

Trust Intelligence

A Newsletter for Members of the Workers' Compensation Trust

Issue 91

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Trust Launches Safety Grant Program for Members

The Trust is excited to announce a new program to provide up to \$250,000 in grants for projects to improve or implement employee safety or loss control efforts for member organizations.

The safety grant will be awarded for projects or initiatives that improve employee safety or have the potential to reduce risk for workplace injuries.

The objective is to encourage and support member efforts in developing innovative safety initiatives by defraying the costs of participating, adding or enhancing a risk reduction strategy, program or process.

The completed grant application must be received by March 31, 2017. To apply for the grant or for further information, go to www.wctrust.com

Winners will be announced on May 1, 2017. Please feel free to contact Carol Fronczek at (203) 678-0161 with questions.



Trust Ranked A Best Place to Work for 2017

The Trust was recently recognized by the Hartford Business Journal as one of the "Best Places to Work in CT" for 2017. This honor is awarded to those companies who rank highest in employee satisfaction as determined by a survey administered by the Best Companies Group.

A representative group of staff gathered at an awards ceremony in Farmington. Diane M. Ritucci, President & Chief Executive Officer said "This recognition is a testament to the commitment our staff puts forth every day to create a work environment that is caring, passionate, professional, productive, and appreciative of those we serve as well as each other. I am so proud!"



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Nationally Recognized Consultant Trains Claims Staff on Improving Communications & Overall Outcomes with Injured Worker



Dr. Jennifer Christian, MD, MPH, a nationally recognized thought leader on workers compensation and disability visited the Trust in December, to provide a full day of educational insight to our claims staff.

The training provided proven strategies to improve communication with injured workers with a special emphasis on motivational interviewing and facilitating recovery.

In addition, Dr. Christian reviewed a number of advocacy claim handling programs the Trust has introduced over the past several years.

Key Takeways for Employers

- 1) Consider “worklessness” a poor outcome: a sign that programs and/or services have been inadequate in serving the injured worker.
- 2) Meet reasonable needs of the injured worker.
- 3) Attend to the extra needs of the 10% of vulnerable workers at risk of becoming real problem claims.
- 4) Set up protocols and use of tools and automated methods to ensure the right things happen all the time when an employee finds themselves injured on the job.
- 5) Demonstrate empathy.
- 6) Take a multi-dimensional approach to evaluating and intervening in problematic claims.

Trust Launches New & Improved Claim System

After four years in the making, the Trust officially “turned on” our new and improved claims management system. This new web based system called **Instream**, offered through OneShield, Inc., replaces the existing legacy claims system which has been in place for the past ten years. The new system allows us to directly connect our policy, claims and loss control systems together so we can easily access an insured’s data all in one place. In addition, the system allows us to do a significant level of customization to meet our business needs which makes for greater efficiencies in our day to day operations and ultimately benefits our members and clients alike.

A special thanks to the key internal architects of the system, Rose Zimmitti, Systems Analyst/Developer and Kathi Bepko, Claims Manager of the Trust for their inspirational vision and countless hours of work and dedication above and beyond their normal daily job duties. In addition, we applaud all those staff members who helped test and train the rest of us leading up to and during the launch. Mission accomplished!

Halina Lekacz Retires from the Trust



On January 19th, the Trust bid farewell to **Halina Lekacz**. Halina joined the Trust in July of 2002 as Hearing Officer and continued in this position until her retirement.

In just this past year alone, Halina drove over 6,000 miles and attended over 430 hearings in all districts across the State.

We wish Halina a very long, happy and healthy retirement.

As one door closes, another door opens they say, and into the position as Hearing Officer steps **Stanley Wojnilo**. Stan joined the Trust as a Senior Claim Representative in February, 2008. In addition to the responsibilities as a claims adjuster, Stan also attended many hearings on behalf of the Trust. We are excited that Stan is taking the reins in this position. Congratulations to both Halina and Stan!

Are You Using Staffing Agencies or Other Types of Independent Contractors?

If So, Don't Forget to Collect Certificates of Insurance

Most businesses face staffing challenges on occasion and often times are tempted to consider the services of a staffing agency or other type of independent contractor (IC), such as consultants, contractors, etc. While the correct use of IC's can offer employers some significant advantages over hiring full or part time employees, there are many pitfalls that can cause an employer serious financial and legal damage if overlooked.

One important thing to keep in mind is this; ***"Employees aren't independent contractors just because the employer says they are!"*** In fact, in Connecticut and elsewhere, there is no simple process to denote that an individual is or is not an IC. Compounding the issue, the State of CT and the IRS use varying criteria to assess the employment relationship. The CT Department of Labor website provides some valuable information on worker classification.

From a Trust perspective, if you are using IC's remember to obtain a certificate of insurance (COI) for workers' compensation if the IC is performing work that is common to the types of services expected under the workers' compensation class codes applicable to your business. Make sure the COI does not exclude coverage for the owner(s) if he/she is also involved in performing the work. If there is no COI on file at the time of the audit, the payments made to the IC's may be picked up as chargeable payroll on your workers' compensation policy.

Your broker is a good resource for advice and to review COI's to confirm proper coverages and policy effective dates. Remember to retain the COI's in a safe convenient place so when the workers' compensation payroll auditor comes in, they are readily available.

EDUCATION PROGRAM

What Every CEO/CFO Needs to Know About Insurance

Tuesdays starting March 28, 2017

The Trust is pleased to once again offer this high level 6 part series designed to provide executives with the information necessary to make informed decisions about purchasing commercial insurance. Commercial insurance is designed to protect your business and bottom line, but it can be confusing. This course will provide the essential information needed to understand coverages and protect your organization.

This course was extremely informative and provided a wealth of information.

-Michelle Michaud, CFO, The APT Foundation

Participants will be provided with a reference manual including the presentation, forms, policies, and key components of each lecture. A program certificate will also be provided upon completion of the course.

Enroll today by visiting www.wctrust.com

Speaker: Ed Meaney, CPCU, Trust Academy for Insurance Professionals Coordinator

Ed Meaney, CPCU of Think Beyond, LLC coordinates Trust Academy. Ed has over 42 years experience in the insurance industry and has taught at : University of New Haven, Southern Connecticut State University, Hartford Graduate Center, and The American Institutes. He also served as the Educational Director for Independent Insurance Agents of Connecticut for over 5 years. Ed is an active member in the Society of CPCU as well as a member of the Hartford chapter of the Professional Liability Underwriters for over 14 years.

Ed Meaney is the most knowledgeable person in the insurance industry I have met. Great job! The entire course kept our attention at all times.

- Lou Desario, VP Operations, Duncaster



Get Healthy Connecticut Promoting Healthy Lifestyles

Get Healthy Connecticut is a coalition dedicated to promoting healthy lifestyles by removing barriers to healthy eating and physical activity. Get Healthy CT was formed in Greater Bridgeport in 2010 and has expanded to include a chapter in New Haven and coordinated efforts in Greenwich. Their approach is to work together with community partners to identify existing resources and programs and use their website as the central connecting point for information and collaboration. The community-wide coalition aims to “make the healthy choice the easy choice.”

Each month, Get Healthy Connecticut focuses on a timely topic to help promote health & wellness. The most recent monthly feature was Keeping Your Heart Healthy in collaboration with the American Heart Association’s “Life is Why” and “Go Red for Women” campaign. Check out Get Healthy Connecticut at www.gethealthyct.org and see how your organization can get involved. We DID!

Trust Staff Goes Red for Women

Trust staff recently participated in the American Heart Association’s “Go Red for Women” Campaign. The campaign was created in 2003 to raise awareness of the dangers and risks for heart disease amongst women - a disease that most women didn’t pay much attention to at all. Now, every first Friday in February is National Wear Red Day to help save some of the nearly 500,000 American women who die each year of heart disease.

By participating in the campaign, we received daily emails and posters from the AHA to help spread the word throughout our workplace and learned about risks and dangers. The Trust collected a total of \$340, which was donated to the campaign!



OSHA NEWS

Final Rule to Improve Tracking of Workplace Injuries & Illnesses

Effective January 1, 2017 OSHA revised its requirements for recording and submitting records of workplace injuries and illnesses so that non-exempt employers electronically submit OSHA 300A information to OSHA for posting to the OSHA Website. In addition the final rule includes provisions that encourage workers to report work-related injuries or illnesses to their employers and prohibit employers from retaliating against workers for making those reports.

Who must submit the data to OSHA? Establishments (an establishment is defined as “a single physical location where business is conducted or services or industrial operations are performed”) with **250** or more employees that are currently required to keep OSHA injury and Illness records must electronically submit information from OSHA 300 Forms-Log of Work-Related Injuries and Illnesses, 300A by July 1, 2017. There are additional reporting requirements beginning in 2018.

Work places with **20-249** employees that are classified in certain industries, such as hospitals, nursing care facilities and residential facilities, with historically high rates of occupational injuries and illnesses must electronically submit information from OSHA Form 300A by July 1, 2017.

OSHA has indicated that the instructions for the electronic submission of data will be available sometime during the month of February on the OSHA website; www.osha.gov.

Employers will not be notified of the need to report the data, but must comply with the regulation if not exempt from the recordkeeping standard and they fall within the employee count guideline. If you have any questions concerning this new reporting requirement please contact Loss Control at losscontrol@wctrust.com

Behavioral Health Specialists Help Trust Kick Off Injury Coping Assistance (ICA) Program

In response to the Workers' Compensation Commission's Psychological Pain Assessment and Treatment Protocols which went into effect in 2016, the Trust has developed a statewide network of behavioral health professionals to support our newly developed Injury Coping Assistance Program (ICA). The ICA Program is available to those who have experienced a work-related injury and are suffering the impact of ongoing pain or other physical and emotional symptoms that challenges their ability to return to work or maintain a productive and pleasurable lifestyle.

To officially kick off the program, all network providers attended a program orientation at the Trust to review the program's purpose, content and goals in helping injured workers get back on the road to recovery. The event, which was well attended and very much appreciated by the attendees, demonstrates just how important it is at times to address an injured worker's stress level and coping skills when they find themselves injured and in pain for an extended period of time.

If you know of any injured worker within your organization who may be struggling in their injury recovery and might benefit from this program, please contact Robb D. Wright, OTR/L, Return to Work Specialist at the Trust at (203) 678-0185 or at wright@wctrust.com.

ARC of Quinebaug Valley - 20 Year Trust Member

President & Chief Executive Officer, Diane Ritucci, hit the road once again in route to Danielson, CT to recognize and thank one of the Trust's longstanding members for their loyalty and support. Diane met with Cori Castro, HR Manager at The Arc of Quinebaug Valley and presented her with a plaque of appreciation. The Arc was kind enough to post this photo and caption on their social media site.

"What a wonderful start to a Friday here at The Arc Quinebaug Valley! Diane Ritucci, President & CEO of Workers' Compensation Trust, came to visit us this morning and presented The Arc with an Appreciation Award for our Longstanding Partnership for over 20 years. This truly put a smile on our faces! We appreciate this extremely kind gesture and couldn't be happier with Workers' Compensation Trust! We have always been able to count on them throughout the years. Thank you for this award!"



Board of Directors News



Brian Carney

The staff of the Trust and Board of Directors would like to thank both Brian Carney, of Western Connecticut Medical Group and Linda Worden, of Worden ElderCare for their many years of service to the Trust.

In December, Western CT Medical Group left the Trust to join the Western Connecticut Health Network's Self-Insured program.

Also in December, we received notification that Linda Worden would be resigning from her position on the board.

We wish both Brian and Linda all the best.



Linda Worden

The Legal Corner

Attorney John Letizia, Managing Partner

Letizia, Ambrose & Falls, P.C., New Haven

CT's New "Ban the Box" Law is in Effect Prohibiting Criminal History Questions on Job Applications

Effective January 1, 2017, the Fair Chance Employment Act bars most employers from asking prospective employees about prior arrests, criminal charges, or convictions on an employment application. The new law contains two narrow exceptions, but even if an employer does not fall within one of the exceptions to the new law, in our opinion, the law does not prohibit an employer from requesting criminal history information as a separate step in the application process or in the interview. Moreover, nothing in the law alters an employer's ability to require an applicant to submit to a criminal background check. In short, employers may still inquire into the criminal histories of prospective employees prior to making a conditional job offer, or even possibly before scheduling an interview.

Employers May Still Ask Applicants to Disclose Criminal History

The new law simply prohibits employers from inquiring into an applicant's criminal history on "an initial employment application." In fact, the legislative history confirms that the employer could inquire into a prospective employee's background (including arrests) and perform a background check before any offer of employment is made.

In limited situations, employers may continue to inquire into an applicant's criminal history on an initial employment application if: (1) the employer is required to do so by state or federal law; or (2) the position requires a security, fidelity, or other equivalent bond. However, these exceptions raise more questions than they answer. Although there is an argument that companion agencies may be exempt because of their separate obligation to require prospective employees to "complete and sign a form" inquiring into prior criminal convictions involving violence or dishonesty or disciplinary actions, this is not completely clear.

Even if an employer is allowed to continue to ask the criminal history question on an initial job application,

the new law does not change the long-standing requirement that a notice appear on the application advising the prospective employee that certain erased or expunged criminal records need not be disclosed.

Individuals who are aggrieved by a violation of the new law may file a complaint with the Labor Commissioner, but there is no private right of action against the employer.

**A FAIR CHANCE
FOR ALL**
REDUCE BARRIERS: BAN THE BOX

Next Steps

1. Employers must review their employment applications for compliance with the new law and revise the application if it is not in compliance.
2. Employers should determine whether they need to create follow-up forms or new interview procedures/questions to inquire about a prospective employee's criminal history after the initial employment application is completed.

If you have any questions about the new law and how it will affect you, would like a copy or assistance in reviewing or revising your employment application or application and interview process, please contact Attorneys John M. Letizia (letizia@laflegal.com) or Phyllis M. Pari (pari@laflegal.com) at (203) 787-7000.

Rabies

What You Need to Know



Recent discovery of a rabid bobcat in Connecticut reminds us that rabies continues to be a threat to humans and domestic animals. The most recent U.S. summary surveillance report from the U.S. Centers for Disease Control and Prevention (CDC) shows a total of 183 animals in the state testing positive for the disease. Raccoons continue to be the most commonly infected animals in Connecticut, followed by skunks, bats and foxes. The last human case of rabies in Connecticut occurred in 1995; it involved a child who was exposed to a bat, and was fatal.

Rabies virus infects the brain and lining of the brain, and is transmitted through the saliva of biting animal. It is not spread by casual contact, nor by contact with blood, urine or feces. Following infection, symptoms, which typically progress from headache and fever to profound behavioral disturbance to coma, may be delayed for 6 months or longer. The disease is almost always fatal in those who do not receive post-exposure prophylactic treatment.

Best steps to avoid exposure to rabies include making certain your pets are current with their rabies vaccination, and avoiding contact with wild animals, particularly raccoons, skunks, bats, foxes, coyotes and bobcats. Any wild animal exhibiting odd or aggressive behavior must be particularly avoided. If you are bitten by a wild animal, you should wash the wound for 15 minutes with soap and water, and seek medical attention immediately. Post-exposure prophylactic treatment of a rabid animal bite is nearly 100% effective in preventing disease and consists of a dose of rabies antibodies and 4 doses of vaccine (administered at time of exposure, day 3, day 7, and day 14 following exposure.) Such treatment also is recommended when a child or mentally impaired individual is discovered to have been in a room where a bat is present. The reason for this is that such individuals may not be able to report

Rabies in Connecticut

whether or not a bite has occurred, and bat bites may leave only scant marks on the skin. When possible, the biting animal should be captured and euthanized by health officials to determine whether it is infected.

While there are thousands of human rabies cases around the world each year, human infection has become vanishingly rare in the United States. Continued vigilance regarding vaccination of domestic animals, avoidance of wild mammalian carnivores, and rapid administration of rabies prophylactic treatment is imperative to protect us from this severe and nearly invariably fatal illness.



