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Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

61 Members Share \$450,000 4th Annual Safety Grant Program

The positive impact of the Trust's Safety Grant Program over the past three years has been remarkable in many ways. It has repeatedly shown that our members know their businesses best and, when given the opportunity and incentive, they can readily identify loss problems unique to their organizations, develop solutions to help control or eliminate those loss sources in the future, and successfully implement their plans/programs to accomplish those goals. Sometimes the problems are obvious, as are the solutions. Other times the problems are not so obvious, requiring some "out of the box" thinking by savvy employees which often leads to some unique solutions and programs.

It is this type of insight, along with members' taking "ownership" of their own programs, that has produced significant reductions in losses for many of our past grant recipients. The results have produced a tremendous return on investment for the Trust and have been instrumental in helping our losses continuously decline year after year. In the first two years the program awarded \$250,000 in grants each year, increasing to \$350,000 last year. We were so encouraged by past results and member participation levels, we increased this year's grant pool to \$450,000. Needless to say, there was a lot of competition.

In spite of the coronavirus outbreak, we still received a total of 116 grant proposals. The total requested funding for these proposals exceeded \$1,246,000. The maximum grant award per member is limited to \$15,000 and, while some proposals sought the maximum limit, many pursued smaller amounts to fund their programs. A total of 61 proposals were ultimately selected by the Trust management team to receive awards with an average award amount of approximately \$7,400.

Win/Win/Win

Rest assured that every Trust member wins with this program. The members receiving grant funding win by implementing programs to help lower loss results and premiums. The Trust wins by investing into well thought-out loss prevention measures specific to individual businesses, reaping the benefits of lower losses now and into the future. All Trust members win when Trust losses are lowered as this results in higher premium returns for all.

Diane Ritucci, Trust President and CEO stated: "Our Safety Grant Program has proven to be a resounding success. It is very encouraging to see so many members taking proactive steps to reduce losses and create safer work environments. Every dollar invested in these grant awards is returning far more in savings, which benefits all Trust members. Many thanks to all who submitted proposals. The competition was intense and there were a wide range of great ideas on how to better control losses. My personal congratulations to those selected to receive this year's awards. We all look forward to benefitting from your ideas!" See recipient list on page 5.

SPECIAL
CORONAVIRUS
EDITION

Articles Throughout

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Guide to Opening the Workplace: Post COVID-19

Excerpts Published by Governor Ned Lamont “Reopen CT 03/08/2020”

As Connecticut’s businesses reopen, the most important consideration is the safety and health of employees. If businesses cannot meet the guidelines provided by the state of CT, openings should be delayed until the rules are able to be met. Businesses should take the rules as a minimum baseline of precautions needed to protect public health in Connecticut. Also individual businesses should take additional measures as recommended by industry guidelines.

Employees are encouraged to continue to work from home if possible. Tenants should coordinate with building owners to ensure the rules are implemented effectively. Connecticut will continue to provide clear operational guidance to businesses so it is important to stay updated by visiting <https://portal.ct.gov/coronavirus>.

Employers should:

- Appoint a program administrator who is accountable for implementing the rules
- Share the rules with employees
- Maintain a log of employees on premise over time to support contact tracing
- Stagger shifts start/stop time and break times
- Limit visitors and service providers on-site; set up designated no-contact areas

Implement a training program prior to re-opening. Training should include; the rules, cleaning protocols including how to use the products. It is the employer’s responsibility to ensure subcontractors are also trained. Training needs to be provided at no cost to the employee and during working hours and presented in a language that can be understood by all. Weekly refreshers on policies should also be provided.

Signage - Post clear signage that reinforces the new policies including social distancing, cleaning and disinfecting, PPE and the protocol that employees shall stay home if sick/experiencing symptoms.

Ventilation - If possible, increase ventilation rates and the percentage of air that circulates if possible

Social Distancing Markers - Install visual social distancing markers-lobby/workspaces

Partitions - Use partitions between employees where a 6 foot distance cannot be maintained

Office Arrangement - Rearrange space to maintain 6ft. of distance. Stagger the position of desks so employees can avoid sitting opposite of each other.

Discrete Work Zones - Where possible, segment the workspace into discrete zones, prevent movement between zones, and close spaces where employees congregate.

Non-Essential Amenities - Close or remove amenities non-essential to businesses’ main function like coat rooms.

Touchless Appliances - Install touchless appliances wherever possible including such items as paper towel, soap dispensers and water fountains.

Personal Protection (PPE) - Estimate what is needed and procure. Establish protocols including wearing face masks/coverings, gloves and eye protection when using cleaning chemicals. Protocols should include employees who work alone in segregated spaces, for employees working in congregate areas and in common areas. Employers are responsible for securing PPE. Without it businesses cannot open. Visitors must be required to wear PPE as well.

Cleaning and Disinfecting - Businesses need to follow federal guidelines (CDC, EPA) for products and their use. Train staff on the procedures for effective use of the cleaner(s).

- Clean and disinfect common areas, high transit areas and frequently touched surfaces daily
- Clean and disinfect shared objects after each use (copiers, vending machines, coffee machines, etc.)
- Provide hand sanitizer at entrance points and common areas
- Ensure proper handwashing
- Make available near common surfaces cleaning and disinfecting products and/or disposable disinfectant wipes
- Frequently clean and disinfect bathrooms multiple times per day; implement a cleaning log for tracking

Daily Health Check - Ask employees resuming on premise work to confirm they have not experienced COVID-19 CDC-defined symptoms and to monitor their own symptoms; including cough, shortness of breath, or any two of the following symptoms:



- Fever
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache

- Sore throat
- New loss of taste or smell.

If sick, employees need to be told to stay home. In the event of a positive COVID-19 case, employees shall inform their employers and follow state testing and contact testing protocols.

Employers may not retaliate against workers for raising concerns about COVID-related safety and health conditions.

Employers shall adhere to federal guidance pertaining to paid leave for employees and provide this guidance to employees. Employers shall post the Families First Coronavirus Response Act (FFCRA) Department of Labor poster. This poster can be accessed on the Trust website www.wctrust.com or <https://www.dol.gov/agencies/whd/posters>.

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

PAID LEAVE ENTITLEMENTS
Generally, employees covered under the Act must provide employees:
Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:
• 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
• 75% for qualifying reasons #4 and 5 below, up to \$200 daily and \$2,000 total; and
• 10 to 12 weeks of paid sick leave and expanded family and medical leave paid at 75% for qualifying reason #6 below for up to \$200 daily and \$12,000 total.
A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYERS
In general, employees of private sector employers with fewer than 500 employees, and certain public sector employees, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reasons #6 below.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19
An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:
1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

ENFORCEMENT
The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employees may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employees in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

For additional information or to file a complaint:
1-866-487-3242
TTY: 1-877-889-5627
www.dol.gov

When Employees Work From Home: Workers' Compensation and Employer Considerations

Workers' compensation claim concerns involving employees working remotely from home (telecommuting) is not limited to worldwide pandemics. According to the Bureau of Labor and Statistics, approximately 24% of American workers do some or all of their work from home. That being said, telecommuting can bring about some unique challenges for employers which warrant extra attention when dealing with telecommuter workers' compensation claims. Some of the more common issues that arise under these circumstances are outlined below.

Deviation from work vs. personal comfort doctrine

The personal comfort doctrine basically speaks to the fact that if an employee is injured while taking a brief break during the workday to grab a snack, go to the bathroom, get a cup of coffee, or similar convenience tasks, whether at an employer's office or at the employee's home office, these types of scenarios are usually found to be eligible for workers' compensation. Now, when circumstances change and the employee deviates significantly like letting the dog out in the yard and slips and falls on the deck, then you can see how activities throughout their telecommuting day resulting in an injury and claiming it to be a work related injury may come into question!

Unwitnessed events and the need to investigate, investigate, investigate

No doubt, employers may find themselves in a much more difficult position to determine whether an injury was work-related because there is usually less evidence available in these home office scenarios. An accident at a business or job site may have witnesses or be caught on security footage. Work at home employees are often alone while they work, so there is often no one present to corroborate the events leading up to the injury. This is where employers need to be precise, timely and vigilant in gathering all the facts of the event and sharing it with the Trust as soon as it occurs so additional follow up can be initiated by the assigned claims representative.

Finally, while employers cannot completely eliminate safety hazards in a home office setting, just as they cannot in the traditional employment setting, employers should enforce good risk management practices to ensure that home office worker are as safe as possible. Employers should strongly consider developing and implementing safe work policies and procedures for staff working remotely and require employees to sign a remote work agreement which acknowledges their responsibilities under these types of working arrangements.



June is National Safety Month NSC Promotes Mental Health Wellness

Each year, the National Safety Council (NSC) provides organizations with safety material focused on reducing both work and home exposures and hazards to reduce and prevent injuries. Given the current state of the world, National Safety month will look a little different than in past years. Instead of focusing on a single topic each week, the NSC will provide real-time, relevant resources on a variety of topics for keeping workers safe in our new normal.

One of the topics to be covered during the month is Mental Health. More than ever it is important for all of us to take care of our mental health during these unusual and stressful times. Employers can play an important role in helping staff take advantage of available resources to keep their stress at bay.

Particularly with healthcare, human service and other first response workers, it is more important than ever for employers to continue to communicate and educate employees on how to reduce stress and take care of their own mental health. Reach out to your employees and provide them tools and useful information to help them cope with the pandemic both during and post COVID-19.

Remind them that counseling programs are available including information on how to access your organization's EAP program if one is available. Seeking help or counseling if needed should be encouraged as there are several methods including phone calls, video and online support groups. Remind employees of self-care methods that can be done while following the guidelines for social distancing. These include:

- Reaching out to a physician or other medical professional if your employee has a concern about their own well-being.
- Getting some exercise; a bike ride or a walk
- Doing meditation or yoga; there are plenty of You Tube videos available to help them with these activities
- Creating virtual social support groups using methods such as Zoom, SKYPE or FaceTime
- Engaging in hobbies that they enjoy such as gardening, cooking, reading or another idea
- Prioritizing good sleep and healthy eating

Self-care is key to good mental health. Employers who stay engaged with their employees can make a positive impact and help their employees through difficult and stressful times. For more information, go to www.nsc.org.

Trust Deemed An Essential Business During Pandemic

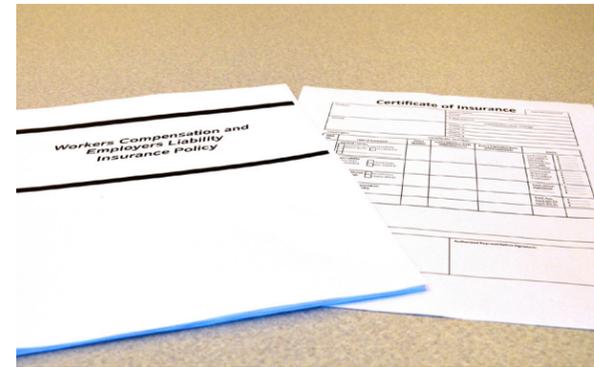
Like most employers throughout the state, mid-March found many in the business community scrambling to pack up computer work stations, business reference materials, and other essential belongings to send employees home to work remotely and safely until further notice. The Trust was no different and activated its Pandemic Preparation Plan within days of hearing from government officials and media outlets that the anticipated COVID-19 wave was soon to hit Connecticut.

The Trust, deemed an "essential business entity" by the state of Connecticut, reacted quickly and decisively during this time to maintain and deliver key essential services to our members and self-insured clients. Those services include timely check issuance to injured workers, binding and renewing insurance coverage for our members, and continued claim processing and adjudication.

Approximately 80% of the Trust workforce were sent home during the week of March 16th and immediately began working effectively as if they were at the Trust. This allowed for the remaining 20% of the staff to remain safely and socially distant from each other within the building to scan incoming mail into the claims system and continue check processing services to injured workers, medical providers and vendors.

The Trust wants to thank all its employees for their dedication and perseverance during these difficult and trying times. A special shout out to Jim Longo, IT Systems Administrator, who worked tirelessly day and night over a 72 hour period to get everyone up and running remotely. Thanks Jim!

Strategies for Effective Claim Management During a Pandemic



see who is offering interactive tele-rehab services, all have worked together in a coordinated fashion to keep claims moving in a caring and compassionate way.

Looking forward, the next challenge on the horizon will be to effectively manage the backlog and increased demand for services which will occur when the re-opening of businesses in the state begins. Many elective surgeries, permanency ratings, second opinions which literally dried up overnight will now need to be carefully planned, monitored and managed. The Trust stands ready for the challenge to assist injured workers get the services that they need so they can move forward with their lives.

2020 Safety Grant Recipients

ACES Alberta Manor	Foodshare GBAPP	Safe Futures SARAH
Allied Community Services	Generations Family Health Center	Stratford Visiting Nurse Association
Applied Behavioral Rehabilitation	Groton Ambulance Association	The Arc Eastern Connecticut
ARC of Greater New Haven Inc.	Handz-On Inc.	The Arc of Litchfield County
Assisted Living Services	Humanidad	The NH Jewish Comm Council Housing
Benhaven	I C E S	The Supported Living Group, LLC
Branford Hills Health Care Center	InterCommunity	The Village for Families & Children
Change, Inc. /Nurses at Home	Klingberg Family Centers	Turning Leaf Agency
Cherry Brook Health Care Center	Kuhn Employment Opportunities	Twin Maples Home
Child & Family Agency of SE CT	Leeway	United Cerebral Palsy of E. CT
Chrysalis Center	Madonna Place	Viability
Community Health Resources	Maria Cerino, LLC	VNA Community Healthcare
Community Residences	Marrakech	VNA Home
Connecticut Renaissance	Matulaitis Nursing Home	VNA Valley Care
Cook Willow Convalescent Hospital	Milestones Behavioral Services	Waveny LifeCare Network
Creative Potential, LLC	New Horizons	Wethersfield Housing Authority
Duncaster	New Opportunities	Windsor Independent Living
Elder Care Consulting, LLC	Portland Care and Rehab Center	YWCA Hartford Region
Family & Children's Aid	Regional Hospice & HC of Wstrn CT	
Family ReEntry	Reliance Health	

The Legal Corner

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

Paid Sick and Family Leave Obligations Under the Families First Coronavirus Response Act

The most significant legislation since the original Family Medical Leave Act was enacted decades ago, is the paid sick leave and paid family leave obligations under the new Families First Coronavirus Response Act (FFCRA). This article highlights these 2 key obligations for the paid leave under the FFCRA.

A. Federal Paid Sick Leave Law

The 2-week paid sick leave obligation applies to all private employers that employ fewer than 500 employees and covers all employees regardless of the number of hours worked. For full-time employees, the paid sick leave is for up to 80 hours, but only if the employee's absence is due to one of the 6 specified COVID-19 situations as listed below:

1. When the employee is subject to state, federal or local quarantine or isolation order for COVID-19;
2. When the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. When the employee is experiencing symptoms related to COVID-19 and is seeking a diagnosis;
4. When the employee is caring for an individual who is subject to a quarantine order or health care provider's advice to self-quarantine;
5. When the employee is caring for his or her child if the school or place of care has been closed or childcare provider is unavailable due to COVID-19 precautions; or
6. When the employee is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services.

B. Employer Paid Family Medical Leave (Expanded FMLA)

Another part of the FFCRA expands the traditional federal FMLA to provide 12 weeks of job-protected paid leave related to the need to care for children in the event of a school closure or unavailability of child care due to COVID-19. It covers private employees that employ fewer

than 500 employees. The law applies to full-time and part-time employees of covered organizations who have been employed for at least 30 calendar days. The 12 weeks of leave include two weeks of unpaid leave, to which the new paid sick leave benefit may apply, followed by 10 weeks of paid leave, at two thirds of the employee's usual pay. The employer's obligation under FMLA to restore the employee to his or her position following the end of leave does not apply to employers with fewer than 25 employees under certain circumstances involving changed economic conditions, but the employer must make reasonable efforts to restore the employee to an equivalent position.

C. Exceptions; 50 or Less Employees; Reduced Payroll Taxes and Expiration

An employer with less than 50 employees is exempt from providing paid sick leave and expanded family and medical leave due to the closure of a child's school or place of care or a child care provider's unavailability due to COVID-19 reasons when doing so would jeopardize the viability of the business as going concern. Also, employers may exempt employees that are classified by the USDOL as healthcare providers and emergency responders from the paid leave obligations. These leave obligations end on December 31, 2020. Finally, employers will be able to retain an amount of payroll taxes equal to the amount of qualifying sick and child care leave they have paid, rather than deposit them with the IRS. If there are not sufficient payroll taxes to cover the cost of qualified sick and child care leave paid, employers can file a request for an accelerated payment from the IRS. We recommend you contact your accountant about this process.

The following is a link to USDOL guidance regarding the FFCRA, <https://www.dol.gov/agencies/whd/ffcra>. However if anyone has any questions or would like more information regarding these two paid leave obligations, please do not hesitate to contact John M. Letizia; letizia@laflegal.com or (203) 787-7000.

The Medical Corner

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

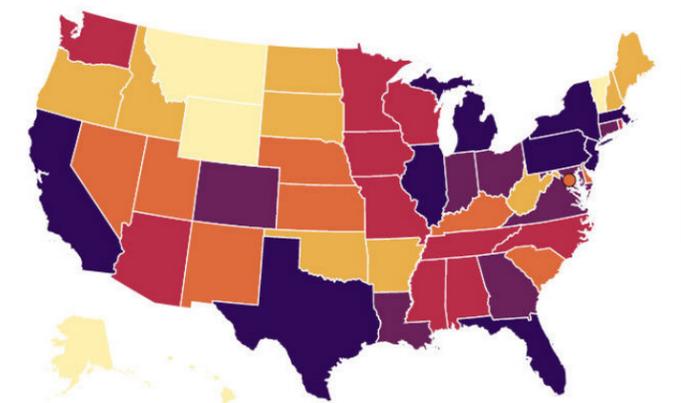
COVID-19: Where Do We Stand? What Can We Expect?

As I follow the daily statistics on COVID-19 in our region, nationally and around the world, the questions I have are probably the same ones many of us ask. How far along is this epidemic, and what are reasonable expectations for the future? Much has been written about the impact of social distancing to "flatten the curve", and as I review the data from my own health system, that impact is clearly perceptible. While we have treated thousands of COVID-19 patients, the numbers did not exceed our capacity to render care, and we never found ourselves in the position of having to ration care. Today we have 20% fewer COVID-19 patients than we did at our high point, and already we are making plans to resume facets of our mission that had to be put aside during the past two months, namely elective procedures and a range of other broadly defined clinical care for conditions other than COVID-19.

But, is it realistic to expect we have seen the peak, and that a gradual decline will follow? To answer that question, we must assess how much of our population is still vulnerable to infection, and whether we can realistically protect that segment of the population going forward. Because testing has not been adequately available across the United States until recently, we cannot rely on data accrued to date regarding how many in the United States have had the disease. What can we rely on? While tallies of deaths attributable to COVID-19 are subject to a number of factors that may compromise their accuracy, they are by-and-large a better barometer of what our actual disease burden has been. As of May 15th, the official death tally in Connecticut was 3,125 individuals. Based on estimated mortality rates from settings where testing has been widespread and well administered such as South Korea, that would suggest that as many as 400,000 individuals may have actually been infected in our state. While that is a far larger number than the official case count in Connecticut, it represents only 11% of the state's population.

In other words, about 90% of us are still susceptible.

As we resume some semblance of normality in our lives over the weeks to come, we must do so bearing in mind that most of us have yet to contract this illness. And based upon that, the models that chart our likely future during the next two years vary from a best case scenario wherein COVID continues to occur at levels below where we have been, never overwhelming our capacity to render inpatient care, to a frightening resurgence of disease in the fall far surpassing what we have seen to date, and reminiscent of the "second wave" of Spanish Flu in 1918 that killed tens of millions worldwide. If we proceed carefully, maintain masking whenever moving about in public, continue to avoid crowded gatherings, expand testing capacity in the general public as well as among higher risk groups, isolate and trace the contacts of those who develop disease, and monitor carefully our testing data to be certain we are not beginning to see clusters of transmission within the state, we may be able to keep COVID-19 incidence at a manageable level. But, there will continue to be cases, and this is going to go on for a long time, possibly for the next two years unless an effective vaccine can be developed and broadly administered.



As of May 14, 2020

