

# Trust Intelligence

A Newsletter for Members of the Workers' Compensation Trust

Issue 94 December 2017



## Board of Directors Declares \$5 Million Premium Return

It may be a few weeks early but the Trust is doing its part to ensure members a truly “Happy New Year” with the announcement of a \$5 million premium return for the 2017 year. This year’s return ties the record return of last year and will deliver, yet again, hundreds of large premium return checks to members in the upcoming months. The Trust continues to produce very profitable financial results in some of the industry’s most challenging occupational classes, further contributing to a very strong bottom line.

Diane Ritucci, President and CEO stated: “These outstanding financial results are one of the many rewards generated by the very effective working relationship the Trust builds with its members through their support and implementation of our unique and comprehensive loss control and claims management programs. We know these are financially trying times for many members and it gives all of us at the Trust a great sense of joy and satisfaction to see the fruits of our combined efforts result in placing \$5 million of working capital back into the hands of our members.”

For the vast majority of Trust members, that competitive workers’ compensation premium you received from the Trust at your last renewal just got even more attractive when your premium return is applied!

### Inside This Issue

- 2 Rate Decrease
- 2 Maximum Payroll Cap Increase
- 2 Safety Grant Update
- 3 Trust Participates in Statewide Opioid Symposium
- 3 Trust TeleCare Update
- 4 Wellness Zone
- 4 Board of Director News
- 5 Winter Safety Tips
- 6 Legal Corner
- 7 Medical Corner
- 8 Education Calendar

The Trust continues to maintain its strong financial position as Connecticut’s fifth largest provider of workers’ compensation overall and the state’s largest provider to the healthcare and human service industry. Unlike standard carriers, we return profits to our members, not to stockholders. Just one of the many differences that makes the Trust the best place for your workers’ compensation coverage! We have now returned over \$36 million to our members to reinvest into their businesses and provide valuable services to Connecticut’s most needy citizens.

The premium return program rewards currently active members based on a combination of each individual member’s longevity with the Trust, loss ratio and premium volume. Each qualifying member will receive their check in the 30 day period preceding the renewal date of their policy in 2018. Each member that qualifies for a premium return will receive a letter by January 1, 2018 informing them of their premium return amount and when they can expect to receive their checks. Brokers will be notified as well.

Happy Holidays! Thank you for your continued support!

### **Trust Rate Decrease Effective January 1, 2018**

More good news for Trust members! The Trust will be lowering rates in nearly every major class code effective with January renewals with an average reduction of 4.6%. Continued favorable loss results allow us to pass on additional savings to members. Collectively we continue to accomplish great things.

Keep up the good work!

# Trust Participates in Statewide Symposium on Opioid Use in the Workforce

Brian Downs, Vice President of Quality & Provider Relations worked with the Connecticut Department of Public Health to see if he had interest in helping them put together a full day symposium on the opioid crisis in Connecticut. Brian, who has devoted a lot of time, effort, and research on this issue in the workers' compensation arena jumped at the opportunity to help out.

The goal of the symposium was to bring heightened awareness to employers that opioids and other addiction issues are worker health issues that affect all employers. After months of conference calls, planning, and a lot of organizing of speakers both on a national and local level, the symposium was held on October 4th at Middlesex Community College in Middletown, Connecticut. Over 125 employers, public health officials, and medical professionals attended and listened to industry leaders discuss the opioid crisis and treatment options for this ever growing crisis. Many attendees were shocked to learn that statistically, the majority of addicts and users (approximately 70%) are actively employed in the workforce. The symposium was also covered by Channel 8 news and several talk radio shows have since provided segments on what transpired at the event.

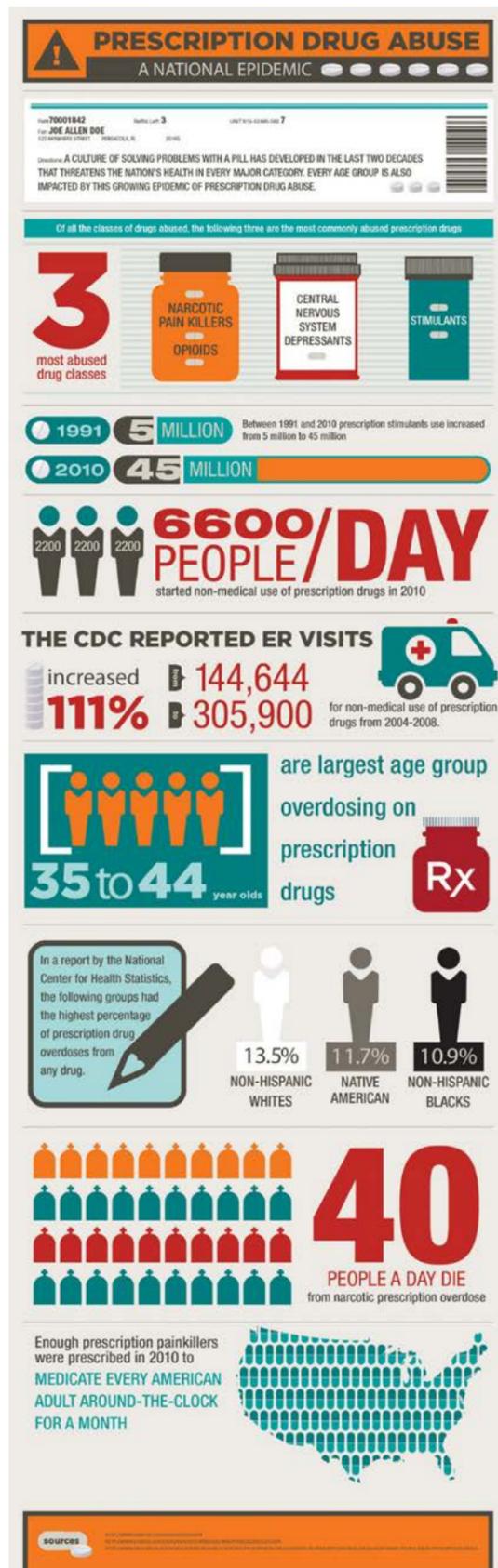
The Department of Public Health plans to create a whitepaper from the event highlighting the issues of addiction and opioid use in the workforce and provide suggested guidance for employers should they be confronted with employees suffering from the insidious disease of addiction.

## Payroll Cap Increase

For over 35 years the Trust has featured a maximum payroll cap of \$50,000 per employee. For polices effective January 1, 2018 forward, the cap will be increased to \$75,000 bringing it more in line with current salaries and wages. This change will have minimal or no impact for most Trust members.

Over the past two years our actuaries have been capturing the full payroll of each capped employee from the audit documents and are lowering our 2018 rates to neutralize the impact of the higher cap. We expect this change to result in a net zero sum gain on the entire book of Trust business and will ensure little to no premium impact on most members as a result of this change.

Please remember to adjust your 2018 renewal payroll projections to reflect the \$75,000 cap and contact your broker if you have any questions.



# Safety Grant Updates

Twenty nine Trust members were awarded grants for a total of \$250,000. To date over \$120,400 has been reimbursed to members. Ten members have fully completed their projects and the remaining recipients are in various stages of completion.

Many of our members were very creative and yet practical with their grant requests. A number of members have installed safe patient handling equipment, installed security systems, now have in-house certified trainers for Workplace Violence and so much more.

The Trust will be highlighting some of the award winners in our newsletters and on our home page at [www.wctrust.com](http://www.wctrust.com)



## American Ambulance Service, Inc. (AASI) Member Since 2006

AASI was awarded a grant to implement a new safety initiative. With this grant AASI was able to purchase a new ROSC-U™ Miniature Chest Compressor by Resuscitation International.

The device is an automatic CPR chest compression machine. With the device the company is able to greatly reduce the risk of injury to first responders, fire fighters, EMTs and Paramedics. The action of performing proper manual chest compressions is a physically rigorous task that can result in injuries from fatigue such as back injuries. These risks exponentially increase once the providers are transporting the patient. Performing chest compressions in a moving ambulance is very dangerous. It is almost impossible to perform adequate compressions while appropriately seated with a safety belt in an ambulance, which adds to the safety concerns. With the ROSC-U device, the provider is able to eliminate almost all these risks while still being able to provide the best emergency medical care to our community.

## Trust TeleCare Pilot Program Update



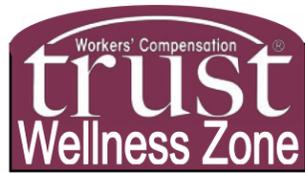
Back in our June newsletter, we announced that we would be kicking off a pilot program with a select group

of members with a telephonic injury assessment service called Trust TeleCare. The service provides 24/7/365 telephonic access for injured workers and their supervisors to a registered nurse who is trained in evaluating workplace injuries and assisting with determining the right level of care at the right time. It also automatically generates a report which is sent to the employer contact and to the Trust; thus dramatically cutting down on reporting lag times.

Well, we are pleased to report that the pilot is going well with our selected members and shows promise

to eventually expand it to our entire membership in early 2018. To date, we have received almost 50 TeleCare calls with almost half self-treating their injuries without the need for formal medical care. We believe this is a great benefit to employees who want guidance on the appropriate pathway for care, have the ability to self-treat if they so choose using evidence based self-care guidelines, and document the event in a timely manner with their employer and the Trust. We also believe this program will produce an overall reduction in the cost of workers' compensation claims, which benefits all members.

Thank you to all those members currently participating in the pilot program and the feedback they continue to share during the trial to make the program even better when we roll it out to our entire membership.



# Hand Washing: Reducing the Risk of Common Infections

If you want to win the battle against colds, you don't have to think long and hard about it. Just remind your employees to remember three simple words: Wash Your Hands!

With the flu and cold season upon us, it becomes even more important that employees and Individuals you care for wash their hands as it is the single most effective way to prevent the spread of infections. The main way colds get passed around is when someone who is sick coughs or sneezes. Little droplets of germs land on places like doorknobs, telephones, computer keyboards, and car steering wheels. Or the sick person coughs or sneezes into their hands and then touches objects. Then your employee comes along, happy and healthy, and touches that spot and without even realizing it touches their nose or mouth and voila, your employee or those they care for are infected.

Educate and remind employees how to properly wash their hands. Newsletters, email blasts, signs placed in bathrooms and in the facility and even quick 5 minute safety talks are good methods to help spread the word.

### Proper Handwashing

- Remove any rings or other jewelry
- Use water and wet your hands thoroughly
- Use soap (1-3 mL) and lather very well
- Scrub your hands, between your fingers, wrists and forearms with soap for 15 seconds
- Scrub under your nails
- Rinse thoroughly
- Dry your hands with a single use towel or air dryer
- Turn off the faucet with a paper towel
- Protect your hands from touching dirty surfaces as you leave the bathroom



Let's all work together to keep our everyone healthy!

## Board Member Recognized for Contributions



Charles F. Shelton, Jr. was appointed to the board of directors in June of 1993. As President of Branford Hills Health Care Center, Charlie brought with him much knowledge about the healthcare industry with special attention to long term care facilities.

The Board of Directors recently acknowledged Charlle for his longstanding and continous contributions to the Boad.

Shown at left, Board member William Horrigan presents Mr. Shelton with an award of appreciation.

### Revised Notice to Members

The Trust will provide the newly issued Notice to Employees that is in compliance with State law. Just go online to [www.wctrust.com](http://www.wctrust.com) and click on the "NOTICE TO EMPLOYEES" link under the member tab. You will get an updated Notice sent to your organization and the Trust will upload your new information to the State's website so you will be in full compliance.

## Winter Safety - Plan, Equip, Train

Although winter hazards in New England may seem uncontrollable, there are several steps employers can take to help keep employees safe. OSHA has many resources and information available to help.

### Winter Driving

Although employers cannot control roadway conditions, safe driving behavior can be promoted by ensuring workers are properly trained for driving in winter weather conditions. PREPARE for the trip, PROTECT yourself and PREVENT crashes on the road.

### Stranded in a Vehicle

If you are stranded in a vehicle, stay in the vehicle. Call for emergency assistance if needed. Response time may be slow in severe winter weather conditions. Notify your supervisor of your situation. Do not leave the vehicle to search for assistance unless help is visible within 100 yards. You may become disoriented and get lost in blowing and drifting snow. Display a trouble sign by hanging a brightly colored cloth on the vehicle's radio antenna and raising the hood. Turn on the vehicle's engine for about 10 minutes each hour and run the heat to keep warm. Also, turn on the vehicle's dome light when the vehicle is running as an additional signal. Beware of carbon monoxide poisoning. Keep the exhaust pipe clear of snow, and open a downwind window slightly for ventilation.

### Shoveling Snow

Shoveling snow can be a strenuous activity, particularly because cold weather can be tasking on the body. There is a potential for exhaustion, dehydration, back injuries, or heart attacks. In addition to following the tips for avoiding cold stress, such as taking frequent breaks in warm areas, there are other precautions workers can take to avoid injuries. Workers should warm-up before the activity, scoop small amounts of snow at a time and where possible, push the snow instead of lifting it. The use of proper lifting techniques are necessary to avoid back and other injuries when shoveling snow: keep the back straight, lift with the legs and do not turn or twist the body.

### Using Powered Equipment such as Snow Blowers

It is important to make sure that powered equipment, such as snow blowers are properly grounded to protect workers from electric shocks or electrocutions. When performing maintenance or cleaning, make sure the equipment is properly guarded and is disconnected from power sources. Snow blowers commonly cause lacerations or amputations when operators attempt



to clear jams with the equipment turned on. Never attempt to clear a jam by hand. First, turn the snow blower off and wait for all moving parts to stop, and then use a long stick to clear wet snow or debris from the machine. Keep your hands and feet away from moving parts. Refuel a snow blower prior to starting the machine; do not add fuel when the equipment is running or when the engine is hot.

### Preventing Slips on Snow and Ice

To prevent slips, trips, and falls, employers should clear walking surfaces of snow and ice, and spread de-icer, as quickly as possible after a winter storm. In addition, the following precautions will help reduce the likelihood of injuries:

1. Wear proper footwear when walking on snow or ice. A pair of insulated and water resistant boots with good rubber treads is a must for walking during or after a winter storm. Keeping a pair of rubber over-shoes with good treads which fit over your street shoes is a good idea during the winter months. Icy grippers are one of the most effective controls to reduce slips/falls.
2. When walking on an icy or snow covered walkway, take short steps and walk at a slower pace so one can react quickly to a change in traction.

## Happy Holidays!

In lieu of sending holiday cards, the Trust has made a donation to one of our members, The Center for Family Justice to support their ongoing efforts.

## The Legal Corner

Attorney John Letizia, Managing Partner  
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# How Long Does a Reasonable Accommodation Leave Need to Be Under the ADA?

The Equal Employment Opportunity Commission (EEOC) has interpreted the Americans with Disabilities Act (ADA) to require employers in certain situations to grant an unpaid leave to employees as a reasonable accommodation. This ADA reasonable accommodation leave would need to be granted in cases where the employee does not qualify for a FMLA leave or, more importantly, after the FMLA leave has expired. The problem is determining the length of this ADA leave. In the past, we have recommended that our clients consider allowing up to 30 days of additional leave as an accommodation where the employee is likely to return to his/her regular position with or without a reasonable accommodation in 30 days or less. This is especially true if there is a doctor's appointment within the 30 days at which time the employee is expected to be released to regular work.

### Federal Appeals Court Provides Guidance

An important Federal appeals court decision has now provided guidance on the expected length of an ADA leave. In *Severson v. Heartland Woodcraft, Inc.*, the 7th Circuit Court of Appeals confirmed that requiring an employer to provide a 3-month leave after the expiration of a FMLA leave is not reasonable. Specifically, the Court explained that the length of a reasonable accommodation leave under the ADA could be "a couple of days or even a couple of weeks..." Interestingly, the EEOC filed an amicus curiae brief arguing for essentially an indefinite period of leave (and of course, supporting the employee's position that a 3-month leave is a reasonable accommodation), and the Court noted in its opinion that to follow the EEOC's interpretation would transform the ADA into a "medical-leave statute – in effect, an open-ended extension of the FMLA."

### Transfer to Vacant Suitable Regular Position or Create Temporary Light-Duty Work

The Court further explained that a reasonable accommodation could be a transfer to a vacant position for which the employee is qualified and the responsibilities are within the employee's physical restrictions, but also noted that the employer has no obligation to create temporary light-duty work

unless it does so for employees that suffer work-related injuries. This could clearly create a problem in Connecticut because almost all workers' compensation carriers require employers to have a temporary light-duty work policy and workers' compensation self-insured employers have such policies.

Last year we informed many of you that the U.S. Supreme Court and the 2nd Circuit Court of Appeals, which governs Connecticut, stated that if a temporary light-duty work policy exists for employees who suffer work-related injuries, the same must be offered to pregnant employees who are temporarily disabled due to their pregnancy. Hopefully, the 2nd Circuit or Connecticut courts will not adopt the position that if light-duty work is offered to employees that suffer work-related injuries or pregnant employees, it must be offered to all employees who are temporarily disabled.

### The Next Step

The 2nd Circuit has never held that a particular length of time is or is not a reasonable accommodation leave under the ADA, but it has stated that for a leave of absence to be reasonable, it should be finite and be reasonably likely to enable the employee to return to work. While the 7th Circuit does not govern Connecticut, we believe this decision is a helpful guideline for establishing what your organization's policy should be with regard to ADA reasonable accommodation leaves. You should also carefully ensure that an employee who has a permanent disability that prevents the employee from returning to his/her regular position (even with a reasonable accommodation) is offered the opportunity to at least apply and possibly interview for a vacant regular position that is within that employee's medical restrictions, qualifications and experience.

If you have any questions, wish to discuss this decision, or obtain a copy of it, please contact John Letizia at 203-787-7000.

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## The Medical Corner

Mark Russi, M.D., MPH,  
Medical Director

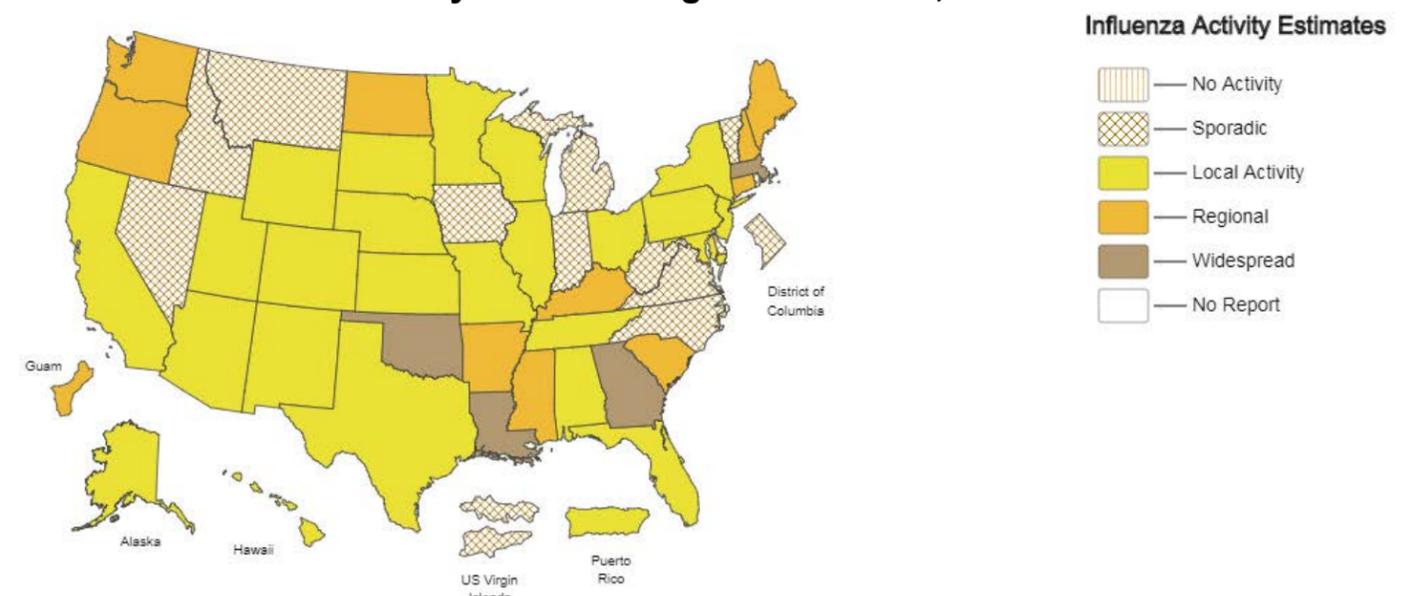
# Flu Season Fast Approaching

Once again, influenza season is right around the corner, and if you have not yet received the influenza vaccine, now would be a very good time to do so!

At time of writing, influenza activity is relatively low, with limited local transmissions reported for the State of Connecticut. So, far, the majority of the influenza viruses collected from the United States over the period from May 21 through October 28, 2017, have been well matched to the strains used for the 2017-2018 influenza vaccine, so the flu vaccine should be effective against the principal circulating viruses. There has been an extremely limited number of influenza infections (in Colorado, Nebraska and Michigan) which did not match the influenza vaccine for this year. Time will tell whether those viruses go on to cause more infections in the coming season. In the meantime, vaccination remains our best defense.

Side effects from getting influenza vaccination are generally mild and short lived. A common side effect is soreness at the site of injection, which generally lasts a few days. Occasionally, vaccine recipients will experience headache, muscle aches or low grade fever for a few days. It is not possible for the influenza vaccine to cause influenza. The virus used in flu shots is completely inactivated and not infectious. It is important to remember that many respiratory viruses circulate during the time of the year when flu vaccines are given, that those non-influenza viruses can cause symptoms similar to the flu, and that actual vaccine-induced protection from influenza does not occur until about two weeks following vaccination.

### Flu Activity Week Ending November 25, 2017



Remember also that because the vaccine is not 100% effective, any individual who experiences fever accompanied by respiratory symptoms should expend every effort to avoid transmitting illness to others. Wash hands frequently, cover your cough, and don't come to work if you're sick.

There is no way to predict whether it will be a mild or severe influenza season. If you would like to track U.S. influenza activity, the CDC has an excellent resource for this with maps and graphical representations for confirmed influenza infections as well as for influenza-like respiratory illness. Those materials can be accessed at <https://www.cdc.gov/flu/weekly/summary.htm>.



# Upcoming Educational Programs

The following programs are designed to assist members in gaining knowledge of issues that surround and support the reduction of work related injuries and create a safe and healthy workplace. To register, or obtain detailed information, go to [www.wctrust.com](http://www.wctrust.com). Most courses offer Continuing Education Units (CEUs). Your attendance is encouraged.

### OSHA Recordkeeping: The Basics

Wednesday, January 10                      9:00 AM - 12:00 PM                      Members: FREE                      Value: \$100

### Partnering With the Trust

Wednesday, January 24                      9:00 AM - 12:00 PM                      Members: FREE                      Value: PRICELESS

### OSHA Recordkeeping: Intermediate

Thursday, January 25                      9:00 AM - 12:00 PM                      Members: FREE                      Value: \$100

### National Safety Council Defensive Driving 4 Hour Course

Wednesday, January 31                      8:30 AM - 1:00 PM                      Members: \$40 per person

### Accident Investigation: Identifying the Root Cause

Thursday, February 8                      9:00 AM - 12:00 PM                      Members: FREE                      Value: \$100

### OSHA Safety Series: Bloodborne Pathogens

Thursday, February 22                      9:00 AM - 12:00 PM                      Members: FREE                      Value: \$100

### Energizing Your Safety Committee

Thursday, March 15                      9:00 AM - 12:30 PM                      Members: FREE                      Value: \$100

### What Every CEO/CFO Needs to Know About Buying Insurance (6 Part Series)

Tuesdays begins, March 20                      8:30 AM - 12:30 PM                      Members: \$795 per person



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