



Unprecedented Service Through Unprecedented Times

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2021 AOT Annual Meeting and Virtual Training School

The 2021 Association of Towns (AOT) Annual Meeting and Training School will be a virtual educational and networking event, with all sessions and exhibits conducted online as concerns over the safety of in-person meetings persist. The event will include virtual educational sessions as well as an opportunity for the attendees to network with vendors and exhibitors.

While we will miss seeing our members in person, the Comp Alliance will be well represented in the exhibit hall and educational program.



We encourage you to register for the conference at www.nytowns.org and visit our virtual exhibit booth and the following educational sessions:

First Responders Injuries - Cause and Corrections - With the potential for employees to sustain serious injury while responding to an emergency response call, police and fire departments represent a large risk for municipalities. Administrators should understand how these first responder injuries are likely to occur in order to recommend improvements to prevent them in the future. This program will review the frequency of police officer and fire fighter injuries, identify the cause of injuries and what body parts are most affected, including those losses with the most severe impact on departments, and recommend some remedies to reduce these types of injuries.

Workers' Comp in a Pandemic - We will have an open-panel discussion on workplace exposures during the on-going pandemic, how municipal operations can succeed when proper precautionary procedures are followed, how does the aspect of working from home effect workplace injuries, and how can departments maintain safe operations when workers are out sick or quarantined in these times. Our approach to investigating and responding to COVID 19 claims received to date, the legislative response in New York as well as other states, and thoughts regarding the future of COVID in the claims arena.

2021 NYCOM Winter Legislative One Day Virtual Training Conference

The 2021 NYCOM Winter Legislative Meeting will be a one-day virtual conference allowing NYCOM's members to meet digitally in greater numbers than ever before. The entire conference can be experienced from your office or home and will be recorded for your convenience on the *Whova* event app, so you do not have to miss any events or choose among competing workshops.



NYCOM's Winter Legislative Meeting provides an opportunity for members to share ideas and convey a unified message about the need for funding, tools and a true partnership with the State at a time when the Governor and the State Legislature are in midst of negotiating the State Budget. The Agenda includes exploration of substantive policy issues, insights from state leaders and educational workshops on the topics that matter to you. Don't miss out on this unique and productive one-day event. Fighting for local governments is more important than ever.

Comp Alliance representatives will be participating in the educational workshops and the networking opportunities this conference provides, including a two-part panel conversation on COVID-Induced Labor Issues that will focus on the challenges of managing a public workplace during the COVID pandemic. We encourage all our members to attend and learn about the most recent labor and employment developments regarding employee testing, vaccinations, leave-time, workers' compensation claims and maintaining workplace safety. The presentation will include a pair of one-hour sessions on Thursday, February 11th, beginning at 11:15 and 2:00 with a break for lunch in-between.

For more information or to register for the event please visit www.nycom.org.

Comp Alliance Provides Additional Supply of Reusable Face Masks to Members

As the Covid-19 pandemic extends into 2021, so does the statewide requirement that all employees who are present in the workplace be provided and wear face coverings when in direct contact with customers or members of the public. Throughout the spring, summer and fall of 2020 we supplied our members with disposable and reusable facemasks. With the expectation that the pandemic and mandate will persist at least through early 2021, we have supplied members with an additional supply of reusable Comp Alliance face masks to help our members maintain a safe workplace.



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Covid-19 has affected municipal operation by presenting new safety concerns, causing fiscal stress and significantly limiting in-person trainings and education. The Comp Alliance has helped its members adapt to these changes by providing face coverings, issuing fiscal relief in the form of workforce reduction credits and member loyalty awards, and significantly enhancing our virtual resources and training content. While we hope to put this pandemic behind us sooner rather than later, we will continue to assist our members in maintaining the safest workplace possible for employees and the public until it is.

Please stay safe and we wish you good health.

Comp Alliance Live Virtual Safety Seminar Schedule Announced through the end of February

The COVID-19 pandemic has suspended in-person and on-site safety trainings by the Comp Alliance Risk Management Team. Nevertheless, the Comp Alliance conducts live virtual trainings to help our program members meet their annual PESH compliance guidelines. These virtual trainings are conducted regularly, and our current safety training schedule can be found on the Comp Alliance Events Calendar (more information below).

With more than 40 training seminars scheduled in January and February, members are sure to find one at a date and time that is convenient. Please visit the Comp Alliance Events Calendar to find one at a convenient date and time for you. The calendar, which is located at www.compalliance.org/events/calendar.html, is your go to location for a listing of all upcoming Comp Alliance safety trainings, conferences, presentations, events and more.

If you have any questions related to the Zoom Live Trainings and registering please contact Robert Blaisdell by emailing rblaisdell@wrightinsurance.com.

Common Workers' Compensation Exposures of Police and Fire Departments

It has been observed for several years now that the high-hazard duties associated with police officers and firefighters represent two of the largest loss-exposures to municipal employers. It follows that these two departments also have been loss leaders at the Comp Alliance and for good reason – their job functions require interactions with the public during highly stressful situations and the work requires a high degree of physical activity, some of which is difficult to prepare for. Due to these conditions, workplace injuries are both frequent for these first responder positions, and can lead to severe injuries.

Let's breakdown the two departments, looking at where they experience their losses, both in frequency and severity, then look at some possible solutions to minimize both types.

Police Departments respond to a variety of calls and have responsibilities that range from traffic control to active shooters, emergency response during dangerous situations to community services displays, and everything in-between. These conditions can maximize the physical exertion of an officer as well as their mental capabilities and stress resiliency, all of which contribute to such a high frequency of workplace-related injuries for officers. Over the past five years, police officer injuries have originated from slip/trip and falls, motor vehicle incidents, strain/injury by lifting, strain/injury by holding, struck/injured by other, and new to the list in 2020 is pandemic-related illness. These types of injuries are by far the loss-leaders for police officers and generally lead to significant losses for a majority of municipal employees, including highway/DPW, maintenance/mechanics, and buildings & grounds staff, where physical job functions are essential. For police officers, however, the occurrence of such injuries is more frequent and occasionally cause to more severe injuries.



The top five police officer injury types in 2020 in the Comp Alliance were the following:

- **Struck or injured by physical force** (by other person, thrown object, stepping on/down, falling object) 18% of all claims and about 23% of claims dollars paid over the same period.
- **Strains or injury by physical force** (lifting, pushing, twisting, holding, etc.) – accounting for about 16% of all law enforcement workplace injury claims, while their total incurred costs are about 20% of the incurred dollar costs for all police-related claims paid this past year.
- **Slip, trip and fall** police officer injuries account for 12% of all police officer claims in 2020, yet their dollars paid out are 29% of the total incurred – more than any other loss type. It should be noted that slip, trip and fall claims have always been and are likely to be, the loss leader of workplace claims, both in frequency and severity (dollars paid) for all municipal employees, across the board.
- **Motor vehicle accidents** accounted for 7% of frequency and 19% of severity



- **Pandemic** accounted for 23% frequency in claims reported while only 5% of severity

So, with the data from above in mind, what can be done about reducing these types of law enforcement workplace injury claims? A risk manager's job is to work with members in the understanding of where claims originate and provide ideas on how to implement corrective controls in an attempt at reducing either the frequency of these injuries and/or the severity at which they occur. From the loss information above we can extract ways to reduce workplace injuries for police officers. Consider the standard 'use of force continuum', which guides the amount of force that can be used by an arresting officer against a resisting subject to prevent an escape or in defense of themselves or others. The loss statistics show that physical force is a leading cause of workplace injury for police officers. Accordingly, improvements to policies, procedures and training on the use of force can reduce losses caused by "struck/injured by physical force" as well as some of the "strain or injury by physical force." An updated New York State Division of Criminal Justice Services Municipal Police Training Council *Use of Force – Model Policy* can be found at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2020.pdf>

It is also believed that a reduction in the two claim types above can be accomplished with the introduction of less-lethal safety assistance mechanisms, namely taser electronic control devices. Extensive testing and scrutiny, medical experts and independent governmental reports have concluded electronic control devices are among the safer use-of-force alternatives to subdue violent individuals who could harm law enforcement officers, innocent citizens or themselves.

As for the motor vehicle accidents, common and readily available training on the safe operation of a police cruiser can go a long way towards the prevention of such accidents which involve officer injury. In addition, updating your municipal High-Speed Pursuit policy can also help as it might alleviate some dangerous pursuits being undertaken by officers.

When it comes to minimizing "slip, trip and fall" injuries, good practices include wearing proper footwear (including ice-grip cleats in winter), maintaining good housekeeping (objects moved from hallways, spills cleaned quickly, good parking lot lighting), utilizing good snow and ice removal procedures, and also look to improve individual behaviors (make officers aware of their surroundings, avoid distractions, limit multiple activities, and slow down). The process of reducing slip and fall injuries involves a range of sources and while they continuously represent the majority of workplace injuries for all departments, their controls include a variety of improvements which should be considered.

Looking at **fire department injuries**, for both volunteer and full-time, paid firefighters, workplace injury causes are quite similar. One interesting statistic that separates the two departments is that the volunteers experience more severe injuries than the full-time firefighters by almost double an incurred loss rate.

As for the types of injuries sustained by firefighters, the majority can be identified in three categories:

- Slip, trip and fall
- Strain/injury from overexertion/while lifting
- Burn/inhalation injuries.



These three types of injuries to firefighters represent 52% of the overall number of claims and 84% of the total incurred dollars for workers' compensation claims.

It might appear obvious that the category of "strain/injury from overexertion/while lifting" would be a loss leader for this department, given the type of physically demanding tasks and job functions associated with this group – lifting hoses and heavy equipment, adorning air packs and turnout gear, assisting others in need, and the stressful conditions under which these are likely to occur. Two ways to improve losses are to utilize mechanical means when necessary and implement proper lifting and back safety techniques. Improving the physical fitness of the firefighter is also a way to reduce losses caused by physical injury.

In looking at "slip/trip and fall" claims for firefighters, the corrective measures are not much different than those presented above for police officers. Firefighters tend to experience fewer of this loss type than police officers, but their cause is most likely due to the wearing of heavy turnout gear and manipulating heavy equipment responding to emergencies, including conditions presenting slip and fall on wet surfaces and ice. Corrections for most of the ordinary claims have been identified above as well, but improving the preparation for personnel with the use of heavy gear and training on working with equipment can likely reduce some of these specific types of injuries.

A similar approach can be taken when addressing the third type of firefighter injury – "burn/inhalation." If we look at the equipment in use for firefighters, the proper use and fit of this equipment should help to keep the firefighter safe from such an injury source. Initially, the thought of more training with such equipment, including under smoke/fire and other duress conditions, should improve the injury data for this loss type.

For both, police and firefighters, handling stress and maintaining a good safety culture contribute in a positive manner to staying safe and injury-free at work. Safety culture is the application of particular safety standards throughout your department – the attitudes, beliefs, perceptions, and values that officers share in relation to safety. Develop comprehensive programs such that safety is of mutual benefit for all staff – working together to ensure the well-being of co-workers through a pro-active attitude towards safety standards, guidelines and practices. This approach is of the utmost importance to police and fire department operations, given their high-hazard nature. The ability to cope with the daily stressors is a vital skill which should be addressed and monitored by Police and Fire administrators. A major part of our risk management process in 2021 will be working with our members to reduce the number of injuries, as well as the severity of these injuries, for our police officers and firefighters. They represent a group of employees conducting high-hazard work responsibilities and in doing so, pose a greater workplace injury risk than most municipal positions. Our staff will work closely with administrators and department heads to address these claim issues and present perspectives on ways to reduce these injuries.

The WCB Continues Business Process Re-Engineering (BPR) Program for Electronic Enhancements

The New York State Workers' Compensation Board (WCB) recently announced a new initiative as part of its Business Process Re-Engineering project (BPR). If you are not familiar with it, the BPR is an extensive, multi-year project designed to improve WCB technology systems, increase ease of claim and form filing, develop performance standards for service providers and carriers, and increase accessibility of claim information by encouraging all stakeholders to use paperless communication. Some of the BPR initiatives that have already been implemented include the quarterly grading of form filing promptness by carriers, the introduction of virtual hearings, enhancements of the Medical Treatment Guidelines and Permanent Impairment Guidelines, as well as the adoption of a drug formulary with an accompanying interactive website for prescription authorizations.

The newest step in the BPR project has been named *OnBoard* and it is slated for full implementation in 2023. OnBoard's 2021 objectives are intended to address high priority items. One of the most important



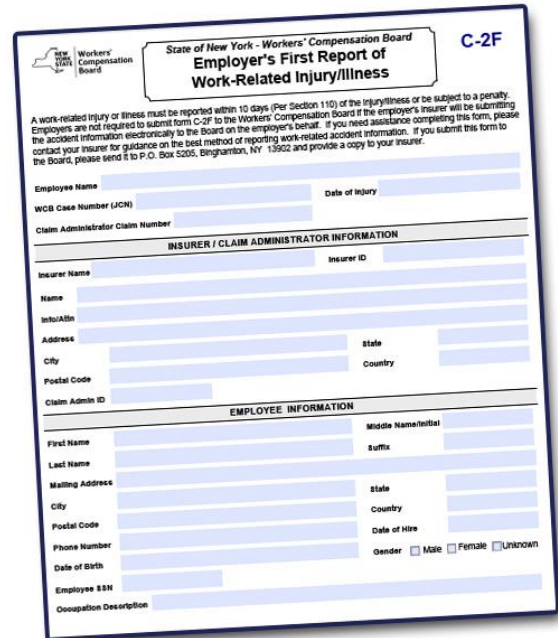
components of the first phase of the project lies in the addressing of the sometimes baffling array of forms, deadlines and directions that doctors and claimants face in obtaining medical authorizations. Rather than needing to complete and scan paper forms that require the user to know the name and number of the form, how to find the form, and how to route the form to the proper party for approval, the provider will instead respond to prompts at the WCB website. The responses to these prompts will guide the provider to the correct form to be completed. Once completed, the form will be electronically forwarded to the proper party by a "wizard" imbedded in the WCB website. Because the wizard will require the provider to complete the forms accurately and completely before submission to the carrier, this process will result in medical authorizations that take place at a faster pace.

Other 2021 milestones of the first phase will be to digitize and streamline the intake process for unpaid medical bill complaints, relax the standards for approval of durable medical equipment like wheelchairs, TENS units and home PT equipment, upgrade the current Drug Formulary program, and replace eCase (the WCB's warehouse of individual claim information) with a new information system that emphasizes addition of forms, notices of decisions, and medical reports in real time.

We look forward to taking part in training for these new BPR program components as the opportunity to do so arises, and we want our members to be assured that the Wright Risk Management claim staff dedicated to the Comp Alliance have been adjusting to the requirements of the BPR on a seamless basis. For example, it was mentioned earlier in this article that the WCB has begun grading carriers/TPAs on their form filing and payment promptness.

Claim Reporting – Don't Be Late!

The NYS WCB's upgraded electronic report capabilities have brought with it the ability for the Board to easily track late reporting of claims by employers. It has become vitally important that each C2F form be completed timely and accurately by each of our clients. This article will offer a few pointers on how to ensure your municipality or school is submitting your forms completely and on time. Remember, there is a penalty levied by the WCB when we cannot submit your form to the WCB within 10 days after you are notified of the accident.



First, we believe it is imperative that one person at the employer be assigned with the task of completing each C2F report for all work-related accidents. This includes DPW, volunteer or paid firefighters, highway employees, janitorial staff, and police officers. The reason for this is that the C2F form is now three pages long and contains data requests that are somewhat complicated. By assigning the responsibility for completing the form out to various departments, the consistency and accuracy necessary to complete the form timely is frequently diminished. Symptoms of that include forms we receive that are unsigned, are signed by the injured employee, are received late, or contain incomplete or inaccurate information. Should we need to go back to the employer for corrected or additional information, we run the risk of late reporting and a fine. The WCB will not accept forms that are incomplete or are not responsive to key data requests on the form.

A clear line of communication should be put in place to report injuries. We recommend that front line supervisors frequently remind their workers that injuries, no matter how minor, need to be reported immediately to the person's direct supervisor. The employee should be instructed to complete an internal accident report on the same day of the injury, and the supervisor should perform a same-day investigation to ensure that any unsafe condition is corrected, as well as to ensure that all details of the accident are accurate before reporting the injury to the administrative office. Many of our clients have an internal supervisor's injury report that serves as the basis for the completion of the C2F form. The person designated to complete each C2F form should be aggressive in questioning a supervisor who provides a vague or unclear accident description or reports the accident on a delayed basis.

We frequently receive C2F forms that leave key data requests blank, including the following:

1) Social Security Number of the Claimant

We understand that employees are hesitant to provide this information in the age of identity theft. However, the WCB will not accept the form without the claimant's full social security number.



2) Date of Birth

This piece of data is also frequently missing on incoming claims. The WCB will not accept the claim without it.

3) Employee Status

The employer needs to designate whether the employee is full time or part time in this space.

4) Estimated Weekly Wage

If the injured employee is missing work and is not eligible for sick leave or other wage continuation from the employer, the estimated weekly wage information will allow our adjuster to get that important first disability check out quickly to the employee.

5) Date Employer had knowledge of Injury & Date Employer had Knowledge of the Date of Disability

These are dates the WCB keys in on when determining whether to levy fines against the employer. The date inserted should be the date someone in authority at the employer (not a co-worker but a manager, supervisor, department head, or elected official) became aware of the accident and/or the resulting disability.

6) Accident Location

This should be the actual place where the accident occurred. We frequently see the name and address of the employer's administrative office here, though the accident occurred elsewhere.

7) Employer Signature

The person completing the C2F needs to be sure to provide a signature, date and phone number at the bottom of Page Three of the report.

We ask that you imbed these guidelines and procedures in your operations! The employer who centralizes and streamlines the accident reporting process will not only avoid fines, but will improve claim service to its employees. At any time, should you have a question regarding how to complete a C2F form, please don't hesitate to contact your claim adjuster or this writer at 516-743-7021.

NYS Local Governments and Schools to Develop Communicable Disease Continuous Operation Plans

In September, Governor Cuomo signed into law legislation (S8617B/A10832) that requires all public employers to create plans to adequately protect workers in the event of another state disaster emergency involving a communicable disease. The plans would apply to both the state and localities, including school districts. Plans must be submitted to unions and labor management committees within 150 days of the effective date of the law (roughly on or about February 1, 2021) and plans need to be finalized on April 1, 2021.



The plans are intended to protect all public workers from a future pandemic and avoid the associated public health-crisis conditions throughout the state. The plans will include protections for essential workers and protocols for securing Personal Protective Equipment (PPE).

According to the law, operation plans must include:

- A list and description of positions considered essential;
- A description of protocols to follow to enable all non-essential employees to work remotely;
- A description of how employers would stagger work shifts to reduce overcrowding;
- The protocols for PPE;
- The protocol for when an employee is exposed to disease;
- The protocol for documenting hours and work locations for essential workers;
- The protocol for working with essential employees' localities for identifying emergency housing if needed;
- Any other requirement determined by the New York State Department of Health, such as testing and contact tracing.

Many of these above points have, most likely, already been discussed and instituted at your municipality or school district, in which case they would have to be re-visited and placed into document-form for your plan. Although NYS has not yet produced a model template for local governments and school districts to utilize, we have identified the following resources to assist you in developing your operation plan:

Center for Disease Control (CDC)

<https://www.cdc.gov/flu/pandemic-resources/planning-preparedness/state-local-government-planning.html>

Federal Emergency Management Agency (FEMA)

https://www.fema.gov/sites/default/files/2020-08/fema_pandemic-influenza-continuity-of-operations.pdf

NYS Department of Health (DOH)

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf?fbclid=IwAR0-ccsUuOmhCm9UIQNtdz8ufxdPtQFXzKUpSiSzf9le9vv4hZumc-BUlyl

The Comp Alliance will keep its members up-to-date on developments related to continuous operation plans from NYS. Our Risk Management department will provide assistance where we can, in an effort at reducing workplace injuries and exposures during a future communicable disease pandemic crisis.

Coronavirus Controls and Updates

Here's wishing for a safe and healthy 2021, with improvements in our lives through the eradication of this virus. By now, we are all well aware of the COVID-19 (coronavirus) outbreak, but let's take a closer look at

COMP ALLIANCE NEWS FLASH

COVID-19 CORONAVIRUS NEWS/RESOURCES

controls to help slow transmission of the virus in our communities. Municipal facilities are normally locations the public visits to conduct business and attend public gatherings. From this standpoint, the

community spread of this virus can be more easily transmitted from within our facilities. Community spread means that people have the potential to be infected by the virus through general contact means and not necessarily directly from an infected individual. Municipalities must consider community mitigation measures to help slow the transmission spread of the virus, especially with the absence of a current vaccine available to control the spread medically.

New coronavirus quarantine standards presented by the CDC on December 2, 2020 have now been accepted as the standard for NYS residents. These updated quarantine guidelines state that quarantine can end after Day 10 without testing if no symptoms have been reported during daily monitoring. After day 10 is reached, individuals must continue monitoring for symptoms through day 14 and if any develop, they should immediately self-isolate and contact the local health department or their healthcare provider. Also, when diagnostic testing resources are sufficient and available, then quarantine can end after Day 7 if a diagnostic specimen tests negative and if no symptoms were reported during the daily monitoring. This may require updates to your municipal protocols regarding negative answers to the Health Surveys now incorporated into daily employee procedures. The CDC also adds, "In both cases above, employees would be required to continue symptom monitoring and masking through Day 14, maintaining social distancing, and avoiding gatherings."

We strongly encourage all members to monitor the state's COVID-19 updates, including [vaccination programs](https://coronavirus.health.ny.gov/home): <https://coronavirus.health.ny.gov/home>

Our Risk Management Department continues to offer **Virtual Training Mondays from 10:00 – Noon** through the first quarter of 2021 at a minimum. In addition, we have trainings scheduled each week through February and have added some [evening sessions](#) for the convenience of some member staff, as well as individual HAZWOPER trainings. Pre-Registration is REQUIRED and can be completed by contacting the Director of Loss Control, Robert Blaisdell at rblaisdell@wrightinsurance.com. Visit our web-site's Event Calendar at <https://compalliance.org/events/calendar.html>. **To date, our Risk Management staff have conducted virtual training for over 2,500 attendees from about 100 municipal members.**

Our Comp Alliance Risk Management Webinar hosted on Friday, December 4th is now available on the Comp Alliance website – visit <https://www.compalliance.org/> for the recorded session. We will also keep members abreast of future webinars on coronavirus updates with additional safety measures.

Please be aware of toxic hand sanitizers being sold in New York State. The Food and Drug Administration has produced an updated warning for consumers about the risk of methanol contamination in certain hand sanitizers: <https://www.fda.gov/drugs/drug-safety-and-availability/fda-updates-hand-sanitizers-methanol>

With the majority of NYS through Phase 4 re-openings, issues have been raised about the mandatory staff health screenings with relation to contact with positive cases of coronavirus. On a daily basis, health screenings should include at a minimum, if they have had a fever in the past few days, have they tested positive for COVID-19 in the past 10 days and if they have come in close contact with anyone who has tested positive in the past 10 days. If the answer to any of these questions is yes, they should self-quarantine in accordance with the updated guidelines from CDC listed above (7, 10 or 14 days). Both NYS and the CDC have issued guidelines for this process:



<https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-options-to-reduce-quarantine.html>
<https://coronavirus.health.ny.gov/new-york-state-contact-tracing>

Your municipality must approve policies for the handling of these affirmative health screening questions, including time away from work, testing, and sick-leave standards.

Stay Informed

The Comp Alliance strives to keep members informed of the latest industry and program news. Please visit us at www.compalliance.org for the latest news, updated events calendar, safety articles, safety bulletins and more.

The Alliance also encourages members to visit us on [Twitter](#) @nycompalliance and [Facebook](#).

