

❖ The Safety Net ❖

Protecting Your Human and Financial Resources

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DOL Provides NEW 1st Report of Injury Form

Effective July 1, 2003, the South Dakota Department of Labor will require their new "South Dakota Employer's First Report of Injury" form to be used to submit workers' compensation claims.

The entire form looks different; however, the differences are not overwhelming. The most significant addition regarding the employee is that the form now requires their social security number. You will also note that the Employee signature is at the top of the page rather than the bottom as on the previous form.



It helps the adjuster processing your claim whenever as much information as possible can be provided in the *Description of Injury* section.

You will note that there are considerable more Body Part Codes than had previously been on the old forms. This will allow your Work Comp carrier to help determine where your losses have come from, and offer specific loss control training to improve each entities experience.

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2003 Safety Awards

Applications are due on August 29th for the 2003 Safety Awards. If your entity has not applied for one of these awards in the past, now is the time to get started. The award program was started in 1996 as a way to recognize the employees from the various Pool Members for their safety and loss control efforts. There are three different award levels, Bronze, Silver and Gold. Each level has its own set of criteria that a Member needs to meet in order to qualify for an award. Your entity is not competing against any other entity. To receive an award your entity simply has to meet the specific criteria for a particular award level. The safety awards are presented at the annual Safety Award Luncheon held each year in conjunction with Insurance Day at the annual South Dakota Municipal League Convention.

A total of six entities received awards the first year, 1996. Last year, 34 different entities/departments were recognized for their efforts. With tight budgets, what a better way to show your residents that you are doing your part in protecting the important resources of your entity through safety and loss control.

Award criteria for each of the three levels was mailed earlier to each Pool Member. If you have any questions or would like another copy of the criteria please contact Janet at (800) 456-0737.



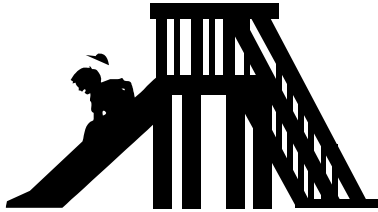
**PLEASE
SHARE WITH
ALL DEPTS.
IN YOUR
ENTITY!!!**

Is All Playground Equipment Created Equally?

I was recently conducting a loss control survey in a community that had a local service group purchase and install new playground equipment for their park. The equipment appeared to be well constructed and had many fun features for kids to play on. Unfortunately, I had to inform the city officials that this new equipment did not meet some of the recognized standards for public playground safety.

These safety standards can be found in two publications. The "Handbook for Public Playground Safety" published by the U.S. Consumer Product Safety Commission (CPSC) and the "Standard Consumer Safety Performance Specification for Playground Equipment for Public Use" published by the American Society for Testing and Materials (ASTM). These consumer safety performance specifications establish nationally recognized safety standards for public playground equipment to address injuries identified by the U.S. Consumer Product Safety Commission (CPSC). The purpose of these standards is to reduce life-threatening and debilitating injuries. During 1999, the CPSC estimated that about 156,000 victims were treated in U.S. hospital emergency rooms for injuries associated with public playground equipment.

This is not the first time that I have encountered this problem in South Dakota communities. Good playground equipment is very expensive and today funding for such projects can be difficult. Communities are often very excited when service groups and volunteers come forward and want to help replace old equipment or add new equipment in their parks. If your community is considering adding new playground equipment, here are some recommendations for your consideration to help protect children and to reduce your exposure to civil liability.



First, make sure that all suppliers guarantee in writing that their equipment meets all the current guidelines as outlined by the U.S. Consumer Product Safety Commission and the F-1487-01 ASTM standards. Many of the manufacturers of public playground equipment also belong to the International Play Equipment Manufacturers Association (IPEMA). There are several companies that sell public playground equipment used by South Dakota communities that advertise their equipment as IPEMA certified. The following is

an excerpt from the material that I have reviewed, "In the interest of playground safety, IPEMA provides a Certification Service whereby a designated independent laboratory validates a participant's certification of conformance to ASTM F1487, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use".

Second, if your community or the group does not feel that they can afford to have the supplier install the equipment then I would recommend that you pay to have them send a representative to supervise the installation. I have observed new equipment that should meet all of the standards but due to incorrect installation it did not. Wouldn't it be a tragedy to pay for good equipment so kids can have fun and be safe and then have one of them get hurt because the equipment was not installed properly?

Finally, it is estimated that three-fourths of public playground injuries are the results from falls, primarily to the surface on which the equipment is located. Please make sure that there is proper cushioning material installed beneath and around your playground equipment. I would suggest that you refer to the "Handbook for Public Playground Safety" for information concerning the different types of material and the depths needed to provide adequate protection. Organic and

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DOL 1st Report of Injury— Continued from Page 1

Please keep in mind the codified laws that outline the time frames to report a claim. An employee has 3 business days to file a written report with the employer, and the employer has 7 business days to file the claim with the insurance provider. If an employee is hospitalized, or unable to sign the report, immediately notify your insurance provider so that the adjuster can begin setting up the claim and begin the investigation.

If you have any specific questions, or comments, do not hesitate to contact Karen Ripperda, Administrator for the SDML Workers' Compensation Fund at 605-334-7252 or 800-456-0737.



Look us up on the Internet

Our websites are:

www.hagangroup.com &
www.sdpa.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

800-456-0737 or
605-334-1030

Employee Training: Is it Worth the Money & Time?

In nearly any private business or public governmental entity, employee training is generally looked upon as a “have to” or upon which dollars are grudgingly expended. The common phrase is “We don’t have time to train.” As a governmental entity, can you imagine what would happen if your governmental entity simply handed a new Police Recruit or Deputy Sheriff a weapon and a traffic citation book and said “Now go forth and enforce the laws?” Or can you imagine your firefighting unit putting a fire bunker suit on a new Recruit and sending him into a burning building with no prior training or putting an equipment operator behind the wheel of a snow plow he or she has never driven? The list of possible risk exposures is endless and is only as creative as you want to be.

The common phrase is “We don’t have time to train”.

Firefighter and send-or her into building prior training

So is employee training valuable and cost effective? That is the age-old, multi-gazillion-dollar question. Some training results are clearly measurable, like demonstrating the operation of a piece of equipment after training—others are not, like the “soft skills” of customer service or managing departments and employees. Considering all of the pieces and alternative outcomes, training that is well defined and well structured with solid objectives and then monitored and evaluated is well worth the investment. Governmental entities have limited resources, human and otherwise, and must get the best use of those resources. In addition to training that is specific to department or division operations, your entity must embark, or continue, on an aggressive general employee training path, from those training requirements mandated by law to internal decisions such as employee orientation, customer service, employee general safety, defensive driving, management training and more. And whether readily or not so readily measurable, there is certainly an

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Job Descriptions/ Pre-Employment-Post Offer Physicals

How many of you are satisfied with your entity’s current job descriptions? Do they simply outline the duties and responsibilities your employees perform, or do they define the *essential* job functions? According to the EEOC the term “essential functions” means the job duties are fundamental to the position and it is essential that a potential employee is able to perform those critical job demands.

As you are aware, employers cannot legally ask medical/health questions of an applicant. However, you are allowed to inquire whether the applicant can perform job related functions (with or without accommodation), including those job demands that are considered marginal. Essential Functions can include activities such as lifting, carrying, pushing, pulling, walking and standing. Un-



fortunately, an applicant does not have to be truthful when answering whether or not they can perform the essential job functions. Therefore, establishing a baseline of aptitudes by conducting pre-employment post-offer physicals and pre-work screens helps to ensure that the employee is able to safely perform the physical job demands.

Good functional job descriptions are also extremely beneficial in helping the medical community determine whether an employee can safely return to work after a work-related injury or illness. A Health Care Practitioner is better able to determine whether or not an employee can safely return to work if he/she can review a detailed functional job description. A functional job description further acts as a tool to assist the Health Care Provider

in getting the employee back to work sooner. This detailed information helps the practitioner determine meaningful restrictions, and often results in the employee getting back to work sooner.

We are pleased to announce that we will be sending Members of the SDML Worker’s Compensation Fund sample functional job descriptions within the next few weeks. The Board of Trustees for the Fund approved a contract with Avera Queen of Peace Occupational Health Services to develop functional job descriptions for several positions common to most Members. We would like to thank the City of Mitchell and Davison County for their cooperation in allowing Avera Queen of Peace to work with their departments in completing this project. In addition both the City and the County agreed to let us share with Members the job descriptions that they had already paid Avera Queen of Peace to develop for them.

Each SDML Worker’s Compensation Fund Member will be receiving a CD that will contain samples of the following information:

- ✓ Guideline for Post-Offer Services
- ✓ Sample Medical and Occupational History
- ✓ Sample Baseline Physical Examination
- ✓ Sample Pre-Work Screen
- ✓ Frequently Asked Questions about Pre-Employment/Post Offer Physicals
- ✓ Sample Job Descriptions for:
 - Correctional Officer
 - Maintenance/Custodial
 - Custodial
 - Fire Fighter/Medic
 - Highway Maintenance Worker
 - Highway Mechanic
 - Highway Superintendent
 - Administrative Assistant
 - Sanitation Worker
 - Janitor, Emergency Control & Signage Coordinator
 - Wastewater Operator
 - Patrol Officer

We look forward to your review of this information, and welcome your questions and comments.

Firefighter Charged in Death of Newcastle, Wyoming Teen

The driver of a fire truck is facing vehicular-homicide charges after an accident on May 22 that resulted in the death of a 16-year-old volunteer firefighter who was part of an Explorer program with the department. The 25-year veteran of the fire department was arrested and jailed after the tanker truck he was driving rolled. His blood alcohol level was reported at .086 nearly three hours after the accident. This tragedy has struck pretty close to home.

According to newspaper accounts, the firefighter was arrested on suspicion of drunken driving on May 12, 2002 and was convicted of the offense four months later. The firefighter's license was suspended for 90 days, but he regained his driving privileges on September 8. However, according to newspaper accounts, he reportedly violated the terms of his probation in April of 2003 and was spending weekends in jail. The Associated Press reported that the Fire Chief said he had spoken to the firefighter about his drinking and driving conviction and told him that he was not authorized to drive fire department vehicles.

According to the Associated Press story, investigators determined the firefighter had been drinking in a bar prior to the accident and not at the firehouse. The Fire Chief admitted that they have a bar upstairs at the firehouse along with keg beer. He told the AP that they have a policy that, "volunteers will not attend a fire department function if they have been drinking". Firefighters reportedly carried the flag-draped coffin of the 16-year-old from a packed memorial service and placed it on a 1935 fire truck for one last ride.

I certainly do not want to get into the debate of whether or not to allow alcoholic beverages in the firehouse. This is an issue that has to be decided locally. However, from a loss control perspective, this tragedy is a good reminder of some things that should be done to protect volunteers and reduce the exposure of civil liability for the

department.

First, each department should have written rules regulating the consumption of alcoholic beverages on department property. These written rules should also include not allowing firefighters to operate department vehicles or equipment if they have been drinking. From a safety standpoint, are you going to allow a firefighter to work at a scene if he/she has been drinking? SDCL 62-4-37 states in part that, "no worker's compensation benefits shall be allowed for any injury or death due to the employee's willful misconduct, including intentional self-inflicted injury, *intoxication*, illegal use of any schedule I or II drug, or willful failure or refusal to use a safety appliance furnished by the employer or to perform a duty required by statute".

Departments cannot simply rely on individual firefighters to make the determination of whether or not they are impaired and should not be driving or working at a scene. Have you ever tried to get the keys away from an individual that has had too much to drink to keep them from driving? Supervisors within the department need to make sure that the rules of the department are strictly enforced. Furthermore, a safety culture needs to evolve within departments where fellow firefighters will not allow a member to operate an emergency vehicle or equipment if they have been drinking.

Next, departments need to have written rules regulating who can and cannot drive department vehicles. In addition to making sure drivers are familiar and checked out prior to operating the various vehicles, do you require them to be in possession of a valid driver's license? If a member of the department has been convicted of DUI, are you going to allow them to drive an emergency vehicle? What if they have a work permit?

We recommend that departments have a rule requiring members to notify the Fire Chief anytime their driver's license has been suspended or revoked. Only members that have a valid DL,

not a work permit, and a good driving history should be allowed behind the wheel of a department vehicle. We further recommend that a driver's history be run on each department member prior to being accepted on the department and annually thereafter. Your department does not want any surprises when it comes to a member's driving record.

Finally, members should sign a form annually for the Fire Chief. The form should state that the member is in possession of a valid driver's license, has active liability insurance on their personal vehicles and will notify the Fire Chief as soon as their license is suspended or revoked or if their auto liability insurance is no longer in force. To help protect the fire department from civil liability, the member should be suspended from operating vehicles on fire department business if any of the above occur.

Times are changing and most Fire Chiefs will tell you that the amount of drinking that takes place at the firehouse is decreasing. Many have told me that they go through more pop and water today than beer. That is a good and positive change. Hopefully, the day will come where consumption of alcoholic beverages will take place in licensed establishments rather than fire halls. I am confident that none of you want to read headlines of a similar tragedy involving your department. I really doubt that the Newcastle Volunteer Fire Department ever thought that this would happen to them. In light of this tragedy, now would be a good time to review what policies are in place for your fire department. More importantly, are they being enforced?

Doug Kirkus
Loss Control Manager
Risk Services of South Dakota

RSSD has over 10,000 available!!!

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

Safer Bleachers

During the past couple of weeks, we have fielded questions concerning bleacher safety. The questions have pertained to both portable as well as fixed bleachers at ball fields. We thought a quick review of bleacher safety is timely with all of the outdoor activities that occur this time of year.

In 2001, the U.S. Consumer Product Safety Commission (CPSC) issued safety guidelines for retrofitting bleachers to prevent people, especially children, from falling off them. The CPSC was aware of 10 deaths that involved falls from bleachers from 1980 through 1999. Of these deaths, four involved children under the age of 15. In January 1999, a 6-year-old boy died in Minnesota after falling through an opening in the bleachers of a city ice arena. A few weeks later, a young girl fell through a bleacher opening at a college sports event resulting in serious injuries. In February 1999, a child fell off the back of the bleachers at a county arena resulting in a significant head injury. Last winter, two children were injured in separate incidents involving bleachers at South Dakota sporting events.

The following are some of the hazards associated with bleachers. Falls from bleachers can occur when guardrails are missing from the backs or open sides of the bleachers. Injuries can also occur when the openings between components in the seats and guardrails are big enough to permit a person to fall through them. Injuries from falls on bleachers can occur when there are missing or inadequate components. Bleachers can also collapse if they are not installed or operated properly.

We have come across bleachers in the past couple of weeks that pose fall and entrapment hazards, especially to children, because they did not have guardrails and there were openings big

enough for children to fall through them. We also observed openings that would be large enough for a child's body to go through but not large enough for their heads to pass so the child could become entrapped.

The CPSC guidelines and the Uniform Building Code (UBC) address guardrails and openings in the bleacher components. To prevent falls, children should not be able to pass under or through the components of a guardrail.



To prevent falls through bleacher components, such as the footboard, seatboard, and riser, that are more than 30 inches above grade or base surface, the openings should prevent passage of a 4-inch sphere. This opening recommendation is based on data showing that 95% of children 4 months and older would be prevented from completely passing through a 4-inch opening. The 1997 UBC states that guardrails, enclosing walls or fencing is required for any seats that are more than 30-inches above grade or base surface. The gaps between the guardrails themselves cannot be larger than 4-inches.

Falls on bleachers can occur when there are missing or inadequate components that assist in access and egress. Many older bleachers do not have these safety features. Some of these older bleachers can be retrofitted to meet these safety guidelines. It is recommended that a licensed professional engineer, registered architect or company that is qualified to provide bleacher products and services be consulted whenever a retrofit is being considered. The option of replacing

bleachers, as opposed to retrofitting them, may also have to be considered.

The CPSC also recommends that bleachers should be inspected by a qualified individual at least every two years and a written certification be obtained that the bleachers are fit for use. The CPSC has published "Guidelines for Retrofitting Bleachers" that is available on their website at www.cpsc.gov. It is Publication Number 330.

Now is a good time to take a look at the bleachers owned by your entity. You should be periodically inspecting, cleaning and maintaining them. Manufacturers will often recommend specific types of maintenance that should be done on their products. Some of the safety hazards your employees should be watching for include broken boards, protrusions, sharp edges, splinters, and uneven or slippery walkways. Once you determine the frequency that these inspections are going to be conducted, it is a good idea to document the inspections.

Employee Training—Continued from Page 3

expectation that training initiatives will have a positive impact on employee moral, productivity and best use of taxpayer dollars.

The risks and alternatives to little or no training are just not acceptable. Utilizing current best practices and providing well designed and appropriate employee training will prove over and over again that the investments in employee training reap substantial rewards in productivity and value. Well-trained employees are definitely value-enhanced, personally and professionally, which ultimately translates into better governmental services to the public that demands those services.

Keith L'Esperance, Risk Manager/
Training Officer, City of Rapid City

Upcoming Events

**Playground Equipment—
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inorganic loose materials are difficult to maintain as accessible surfaces according to the ADA accessibility guidelines. Unitary synthetic materials are resilient safety surfacing materials that provide excellent accessibility around and through the playground. Children with mobility impairments won't be using upper body devices or climbers, so the surfacing materials around some of these play components can be selected on the basis of the best choices for fall protection.

If you should have any questions concerning public playground safety, you can reach me at (800) 408-9040.

Doug Kirkus
Loss Control Manager
Risk Services of South Dakota

Non-Violent Crisis Intervention	June 18	Minnehaha County
Defensive Driving	July 7 & 8	Grant County
Defensive Driving	July 9	Watertown
Non-Violent Crisis Intervention	July 10	Codington County
Jail Suicide Prevention	July 10	Codington County
Defensive Driving	July 15	Mitchell
SD Park Maintenance Class	July 22	Mitchell
SD Park Maintenance Class	July 24	Rapid City
Safety Award Applications Deadline	August 29	
Tri-State PRIMA	September 7—9	Sioux Falls
Annual Safety Award Luncheon	October 8	Pierre
Defensive Driving	October 16	Pennington County
Defensive Driving	October 20	Burke
Personal Protective Equipment	October 23	Sioux Falls
Accident Investigation for Supervisors	November 12	Sioux Falls
Lockout/Tagout	November 13	Sioux Falls
Annual Safety & Loss Control Conference	Nov. 19—20	Mitchell
Defensive Driving	December 3	Sioux Falls

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