


# RisKeyNotes

Winter 2010  
Volume 20, Issue 2

**Mission Statement:** Serve Oregon through statewide leadership and technical expertise to identify, communicate and manage risk.

## WHAT'S INSIDE.... **Why Risk It ?**

<b>Why Risk It?</b> <ul style="list-style-type: none"> <li>• In Case of Emergency</li> </ul>	1	<b>IN CASE OF AN EMERGENCY</b> Even with risk control plans in place, people get hurt. Injuries occur and standard first aid is appropriate for most situations. What if it is more serious? Does your agency have a plan for emergencies? What are you required to do?	
<ul style="list-style-type: none"> <li>• Personal Protective Equipment</li> <li>• Know What Can Be Avoided</li> </ul>	2	OR-OSHA ( <a href="#">OAR 437-002-0161</a> ) requires provision of readily available emergency medical services. If you have 911 services available, in most cases this meets the requirement. When emergency medical services are not available, the requirement is a qualified first aid person be available.	
<ul style="list-style-type: none"> <li>• Reminder: Snow Plows and Sanders</li> <li>• Healthy Holidays</li> </ul>	3		
<ul style="list-style-type: none"> <li>• It's No Party, Slipping and Sliding</li> </ul>	4	Having an emergency plan before an injury occurs is good practice for any agency. When developing a plan, tailor it to your agency while considering the following:	
<b>Legislative Lookout</b> <ul style="list-style-type: none"> <li>• Get the Lead Out</li> <li>• Gone to the Dogs</li> <li>• SB311 Reform Update</li> </ul>	5	<b>Policy:</b> Does your agency have set policy or procedures in case of emergencies? <b>Location:</b> How remote is your location? How long will it take for help to arrive? Should you call an ambulance? Does the injured party want an ambulance? <b>Personnel:</b> Do you have first responders or people properly trained in first aid and CPR?	
<b>Risk Management Advisory Council</b> <ul style="list-style-type: none"> <li>• Accountability and Stakeholder Participation</li> </ul>	6	<b>Injury:</b> Is it serious or life threatening? How do you make the determination? <b>Equipment:</b> Do you have an Automated External Defibrillator (AED) or proper first aid kits? Are they easily accessible? <b>Immunities:</b> When is it a job requirement or a Good Samaritan action?	
<b>Enterprise Risk Management (ERM)</b> <ul style="list-style-type: none"> <li>• Potential Benefits of ERM</li> </ul>	7	Under emergency situations, people will step out of their comfort zone to render aid as necessary. Others will not out of fear of being sued. There are immunities provided by <a href="#">ORS 30.800</a> that allow for first aid providers to render aid and not be liable.	
<b>Claims Connection</b> <ul style="list-style-type: none"> <li>• When State Property is Damaged</li> </ul>	8	Additionally, an injured person may reject aid. ORS 127.507 states simply "Capable adults may make their own health care decisions". Health care decisions as defined in ORS. 127.505(9) means consent, refusal of consent or withholding or withdrawal of consent to health care, and includes decisions relating to admission to or discharge from a health care facility.	
<b>Future Articles</b> <ul style="list-style-type: none"> <li>• RMAC</li> <li>• ERM</li> </ul>		Even the best laid plan does not exclude someone from being seriously injured. It is important to have a contingency plan for when a serious injury does occur. Knowing what to do and when to do it can be the difference between life and death. When time is of the essence, be prepared.	

## PERSONAL PROTECTIVE EQUIPMENT

Hazardous occupations require [Personal Protection Equipment](#) (PPE). PPE is one way to reduce serious injuries. Some employers are required to provide the protective equipment. In other situations, employees provide their own. Required or not, when PPE is utilized education in their proper use is a necessity.



Best practice is to have formal training for anyone using PPE. Training should include the manufacturer's specifications for fittings and utilization. All PPE should be used for what it was designed. Would you use rubber gloves for fighting fires or goggles for hazardous gases? Know what hazards exist to properly protect against injury.

Training should include the basics:

- When is a PPE necessary?
- What PPE is necessary?
- How to properly put on, take off, adjust and wear PPE.
- Limitations of the PPE.
- Proper care, maintenance, useful life and disposal of the PPE.



Even when employees supply their own equipment, it is an employer's responsibility to assure the PPE is adequate. When changes to workplace or changes to PPE make prior training obsolete, retraining is crucial.

When worn properly, PPE can reduce the chance for a severe injury. However, PPE should never provide a false sense of security. Some of the best safety equipment is a sharp mind with complete attention focused on the task and hazard at hand.

## KNOW WHAT CAN BE AVOIDED

The damage from winter storms can be staggering. A typical winter like 2006 caused approximately \$500,000 in damage. Remember the 1996 flood? Oregon suffered over \$7 million in property damage. The more recent windstorm of 2007 caused \$3.4 million in damages. Every winter we wonder what is going to happen. Mother Nature does not always give advance warning. However, the current forecast is for above average mountain snow and significant low-elevation snows, above average valley rain and significant coastal windstorms. Also forecasted is an increased threat of valley snowfall followed by warm rains and flooding.



While we do not know what is going to happen tomorrow, we can learn from what has happened in the past. Review what type of losses your agency had during past storms and take some precautions ahead of time. Look around your office or work area. Check out what is stored in the basement. Are there valuables that can be stored differently to protect from water damage? Has plumbing and electrical piping been insulated? Are sump pumps and furnaces properly maintained?



Additionally, take a look outside. Fallen trees from saturated soil can destroy buildings and vehicles. Can any preventative maintenance be done? Check the walkways, stairs and entrance to your buildings. Are they properly maintained during ice and snow storms? Do you have proper matting down to eliminate slips and falls?

See ["The Big Chill"](#) RisKey, October 2010.

We have thousands of vehicles on the road during adverse weather conditions. Simple precautions can address issues that develop during poor weather conditions. Know the road conditions. Oregon Department of Transportation provides [up to date road conditions](#) through the internet, phone and local TV. Prepare for different weather conditions. Maintain your vehicle to ensure equipment including heaters, tires, windshield wipers, headlights and brakes work properly. Pack emergency road kits that include tools, maps, food, water, clothes and blankets. Adjust your driving. Traction is different depending on weather. Adjust for change in roadway surfaces. Slow down for shaded areas and curves. Keep a safe distance. Watch for flaggers, disabled vehicles, emergency vehicles and poor visibility.



Mother Nature will continue to wreak havoc on both state property and our natural resources. However, if precautions are taken based on what has happened in the past, some exposures will be avoided entirely. At the very least, we can lessen Mother Nature’s impact by reducing the severity.

## REMINDER: SNOW PLOWS AND SANDERS

Winter weather is upon us. Be watchful of snow plows and sanders. Keep your distance. Sand and ice melt together to make rock-like objects. These can fall from the equipment and do serious damage to your vehicle. When a sander is in operation, do not pass and keep a good following distance. The sand varies in size depending on the weather and road conditions. If you pass while sanding, the damage to your vehicle can be extensive.



## HEALTHY HOLIDAYS

Most of us will overindulge during the holidays in some way. We try not to, but the desire to have one more bite of scrumptious food is irresistible. Instead of a New Year’s resolution to lose weight, start healthier traditions now.

Office parties tempt us with food that is difficult to resist. Family gatherings bring us our favorite childhood dishes. It is a challenge to make healthy choices. There are other options. Snack on fresh fruit and veggies instead of the traditional holiday sweets. The internet is full of healthy recipes or ideas on how to cut calories in your favorite dishes. Swap healthy recipes with your friends. Watch your portions. *A little bit* of everything can add up.

The winter weather challenges us to stay active. At work, stay physically active whenever possible. Park farther away from the office, take the stairs when possible, walk daily, and take advantage of the [fitness center discounts](#) available. At home, take a walk with the family or your pet. Check out your community’s recreation department. Register for a class that provides physical activity.

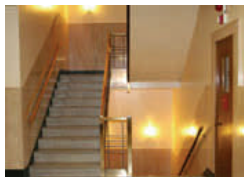


Being healthy this time of year is more than just watching what you eat or losing weight. Holidays are stressful. Time is short with work, shopping, cleaning, and cooking. Take five and relax! Enjoy a moment for yourself. Talk with an old friend. Enjoy a warm cup of sugar free cocoa or herbal tea. Take a minute to sing along with your favorite holiday song. Or, just sit down by a warm fire and breathe.

## IT'S NO PARTY, SLIPPING AND SLIDING

The state experiences about 283 slip and fall claims per year for both liability and workers' compensation exposures. Primary causes include stairs, wet or icy surfaces, ladder use and obstructions. With approximately \$200,000 a year in losses, pre-planning is the best way to prevent slips and falls from happening. In addition to the following suggestions, report slip and fall hazards to your maintenance staff or supervisor when you are unable to address them directly.

### **To prevent slips and falls on stairways:**



- Don't obstruct your vision. Instead, carry smaller objects and make more trips.
- Use hand rails.
- Ascend and descend slowly.
- Be aware of polished concrete and wooden stairways which can be very slippery when wet. When possible, use stairways with anti-slip treading.
- Keep long dresses and coats away from your feet when using stairways.

### **To prevent slips and falls on wet or icy surfaces:**



- Wear appropriate footwear for weather conditions.
- Keep surfaces free of debris.
- Avoid steeply sloped surfaces.
- Watch where you step and don't hurry.
- Take the extra moment to dry your shoe soles on entry rugs.
- Avoid wet areas on waxed floors.
- Report spills and pooling water.
- Be aware of different walking surfaces during freezing weather. Some surfaces hold cold longer and can be icy when you would not expect it.

### **To prevent slips and falls from ladder use:**



- Use the appropriate sized ladder. Don't be tempted to use the upper rungs to get that extra foot of reach.
- Don't lean to the sides. Keep your body centered with the ladder and move the ladder as needed.
- Use a spotter when on a ladder to feed holiday lighting or hold garbage pails when cleaning gutters.
- Inspect your ladders for safety and keep properly maintained. Don't use if they have broken treads or bent hinges.
- Think about choosing a fiberglass ladder for your next purchase. They are more expensive, but they are less likely to experience the failures that aluminum and wooden ladders have.

### **To prevent slips and falls from obstructions:**

- Do not put objects in the interior walkways, hallways or stair ways.
- Make sure there is adequate lighting.



Risk Management's Risk Control Unit can help you:

- Identify your slip and fall claims experience.
- Identify who in your organization is most vulnerable to these types of claims.
- Identify strategies through risk assessment to minimize these types of claims.

With a little forethought, you can reduce the number of slips and falls. Call us for assistance!

# Legislative Lookout

## GET THE LEAD OUT

Asbestos is not the only concern when renovating or remodeling. Lead-based paints still exist in older buildings. When lead-based paint is disturbed during renovation, repair or painting activities, dangerous amounts of lead dust can be created. Pre-1978 residential or child occupied buildings are of major concern. When performing renovation work that disturbs the paint, agencies will have to comply with the Lead Renovation Rule ([40 CFR 745.82](#)) that took effect April 22, 2010.



The rule requires pre-renovation paint testing, certified renovators perform the work, and a post renovation cleanliness evaluation. The rule ensures occupants of target housing receive information on lead-based paint hazards before renovations begin. It ensures renovators performing the work are trained and certified, and lead safe work practices are followed during renovations.

Before you begin a job, consider whether lead-based paint will be an issue. If so, set up the job safely, minimize the creation of dangerous lead dust and leave the work area clean and safe after completing the job.



## GONE TO THE DOGS

Currently, a service animal is defined as ANY animal that is individually trained to perform tasks for a person with a disability. Service animals are working animals, not pets, and need no identifier showing them to be a service animal. However, on March 15, 2011 new federal rules take effect. The revision of [28 CFR 35.136](#) makes an official designation of a service animal.

Service animal means any DOG that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Tasks or work for this purpose do not include emotional support, well being, comfort or companionship.

Other species of animals, whether wild or domestic, trained or untrained are not service animals for the purposes of this definition. This revision does provide an inclusion for miniature horses. Public entities will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse if the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

## SB311 REFORM UPDATE: NEW LANGUAGE FOR INTERGOVERNMENTAL AGREEMENTS

More than a year after it became effective, tort reform is still a hot topic. A ripple in this reform is the liability limits for local public bodies. For the first time ever, the limits are not equal. State entities and local government entities have significantly different liability limits. This is causing problems with the mutual indemnification clauses in standard intergovernmental agreements (IGA) templates. However, the state will continue to cooperate with local public bodies.



As with any legislative reform, there are adjustments. Customers alerted Risk Management to emerging new problems and concerns arising out of negotiations for services with local government entities. The majority of issues brought forward were around indemnity and insurance requirements.

In the spirit of partnership, a multi-jurisdictional workgroup was formed by DAS-Risk Management. It consisted of state and local governments, Department of Justice, Association of Oregon Counties (AOC), The League of Oregon Cities (LOC), their attorneys and insurance brokers. This work group had open discussions among all parties involved to fully consider everyone's expectations. The final report summarizes the work that took place to create the language and the collaborative process for the project.

The [final work group report](#) contains changes in language to incorporate into IGA templates for use when contracting with local governments. This language is a solution that will be appropriate for use in more than 75% of the IGA's.

With the big picture in mind, state and local governments found solutions that work for all of Oregon.

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## **RISK MANAGEMENT ADVISORY COUNCIL ACCOUNTABILITY AND STAKEHOLDER PARTICIPATION**

*Kyle Knoll, RMAC Vice-Chair*

As indicated in the Fall 2010 edition of RiskNotes, the Risk Management Advisory Council (RMAC) is your statewide forum for identifying and addressing risk related challenges. It is a resource for providing information and opportunities for improving risk management statewide. In future editions, RMAC will share detailed information about the Council's values, meetings and actions. One of RMAC's objectives is to hear and address issues and help risk management stakeholders remain informed.



RMAC is committed to serving risk management stakeholders at the statewide and agency levels. Each meeting includes opportunities to identify risk related topics by Council members or an open forum with all meeting attendees. Follow-up items are then discussed with appropriate actions determined, documented and tracked by the Council.

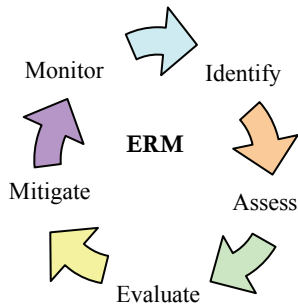
Items pending by RMAC are the development and publication of an introductory brochure on Enterprise Risk Management (ERM) and the development and implementation of SB 311 related indemnification language for intergovernmental agreements. You are encouraged to review the status of these and other RMAC action items as tracked on the "[Action Dashboard](#)" posted on the [DAS-Risk Management internet site](#). Hold us accountable and track our performance. RMAC is here to serve you.

RMAC is dedicated to hearing and supporting all interested and involved risk management stakeholders. Whether or not you are a voting member of the Council, be assured that your risk related issues and concerns will be heard, and your perspectives valued.

To the RMAC meeting attendees who are not currently voting members of the Council, we thank you for your commitment of valuable time, energy and expertise. As you continue to invest in RMAC meetings or even related work groups, please think in terms of stepping up and serving on the Council as opportunities for new members are identified.

Please feel free to contact a RMAC member if you have any related questions. Contact information for RMAC Members is available at <http://www.oregon.gov/DAS/SSD/Risk/RMAC2010.shtml>.

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## POTENTIAL BENEFITS OF ENTERPRISE RISK MANAGEMENT (ERM)

*Pam Stroebe Valencia, Chief Audit Executive*

In the Fall 2010 issue of RisKeyNotes, readers were introduced to Enterprise Risk Management. ERM is a process designed to identify barriers to achieving an organization’s objectives and selecting strategies to deal with those risks. Organizations that have implemented ERM processes are likely to realize benefits like financial incentives, enhanced internal communications, improved decision-making and enhanced partnerships.

### Financial Incentives

Awareness of risks involved in processes will help align resources which increase productivity, revenues and improve service delivery capabilities. When controls are designed and based on the organization's risks and tolerance levels, optimum resource allocation and efficiencies are achievable.



Strong ERM practices increase preparedness before adverse events occur. In turn, operational surprises and losses are minimized. Documentation helps rationalize funding and link growth, risk and return.

### Enhanced Internal Communications



Effective communications lead to enhanced staff morale and help promote teamwork. Employees desire a clear perspective on the impacts their role has on the overall mission of the organization and the value they provide. ERM practices help highlight that value.

A consistent vocabulary and methodology provide employees with a clear and common understanding of the organization’s goals and objectives. Strategic and values-driven communication is enhanced across the organization.

### Improved Decision-Making

Informed strategic choices can be made consistent with the organization’s goals and objectives based on a consideration of risks and rewards. ERM provides increased risk intelligence and may reduce traditional risk aversion-based decisions.



ERM helps stimulate defined success criteria, increased accountability, clearer performance measurement, and improved performance reporting.

### Enhanced Partnerships

ERM processes highlight opportunities for working across the enterprise on providing integrated responses to multiple risks and pathways to seizing opportunities.



If you have any questions regarding ERM, please [contact Risk Management](#).

# Claims Connection

## When State Property is Damaged

Winter hasn't officially arrived and already the state is experiencing snow, ice and freezing temperatures. Risk Management has received a number of weather related claims. We are taking this opportunity to remind our agency partners of what to do should state property sustain damage.

[Submit your claim](#) in writing to Risk Management within 90 days of the loss. Do not wait to have all of your documentation ready for us. It is better to put us on notice and provide supporting documentation later. Failure to submit your claim within the required 90 days may result in denial of the claim.

It is the agency's responsibility to provide Risk Management with supporting documentation for any damage. Risk requires at least two estimates for repair or replacement of the damaged property. Estimates must be from two separate outside vendors. Estimates should itemize parts, materials, labor and any other costs. If an agency expects to do their own repair work, they must submit an itemized estimate including labor costs. When an agency submits their own estimate, only one estimate from an outside vendor is required.

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If the loss is substantial, such as from fire or water, take immediate steps to mitigate any further damage. Call Risk Management as soon as possible. We can take immediate action. We may need to hire an independent adjuster or a cause and origin expert. It is necessary to preserve any evidence in the event we have a subrogation claim against another party.

These are general guidelines for all kinds of losses, but it's important to remember that no two claims are the same. We strive to get the information needed to make the right decision on every claim. There are times we may ask for additional information or documentation to ensure we spend tax dollars responsibly.

If a loss occurs and you have questions about how to proceed, give Risk a call. We are here to answer your questions and help you with the claims process.

We're on the Web!

<http://www.oregon.gov/DAS/SSD/Risk>

### RISK MANAGEMENT DIRECTORY OF SERVICES

Information 503-373-7475  
FAX 503-373-7337  
Email [risk.management@state.or.us](mailto:risk.management@state.or.us)

SAIF Emergency Report 1-800-285-8525  
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### DAS SERVICE PLEDGE

To improve our service, we commit to you a "Service Pledge" to be KNOWLEDGEABLE, RESPECTFUL AND RESPONSIVE in our business and interactions.