangroup.com &
www.sdpaa.org

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