North Bay Schools Insurance Authority

News and Views

Spring into Safety!

March 2011

Safety Grant Winners Announced!

NBSIA is pleased to announce the winners of the 2010-11 Safety Grant Program! The purpose of the program is to encourage and promote the active participation of site personnel and students in ensuring the overall safety of their environment.

This year we received a total of **26** Safety Grant Applications from **5** Members: **Davis Joint USD, Fairfield-Suisun USD, Solano County Office of Education, Travis USD** and **Vacaville USD**. The submissions were voted upon by the NBSIA Risk Management Committee in order to determine the district-level winners. These first place winners from each of the districts then advanced to the pool level for final evaluation. The second place submissions from each district were then placed in a run-off for the pool-level 3rd place award. NBSIA staff selected the pool-level winners.

Congratulations to:

First Place: $5,000 — **Cambridge Elementary, Travis USD**
"Kindergarten Playground Fence"

Second Place: $3,000 — **Crystal Middle School, Fairfield-Suisun USD**
"Surveillance Camera Project"

Third Place: $2,000 — **Willis Jepson Middle School, Vacaville USD**
"Student Sidewalk Safety"

NBSIA thanks everyone who participated this year for their hard work and commitment to safety. We hope to see a continued increase in the quality and quantity of submissions in the years to come. Interested in participating next year? Check out our website for more information: www.nbsia.org. If you have any questions regarding the Safety Grant Program, please contact Member Services Manager Suzanne Dillman at (707)428-1830, extension 106.

Meet our New Property and Liability Claims Manager

Colleen Abney joined NBSIA in December 2010 and comes to us with over 30 years' experience in claims handling. She has worked in both public and private sectors and brings that unique perspective to her new position.

Colleen is an avid snow skier and has been happily married for 34 years. She enjoys spending time with her 2 grown children and her Aussie-mix dog, Reagan.

Look for Colleen at the next Property and Liability Contacts meeting in May. In the meantime, if you would like to contact her, she can be reached at (707) 428-1830 ext. 103 or ColleenA@nbsia.org

TEACHER SAFETY
Don't Ruin Your Summer Break with a Break!

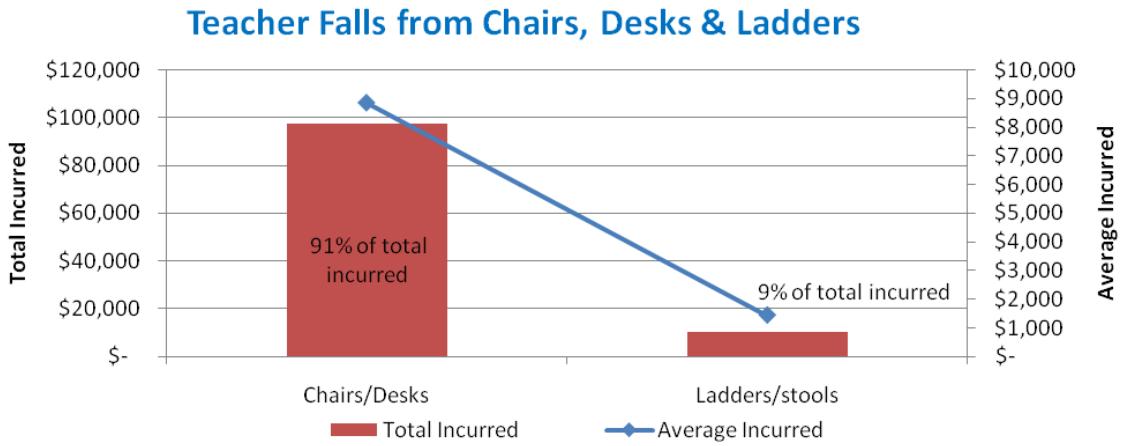
By: Jeremy Hatch, CPSI, Loss Control Specialist

It is all too often that an injury in the classroom occurs when a teacher uses something other than a ladder to reach high places. Falls from chairs, bookcases and tables are unfortunately common. Injuries include: strains, sprains, lacerations, contusions and even broken bones. Now **THAT** would ruin your summer break!

Please take the time to seek out the nearest ladder or stepstool. If you don't know if one is available, ask your site administrator or custodian. If there are only a few ladders or stepstools available take turns using them and put them back immediately after use so that others will have access to them. It would even be worth teaming up with a co-worker to perform these tasks. A co-worker can hold the ladder or stepstool to steady it. You can also hand items to a fellow employee who is standing on the ground or vice versa, to avoid going up and down the ladder as much. Always face the ladder or step stool directly in front of the item being accessed to avoid twisting and turning, and always wear good sturdy shoes with a flat sole.

BY THE NUMBERS

IN THE LAST THREE YEARS, THE AVERAGE COST OF A CLAIM RESULTING FROM A TEACHER FALLING FROM A CHAIR, DESK OR COUNTER IS 6X HIGHER THAN FALLING FROM A LADDER OR STEP STOOL AND OCCURS 1.6 TIMES AS OFTEN.



You're a Star!

Thank you to the following Members for your assistance and cooperation during the most recent Site Safety Inspections:

- ✓ *BENICIA USD*
- ✓ *CALISTOGA JOINT USD*
- ✓ *DIXON USD*
- ✓ *FAIRFIELD-SUISUN USD*
- ✓ *NAPA COE*
- ✓ *SOLANO COE*
- ✓ *ST HELENA USD*
- ✓ *TRAVIS USD*

WARNING:
"Harmless" Playground Equipment May NOT Be Compliant!

By: Jeremy Hatch, CPSI, Loss Control Specialist

Residential play structures, such as the examples in the photos, are often found in early childhood or pre-school programs. This play equipment is usually donated by families whose children have outgrown them.

This equipment does not meet the standards established by the U.S. Consumer Product Safety Commission (CPSC) for public playground safety.

All public use play equipment must be attached to the ground and not intended to be moved. If it can be moved you can't guarantee that it has the proper 6 foot minimum use zone or won't tip over.

GRASS IS NOT AN ACCEPTABLE FALL SURFACE.

Public use playground equipment is defined as; *play structure for use in play areas of schools, parks, child care facilities* (ASTM 1487 Sec. 3.1.30). Periodic inspections of your facilities playgrounds must be conducted and recorded. Playground inspections and playground inspector or supervisor training can be conducted for your site. Please call Jeremy Hatch, NBSIA Loss Control Specialist at 707-428-1830 ext. 129 to schedule.

This Is The Events Time Of Year!

By: Colleen Abney, Property & Liability Claims Manager

Field Trips
Proms
Grad Nights
Planning for any event is KEY.

Considering having inflatable amusements, carnival-type rides, fireworks, or a horse-drawn coach? These activities may be excluded from coverage, or a "high-risk deductible" may apply. NBSIA recommends against such activities because of their high risk potential. If your District has an outside contractor provide any of these activities, the contractor should name your District as an additional insured on its policy and you should have the endorsement in your hand *before* the event. Planning on food for the event or prom? We recommend against home-prepared foods because of food borne illnesses, food allergies and possible contamination. Use commercially prepared food and keep all food and beverages in their original packaging until ready to serve.

School Districts should plan for prom and after-prom activities to make sure they are safe for teens and have adequate insurance coverage. Prom and after-prom events sponsored by the District are covered by the JPA, subject to policy conditions, exclusions and limits. If an event is to be done by an outside group, the District should make sure that group has proper insurance coverages. **Remember that PTO's and sober grad groups are NOT covered under the District's insurance.**

SUPERVISION…

Planning is the key to appropriate supervision during activities off campus. Understanding the venue and its layout will help determine the number of supervisors necessary and what type of supervision is reasonable. For example, when the venue is an amusement park you need more staff and a smaller supervisor/student ratio than if the venue were a dance/concert hall. Maintaining an adequate staff/student supervision ratio is very important. Students' expectations of a safe environment should not be any less during an off-campus activity than while at school.

RAFFLES…

Planning on a raffle for your prom or event? Raffles do not require a state license if students do not have to pay for a raffle ticket, even though there is an admission fee to the prom or the event. Raffle tickets should be separate from the event/prom ticket. Remember to announce the rules for the raffle, including whether students must be present to win.

Drug and alcohol awareness information can be distributed before prom night. Remember, prom night is party night and tragedy can result when teens drink or use drugs.

POLICIES…

NOTICE:

The District and its certificated employee/s supervising the activity or event are responsible for the safety of the students, and the acts of both the volunteers and the students under their charge, during the activity.

When planning and supervising an event it is important to consider and understand District policies such as those concerning bullying and sexual harassment, being sure the policies are enforced at the event. Be sure to review behavioral rules, expectations, and safety measures with staff, parents and students prior to the event. This provides everyone with notice of what is expected and is sure to allow for easier discipline at the event.

It is a good idea for your District to set ground rules in advance for attendance at a prom so there are no problems at the final hour. It is permissible for a District to set an age limit on prom guests. Districts cannot ban same sex couples from prom if they meet other District guidelines for prom guests.

TRANSPORTATION…

Providing or arranging transportation for students to an off-campus event is a very important District function. For instance, maintaining safety and security during a bus ride takes planning, organization and vigilance. Good supervision on a bus entails movement, walking through the aisle on a regular basis so that student behavior can be observed. Adequate lighting at night on a bus is important for safety and supervision. Assigned seating may be necessary when dealing with disruptive students.

Please be aware that the California Vehicle Code has special conditions which apply to vehicles which may transport students to or from school related activities under a contractual agreement ("School Pupil Activity Bus" or "SPAB"), including Charter Party Carriers such as limousine companies. Parents can be advised they should check with their CHP division motor carrier safety unit to see if the company they intend to hire has certified SPAB vehicles and drivers, and check with the company about how much insurance it carries.

Supervising students and enforcing school policies for off-campus student activities are more challenging duties than at school. School Districts must realize their policies need to be enforced in all school-related activities, regardless of where they occur.

IMPORTANT REMINDER:

School personnel should be aware of the distinction between school sponsored functions and field trips and private special parties and trips. Field trips are conducted in connection with courses of instruction, or school-related activities, and are authorized under the Education Code. Since these are school related functions, they must be authorized by the School Board if the trip is overnight, out of state, or to a foreign country. ***Field trips must be under the supervision of a certificated employee of the District.*** Graduation parties, graduation trips (whether local or out of town, the same day, or overnight) and parent or teacher-sponsored social events are not considered "field trips." Neither the event, nor the sponsor, would be covered by the District's insurance.

AT THE EVENT…

Your District should be vigilant in enforcing all District rules on prom night. Teens can sign a pledge promising not to drink or use drugs and drive. Working together, Districts and teens can prevent tragedies on prom night.

Please note that any authorized volunteer that intends to use his or her vehicle for the transportation of themselves or any of the participants should be aware that their personal auto liability insurance will provide primary coverage in the event of an automobile accident (California Vehicle Code). They must fill out "Employee/Volunteer Personal Automobile Vehicle Use Permission Form." The information on this form advises the District that the vehicle owner has automobile liability insurance.

Districts should make sure all applicable laws, regulations and codes are followed during the event. Fire code prohibits candles and other open flame without a special permit. Exit doors may not be chained or otherwise locked to prevent egress. It is permissible to have exit doors which are locked on the outside to prevent re-entry to the building, but are unlocked on the inside so people can still exit the building.

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Supervising off-campus activities is no doubt a challenging exercise for all involved. However, staff should realize that although the time spent may be tiring and tedious, it really expands students' ability to participate in and learn from a quality school organized activity.

If you have any questions concerning these or any other Property and Liability related issues, please feel free to contact Colleen Abney, Property and Liability Claims Manager, at (707) 428-1830 ext 103 or ColleenA@nbsia.org

Member Services

Upcoming Training Opportunities:

SEXUAL HARASSMENT TRAINING FOR SUPERVISORS

Training meets the requirements of SB1825

First mandated in 2005, California employers with 50 or more employees and *all public agencies* are required to provide two hours of interactive sexual harassment training to supervisors and managers working within the state of California within six months of hire or promotion, and every two years thereafter.

Instructor: Elizabeth Ison
Ison Law Group
Date: May 10, 2011
Location: NBSIA
380A Chadbourne Road, Fairfield

Flyer available for download: Sexual Harassment Training for Supervisors

CALLING ALL SUPERVISORS ACADEMY STUDENTS PAST & PRESENT

"Fierce and Difficult Conversations"

Success in the workplace is based on having honest, real, and robust conversations. Too often we avoid potentially difficult conversations or gloss them over. This workshop, based on the books "Fierce Conversations" and "Difficult Conversations" will urge participants to have more of the conversations we avoid and to have them with tact and honesty…

Instructors: Dr. Paul Porter & Kelly Gould
Date: May 17, 2011
Location: NBSIA
380A Chadbourne Road, Fairfield

Flyer available for download: Supervisors Academy: Fierce and Difficult Conversations

For more information about these or any other training sessions offered by NBSIA, please contact Suzanne Dillman, Member Services Manager at (707) 428-1820 ext 106 or SuzanneD@nbsia.org

Property & Liability

VOLUNTEERS: FREE LABOR or LIABILITY
Myths or Reality?

By: Colleen Abney, Property & Liability Claims Manager

Parent Volunteers?

✓ Drivers ✓ Chaperones ✓ Tutors ✓ Coaches ✓ Club Advisors ✓ Vocational Expertise

What should you require from them?

✓ DMV Checks ✓ DOJ Fingerprinting ✓ TB Tests ✓ Proof of adequate insurance

Here are a few suggestions to consider when planning your Volunteer Program:

- Create a program based on your needs; consider your resources such as staffing, space, equipment and materials.
- Assign a Volunteer Program Manager
- Utilize your own internal practice for new employees; you don't need to re-invent the wheel.
  - Volunteer Management – Preparing for Risk Managed Volunteers:
    - ✓ Screening & Interviewing
    - ✓ Orientation & Training
    - ✓ Staffing & Position Design
    - ✓ Recruitment & Placement
    - ✓ Supervision & Evaluation
    - ✓ Recognition & Retention

Like any program, Follow-Thru & Follow-Up to keep it running smoothly and consistently. If you have any questions, please contact Colleen Abney, NBSIA Property and Liability Claims Manager at (707) 428-1830 ext 103.

WeTiP inc.

WWW.WETIP.COM

To report an incident at your site please call WeTip at 1-800-78-CRIME. All tips are anonymous. To request posters or literature, please contact Jeremy Hatch, NBSIA Loss Control Specialist at 707-428-1830 ext 129 or JeremyH@nbsia.org

Workers' Compensation

New WC Pamphlet available online!

You can now access the pamphlet directly from our website by clicking on the following link:

Facts about Workers Compensation Benefits for School District Employees

This pamphlet, provided to employees at time of hire, explains workers' compensation benefits in the event of a workplace injury.

HOW TO REPORT A WORK INJURY

For an Emergency (life-threatening injury):

- *Call 911 or go to the nearest hospital*
- *As soon as possible, report the injury to your supervisor*
- *Call Company Nurse at (877) 778-2576*

For Non-Emergency Injuries:

- *Report the injury to your supervisor*
- *Call Company Nurse at (877) 778-2576*

If you are in need of non-emergency medical treatment, Company Nurse will refer you to a designated occupational medical facility. If you do not go to the designated clinic, your treatment will be considered self-procured and the district may not be responsible for payment.

By calling Company Nurse, your treatment will be authorized within minutes of your call. A copy of the report will be sent to the designated medical provider and to your employer.

If you have any questions, please call NBSIA at 707-428-0824.

Cal OSHA Alert

Cal/OSHA Enforcement Strengthened With Signing of AB 2774
What Districts Need to Know NOW

By: Suzanne Dillman, SPHR, Member Services Manager

AB 2774, which was signed into law January 1, 2011, **is one of the most important pieces of occupational safety and health legislation since Cal/OSHA came into existence**. The intent of the new law is to improve Cal/OSHA's citation process by redefining how serious violations are cited. It also clarifies procedures for issuance of a serious citation and procedures for the appeals process when determining if the citation was issued correctly. It provides the Division of Occupational Safety and Health (DOSH) with a series of steps that must be completed to establish a serious violation. If the steps are followed, **employers will face major fines that are more likely to stick—and stick without reduction.**

AB 2774 loosens the previous standard by relaxing the "substantial probability" requirement and expanding the definition of "serious physical harm."

- **THEN:** Prior to AB 2774 California Labor Code stated a serious violation existed if there was "a **substantial probability** that death or serious physical harm could result from a violation"
- **NOW:** "a **realistic probability** that death or serious physical harm could result from the actual hazard created by the violation"

- **THEN:** "**Serious Physical Harm"** was interpreted to mean an injury or illness occurring in a place of employment or in connection with any employment which (1) requires inpatient hospitalization for a period in **excess of 24 hours f**or other than medical observation; (2) involves a loss of any member of the body; or (3) results in any degree of permanent disfigurement.
- **NOW:** The new definition removes the inpatient hospitalization for more than 24 hours requirement-so any inpatient hospitalization for purposes other than medical observation, **for any period of time**, will fall under the new definition. Also an **additional category is now included** for an "impairment sufficient to cause a part of the body or the function of an organ to become permanently and significantly reduced in efficiency on or off the job, such as, second degree or worse burns, crushing injuries including internal injuries even though skin surface may be intact, respiratory illness, or broken bones."

AB 2774 – Rebutting the Presumption that a Serious Violation Exists
Having an "effective" IIPP may be considered a good defense in the event Cal-OSHA observes a serious violation in your workplace

- **THEN:** Before AB 2774 Cal/OSHA was not entitled to **presume** that any violation existed
- **NOW:** AB 2774 **establishes a rebuttable presumption** that a serious violation exists when Cal/OSHA demonstrates "that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation."

- **THEN:** Prior to AB 2774 Cal/OSHA, Inspectors testimony was deemed by the COSH Appeals Board to lack sufficient expertise with the alleged condition at issue
- **NOW:** **Cal/OSHA Inspectors that meet current training requirements can provide testimony** and offer "expert opinions" regarding each element of a serious violation including whether there is a "realistic possibility" that death or serious physical injury could result.

In order for a presumption to apply, Cal/OSHA must make a "reasonable attempt to determine and consider" certain factors before issuing a serious violation citation. These factors **include the employer's training** relevant to preventing employee exposure to the hazard at issue, procedures for discovering and correcting the hazard, and other information the employer wishes to provide.

GOING FORWARD – DISTRICT TO DO LIST

- **Review, Implement and Update your Injury and Illness Prevention Program (IIPP) on an Established Quarterly or Annual Schedule**
- **Review, Update and Provide Training Materials to Your Employees on an Established Schedule**
- **Document Training of Both Supervisors and Employees Regarding General Safe Practices**
- **Document Training of Both Supervisors and Employees Regarding Particular Hazards that may Result in Death or Serious Injury**
- **Enforce Your Workplace Safety Rules**
- **Conduct Inspections to Determine the Existence of Serious Violations and Correct Them**

CALENDAR OF EVENTS

Date	Event	Location
March		
30	NBSIA Executive Committee	NBSIA Conference Room
April		
13	NBSIA Board of Directors	NBSIA Conference Room
19	Supervisors Academy	NBSIA Conference Room
22	**Spring Holiday**	**NBSIA Office Closed**
May		
3	Supervisors Academy	NBSIA Conference Room
10	Sexual Harassment Training for Supervisors	NBSIA Conference Room
11	NBSIA Risk Management Committee	NBSIA Conference Room
17	Supervisors Academy	NBSIA Conference Room
30	**Memorial Day**	**NBSIA Office Closed**
June		
8	NBSIA Executive Committee	NBSIA Conference Room
15	NBSIA Board of Directors	NBSIA Conference Room
July		
4	**4th of July**	**NBSIA Office Closed**

CONTACT US

Address:	380A Chadbourne Road Fairfield, CA 94534-9636
Web Site:	www.nbsia.org
E-mail:	(first name, last initial)@NBSIA.org

After Hours Emergency Pager:	428-0824, option 5
Automated Voice Mail:	428-0824 or 428-1830
WeTip Hotline	1-800-78-CRIME (27463)
General Administration:	707/428-1830 707/428-1848 (fax)

Janet DeGracia	Executive Director	Ext. 105
Suzanne Dillman	Member Services Manager	Ext. 106
Colleen Abney	P/L Claims Manager	Ext. 103
Peggy Kech	Accounting Manager	Ext. 113
Lyn Fortaleza	Accounting Technician	Ext. 115
Maria Cantera	Data/Fiscal Analyst	Ext. 116
Jeremy Hatch	Loss Control Specialist	Ext. 129
Amanda Hawkins	Member Services Analyst	Ext. 127
Heather Eichen	Administrative Assistant	Ext. 104
Veronica Hudley	Office Assistant	Ext. 101

Workers' Compensation: 707/428-0824 707/428-1848 (fax)

Kami Liñan	W/C Claims Manager	Ext. 110
Felecia Lawson	W/C Claims Supervisor	Ext. 124
Doris Manuzon	Claims Examiner	Ext. 111
Anna Socarras	Claims Examiner	Ext. 122
Lily Chin	Claims Examiner	Ext. 109
Jennifer Hearne	Claims Assistant	Ext. 119
Gwen Samuels	Claims Assistant	Ext. 107
Christine Trockey	Return to Work Coordinator	Ext. 121