
❖ The Safety Net ❖

Protecting Your Human and Financial Resources

Vol. 5 Issue 2

Fall 2003

Published by: Risk Services of South Dakota, PO Box 5090, Sioux Falls, SD 57117-5090

Failing to Use a Safety Device Defeats a Worker's Claim for Benefits

Because an employer made ground-fault interrupters (GFIs) available and employees knew the employer had a safety rule requiring their use, a worker who suffered an injury while not using a GFI could not recover benefits, the South Dakota Department of Labor recently ruled.

The worker was doing plumbing work at a client's home when he suffered an electrocution and a thermal burn. The employer argued the worker's willful misconduct in failing to use a GFI should bar his claim for workers' compensation benefits. A South Dakota Department of Labor Administrative Law Judge (ALJ) agreed.

The employer communicated the rule during orientation and during regular meetings. The worker admitted he knew of the rule but claimed it was not enforced. The ALJ decided the employer had consistently reminded workers to use GFIs and had made a good faith effort to enforce their use.

When the employee failed to use a GFI on the job, his misconduct barred his workers' compensation claim, the ALJ decided.

Wells v. Howe Heating & Plumbing Inc. & CNA Commercial Insurance, HF NO. 130, 2000/01, decided Feb. 4, 2003, Attorneys: Claimant—A. Russell Janklow, Employer/Insurer—R.W. Orr, ALJ: E.J. Fullenkamp.

Trouble Light Bulb Explodes Injuring Worker

Recently an employee was trying to fix a hydraulic fluid leak on a backhoe. The employee was on a creeper underneath the piece of equipment. Like many leaks, they can sometimes be difficult to find. Without pressure there was no leak, so the employee asked another employee start the backhoe and pressurize the lines. A fine mist of hydraulic fluid appeared and the employee, not wanting to get soaked in oil, rolled over and was starting to move from underneath the backhoe. As he was moving, he recalled hearing a popping sound and suddenly there was a ball of fire. The employee sustained burns to the back of his hand and his head.

The follow-up investigation indicates that the fine fluid mist hit the incandescent bulb, reported to be a "rough service" bulb, in the trouble light causing it to explode. Once the bulb exploded, it apparently ignited the fluid mist causing the fireball. Fortunately for the employee, because he was turning over, his face was away from the fireball certainly preventing much more serious injuries.

The misfortune of one can be a valuable lesson to us all. How many of you have had water drip on a light bulb causing it to burn out? Here is a similar situation but with a much different result. Have you ever thought about

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Snowplow Safety

Once again 'tis the season in South Dakota where motorists need to start shifting their driving habits from summer to winter. Unfortunately not all drivers make the necessary changes and your snowplow operators have to deal with them. Defensive driving is an attitude that will keep your operators safe in spite of the conditions around them and the actions of others.

Keep your operators safe by reminding them that motorists commonly don't understand plowing operations, and that they may misjudge the length, width or speed of the snowplow. Operators need to be reminded that for this very reason, they need to be extra cautious around other motorists and anticipate their unpredictable actions.

Operators need to frequently check to make sure that the mirrors on their equipment are clean and set properly. They

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

Inside...

**5th Annual Safety & Loss Control Training Conference—
November 19 & 20, 2003—Holiday Inn—Mitchell, SD**

REGISTRATION

The registration fee is \$45.00 (before November 4) per person for members of the SDPAA and/or SDML WC Fund. Non-member registration is \$80.00 (before November 4). Both fees increase by \$10.00 after 11/4/03. Registration includes tuition, dinner on the 19th, breakfast on the 20th, refreshments at breaks and course material.

GROUP RATE REGISTRATION

To make it affordable to send several employees to this year's conference, we are offering special group pricing. Register three (3) people for the conference from the same organization and the fourth comes FREE! Bring a representative from each department so they can take information back to build a solid safety team.

Hotel Accommodations

We have arranged a special conference room rate at the Holiday Inn in Mitchell. It is \$64.95 plus tax for standard rooms and \$69.95 plus tax for the Holidome Rooms (up to four people per room same rate). There is a block of rooms under **Risk Services** which will be held until **November 7** to get the special conference rate. **You are responsible for making your own reservations.**

2003 Safety & Loss Control Training Conference

The theme for this year's conference is "Safety & Loss Control—How Much is Enough?" The conference will be held at the Holiday Inn, 1525 W. Havens St., Mitchell, SD. Their phone number is (605) 996-6501. They are located at the I-90 Exit #330. The conference will begin at 12:45 PM on the 19th and conclude at 12:20 PM on the 20th.

There are three sessions each day. Tom Slattery will get things going on Wednesday with "Tools for Selling Safety"; followed by Dana Hagen with "Business Resumption Plan" and concluding with Kathy Shroyer—"Getting the R Back in Return to Work." Tom Slattery will start us off again on Thursday with "Improving Safety Performance"; followed by a Claims Panel consisting of two Claims Representatives from Claims Associates and two attorneys and Keith L'Esperance will wrap things up with "Leadership—Pay Attention, Improve and Guide".

In addition to the breaks, the South Dakota Public Assurance Alliance, the SDML Workers' Compensation Fund, Hagan Benefits and Insurance Benefits, Inc. will be hosting a dinner on the evening of the 19th and breakfast the morning of the 20th.

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Please attach a separate sheet for multiple registrations

Name: _____

Title: _____

Employer: _____

Address: _____

Please make checks payable to: Risk Services of SD, Inc.

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To register:

- By Phone: Contact Janet at (800) 456-0737 or (605) 334-9567 or (605) 334-1030
- By Fax: (605) 334-0556
- By Mail: Risk Services of South Dakota, Inc. PO Box 5090 Sioux Falls, SD 57117-5090

2003 Safety Awards

This year 34 members received safety awards at the Safety Awards Luncheon held at the Ramkota Convention Center in Pierre.

The purpose of these awards is to promote loss control and safety awareness and to honor the many pool 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 government to be more productive yet spend less money. Your loss control and safety programs are doing just that for the taxpayers.

The following received a Bronze Level award: City of Britton, Codington County Highway Department, City of Ft. Pierre, Gregory County, Hand County Courthouse, Hand County Highway Department, Hughes County, Northwestern SD Regional Landfill Association, Town of Tulare and City of Vermillion.

Edmunds County, Minnehaha County Facilities and Construction and the City of Wall were presented Silver Level awards.

And this year twenty-one members were presented the Gold Level award. They were: City of Aberdeen, City of Brandon, City of Brookings, Brookings County Highway Department, Brown County, City of Deadwood, City of Lead, Lead-Deadwood Sanitary District, City of Madison, McCook County Highway Department, City of Miller, City of Mitchell, Pennington County Buildings & Grounds, Pennington County Highway Department, Pennington County Sheriff's Office, City of Pierre, City of Sioux Falls, City of Spearfish, Spearfish Ambulance Service, City of Watertown and Watertown Municipal Utilities.

Members can apply for any level where they feel they have met all of the criteria. Please keep in mind that you are only

Continued next column

Wise Owl Descends in Warren

It's easy to take for granted the gift of sight. Just ask Frank Amaral, a mechanic for the Town of Warren's Department of Public Works. When Frank was hit in the face with a chunk of metal, he really didn't realize how fortunate he was. Frank was attempting to repair a bucket tooth on a backhoe when he swung a small sledgehammer at it. A chunk of metal broke off, bounced off his UVEX safety glasses, and lodged in his cheek. Although Frank was injured and required nine stitches in his cheek, his eyes were protected by the safety glasses. The treating physician commented on how lucky Frank was to be wearing safety glasses at the time of the accident, preventing what could have been a serious disabling eye injury, and possibly the loss of his eye.

RI Interlocal Risk Management Trust

Safety Awards - Continued

competing against yourself and not other pool members. Each entity that meets the qualifications for a level will receive an award. Also please note that individual County Departments can apply for an award.

So give Doug or Janet a call at Risk Services 800-456-0737 to see how you can get started on earning an award for 2004.

RSSD has over 10,000 available!!!

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

Online Training

E-Learning *Your Way*

- Do you have less time to conduct training?
- Are you in need of an affordable and flexible training solution?
- Do your responsibilities include training employees?

If your answer is "yes" to the above questions, Loss Control can help you with Online Training Courses.

Training is available online 24 hours a day, 7 days a week. There are two main categories of training—Human Resource and Safety & Environmental. There are several classes in each of these categories so sign on and take a look at what is available.

And now these classes are paid for by the SDPAA Board so if you are an SDPAA member, the \$10.00 fee that is reflected on the screen will be paid by the SDPAA Board.

Log on to www.sdpaa.org. If you should have any questions, please contact your Loss Control Administrator at 1-800-762-6837 or Janet with Risk Services at 1-800-456-0737.

Trouble Light - Continued

the explosive nature of a mist of a combustible liquid?

Normal trouble light bulbs take time before they get really hot. How many of you are now using halogen lights because of the increased candlepower? Think about how hot they get in a relatively short period of time. This is another example of the importance of wearing protective eyewear in the shop. Protective eyewear could possibly make the difference between sight and a life filled with darkness.

Any questions, please contact RSSD: 800-456-0737

Snowplow Safety Continued

should make sure that the wipers are working and in good condition. If so equipped, they also need to make sure that they have plenty of wiper fluid. Operators need to make sure that warning lights are on and working. They need to check to make sure that they can be clearly seen from both the front and rear of the equipment. Operators also need to make sure windshields and windows are kept clean and free of ice.

Another item often overlooked is checking the cab of the equipment. Are items rolling around the inside of the cab that could pose a distraction or a hazard? Operators should discard any trash such as coffee cups and pop cans, and store items securely. If an empty can gets under the pedals, the results could be disastrous. Also, in case of a crash, all of the loose items can become projectiles inside the vehicle. Operators should always wear a seat belt when plowing because hidden objects can cause a sudden stop.

This time of year can also be dangerous for employees getting in and out of the equipment. Operators need to be reminded to use a three-point grip when entering or exiting equipment. Operators need to remember to always face the equipment when getting in and out. They also need to be discouraged from jumping off of the equipment.

When plowing operators need to be scanning ahead, approximately 12 to 15 seconds. This equates to about one quarter of a mile in the country and about a block to a block and a half in town. Operators must also check their mirrors frequently, about every 3 to 5 seconds. Sometimes vehicles will “crowd the plow”, and it is important for the operator to see other motorists before they get into the blind spot behind the equipment. Also, remind your operators to double-check to make sure no one is in their blind spot before backing or turning.

Backing up is very dangerous for snowplow operators. Remind operators that their equipment can impair visibility. Sometimes motorists may be unaware that

snowplow operators sometimes back up so, avoid backing unnecessarily to avoid collisions.

Here are some techniques to help operators avoid collisions when backing up:

- Slow down well in advance and scan for obstructions.
- Make sure the four-way flashers are on.
- Check your mirrors.
- If unsure about what is behind you, get out and check.
- Don't assume the backup alarm will save you, fixed objects can't hear.

Remind operators that snowplows can travel too fast at times. Let operators know that skidding, sliding or snow that flies up and limits vision should be reminders to slow down. Remind crews to match their speed to road conditions.

By reminding operators to check their equipment, drive defensively and take their time when plowing, we should survive another season in “the land of infinite variety”.

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