

## First aid! Are you ready?



### **Under California Labor Code §4501(a), First Aid is defined as:**

As used in this subdivision, “first aid” means any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injury, which do not ordinarily require medical care.

According to OSHA, each year:

- 6,000 people die from workplace injuries.
- 6 million workers suffer non fatal injuries.
- Illness and injuries cost U.S. businesses more than \$125 billion.
- Up to 40% of small businesses do not reopen after a major disaster such as a flood or earthquake.

Under the California Code of Regulations, Title 8, Section 3400 it states:

### **§3400. Medical Services and First Aid.**

- a. Employer shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury.
- b. In the absence of an infirmary, clinic, or hospital, in near proximity to the workplace, which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Training shall be equal to that of the American Red Cross or the Mining Enforcement and Safety Administration.
- c. There shall be adequate first-aid materials, ap-

proved by the consulting physician, readily available for workmen on every job. Such materials shall be kept in a sanitary and usable condition. A frequent inspection shall be made of all first-aid materials, which shall be replenished as necessary.

- d. Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.
- e. Stretchers and blankets, or other adequate warm covering, may be required by the Division, unless ambulance service is available within 30 minutes under normal conditions.
- f. At isolated locations, provisions must be made in advance for prompt medical attention in case of serious injuries. This may be accomplished by on-site facilities or proper equipment for prompt transportation of the injured person to a physician or a telephone communication system for contacting a doctor or combinations of these that will avoid unnecessary delay in treatment.

If your agency is located in a populated area, and a medical clinic, hospital or emergency services provider (Fire Department) is in near proximity then your agency is in compliance with General Industry Safety Order. If the workplace is one where your employees may be to exposed to chemicals in the course of their duties, the regulation also requires that there be equipment or a safety station for an emergency shower or eye flushing station in case of an emergency. Have you conducted an inspection of your facility(s) to clearly identify where the safety stations are located? Are they clearly marked? Accessible to employees? Do they work?

More importantly, have your employees been properly trained to use the Emergency Shower/Eye Wash Station? Safety Training not only includes training on how to prevent injuries, but should include what to do in the event of an emergency. If an ambulance service is not available within in 30 minutes to an accident site, Cal-OSHA requires provisions be made in advance for prompt medical attention for serious injuries.



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# New Laws for 2009



**Cell Phone Use**

Since July 1, 2008, drivers have been required to use a hands-free device while talking on a cell phone and driving. Starting January 1, 2009, text-based communication while driving is prohibited as well, with the same penalties - \$20 for the first offense and \$50 for subsequent offenses. Specifically, the law prohibits writing, sending or reading text-based communication including text messaging, instant messaging and e-mail, on a wireless device or cell phone while driving.

**Family and Medical Leave Act**

The U.S. Department of Labor published the final version of the Family and Medical Leave Act (FMLA) regulations pertaining to military families and qualifying exigencies. Importantly, among numerous, significant changes, the regulations define what a “qualifying exigency” is for purposes of qualifying for up to 12 weeks of FMLA leave. Families with active military personnel may now be eligible if their situation meets one of the new qualifying exigencies: short notice deployment, attendance at official military events or activities, arranging or provid-

ing childcare, attending school or daycare meetings, handling financial and legal matters, and rest and recuperation visits when the soldier is on leave.

**Workers’ Comp Injury Reporting**

Labor Code section 6409.1 was amended to change the reporting of work related injuries and illnesses. Currently, form 5020 must be filed with the Division of Labor Statistics and Research (DLSR) within five days of an incident. Once the regulations are finalized, insured employers must file a form as prescribed by the Division of Workers’ Compensation (DWC) with the DWC, and self-insured employers must use a new, yet to be created, electronic form within the time specified by the DWC. Amended reports following a death must now be filed with the DLSR instead of the DWC. The bill specifies that regulations must be created to implement these changes, which will not go into effect until the regulations are finalized.

**Passport Cards for Identification on I-9**

The Departments of State and Homeland Security have begun to issue “passport cards” which may be used as a “List A” document to verify employment in accordance with the I-9 form.

The passport card is more limited in its uses for international travel (e.g., it may not be used for international air travel), but it is a valid passport that attests to the U.S. citizenship and identity of the bearer. Accordingly, the card may be used for the Form I-9 process and can also be accepted by employers participating in the E-Verify program. The passport card is considered a List A document that may be presented by newly hired employees during the employment eligibility verification process to show work authorized status. List A documents are those used by employees to prove both identity and work authorization when completing the Form I-9.

*For more information, please contact Dennis Timoney at [dtimoney@sdrma.org](mailto:dtimoney@sdrma.org) or call 800.537.7790. ^*

## Safety/Claims Education Day

**March 17, 2009  
Sacramento, California**

We are hosting our Safety/Claims Education Day on March 17 to provide free training and information regarding coverages, upcoming and recent changes in the law and our many MemberPlus Services. This is a great time to learn more about employment practice exposures, proactive claims management, on-line safety training programs and much more!

In addition, SDRMA members who attend the Education Day are eligible to earn credit incentive points to reduce their contribution amount for both Property/Liability and Workers’ Compensation programs. Register on-line at [www.sdrma.org](http://www.sdrma.org) by selecting Event Registration from the homepage Quick Links drop down menu list.

