

March
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Trust Retains 100%
of January 1
Business Renewals
Page 2

Index

- 2 DART Rate Program Begins
- 3 New Relief Program Available for Employees Impacted by COVID-19
- 3 New Members of the Trust
- 4-5 OSHA Updates
- 5 Trust Academy Schedule
- 5 Staff Changes
- 5 Christmas Giving Project
- 6 The Legal Corner: Legalization of Marijuana and Cannabis
- 7 The Medical Corner: Omicron BA2
- 8 Member Education Schedule

Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

2022 Safety Grant Program Gets Underway

The Workers' Compensation Trust is pleased to announce for a sixth year in a row, that we have established a Safety Grant for our members for 2022. This year's grant pool is \$450,000. Since 2017, a total of \$2,150,000 has been awarded to Trust members, fulfilling 242 grant requests.

Safety Grants will be awarded up to a maximum of \$15,000 for projects or initiatives that improve or enhance employee safety or reduce risk for workplace injuries. The program objective is to encourage and support member efforts in developing innovative safety initiatives by defraying the cost of participating, adding or enhancing a risk reduction strategy, program or process.

Some past safety grants have been awarded for:

- Dash cams for a member with a fleet of 63 vehicles. The dash cameras provided more information on determining at fault incidents.
- Stryker beds specifically designed for seniors with behavioral health issues. These new beds allow staff to care for patients in a much safer manner.
- Electronic stair chairs for an ambulance company are used 3-10 times per week helping to prevent injuries.
- Sensory equipment and bite resistant sleeves. The sensory equipment and bite resistant sleeves assisted with reducing the number of restraints and prevented injuries during restraints.
- Patient lift equipment has assisted members whose residents have severe physical disabilities. The equipments helps to protect workers and the residents as well.
- Train the Trainer non-violent crisis intervention training. Staff welcomed the training and have an increased sense of job knowledge.

Safety Grant application packages were sent to all members in February. You can also access the application on our website www.wctrust.com. Grant applications must be postmarked or emailed no later than March 25, 2022. Safety Grant award winners will be announced on April 22, 2022. Projects must be completed by December 30, 2022.

If you have any questions, please contact Carol Fronczek at 203-68-0161 or email her at fronczek@wctrust.com.

Trust Retains 100% of Quoted January Renewals for 2022

We are delighted to report the Trust has once again retained 100% of all quoted January 1st renewals, making this the third time in the past four years to achieve this milestone! This is a rare and difficult feat to accomplish in the insurance industry, where retention levels above 85% are considered exceptional. January 1st is the Trust's busiest renewal date of the year with well over 100 members' policies renewing, totaling nearly \$17 million of premium volume. Achieving 100% in 3 of the past 4 years and over 99% in the other year is virtually unheard of and is a true testament to the strong working relationship the Trust builds with its members and brokers.

Our overall annual retention of quoted renewals usually hovers in the 96% to 97% range, far above the levels of other insurance companies, but perfection for any renewal cycle is rare and we're excited to have achieved it once again.

Price is always important, but we have learned that it takes far more than price to achieve retention levels like these. It's imperative to also deliver effective programs and services to control claim costs such as exceptional claims management, comprehensive loss control services and

a vast array of highly respected education and training programs. These programs result in reduced claim costs and increased profits which are returned to our members through the Trust's premium return program which has returned over \$50 million in premiums back to its members.



In its fortieth year, the Trust is the state's leading provider of workers' compensation to Connecticut's healthcare and human service employers. We have been successful at building effective, long lasting business relationships with our members and we return profits back to these businesses. Based on our latest renewal cycle and another large \$8 million premium return to members, our approach is definitely working. Thank you for your continued membership and support!

Do You Want to Benchmark Your Organization Against Others?

Annually the Trust provides our members and clients with DART* (**D**ays **A**way, **R**estricted or **T**ransferred) and Incidence** Rate data to assist your organization with establishing injury reduction benchmarks and to understand how your organization compares to like organizations in CT. The rates are computed using OSHA 300A data. OSHA also uses the DART Rates obtained through the electronic reporting requirement to identify organizations with high DART Rates which may result in OSHA inspections or inquiries. The information provided by the Trust will help you determine if your organization does have a high DART Rate and thus be better prepared for a potential OSHA inspection.

Information was emailed to members in February. If you are interested in participating in this voluntary survey or have questions, please contact fronczek@wctrust.com. Data is due to the Trust by March 31, 2022. All requested information can be obtained from the OSHA Form 300A, which you completed and posted for the 2021 calendar year. All the fields on the form need to be completed in order to provide you with your DART and Incidence Rate information. A confidential summary report will be sent to all participating organizations via email in June 2022. You may also access the loss recording form on our website www.wctrust.com.

To provide information, we request that you complete the form **electronically**, as we are no longer mailing out paper forms. Your timely response to this request for information is greatly appreciated. **The deadline for submissions is March 31, 2022.**

Should you have any questions, please contact Carol Fronczek at (203) 678-0161 or fronczek@wctrust.com.

* DART Rate = Total number of injuries and illnesses with lost time, restricted, or job transfer x 200,000 / Employee hours worked

** Incidence Rate: Total number of injuries and illnesses x 200,000 / Employee hours worked

Relief Program Available to Essential Workers Impacted by COVID-19

The Connecticut Essential Workers COVID-19 Assistance Fund was created to help ease the financial burden for essential workers who lived in Connecticut, contracted COVID-19, became ill and were unable to work, or died, between March 10, 2020 and July 20, 2021.

The program is intended to assist with reimbursement of:

- Lost Wages
- Out-Of-Pocket Medical Expenses
- Burial Expenses

Eligible essential workers or their families can apply for any combination of the three benefits.

The Office of the State Comptroller will administer the program and has engaged Public Consulting Group (PCG) to assist with claim processing and payments. The website is now online, allowing workers to learn more about the program and determine their eligibility. The website also outlines a step-by-step process on how to apply. Members and clients are encouraged to share this information with employees who were deemed essential during this time period.

Applications will be accepted through July 20, 2022. The program is earmarked to distribute up to \$34 million dollars on a first-come, first serve basis until the fund is depleted.

To learn more about the program or for employees to apply, please visit the website at www.CTEssentialWorkRelief.org

Welcome to the Newest Members of the Trust

M & S Transportation Services, Inc.

American ChairCar Services, LLC

Change Maple Leaf Manor, Inc.

Connecticut Foodshare, Inc.

Family Options. Inc.

Infinity Homecare Services, Inc.

ONS MSO, LLC

The Riverbrook Regional YMCA Association, Inc.

Women and Families Center

There have been many recent communications concerning OSHA regulations including the Emergency Temporary Standard for Healthcare, the Emergency Temporary Standard on Vaccination Mandates and other regulations which now are in effect due to the pandemic. The Trust has developed several resources to assist our members and clients.

OSHA Updates

COVID 19 Healthcare Emergency Temporary Standard - although this expired on December 21, 2021, there still remain some requirements for covered employers. The COVID-19 log must be maintained from June 21, 2021 and on for employees who test positive for COVID-19 whether the cases were work related or not. In addition, the reporting provisions for severe injuries due to COVID remain in effect. This area of the regulation requires work-related COVID-19 fatalities and hospitalizations be reported regardless of the amount of time between the exposure to COVID in the workplace and the death or in-patient hospitalization. Under the ETS a fatality must be reported within 8 hours and a hospitalization within 24 hours of learning about either situation.

COVID-19 Vaccine and Testing Emergency Temporary Standard - on January 26, 2022, OSHA officially withdrew the ETS which was issued on November 5, 2021. Although OSHA has withdrawn the ETS as an enforceable emergency temporary standard, OSHA is not withdrawing the ETS as a proposed rule. It is prioritizing its resources to focus on finalizing a permanent COVID-19 Healthcare Standard.

Voluntary Use of N95s - With the influx of N95s being provided to employers and employees by various sources, please keep in mind that there are OSHA requirements for the voluntary use of N95s in the workplace regardless of whether or not the employer provides the N95 or allows the employee to wear an N95. The employer is obligated to complete a hazard assessment to determine if the employee is NOT exposed to hazardous airborne conditions and therefore respiratory protection is not required for the job task. Then the employer can allow voluntary use of N95s. However, the employer must adhere to Appendix D Section 1910.134 (Mandatory) Information for Employees Using Respirators When Not Required Under the Standard. Training must be provided to the employee(s).



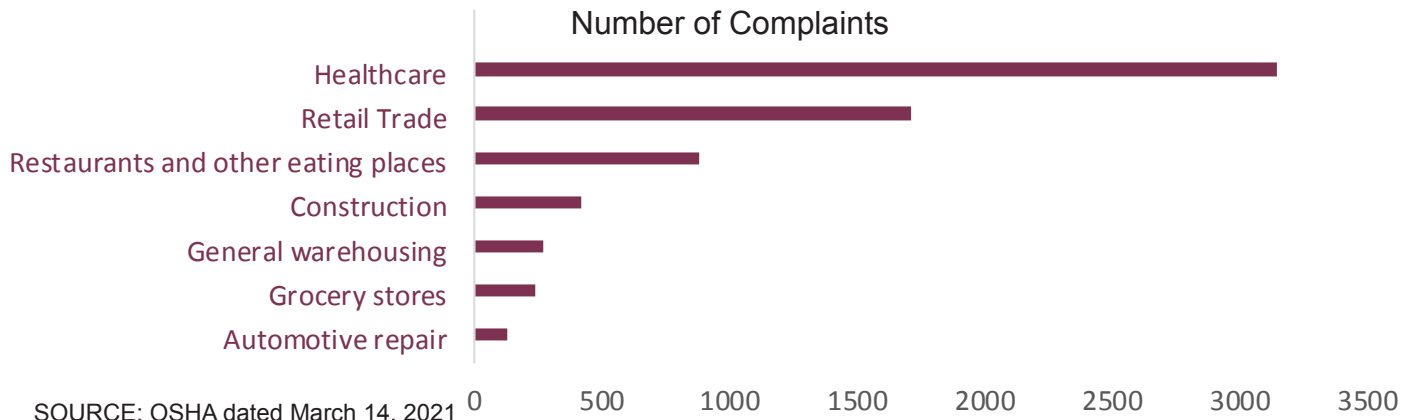
There are several training links available on the internet, below are just a few:

- Voluntary Use of Respirators - YouTube
- Cal/OSHA Training Video on the Use of N95 Respirators - YouTube

If you have any questions or need assistance, please contact your Senior Loss Control Consultant or email losscontrol@wctrust.com

Tally of OSHA Complaints - By Industry

OSHA has been tracking complaints reported since the start of COVID-19. Here are the results:



Trust Academy

Flood Insurance
Tuesday March 15, 2022
9:00am - 12:00pm

Medicare and Social Security
Thursday, March 17, 2022
9:00am - 12:00pm

ABC's of Personal Lines
Wednesday, March 23, 2022
9:00am - 3:00pm

In person training will be coming back in April

Senior Claim Representative Suzette Jardine Retires

It is with both sadness and gratitude that we announce the retirement of Suzette Jardine, Claims Adjuster. Suzette joined the Trust in 2008 and has always been well thought of by her member accounts. She received many compliments over the years due to her signature knowledge, her positive spirit and her dependability.



Suzette plans to travel as much as possible in her retirement and we wish her the very best.

New Staff

We are please to introduce our newest staff member, Mary Lynn Pelletier.

Mary Lynn will be working in the claims are as a Senior Claims Adjuster. She will be working with our Third Party Administrator clients.



Santa's Helpers Collaborate With My Sister's Place

In December, Trust staff put on their Santa hats and teamed up with My Sister's Place, a Trust member for over 11 years. Coats, hats, gloves, and other gently used items were donated by staff to their Holiday Wishes program. The Trust was happy to help this past holiday season!



My Sister's Place advocates for community housing and provides shelter for the homeless.

The Legal Corner

Attorney John M. Letizia, Managing Partner
Letizia, Ambrose & Falls, PC

Legalization Of Marijuana and Cannabis: New Challenges and Opportunities for Employers

People aged 21 or older can legally possess and use marijuana in Connecticut. Do employers have to allow employees to use marijuana at work, during their breaks or come to work under the influence? The answer to all these questions is no, but the law legalizing marijuana use, which is known as Responsible and Equitable Regulation of Adult-Use Cannabis (“RERACA”), contains specific limitations on what some employers can and cannot do when an employee uses or possesses marijuana outside of work and before being actually employed. Since most of the recreational marijuana rules that apply to employers become effective on July 1, 2022, it is critically important for employers to understand the scope of RERACA and their rights and obligations to their employees in this context and update their policies and practices. RERACA also underscores the importance for an employer to have broad and updated drug-free workplace policy, including policies governing pre-employment drug testing, reasonable suspicion testing and accommodation for those employees with medical marijuana cards.

What Employers and Employees Are Subject to RERACA?

Employers in several industries, including healthcare and social services, education and manufacturing, are exempt from the requirements of RERACA. Even if an employer is not exempt from RERACA, certain employee positions are exempt, including positions funded by federal grant, employees who supervise children, medical patients or vulnerable persons, those with the potential to adversely impact the health and safety of others and positions at a nonprofit, the primary purpose of which is to discourage drug use. Even employers with some exempt employees must adhere to the law’s restrictions on employer conduct with respect to employees that are not exempt. Notably, the definition of “employee” under RERACA includes independent contractors. Regardless, having an updated and broad drug-free workplace policy (which takes into account the settings where employees work outside of the traditional “workplace”) is recommended.

What Are The Restrictions on Employers That Are Not Exempt from RERACA or That Have Non-Exempt Employees?

RERACA prohibits covered employers from taking adverse action against an employee based on the employee’s use of marijuana outside of work, unless the employer has a written policy providing for that discipline. Moreover, an employer cannot take action against an employee based on the use of cannabis products before employment unless it would put the employer in violation of a federal contract or cause it to lose federal funding. The law also limits an employer’s ability to penalize an employee or applicant based solely on a positive drug test. The law creates a private right of action for employees and applicants harmed by employer violations of the Act’s proscriptions and enables employees to seek reinstatement, back wages and attorneys’ fees.

What Rights Do Employers Have Under the New Law?

RERACA does not change certain fundamental employer rights to require a drug-free workplace and regulate employee conduct in this context. For example, employers may still:

- Prohibit employees from working under the influence of marijuana or using or consuming marijuana while working on employer premises (except for medical marijuana, which law remains in effect);
- Discipline an employee if the employer has reasonable suspicion the employee used marijuana at work;
- Discipline an employee if the employer determines that the employee has specific symptoms of drug impairment at work; and
- Require pre-employment drug testing and take adverse action against employees who fail a drug test, if the employer follows a specific, written policy.

Nothing changes the rights and obligations of an employer and employee under Connecticut’s medical marijuana law.

Importance of Workplace Policies and Procedures

Whether or not an employer is exempt from RERACA or has exempt employees, it is important to review your existing drug-free workplace policy or create one before RERACA employer obligations go into effect on July 1, 2022. Employers must also create written guidelines governing reasonable suspicion testing and a consent form that clearly articulates the consequences to the employee of a positive test.

The representations made in this article are the analysis of the law offices of Letizia, Ambrose & Falls, P.C. This article is provided for information purposes. You are encouraged to consult with the appropriate legal counsel prior to relying on this information or analysis.

The Medical Corner

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

Omicron BA2

The sad landmark of 900,000 Covid deaths was recently surpassed in the United States, and the pandemic has claimed nearly 6 million lives worldwide. The omicron variant, more easily transmissible but less deadly than delta, sparked a dramatic worldwide surge, though at time of writing it appears to be in relatively rapid retreat. Waiting in the wings is an omicron sub-variant known as BA2 or “stealth variant”, which appears to spread even more easily than the original omicron, but to date has not been associated with higher mortality.

What is BA2, and what can we expect? It is one of three major subvariants of the covid-19 omicron variant, differing from omicron BA1 with a range of mutations. Some places in the world that saw early BA2 appearances have watched it surpass omicron BA1 rapidly. In Denmark, for example, more than 80% of cases are now BA2, and the United Kingdom numbers are rising rapidly. Currently 67 countries have reported circulation of BA2. At time of writing only approximately 5% of US cases are thought to be BA2, but this may change rapidly in the weeks to come. It is not yet clear whether BA2 can reinfect people who have already been infected with omicron BA1. Fortunately it appears that individuals who are vaccinated and boosted are well protected from severe disease, hospitalization and death from the new sub-variant.

How will BA2 impact the current decline in covid across the United States? At time of writing our daily overall covid infections are down 43 percent compared to last

week, mirroring the rapid decline of omicron BA1 seen in countries such as South Africa whose omicron surges began before our own. The key determinant of what happens next will be how well recent omicron infection protects against the new sub-variant, and how much protection persists from vaccination and boosting. Many people expect BA2 to dampen a precipitous decline in covid cases across the US. Instead of a steep downslope in the epidemic curve, we may instead see a lingering tail for many weeks.

Whatever the case, the introduction of BA2 is occurring as a range of protective measures such as masking and restrictions upon public gatherings are being pulled back. Whether that will be the key to the new subvariant's being able to gain a stronger foothold here remains to be seen.

20 Year Members

The Trust would like to thank the following members for their longstanding membership with the Trust

Pathfinders Associates, Inc.
Since January 1981

Visiting Nurse Association of Ridgefield, Inc.
Since January 1981

HART United, Inc.
Since March 1981

OnSite Education Programs

The Trust is slowly bringing members back to the Trust. Our first onsite program is:

Safety Solutions: Group Homes

March 24, 2022

10:00 a.m. - 11:30 a.m.

Stay tuned for more information courses.

We miss you !!



Upcoming Educational Programs

The following webinars 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. Your attendance is encouraged.

Safety Solutions: Defensive Driving Techniques - Webinar

Thursday, March 17 10:00 AM - 11:00 AM

Safety Solutions: Group Home - In Person

Thursday, March 24 10:00 AM - 12PM

Safety Solutions: Spring Into Safety - Webinar

Thursday, March 31 10:00 AM - 11:00 AM

Trust Discounted Vendors and Free Safety Resources - Webinar

Thursday, April 7 10:00 AM - 11:00 AM

OSHA Safety Series: CONN-OSHA's Consultative Services and SHARP Program - Webinar

Thursday, April 14 10:00 AM - 11:00 AM

Recreational Marijuana and Navigating Vaccination Exemption Requirements - Webinar

Tuesday, April 26 10:00 AM - 11:30 AM

Severe Weather Preparedness - Webinar

Thursday, May 5 10:00 AM - 11:00 AM

Safety Solutions: Preventing Heat Stress - Webinar

Thursday, May 12 10:00 AM - 11:00 AM

Safety Committees 101: Basic Tools for Building an Effective Committee - Webinar

Thursday, May 19 10:00 AM - 11:00 AM



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