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Plan a Safety Meeting with Fun

When was the last time your office had fun in a safety meeting?

Safety meeting? Not recently. Fun? Never.

With so much riding on the safety of workers, now is a good time to get everyone together and remind them of the importance of their feeling comfortable and being safe at work. While you're at it, give the meeting a bit more meaning: Have a theme! Dress in costumes, play games, do skits, order lunch, whatever makes the experience more enjoyable. Employees will appreciate the effort—and so will your workers compensation carrier.



At your meeting, be sure to:

- Discuss new precautions staff may need to learn;

- Review basic procedures and guidelines for effectiveness and understanding;

- Build morale; and

- Let them know how important their safety is to everyone.

Remember to record your meeting and spare no detail. These meetings may be the key to preventing injury, reducing costs or defending against legal

claims. Call us for information you can use when planning your next safety meeting. ■

Inception or Audit: That Is the Question

You're having a great year. You have more business, and you need more workers. But that may mean you need to change your insurance status—and that may mean higher workers comp premiums. The question often arises: When exactly do I have to report my increased employee numbers?

Simply put, when changes occur during the policy year, they are typically accounted for at audit. When changes occur before policy inception and are not disclosed, it's

fraud. Recently, a New York roofer was found to have employed several more workers than the number of employees he disclosed in his application for coverage. He did this in an attempt to lower his premium. After pleading guilty, the roofer was ordered to pay \$89,000 in restitution and spend six months in jail.

For more information on properly disclosing information at policy inception, the audit process or the relationship between the two, call our service team today. ■

Part-Time Job Equals Full-Time Fraud



An Oklahoma City man recently charged with workers compensation fraud was found to be working a part-time job while receiving payments for a supposed total disability injury. The man is charged with having earned more than \$3,000 as a deliveryman for a major retail chain while supposedly suffering from an injured shoulder that kept him from being able to deliver goods for his benefits-paying employer.

As a result of his actions, the man was given a suspended 10-year sentence and ordered to pay more than \$20,000 in restitution to his employer's insurance company, plus court costs.

Insurance fraud costs consumers over \$80 billion a year and leads to increased premiums for all policyholders. If you suspect fraud by an injured worker, visit www.insurance-fraud.org for valuable resources and contact information, and call us right away. ■

Boost the Team But Not the Risk

Team building can consist of some pretty quirky stuff, from company outings to silly exercises, but most HR advocates agree that team-building activities produce positive results. What happens, though, if the exercise gets out of hand, causing injury to one of the staffers participating in the event?

According to an Arkansas Appeals Court decision, the employer bears liability. "It is disingenuous for an employer to set up a company outing, require that its employees attend said outing, then

refuse to compensate an employee for injuries sustained at the outing," said the court in its decision in a case of a woman injured while jumping into a lake at her company's team-building event.

'It is disingenuous to require employees to attend...then refuse to compensate for injuries.'

Just as in the office, safety should always come first at offsite outings. Activities should be carefully reviewed and closely monitored to prevent injury. Before hosting such an event, contact us to review your coverage and look at risk-reduction actions you can take. ■

High Stakes Job Safety

Workers are always in danger of injury. As an employer, the best you can do is take every precaution to prevent an accident. While most employers remain diligent in their injury-preventing initiatives, there still are those who believe cutting a corner here and there won't affect job safety. But as they say: penny wise, pound foolish. Cutting corners on safety can cost employers big-time, usually with a citation and corresponding fine.

A Massachusetts state legislative panel is trying to make shortcutting a less attractive gamble. It recommends company officials begin facing criminal charges and jail time if they have recklessly failed to protect workers who are killed on construction sites. Advocates for the proposal contend that criminal charges and jail time



will emphasize more effectively the importance of safety.

For more information on the safety standards governing your industry, visit www.osha.gov. For help in reducing your injury risk and liability potential, give one of our professionals a call. ■

Fungus Among Us

Could the mold issue turn into a workers comp nightmare, too?

An employee in California has been allowed to proceed with a lawsuit alleging her employer, a major retail chain, knew about toxic mold growing on its property but did nothing to protect her from resulting illness. She filed a workers comp claim saying that her asthma was exacerbated by the mold. She also filed a separate lawsuit for damages.

Normally, an employee cannot sue for damages after receiving workers comp benefits, but in this case, the court says she has

sufficient evidence to establish an exception to the state's exclusivity law. The employer may or may not be found negligent, but the possibilities



for payouts in fines and legal fees are significant.

Employers who train themselves

to identify potential safety issues on site are in a better position to remedy those issues before someone gets hurt. But what about

those issues employers can't see? What about so-called invisible assassins, such as mold and similar toxins, that usually live out of sight? If you know there's a chance one of these slimy substances may be lurking within the walls, the problem must be addressed immediately or a workers compensation claim may be just

the beginning.

For more information about mold remediation, visit www.epa.gov/mold/. ■

Workers Comp: When Does It Apply?

Examples abound of workers offering their skills outside the workplace: nurses and doctors aiding the injured or ill; contractors assisting someone with heavy lifting or short hauling while on a hardware run; benevolent computer techies making a quick fix for a customer without a dispatch order. If injury results, can the employee claim workers comp? They are doing their work, you know.

In California, a correctional officer, injured while helping at the scene of an accident on his way to work, was denied workers comp benefits on the basis that his services did not qualify

as regular employment. Citing an ethical standard set forth for correctional workers in the *Ethics Cadet Workbook*, the injured officer claimed it was his ethical duty as a corrections

Knowing eligibility rules for workers comp benefits is important to employees and employers equally.

officer to assist those in need regardless of when or where. Hence, he claimed his services at the accident were directly related to his employment.

But the court disagreed. In its decision, the court wrote: "The fact that the law enforcement code of ethics for correctional officers speaks of a duty to serve humankind and safeguard lives and property does not confer authority on a correctional officer to act outside the scope of his statutory jurisdiction."

Knowing eligibility rules for workers comp benefits is important to employees and employers equally. It might be time for a refresher course at your business. For more information on your firm's workers comp coverage rules, call our service team today. ■

**Thank you for
your referrals.**

If you're pleased with us,
spread the word! We'll be
happy to give the same great
service to all of your friends
and business associates.

To Exempt or Not to Exempt

While state laws may differ in the exemption status of corporate officers, many states do allow these officers to exempt themselves from coverage. While this may lower your insurance premium, it does not come without increased risk. If an exempt officer is injured there is no coverage. Consider the following:

- What options does the exempted officer have for paying medical expenses and lost wages?
- Will the injury, expenses and lost wages be covered by your firm's group medical or disability policy?
- What if he or she decides to sue?

Your answers to these questions will help you decide if exempting officers from coverage is a good idea.

For more information about filing for exemptions and the requirements under your state's law, call our service team today. ■
