



**OCTOBER  
2008**

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WORKERS' COMP THAT WORKS FOR YOU

# SIG ALERT

News for Pro Group Management, Inc. Self Insured Group Members

## Where Are Your Employees Working?

As new business opportunities become available, we often assume the worker's compensation coverage we have in place will transfer to the new job. This is not always the case when it comes to working in a state other than Nevada.

For employees who work and reside in Nevada but will be travelling or working in another state on a temporary basis, the coverage solution is easy. Your self insured group provides coverage for these employees through the use of the Nevada State Form D-15 (Election for Nevada Workers' Compensation Coverage for Out-of-State Injury). You will find this form in your New Member Orientation binder (should you be unable to locate this form contact your account executive and they will be happy to provide you with one). This is a self-explaining form that should be reviewed and signed by the worker prior to their departure to another state.



For those jobs that require the use of employees who reside and who will be working in a state other than Nevada the coverage solution is not as easy. The best solution is to obtain a separate workers' compensation policy that meets the requirements of that state so that the coverage of those workers is satisfied. Although there may be times when your self insured group will cover an out of state worker these areas are sometimes gray and should always be discussed with your account executive in advance.

Remember that the goal is to assure proper coverage of your valuable employees. Take an informed approach to doing business out of state and learn what the expectations of the state you will be doing business with are. Then take the time to discuss them with your account executive or Group Manager to determine if your self insured group coverage will satisfy your needs. For more information on dealing with out-of-state coverage issues, contact [Cliff King](#), Director of Group Operations, or your account executive at Pro Group Management at (800) 859-3177.

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**NOTE:** In preparation for the Holiday Season, when donated blood is most needed Pro Group has scheduled a blood drive with United Blood Services on October 15, 2008 from 9:00 a.m. - 1:00 p.m. If you or a family member can give blood, we encourage you to come to the Pro Group office located at 575 S. Saliman Carson City, NV 89701 on October 15th. This is a good cause and welcome your participation.

For more information contact Kathy Pinochi at (800) 859-3177.



**You're Invited** - Pro Group is holding their annual welcome the holidays Open House. The event will be held on December 4, 2008 from 4:00 PM to 7:00 PM at both the Carson City and Las Vegas Pro Group Management offices. The Carson City Office is located at [575 S. Saliman, Carson City NV 89701](#) and the Las Vegas office is located at [175 E. Reno, Suite 9, Las Vegas NV 89119](#).

Come out on the 4th and enjoy some time with the Pro Group Staff. If you are planning on attending please RSVP to (800) 859-3177 and we look forward to seeing you there.

## **STUMP** your Adjuster



*Dear Adjuster,*

*I am a member of one of your self-insured groups and I have an employee who was injured in a motor vehicle accident while on the job. He has finished medical treatment for his injury and the doctor has given him permanent restrictions. This employee has been with us for many years and is very valued in our company. We do not want to lose him. However, due to the nature of our business and the employee's restrictions, we cannot permanently accommodate light duty. I currently have a job that would accommodate his restrictions, however this will be over in a few months and I can't*

*guarantee there will be a job within his restrictions after that. I would like to continue to employ him while he is in vocational rehabilitation on a part time basis, so that he can keep his health insurance benefits. Is this an option?*

**Signed, Hopeful**

**Dear Hopeful,**

*Unfortunately, the answer is no. The temporary light duty job must terminate within 30 days of permanent work restrictions being assigned. At that point the employer must offer a permanent light duty job. This part time work would be considered temporary light duty. The employee must be unemployed and not working a temporary light duty job as a result of his permanent restrictions in order to qualify for vocational rehabilitation. Since your employee has already been given permanent restrictions, he would only be eligible to work 30 days beyond the date of those restrictions. Furthermore, in order for him to participate in vocational rehabilitation and be eligible for that benefit, he cannot be employed and must be able to benefit from those services.*

---

**Dear Adjuster,**

*When I have an injured employee and must complete the C-3, who is the correct person to fill out this form?*

**Signed Just Checking,**

**Dear Just Checking,**

*That is a good question. In several circumstances, we have had companies that will have the injured worker complete and sign the C-3, but this is an employer document. There is a question about whether the employer doubts the validity of the accident or injury. This form is the employer's written account of how the injury occurred and whether they support the facts or have doubts regarding the situation. It needs to be completed and signed by an authorized employer representative from your company. I might also suggest that you attend the Claims Training Workshop offered free of charge to Group Members on the second Tuesday and Wednesday of each month. For more information on dates Claims Training Workshops are scheduled and how to register contact Kelly Woodward at (800) 859-3177.*

**Submit Claims Questions to Kelly Woodward at  
Pro Group Tel: (800) 859-3177,  
Fax (866) 439-9701 or email: [kellywoodward@pgmnv.com](mailto:kellywoodward@pgmnv.com)**



# Mark Your Calendars

## CLAIMS WORKSHOPS

For those of you who are new members, have new employees handling claims, or just missed the previous workshops...

Pro Group Management, Inc. has scheduled Claims Workshops via Video Conferencing to take place on the following days in our Carson City and Las Vegas offices unless otherwise noted.

**Seating is limited.**

**The class will cover the following:**

Incident Reports (C-1)	Employer's Report of Injury (C-3)
Doctor's Report of Injury (C-4)	Wage Verification (D-8)
Rights and Benefits	Payroll Sign-Off Sheets
Transitional Work	Signs and Reporting of Fraud
Legislative Changes	



### Upcoming Dates

<b>October 2008 - 10am -12</b>	<b>November 2008 - 10am - 12</b>	<b>December 2008 - 10am - 12</b>
Tues. October 14, 2008	Wed. November 12, 2008	Tues. December 9, 2008
Wed. October 15, 2008	Thurs. November 13, 2008	Wed. December 10, 2008

**REGISTRATION** - To reserve your seat for the training, please call Jackie Vogel at 1-800-859-3177. [Register online](#), [View Live Reservation Form \(PDF\)](#) or fax this form back to Pro Group Management, Inc.

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**PGM**

SAFETY SERVICES

*Give This Information To Your Safety Administrator*



**Mark Your Calendars**



**PGM SAFETY SERVICES, LLC WILL DISCUSS THESE TOPICS AT THE October 2008 SAFETY SEMINAR**

**NOTE: There is NO Regional Training in November & December 2008**

**Electrical Safety:** Come to understand the complexities of the current regulations on Electrical Safety, both in a facility and on jobsites. Behavior normally considered acceptable at home can cause major injuries and large fines in the workplace. National Electric Code and OSHA regulations will be discussed with demonstrations. Please be in attendance at the most well received training each year.

**Hand and Power Tool Safety:** Hands are one of the most injured parts of the body. Misuse of hand tools and power tools are one of the major causes. Your company can be held liable, receive citations, and fund claims for injuries from tools and equipment that your employees bring to the workplace. Guidance and answers to questions can be yours through your attendance at this valuable seminar.

**PGM SAFETY SERVICES, LLC WILL DISCUSS THESE TOPICS AT THE Special Ely, Elko & Winnemucca October 2008 SAFETY SEMINAR**

**Special Safety Training Classes offered in Ely, Elko & Winnemucca**

Electrical Safety ~ Hand and Power Tool Safety ~ Accident Investigation for Supervisors ~ Personal Protective Equipment Compliance Mandates

**Electrical Safety:** Come to understand the complexities of the current regulations on Electrical Safety, both in a facility and on jobsites. Behavior normally considered acceptable at home can cause major injuries and large fines in the workplace. National Electric Code and OSHA regulations will be discussed with demonstrations. Please be in attendance at the most well received training each year.

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## **RENO & LAS VEGAS ONLY**

**Shipping Papers & Proper Documentation for Hazard Materials Transport (NHP):** This course will familiarize the motor carrier employee with the requirements for shipping papers for transporting hazardous materials contained in the Hazardous Materials Regulation, Title 49 Parts 100 to 185. Participants will be instructed on how to complete shipping papers and how to use the hazardous materials tables in identifying proper shipping information.

**Click on your location below to see specific class locations & times on the schedule.**

[Carson City 10/15/08 - Crystal Bay 10/15/08](#)

[Reno 10/16/08 – Las Vegas 10/22/08](#)

### **Site Specific Safety Training**

Site specific training is available for group members planning to provide training to 5 or more employees, (excluding CPR First Aid Certification which requires a guaranteed Minimum of 10 employees & a Materials Fee per Attendee). Contact PGM Safety Services at 800-859-3177 to discuss your specific training needs.

**“If you think training is expensive,  
try ignorance!”**

**Accident Investigation for Supervisors:** Under NEVADA ADMINISTRATIVE CODE 618.540(d) the employer must include in the written program, the procedures that must be followed to investigate an accident that has occurred and the corrective actions that are to be initiated. All members will benefit from this seminar where we provide the information and instruction on compliance.

**Personal Protective Equipment Compliance Mandates:** Regulations have changed; attend to receive the newest updates. Simply requiring your employees to wear PPE is not sufficient. It is required that all companies in the U.S. have a Hazard Assessment to determine the hazard and explain the selection process of the equipment chosen. This session is to assure your understanding of the requirements to protect workers through the use of PPE.

**Click on your location below to see specific class locations & times on the schedule**

[Ely 10/7/08 - Elko 10/8/08](#)

[Winnemucca 10/9/08](#)

## Why Drugs and Safety Don't Mix

*Communication and documentation are two of the keys to creating a successful testing program.*

It's a fact: 10-14 percent of the U.S. workforce abuses drugs.<sup>1</sup> That's 10-14 percent of workers in any company, so if you think drug abuse doesn't affect your place of employment, you're probably wrong. Research also shows 65 percent of all on-the-job accidents can be linked to drug use. While these findings might surprise safety managers and CEOs, what's more surprising is that few corporations have programs in place to mitigate the problem.



Illicit drug use in the workplace costs the U.S. economy more than \$110 billion a year.<sup>2</sup> That cost is attributed to workplace violence, employee theft, employee turnover and absenteeism, increased health benefit utilization rates, and worker's compensation. And it isn't just marijuana that employees are abusing. Findings show employees are abusing a wide range of drugs, including methamphetamines, cocaine, opiates, and prescription pain relievers, including Oxycontin.

Companies that have implemented drug testing programs using best-practice, process-based approaches have seen impressive results. These innovators have documented reductions in illicit workplace drug use. A large multinational organization saw test positive rates drop from 7 percent to 0.8 percent after introducing its drug testing program. In addition, testing significantly reduces accident rates and provides a safer and more positive work environment.

### Factors to Consider when Implementing a Drug Testing Program

When it comes to implementing a drug-free workplace program, organization is key. Not only do ad hoc approaches not work, but also they can cause serious employee moral and legal issues. Drug testing is a strategic corporate issue that affects employee safety, the bottom line, and an organization's overall competitiveness. Therefore, communication, company-wide involvement, and buy-in are needed across all levels, including CEOs, CFOs, COOs, HR, loss prevention, risk management, occupational health and safety, and employees.

When implementing any drug testing program, it is recommended that the following areas be considered:

- Legal ramifications
- Type of testing: pre-employment, random, post accident, return-to-duty, reasonable cause
- Ease of use/administration
- Immediacy of results.

### Legal Issues

There is a general lack of awareness and misinformation about the legal issues surrounding drug testing. This stems in part from lobbying activities of groups attempting to legalize marijuana and a lack of attention to the drug abuse problem by senior corporate executives. Drug testing is being practiced in the U.S. workplace; however, drug testing programs must be fair, fully documented, professionally administered, and clearly communicated to all employees.

The federal government supports drug testing programs in the workplace sector and mandates that federal employees in safety-related fields be drug tested on a regular basis. Many states have drug testing guidelines that outline what an employer should and should not do. It is important that employers determine which laws, if any, exist in the states where they conduct business to ensure their testing rules and procedures comply with state regulations.

Lawsuits involving drug testing can generally be broken down into two categories: those that originate from unhired applicants or employees who refuse to take the test are discharged or disciplined for positive test results, and those from members of the general public who may be injured or affected by a drug-using employee. Settlements in the former category are typically in the low thousands of dollars, while those in the latter are often in the millions. Overall, courts are holding more companies responsible for mistakes made by poorly trained testing personnel operating without well-conceived guidelines. As courts have declared, there is enormous liability when a company does nothing or does the wrong thing in the face of clear evidence of drug and/or alcohol abuse.

Legal action related to maintaining a drug-free workplace has so far been concentrated in the following six areas:

- Right to privacy
- Freedom from unreasonable searches
- Due process
- Negligence (including negligent hiring, supervision, libel, and slander)
- Contract law
- Discrimination (including racial, sexual, and disability-related).

Cases brought under the first three categories usually involve public employment, although there have been exceptions. Private companies need not be as concerned about those issues if they already exercise good personnel practices. However, the last three--negligence, contracts, and discrimination--clearly apply to all employers.

### **Types of Testing**

There are five common types of testing for drugs of abuse in the workplace: pre-employment, random, post accident, return-to-duty, and reasonable cause.

While companies have been practicing pre-employment testing for more than 20 years, it has been only marginally effective at reducing drugs in the workplace for two reasons. Pre-employment testing, by definition, only addresses a small part of the workplace and ignores the fact that more than 75 percent of drug abusers are currently employed and more than 10 percent of workers currently abuse drugs.

Random testing of the full workforce, while currently practiced by a subset of corporate innovators, has proven to be the most effective deterrent to illicit drugs in the workplace. Post-accident testing has become the norm for larger businesses; most states allow employers to deny worker's compensation benefits to employees who test positive for drugs of abuse.

Return-to-duty testing is a means of enabling employees to come back to work after testing positive for drugs of abuse and subsequently completing an employee assistance program and/or similar substance abuse recovery program.

The second half of this article will be made available in your SIG Alert's November issue. In the second part of this article we will review

- *Ease of Use, Ease of Administration and Immediacy of Results*
- *Communication and Documentation*
- *Employee Assistance*
- *Pitfalls to Avoid*

### **References**

1. Substance Abuse and Mental Health Services Administration, Results from the 2002 National Survey on Drug Use and Health: National Findings, September 2003.
2. National Institute on Drug Abuse

## Safety Tips: Lead Poisoning

Lead poisoning, caused chiefly by the inhalation of dust and fumes, is a common hazard in the construction industry. Employees involved in demolition, salvage, removal, encapsulation, cleanup and renovation operations are particularly at risk. Lead dust can also be carried home from work on clothing, skin, or hair, so it is important for everyone to take proper preventive measures against exposure. Here are some pointers from OSHA:



- Know the symptoms of lead overexposure, such as abdominal pain, headaches and loss of motor coordination.
- Use personal protective equipment, such as gloves, nonpermeable clothing and approved respirators.
- Wash your hands and face thoroughly before eating.

Away from work, never wear clothes and shoes that were worn during periods of possible lead exposure.

## Quick Tip - Agriculture

Agriculture is one of the United States' largest and most important industries, employing around 20 million people across the country, including more than 2 million teenagers.

Unfortunately, several hundred employee deaths occur in the agricultural industry every year. Most of these fatalities involve heavy machinery, but there are several other common agricultural hazards, such as chemicals and asphyxiation in confined spaces, to which employees working on farms are often exposed. To counter these hazards, here is some advice from OSHA:

- Provide roll-over protective structures (ROPS) and seat belts for employees operating tractors.
- Replace guards on farm equipment immediately following maintenance.
- Always wear long sleeves, long pants, shoes, socks, rubber gloves and splash-proof eye protection when working with any type of pesticide.
- Never work in a silo or manure pit unless you are using a self-contained breathing apparatus-equipped respirator.

## OSHA on Parking Lot Injuries: Record Them

Employers must record incidents in which employees are injured in company parking lots, according to a letter of interpretation posted on OSHA's Website September 3, 2008.

The letter addresses two scenarios in which workers were injured when they fell to the ground while climbing out of their personal vehicles parked in a company lot. Keith Goddard, director of OSHA's Directorate of Evaluation and Analysis, said in the letter that the incidents do not meet exceptions to the agency's recordkeeping rule (29 CFR 1904), and advised employers to record the incident if it meets other criteria for recording, such as days away from work.

"OSHA has made it clear that injuries and illnesses that occur during an employee's normal commute to and from work are not considered work-related, and, therefore, not recordable," the letter said. However, it went on to say, "For purposes of Part 1904, the employee's commute from home to work ends once he or she arrives at the work environment."



## Monthly Safety Classes Require Advance Notification/Registration

### Monthly Safety Classes

A lot of time is put into preparing and holding monthly safety classes for our Group Members. The safety classes offered are available to assist in complying with OSHA guidelines and to assist in offering a safer work environment resulting in a lower accident/claim rate. We encourage all Group Members to take advantage of this free training (excluding the CPR/First Aid material fee).

Although most training offered is free of charge PGM Safety Services has a requirement for advanced notification of attendance. Class space is often limited with some members being turned away. As all members should be given the opportunity to participate in safety training we are asking that Group Members take attendance seriously. Additionally, with the expenses of preparation, cost of fuel, instructor time, supplies (handouts) and other training related costs a lack of follow through on scheduled attendance costs the Group and all involved.

Please help by attending all safety classes that you are registered for. Please note that a charge of \$25 dollars will be applied if the registrant fails to attend without a 5 work-day notice of cancellation.

Look for the 2009 PGM safety Services Training Schedule in next month's SIG Alert. When it comes, take the time to select the classes you want to attend in 2009 and set aside the time for training that will help reduce your overall claims exposure.

For more information on available safety training or to review the attendance policies contact Bob Arnold at [Bobarnold@pgmnv.com](mailto:Bobarnold@pgmnv.com) or at (800) 859-3177.



## SIG ALERT

**Group Self Insurance**  
**575 S. Saliman Rd.**  
**Carson City, NV 89701**

**1-800-859-3177**

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## *Did You Know . . .*

In an effort to assist Group Members with their monthly assessment payments, beginning January 2009 you will be able to utilize debit/ATM cards to make those payments. Pro Group Management is finalizing procedures and access points so as this service is offered ease of use will be achieved. Look for a detailed article in November's SIG Alert on how to set this service up for your company.

For assistance regarding this topic contact Pro Group Management's accounting department at (800) 859-3177.