

SDRMA safety/claims education day held during CSDA's Annual Conference

The next SDRMA Safety / Claims Education Day, is scheduled to be held in conjunction with CSDA's 40th Annual Conference on September 23, 2009 in Indian Wells. Members attending SDRMA sponsored training sessions are eligible to receive Credit Incentive Points (CIPs) which will be applied to the 2010 – 2011 Program Year contributions for the Property/Liability and Workers' Compensation Programs.

Heat Illness Prevention Training

With the arrival of summer, SDRMA members should be aware of the exposure employees may face when working outdoors in summer heat. Even employees who perform a majority of their work indoors can be a victim of heat illness when exposed to high outdoor temperatures. As a direct result of reported work-related deaths from prolonged heat exposure, Cal-OSHA is conducting further safety inspections in those California areas with high heat exposures.

Anyone can suffer a heat illness, but by taking a few simple precautions, they can be prevented:

- Condition employees for working in hot environments - start slowly then build up to more physical work. Allow employees' bodies to adjust over a few days.
- Drink lots of liquids. Don't wait until you're thirsty, by then, there's a good chance you're already on your way to being dehydrated. Electrolyte drinks are good for replacing both water and minerals lost through sweating.
- Never drink alcohol, and avoid caffeinated beverages like coffee, soda and energy drinks.
- Take a break if you notice you're getting a headache or you start feeling overheated.
- Cool off for a few minutes before going back to work.
- Wear light-weight, light-colored clothing when working out in the sun.
- Take advantage of fans and air-conditioners.
- Get enough sleep at night.

Key elements of a heat illness prevention program are:

1. **Recognize the hazard.** There is no absolute cut-off below which work in heat is not a risk. With heavy work at high relative humidity or if workers are wearing protective clothing, even work at temperatures above 70 degrees can present a risk.
2. **Water.** There must be an adequate supply of clean, cool, potable water. Employees who are working in the heat need to drink 4 eight-ounce glasses of water per hour, including the start of a shift.
3. **Shade and rest breaks.** Employers are required to provide shade structures for recovery periods when employees need relief from the heat. The direct heat of the sun can add as much as 15 degrees to the heat index. Rest breaks are important to provide time for cooling and provide an opportunity to drink water to replace the water lost in sweat.
4. **Recognize the symptoms of heat illness.** Common early symptoms and signs of heat illness include headache, muscle cramps and unusual fatigue. However, progression to more serious illness can be rapid and can include unusual behavior, nausea/vomiting, weakness, rapid pulse, excessive sweating or hot dry skin, seizures, fainting or loss of consciousness. Call 911 immediately.

For further information on heat illness prevention and sample employer procedures, contact Dennis Timoney at dtimoney@sdrma.org or visit: www.dir.ca.gov/DOSH/HeatIllnessInfo.html.

Employment Issues

With the continued rise in the number of unemployed individuals in the state, a new area of employment litigation has recently emerged; employees filing defamation lawsuits against their former employers. It is critical that employers develop a written policy with respect to providing employment-related information to potential employers.

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What is defamation?

Defamation is defined as:

n. The act of making untrue statements about another which damages his/her reputation. If the defamatory statement is printed or broadcast over the media it is libel and, if only oral, it is slander. Damages for slander may be limited to actual (special) damages unless there is malice. Some statements such as an accusation of having committed a crime, having a feared disease or being unable to perform one's occupation are called libel per se or slander per se and can more easily lead to large money awards in court and even punitive damage recovery by the person harmed. Most states provide for a demand for a printed retraction of defamation and only allow a lawsuit if there is no such admission of error.

What's an employer to do?

Be careful what you provide. Limit the information your agency discloses regarding an employee's departure and make sure all employees are aware of your policies regarding information disclosure.

Treat all departing employees the same. Create a policy that outlines the agency's procedures for dealing with employees who voluntarily resign their position or employees that were terminated, and follow it for every employee.

Obtain a release. It's ideal to obtain a release that allows your agency to give out job references. Inform employees that if you don't receive such a release, your agency will verify only dates of employment and positions held.

Establish a reference policy, and follow it. Have a written policy that outlines what information can be given out and



in what format. Have the format approved by counsel. Appoint one or two individuals to handle reference or information requests about former employees. Document all requests.

State only the facts. When the appointed agency representative provides any written information verifying a former employee's employment information, state only what is true and on file with the agency.

Don't volunteer information. Verify only the information potential employers are seeking about your former employee.

Verify identities. Make sure the identity of the party requesting information is verified before providing any written information.

Document and keep records.

Keep your employee personnel files accurate and objective. Always give references in writing so you have a record of the employment information provided. File a copy of the information provided in the employee's personnel file.

While it is impossible to prevent a lawsuit being filed against your agency, developing and following a written policy regarding the release of employment information will reduce the chance of a lawsuit being filed. SDRMA members should review the Employment Practices Liability section of the SDRMA Liability Coverage Agreement regarding coverage for these types of claims. Member Coverage Documents can be found on our website at www.sdrma.org, click on Member Login to access Member-Plus Online™. ^



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