

# 2023 NCSBA Risk Management Basics: A Checklist for the New School Year

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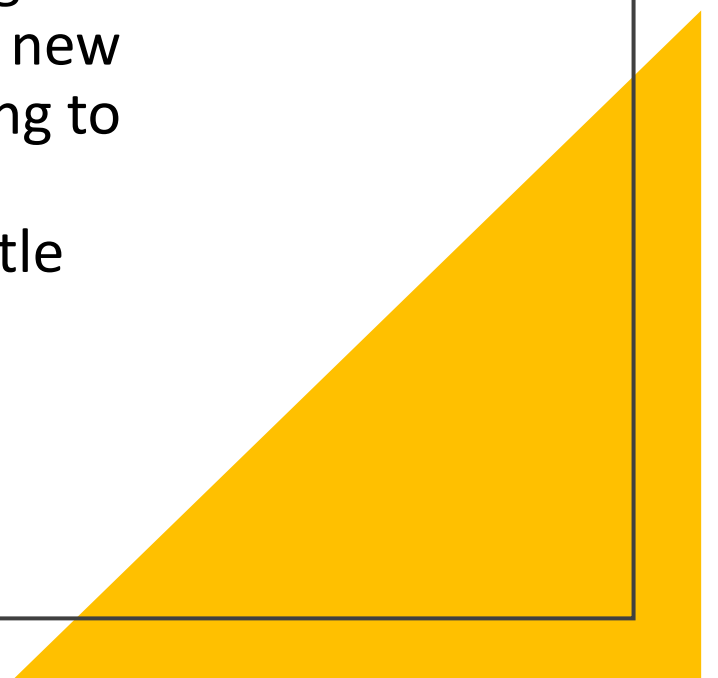
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# Skipping Around the District

Today we are going to take an end-of-summer stroll through the district with an eye on Risk Management topics as the new school year starts. Like our youngest students, we are going to SKIP around, hitting on key points from the world of risk management. We will skim a few topics and hit a few a little more in depth.



# Risk Management Basics

Whether you are a Board Member, Superintendent, Principal, Department Head, Risk Management worker, or anyone working in the schools, I hope you take something back to your workspace, or pass along a topic to the appropriate person, to make your district a safer place to work and learn. Having a “safety culture” will help your district reduce injuries that eat away at district resources.





# An Outline For Our Skip Trip

- Ugh, COVID, Still!
- Bus Thoughts
- Driving Hazards
- Slips, Trips, and Falls
- A Little on Ladders
- Workers' Compensation Basics
- WC Costs and Return to Work
- Episode of Violence Pay and the BOE



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## A Quick Lesson from COVID

No presentation would be complete these days without talking about COVID, so I am going to get that topic out of the way at the start.

From a Risk Management perspective, the big takeaway I would like you to remember, and the little activity that goes a long way, is the cleaning of repetitive contact surfaces. Wiping down doorknobs and handles, and cleaning cafeteria tabletops are two areas where a small bit of effort can go a long way to help keep everyone healthy.

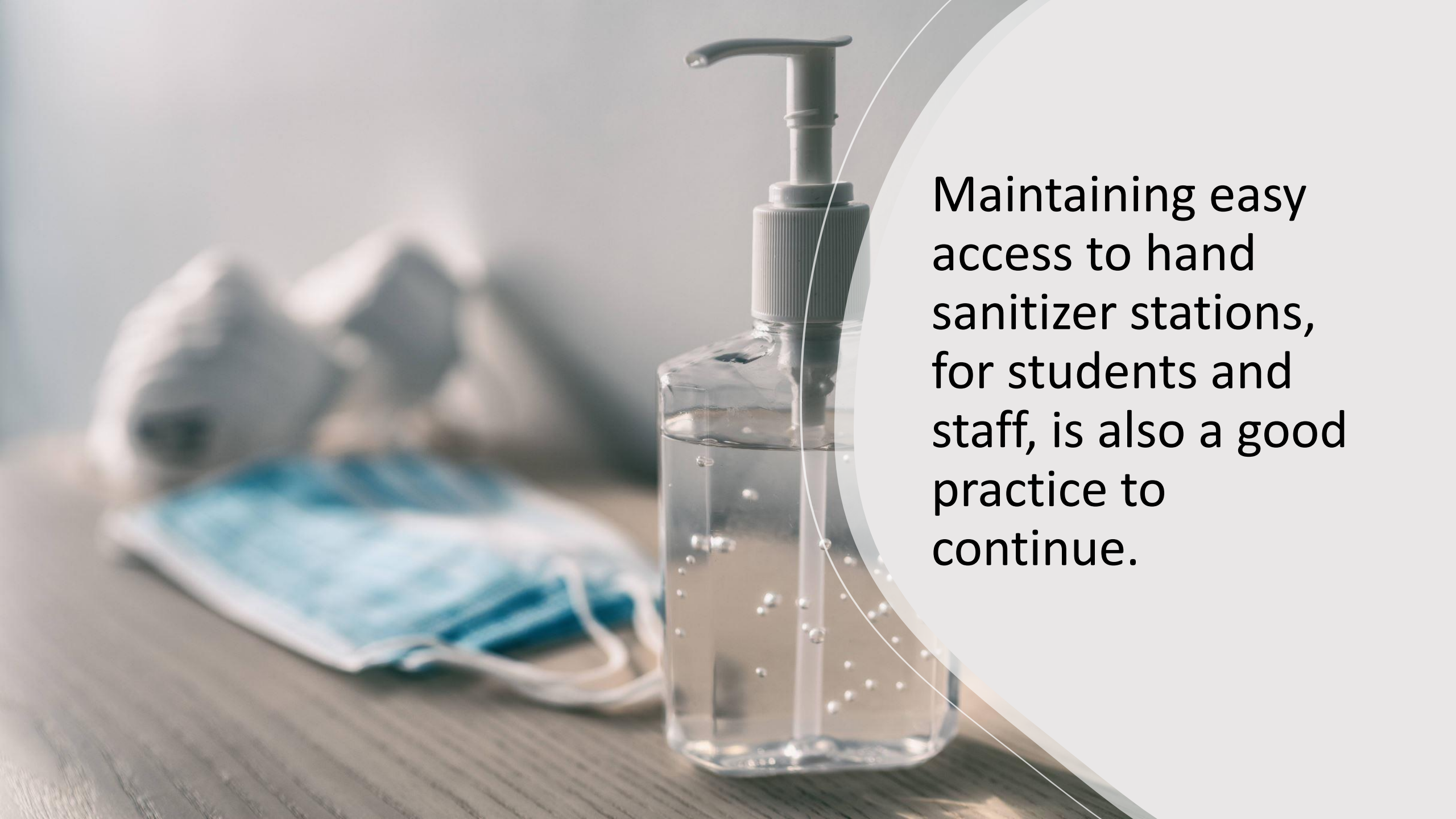
When I typed in “COVID 19” PowerPoint recommended this picture of Easter Island. I think it is nice, so I kept it.







Regular cleaning of high contact surfaces reduces the spread of normal contagions, like cold and flu (and COVID, which is still around.) Does your district have a plan to continue increased cleaning of high contact surfaces? Perhaps going back to normal for this one area is a bad thing?

A clear plastic hand sanitizer bottle with a pump dispenser is the central focus, sitting on a dark wooden surface. To its left, a blue surgical mask and a white cloth are visible in the background, slightly out of focus. The scene is lit with soft, natural light, creating a clean and hygienic atmosphere. A white circular graphic element is overlaid on the right side of the image, containing text.

Maintaining easy access to hand sanitizer stations, for students and staff, is also a good practice to continue.



# Other High Contact Surfaces?

- Can you think of some other high contact surfaces that may be worthwhile to regularly clean?
  - Bus handles?
  - Cafeteria doors?
  - Others?
- Where might you keep hand sanitizer stations going forward?
  - Entry areas?
  - Cafeteria entrance?
  - Hall corridors?
  - Others?



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I mentioned school buses, so let's skip there!

I think we can agree that if your district has all the experienced bus drivers you need, you are in the minority! All the districts around my house have bus driver shortages, which means **NEW BUS DRIVERS**.





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## New Drivers

Speaking *directly from our experience* in the NCSBT Auto Fund with our covered activity buses, we are seeing a LOT of accidents where drivers don't understand the dimensions of the bus, and how the front and back of the bus move when the bus turns. Parking lot accidents are easily avoidable but are happening ALL the time.





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## New Drivers

I'm not a bus driving instructor, but I would encourage all districts to maintain their diligence in selecting and training bus drivers. I would recommend increased training on the physical driving and orientation of the buses, especially for those with no experience with larger vehicles. Train in the bus, in a parking lot, with instruction and obstacle courses.



# Let's Skip to Driving Hazards!

- FIRST, making sure that only licensed drivers get behind the wheel of an auto for company business is important.
- Do you have a formal policy for all drivers to check license status?
  - We check our bus drivers on a regular basis (right!) but what about the administrators, clerical staff, maintenance workers, and others who drive for business purposes. If they are injured on a work errand, they are likely covered by workers' compensation. Do you know if they are legal drivers? You send a maintenance worker home with a work truck every night, but do you know if their license is valid?
- Don't find out after the accident that someone has a suspended license.



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## What is Driving Up Accidents?

- According to NCCI, motor vehicle accidents make up about 4% of all lost time workers' compensation claims, but they are about 8% of the costs! MVAs are basically twice as expensive as a normal workers' compensation claim. This does not take into account the cost of the physical damage to vehicles and other property. We often end up paying for damages to buildings, fences, and other cars and drivers.
- MVAs also are more likely to involve multiple employees.
- Major driver related factors that are linked to traffic accidents are speeding, impairment, and distraction.

# Driving Accidents



The costs of MVAs are also influenced by the effects of possible third-party actions in a claim where another driver may be at fault.



Our injured worker may be more likely to mangle if there is the potential for a bigger payout from an insurance company when someone else was at fault for the accident.



Attorney involvement is also higher in MVAs.



# Speeding

- Unfortunately, most people speed “a little” when driving their own cars. Even worse, we do so when driving the company vehicle or performing a work-related errand or trip. This should be discouraged.
- As speed increases, the number of accidents increases. This is simply common sense.
- In 2021, speed was a factor in 29% of crash deaths, per the Insurance Institute for Highway Safety, IIHS.
- Give workers the proper time to complete driving projects. Don't rush drivers.





# Distracted Driving

- Are we getting more careless as cars get safer? That may be the case!
- Per the National Highway Transportation and Safety Administration (NHTSA) after declining for decades as cars got safer, the fatality rate plateaued around 1.1 per 100M Vehicle Miles Traveled, or VMT, starting in 2010, but jumped to over 1.3 in 2020 and has maintained that high level. About a 20% increase!



# Distracted Driving

- Cars continue to get safer, but the fatality rate has not significantly declined since 2010. While there are many factors in this phenomenon (like the increase in legal speed limits,) distracted driving is thought to contribute a great deal to this.
- We do continue to use seat belts at a high rate, 90.4 percent in 2021, per NHTSA.
- NHTSA found that 10% of fatal crashes, 18% of injury crashes, and 16% of all police reported crashes were reported as “distraction-affected” crashes!!

# Distracted Driving

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- Does your district have a program, statement, or set of rules to prevent distracted driving? Is it given to all 'driving' employees to read and sign? On a yearly basis?
  - Don't ever text and drive, read or send! Pull over to a safe parking area. (Avoid the side of the road.)
  - Don't text someone you know to be driving.
  - Don't operate any handheld device while driving.
  - Use 'hands free' devices only when absolutely necessary, if ever. If your brain is focused on a telephone conversation, it is not fully focused on driving.
  - Other distractions include eating, drinking, and smoking.



# Shine a Light!

After shining a light on driver safety, let's take a quick skip over to shine a light on proper lighting!

Are there areas in your school, building, or administrative areas that lack proper lighting? Are parking lots well lit?

Now is the time to get the problem fixed, while students are not in the buildings.

If you can think of an area without proper lighting, pause this webinar and send an email now, or write yourself a note to do so.

Improper lighting plays a part in slips, trips, and falls, too!



# Don't Skip the Statistics for Slips, Trips, and Falls

- The National Council on Compensation Insurance (NCCI) reported in their 5-year study (2008-12, as it takes several years for claims to mature) that falls and slips accounted for 25.8% of the claims count, and 29.9% of the loss amount!



# Unsafe VS. Unclean?

- Some examples of “unsafe” floor surfaces:
  - Water dripping onto the floor from a cooking process, dishwashing activity, leaking faucet, or drain (child nutrition, chemistry labs, water fountains, drainage areas in garages and low areas)
  - Broken floor tiles, missing floor drain covers (custodians, any worker/teacher/student/guest)
  - Curled, dirty, or inappropriate mats for the area (child nutrition, garages, around the front door, guests, students)
  - Leaving broken boxes on the floor (child nutrition deliveries, custodians, outside vendors, teachers)
  - Grease dripping from frying operations (child nutrition)

# Unsafe VS. Unclean?

- Some examples of “unclean” floor surfaces:
  - Failure to identify and clean up spills quickly.
  - Incorrect mopping procedures (manufacturer’s instructions?)
  - Failure to pick up dropped items.



# SLIP HAZARDS

- Stairs or inclines (everyone)
- Loose rugs or mats (CN, others)
- Water (everyone)
- Oil or chemicals (CN, garage, maintenance)
- Dust, debris, grain/flour (CN, custodians, maintenance)





# TRIP HAZARDS

- Obstructions in the walkway
- Sudden changes of elevation, like stairs, steps, or inclines
- Damaged floor surfaces: torn or frayed mats or broken tiles
- Electrical or temporary cords (could be OSHA violations!)
- Poor lighting or obstructed view
- Running
- Untied shoelaces

# TRIP HAZARDS

Keep entrance doors, hallways, and work areas free from floor clutter. This includes delivery day!

- Always keep a clear path at the exits from your work area. In a school, ANY exit may become an emergency exit. Don't allow deliveries to clutter the exit door area.
- Walk around (not over or through) obstructions.
- Be careful with the placement of electrical or power cords.
- Keep office files/desk drawers closed.
- Don't take shortcuts across lawns.



# Shoes are important

- Always wear slip resistant shoes with good tread.
- Worn out shoes or untied shoelaces can be dangerous.
- Dry your shoes as soon as practical after entering a dry area.
- **WET SHOES ON A DRY FLOOR ARE JUST AS DANGEROUS AS DRY SHOES ON A WET FLOOR**

# Simple Rules



- If you spill it – clean it up!
- If you spill it and can't clean it up right away – display a “Wet Floor” sign.
- If you notice a spill but did not do it – clean it up!
- If you see an item on the floor – pick it up!
- If you see someone spill something and not clean it up, let them know they spilled something. They may not have realized they spilled it.
- Never walk through spilled food, grease, water, or ice – clean it up!

# Slip and Trip

- Are workers reminded to work in a safe manner regarding slip and falls?
- Are workers empowered to report hazardous conditions, or to speak directly to other employees about improper techniques?
- Are procedures for slip resistant shoes followed, and checked periodically?
- Do you set aside the resources (money!) to replace or repair unsafe flooring conditions?



And Fall!





# Chairs are not Ladders


- Do district teachers and staff get proper ladder training?
- It is easy for us to say, “Don’t stand on chairs to reach bulletin boards,” but do we give them the proper tool to use to reach those high places?
- A step ladder is a self-supporting ladder and should only be used as such. Before it is used, the step ladder should be fully open, spreaders locked, and all feet on a firm level support surface. The rear rail bracing on step ladders are designed for improving stability and not for climbing, although some ladders are designed with steps on both front and rear sections. The top step should never be used as a platform to stand on.

**FALLS FROM LADDERS CAN BE PREVENTED!**


- ✓ Choose the right ladder for the job
- ✓ Maintain three points of contact
- ✓ Secure the ladder
- ✓ Always face the ladder




**DON'T**  
stand on top or on the top step of a stepladder



**DON'T**  
overreach



**DON'T**  
place the ladder on uneven footing



**PLAN** ahead to get the job done safely.  
**PROVIDE** the right ladder and equipment.  
**TRAIN** everyone to use the equipment safely.



- We don't have to worry about anything like this, right?



# Skipping Over to Workers' Compensation

- Now let's take a deeper dive into workers' compensation.
- We'll talk about:
  - The Past
  - Definitions for WC
  - Benefits
  - Costs
  - And the Importance of a Return-to-Work program





# Ancient History

- In “the old days” if you were injured on the job, you had to sue your employer and prove “fault” on their part.
- In 1910 there was the Federal Uniform Workmen’s Compensation Act, that created a fundamental pattern of legislation to help protect injured workers and also to protect the employer from costly litigation.
- It gave each state the responsibility to regulate the administration of the benefits.
- The NC Workers’ Compensation Act was established in 1929.



# No Policy, Just Statutes

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- It is important to remember that workers' compensation, unlike other Risk Management policies is controlled mostly by NC General Statutes and court decisions, not by the language in an insurance or coverage policy.
- This is different from Auto, Property, Homeowners, Liability, and other types of coverage.

# Defining Workers Compensation

Workers' compensation is a **defined system** of benefits that protects both the worker and the employer from the unknown costs of workplace injuries.



## Benefits to the Employee

The Employer pays the costs of the program

*Workplace 'injuries by accident' and certain 'occupational diseases' are then paid for by the employer or their designee. (Not everything that happens at work will be covered, but it should be reported!)*



# Benefits to the Employee

Benefits may include:

- Replacement of a percentage of lost income
- Permanent Disability, if applicable
- Prescriptions
- Medical treatment
- Medical travel reimbursement
- Home modifications for severe injuries
- Attendant care (even that provided by a spouse)
- Vehicle modifications/replacements
- Artificial limbs/members
- Physical therapy
- Massages
- I paid for a swimming pool once!!





# Benefits to the Employer

The Workers' Compensation system becomes the “exclusive remedy” for an employee.

- The injured employee cannot file a lawsuit against the employer for injuries arising in the workplace.

Employers are no longer exposed to the risks of paying large jury awards for pain and suffering or other injuries.

The costs of the program are set based on payroll.





# Split Funding in NC

North Carolina is the only state with Split Funding of Workers' Compensation claims.



NC DPI will only pay its percentage of an injured workers salary, and the remaining portion is paid by the Local school district, usually through an insurance policy, self-insured program, or through a WC fund like the North Carolina School Boards Trust Fund (that is us!) This responsibility includes Local and Federal dollars.

## Split Funding in NC

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All 100% State-funded or any Split-Funded claims must be reported to Sedgwick!

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All 100% LOCAL/Federal claims must be reported to the local administrator or company.

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All funding must be calculated and reported correctly at the beginning of the claim! This is extraordinarily important.





# Costs?

- Workers' Compensation costs are partially based on the claims history of the employer, just like your personal car insurance costs are based on your driving record.
- If you have 3 DUI's and 5 wrecks, you probably pay a lot more for your car insurance than the average person.
- If an employer has a lot more, or larger claims than an *average* employer, they pay more for their coverage.
- Likewise, a good claims history lowers the cost of coverage!





# Costs: First and Foremost

- The most important thing to remember about Workers' Compensation is that someone is hurt. That person is an employee, coworker, and team member.
- The injured worker is also . . . a member of the community, family member, husband, wife, son, daughter, parent.
- Workers' compensation deals with two of the most important aspects of life. Health and Wealth.

# Costs to the District

- Workers' Compensation is important, too, because it can be a major cost to the school system.
- Some 'costs' of a claim are less tangible:
  - Lost productivity of injured workers
  - Resources spent recruiting/training/retraining replacements
  - Lost morale due to repeated hazards
  - Lost employee and community good will

# Costs

- Some costs are easily quantifiable. Each district pays for workers' compensation coverage, and those dollars are dollars that can't be spent elsewhere.



## Experience Modifier

- An E-mod (sometimes referred to as an X-mod) is a multiplier for your workers' compensation fixed costs. The average over each industry is 1.00, but the average public school district is a little higher.
- In a simplified way, each district's payment for coverage is based on your dollars of payroll split between your Job Codes to produce a basic rate. That rate is then MULTIPLIED by your E-mod.
- Let's see some examples.



# Examples of E-Mod Effects

Assume the same payroll and class codes for three identical districts produce a base rate of \$400,000.

Good District:

E-mod of .80 x \$400,000 = \$320,000 payment for coverage.

Average-ish District:

E-mod of 1.10 x \$400,000 = \$440,000 payment.

Bad District:

E-Mod of 1.65 x \$400,000 = \$660,000 payment!

Three districts, same coverage, VERY different dollar amounts!!!

# Return to Work Light Duty

- Accommodating light duty restrictions is probably the best way to positively effect your E-mod.

It Starts  
Right Away!

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Returning injured workers to work starts even before the injury is reported. All workers should know that you have a “Return to Work” program, and they should EXPECT to return to work light duty right away.

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When an injury is reported, the “Initial Physician’s Return to Work Report” also lets everyone (the injured worker and the doctor) know that Light Duty is available.



## What can an injured worker do?

- An injured worker should return from the doctor with or without restrictions. Hopefully, if the doctor has assigned restrictions, he/she has completed the Initial Physician's Return to Work Report and this should outline the 'physical restrictions' for the worker.
- By law, you can probably accommodate those restrictions with any job in any manner, before the injured worker reaches Maximum Medical Improvement, or MMI.





# Return to Work: Who is Responsible?

- The Board of Education should have a policy regarding Return to Work, as required by State BOE policies.
- Superintendents should be advocates for returning all injured workers to work.
- Principals should be encouraged (required?) by the Superintendent to accommodate light duty. We see some breakdowns at this level.
- Department managers (child nutrition, maintenance, custodial, etc.) should know that light duty accommodation is an expectation. We see a LOT of breakdown at this level.

# Return to Work: What is Average?

Remember the costs of WC are based on your Experience Modifier (E-Mod) and your E-Mod is relative to the “average” employer in your classification.

I can tell you that the “average” employer is accommodating light duty more and more, and the employers that are not are falling behind and paying more for their WC coverage.

Back in the “old days” it was common to simply not accommodate any light duty, but those days are over. Smart employers accommodate all light duty for injured employees.

## Local Funding

- Some examples of people who *may be* 100% Locally/Federally funded are:
  - Child Nutrition
  - Maintenance
  - Exceptional Children's Department
  - Custodial services

These jobs are some of the hardest to accommodate light duty, and are the positions that the districts pays for, remember.

# A Quick Note About Denials

- Denying workers' compensation claims is NEVER the job of the supervisor, WCA, principal, bookkeeper, or school system. All claims (and facts) should be reported to the appropriate company, and any interested parties should be directed to them for acceptance or denial of the claim.
- Let "us" be the bad guys!





$$F = G \frac{m_1 m_2}{d^2}$$

$$\phi(x) = \frac{1}{\sqrt{2\pi\sigma}} e^{-\frac{(x-\mu)^2}{2\sigma^2}}$$

$$i\hbar \frac{\partial}{\partial t} \psi = \hat{H} \psi$$

$$F - E + V = 2$$

$$\frac{\partial^2 u}{\partial t^2} = c^2 \frac{\partial^2 u}{\partial x^2}$$

# The Board's Role in Episode of Violence Claims

NCGS 115C-338. Salaries for employees injured during an episode of violence

$$\frac{df}{dt} = \lim_{h \rightarrow 0} \frac{f(t+h) - f(t)}{h}$$

# **NCGS 115C-338**

- **NCGS 115C-338. Salaries for employees injured during an episode of violence**
- **I've included an attachment with the statute. Please take a second and pull that up.**
- **You may not hear this often, but I think this is a very well written statute that lays out everything step by step. So, we are going to go through most of it almost word for word. If you can't pull it up now, that is okay, as I'll highlight the parts we discuss. This is a special added benefit, on top of Workers' Compensation.**

# Who?

- ...any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction,
- or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State.

# Who not?

- This is an important distinction!
- the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee...



# Who, continued...

- Any employee who while engaged in the course of his employment or in any activities incidental thereto, suffers any injury or disability resulting from or arising out of any episode of violence by one or more persons shall be entitled to receive his full salary during the shortest of these periods: one year, the continuation of his disability, or the time during which he is unable to engage in his employment because of injury.

# What is an Episode of Violence?

- An episode of violence shall be defined to mean but shall not be limited to any acts of violence directed toward any school building or facility, or to any employee or any student by any person including but not limited to another student. These benefits shall be in lieu of all other income or disability benefits payable under workers' compensation to such employee only during the period prescribed herein.



## Workers' Compensation

- This section shall in no way limit the right of the injured employee to receive the benefits of medical, hospital, drug and related expense payments from any source, including workers' compensation.
- (The EOVS statute is an EXTRA benefit)

# Can't Provoke

- Provided, further, that this section shall not apply to any employee who is injured while he participates in or provokes such episode of violence except as is incident to the maintenance or restoration of order or classroom discipline or to defend himself.



# Liberal Construction

- Provided, further, that this section shall be given liberal construction and interpretation as to any and all definitions, conditions, and factual circumstances set forth herein.

# Employee Should File with BOE

- Any employee claiming the benefits of this section shall file claim with the board of education employing such employee within one year after the occurrence giving rise to his alleged injury. That board of education shall, within 30 days after receipt of such claim, decide whether and to what extent that employee is entitled to the benefits of this section and shall forthwith transmit its decision in writing to such employee. (Always let the WC carrier know the decision!)



# Right to Appeal to NCIC

- Employee has the right to appeal the decision of the local board of education to the North Carolina Industrial Commission, and further, to the North Carolina Court of Appeals.



# Takeaways!

- Full time employees only.
- Liberal construction for what qualifies as an Episode of Violence.
- It is the board of education's decision, not the WCA, superintendent, or workers' compensation carrier.



# Examples

- The football coach gets injured breaking up a fight on the sideline while walking his team from the locker room. EOVS?
- A frustrated student repeatedly bangs a fire extinguisher into the wall until the fire extinguisher goes off, blowing into the eyes of the geometry teacher, causing serious damage. EOVS?
- A history teacher is injured in a physical fight with a math teacher over who was more important, Ben Franklin or Archimedes. EOVS?
- Child nutrition worker is injured by a flying fork during a food fight. EOVS?

# The End!

- And finally, we have skipped to the end of our presentation.
- David Byrd, [dbyrd@ncsba.org](mailto:dbyrd@ncsba.org)

# REFERENCES

- This presentation from the North Carolina School Board Association has been made possible with information provided by the North Carolina Industrial Commission, NC Department of Health and Human Services, PMA Risk Control Notes, and PMA Technical Bulletins, the CDC, and the NC Safety Conference, Inc.