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Comp Alliance Welcomes 17 New Members

With a focus on member service and long term workers' compensation funding stability the Comp Alliance has continued its steady growth by adding 17 new members thus far in 2021. We are especially proud of our \$61.2 million surplus, which demonstrates that the policies and initiatives taken by the board are producing strong fiscal results. We are now over 315 members strong, and many program members have opted for our multi-year terms as they are seeking long-term rate predictability, bringing budget stability to their communities.

We are excited to welcome the following new members and look forward to delivering industry leading service and long term funding stability to each:



Maine Endwell CSD
Norwich City School District
Otselic Valley CSD
Town of Little Falls
Town of Rensselaerville
Town of Ulysses
Village of Floral Park
Village of Hillburn VFD
Village of Manlius

Town of Ashland – Greene County
Town of Concord
Town of Esperance
Village of Mineola
Village of North Collins
Village of Speculator
Walton CSD
Waverly CSD

Comp Alliance Sponsors and Attends NYCOM Annual Conference

The Comp Alliance, as a Diamond Sponsor of NYCOM, was excited to participate as the fireworks show sponsor at the 2021 New York State Conference of Mayors Annual Meeting which was held at the Sagamore in Bolton Landing, NY in early June.

We would like to thank all who were able to attend the show and look forward to seeing you at an upcoming conference.



NYS WCB Announces New Medical Portal Program

As part of its ambitious new business information system called Onboard, in which the WCB will eventually transition all workers' compensation claim functions to an electronic domain, the WCB has announced the next step in the process will be the introduction of a Medical Portal, due for activation this coming Fall. The medical portal is designed to overcome many of the basic drawbacks of a paper system. It will allow for greater tracking ability of requests for authorization, quicker payment of medical bills, more complete and compliant requests for authorization from health care providers, will eliminate requests which are sent in the mail or through a fax and become lost and provides a quicker resolution process for disputes. A dashboard will be available for users to easily view the status of requests and dispute resolutions.



The medical portal will be available to health care providers, medical benefit payers like Wright Risk Management, pharmacy benefit managers and medical review organizations. Medical portal access is granted to payers based on eClaims Trading Partner information.

The chief goal of the portal is to streamline the process for resolving prior authorization requests (PARs) which fall out of the Medical Treatment Guidelines (MTGs). If the health provider is satisfied that the treatment falls within the MTGs, no authorization request is necessary.

The portal will be available for use by treating physicians, physician assistants, nurse practitioners, dentists, audiologists and optometrists. Some of the processes that will be included in the portal program include:

- MTG Variances – These represent requests for treatment that exceed the recommended treatment or testing levels outlined in the MTGs
- DME – Durable Medical Equipment requests (like wheelchairs, braces, TENS units, etc.) which may not fall within the DME formularies are funneled through the medical portal.
- Treatment over \$1,000.00 -- These involve requests for treatment for parts of the body that are not covered by the Medical Treatment Guidelines. There is additional approval process for treatment that is under \$1,000.00 for these types of body parts.
- MTG Confirmation – This process provides a pathway for users to confirm that a particular mode or frequency of treatment is allowed under the MTGs
- Medication Requests – This will include the replacement of the current NY Workers Compensation Drug Formulary and a revamped approval process for non-formulary prescription requests.

To ensure that Wright Risk Management is in compliance with the requirements of the new Medical Portal program, our management team has already taken part in training to familiarize itself with the portal, and we have enlisted and registered portal workload administrators and reviewers with the WCB. Additional training will be provided to our adjusters as the rollout of the program nears.

Drug-Free Workplace Concerns with the Legalization of Marijuana

New York State has recently passed legislation legalizing adult-use cannabis – the Marijuana Regulation and Taxation Act (MRTA). The bill (S.854-A/A1248-A) establishes the Office of Cannabis Management (OCM) to cover medical, adult-use and cannabinoid hemp. This new legislation offers vast changes to state laws concerning the possession, sale, and use of marijuana. The concern for municipal administrators is how do these changes affect your workforce and the ability for workers to perform work safely without being under the influence of drugs and alcohol, as those workers who are under the influence are more prone to cause a workplace accident and file a workers' compensation claim. The legislation takes effect immediately however the production and sale of recreational-use marijuana is not expected to become legal for another year or two in the state.



The answers to many issues related to cannabis use are still unknown, but the simple response to concerns of employees working while under the influence, is to update your existing drug-free workplace policy. The law does not limit the authority of employers to enact or enforce policies pertaining to drug use in the workplace, including use during working hours, while on company property and while using company equipment/vehicles. Let's first examine what the law currently permits:



INDIVIDUALS WHO ARE 21 AND OVER MAY LAWFULLY:

- possess 3 ounces or less of marijuana in a public place
- possess up to 5 pounds of marijuana in their residence
- possess higher amounts of marijuana if prescribed by a doctor
- give lawful amounts of marijuana to other people who are 21 or over so long as no compensation is exchanged
- smoke marijuana almost anywhere that cigarette smoking is allowed. Including on sidewalks, on front stoops, and other public places.

Municipalities should now be reviewing your existing Drug-Free Workplace Policy and update wording relating to marijuana use with the knowledge of this recent legislation and the potential for consequences for policy violation, especially related to marijuana possession and testing procedures. Any policy upgrades should be completed with legal counsel review and approval. Policy improvements may be called for in the areas of drug testing criteria, drug testing methods, and responding to positive results - including adverse employment action response.

Additional information regarding the employers' rights under reasonable suspicion procedures and post-accident drug and alcohol testing situations may also need to be updated. The Office of Cannabis Management has been assigned the task of implementing workplace safety protections for these situations and the Comp Alliance will keep our members posted of any progress in these vital safety areas.

Added safety concerns regarding potential marijuana use in the workplace include the operation of motor vehicles. The New York State Department of Health will work with institutions of higher education to conduct a controlled research study designed to evaluate methodologies and technologies for the detection of cannabis-impaired driving. After completion of the research study, DOH may create and implement rules and regulations to approve and certify a test for the presence of cannabis in drivers. The legislation includes additional funding for drug recognition experts and law enforcement to ensure safe roadways.

The use of cannabis by drivers will remain prohibited and will carry the same penalties as it does currently.

The MRTA allows employers to continue to prohibit and take adverse action due to an employee being "under the influence" in the workplace. The MRTA states that an employee is "under the influence" of cannabis use when the "employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, or such specific articulable symptoms interfere with an employer's obligations to provide a safe and healthy work place, free from recognized hazards, as required by state and federal occupational safety and health law."

There remain several questions and concerns for municipalities with the passage of this legislation and the State has much work to do to provide structure and guidance of the law. However, as the law is current, a review of your drug-free workplace policy with legal counsel is in order, as well as a clear discussion with your staff on the town's policy and drug-free workplace expectations.



Police Safety for Crowd Control

NYS schools are on summer break, people are gathering for events in every municipality. Concerts, sporting events and festivals are resuming with the drop in COVID rates and police officers are often called upon as a presence for these events to deter crime and to control crowds. After a year without gatherings being allowed, it is a good time to dig out and dust off your operating procedures and update as needed. Refresh your officers on safety training and use of force during these events.



1. Communicate:

If your agency has a Public Information Officer (PIO) they will be able to help share information with the public and coordinate with local media to alert the public to the impacts of traffic flow, road closures and police direction.

2. Prepare:

Consider use of personal protective equipment, crowd control tools and equipment and know what is available and appropriate for use during demonstrations or other high conflict events.

3. Review:

Appoint a command team or leader to work with other agencies during events. Review policies on arrests and citations in high visibility events keeping in mind the safety of the public and discretionary actions.

4. Gather Information:

Designate an officer or staff to monitor social media for potential demonstrations, escalations, or public safety threats and compile information for analysis regarding future events.

5. Staffing:

Consider shared service opportunities with neighboring police agencies, swing shifts, mandatory overtime, cancellation of leave and non-essential travel, if needed to assure proper coverage of essential duties during events. Evaluate what services require an on-scene police presence versus those that can be handled by hired security staff, remotely or delayed.

Having a policy that addresses the diverse nature of gatherings is recommended. Protections needed to keep personnel safe and assist during a demonstration will have components that may or may not be needed during another type of event. A parade, a street fair with closed roads will require engineering and planning that differs from a sporting event. Engage with your Municipalities to gather information on what events or crowd gatherings may be on the horizon for the 2021 Summer Season.

For information on developing your policies the IACP has some excellent resources here: [Crowd Management Policy - 2019.pdf \(theiacp.org\)](#)



Daily Police and Firefighter Safety Tips

Police Officer Safety Tips

In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives on duty for the safety and protection of others.

To honor all our members, their law enforcement officers, and those police officers who have lost their lives serving their local community, the Comp Alliance recognized National Police Week by posting Police Department Safety Tips daily. The week-long event was a reminder to our law enforcement members to remain safety conscious. Comp Alliance Members can access the safety tips by visiting <https://www.compalliance.org/safety-culture-talks.html> and signing in to the Comp Alliance Academy.



The 2021 Daily Police Officer Safety Tip Topics Included:

- May 10 – Promote Officer Health and Wellness through regular safety screenings
- May 11 – Safe Police Vehicle Operations
- May 12 – Summer Exposures for Police Officers
- May 13 – Bike Patrol Safety
- May 14 – Protection From Animal Exposures

Firefighter Safety Tips -

Independence Day celebrations often include backyard barbecues, festivities with families and friends and often involve fireworks. The use of fireworks during this observation can lead to devastating injuries and the statistics related to fires, deaths and injuries from their misuse are staggering. During the days and weeks surrounding July 4th, the Center for Disease Control (CDC) estimates that 11,000 injuries requiring hospital visits or stays will occur, mostly from burns or hand injuries. The National Fire Protection Association (NFPA) estimates about 18,500 fires will be caused by fireworks, including structure fires and vehicle fires.



This year, the Comp Alliance produced safety tips for fire departments and their members for the week leading up to the holiday. The focus was on pertinent health and safety exposures facing firefighters during these mid-summer conditions. Starting on Monday, June 28 we sent out a Safety Tip-of-the-Day to remind our first responders the importance of maintaining a positive work environment. This starts first and foremost with your firefighter's personal health and fitness. Please share these tips with all relevant municipal personnel in an effort to improve safety and minimize injuries during summer celebrations.



Daily Firefighter Safety Tips to include:

- June 28 – Promote Firefighter Health and Wellness
- June 29 – Summer Exposures for Firefighters
- June 30 – Safe Operation of Firefighting Vehicles
- July 1 – Accountability Systems and Operations
- July 2 – Dangers of Fireworks and Injury Potential

These and more safety tips are available for program members by visiting www.compalliance.org and signing into the Comp Alliance Academy’s Safety Culture Talks.

Manage Heat Stress in the Workplace

According to the Occupational Safety and Health Act, employers have a responsibility to ensure employees are provided a safe working environment. Addressing sun safety is an essential part of this. When it comes to health in the workplace, prevention is far better than the cure.



The most effective way for employers to protect employees from contracting skin cancer is to provide sun safety measures in the workplace. Implementing a comprehensive sun protection program can prevent sun-related injuries and reduce the suffering and costs associated with skin cancer. Look to have employees spend some time in the shade, away from direct sunlight, wear protective clothing, and apply sunscreen routinely, while working outdoors.

Millions of U.S. workers are exposed to heat in their workplaces. Although illness from exposure to heat is preventable, every year thousands become sick from occupational heat exposure, and some cases are fatal. Most outdoor fatalities (50% to 70%) occur in the first few days of working in warm or hot environments because the body needs to build a tolerance to the heat gradually over time – this process is called acclimatization.

Occupational risk factors for heat illness include heavy physical activity, warm or hot environmental conditions, lack of acclimatization, and wearing clothing that holds in body heat. Hazardous heat exposure can occur indoors or outdoors, and can occur during any season if the conditions are right, not only during heat waves. Employees that work outdoors in warm weather, work near heat sources such as ovens, fires, or hot tar, perform strenuous physical activity, and/or wear heavy or non-breathable work clothes have a greater risk of heat related illness.

Several heat-related illnesses can affect workers. Some of their symptoms include:

Heat stroke – Confusion, slurred speech, unconsciousness, seizures, heavy sweating or hot, dry skin. Very high body temperature

Heat exhaustion - Fatigue, irritability, thirst, nausea or vomiting, dizziness or lightheadedness, heavy sweating, elevated body temperature or fast heart rate

Heat cramps - Muscle spasms or pain. Usually in legs, arms, or trunk



Sunburn - Painful, red and warm skin. Blisters on skin

Heat rash - Clusters of red bumps on skin. Often appears on neck, upper chest, and skin folds

The best engineering controls to prevent heat-related illness is to make the work environment cooler and to reduce manual workload with mechanization. Installing air conditioning in certain areas such as break rooms could prevent heat-related illness. Cooling fans and increased overall ventilation could assist employees to cool-down. Usage of mechanical equipment to replace manual labor could decrease the chance of heat-related illness.

Some worksites cannot be cooled by engineering controls. At those locations, employers should modify work practices when heat stress is too high to work safely. Modifying work schedules and activities for workers who are new to warm environments will reduce heat stress. Requiring mandatory rest breaks in a cooler environment and scheduling work at a cooler time of the day if possible could avoid heat-related illness. Rotate job functions between workers to minimize exertion and heat exposure. Ensure that workers drink an adequate amount of water or electrolyte-containing fluids and avoid drinking hot beverages during lunch and afternoon breaks.

The key to the prevention of worker illness due to excessive sun and heat exposure is to provide a safe working environment which is continuously monitored for worker safety.

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](https://twitter.com/nycompalliance) @nycompalliance and [Facebook](https://www.facebook.com/nycompalliance).

