



# News & Views

## Staff Changes

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### Coming...

VACo welcomed **Stephanie Heintzleman** to our staff on September 25. Stephanie will be a direct contact for our members who have questions or concerns about the Pool or any Member Services related topic. Stephanie brings 19 years of experience from her role as the Assistant County Administrator with Charlotte County. We look forward to the insight she brings to our program; please make Stephanie feel welcome in our family.

On September 1, **Nancy Fisher** joined VACo's staff as a workers' compensation claims specialist. Nancy comes to us with over 30 years experience in the claims industry. She also has 15 years prior experience as a para-legal for workers' compensation defense attorneys. Her experience and knowledge will serve our members well into the future. Please join us in welcoming Nancy Fisher to our staff.

### And Going...

On August 15, 2006, VACo sadly said farewell to **Becky Scales**. Becky came to VACo in 2001 to work in the newly created workers' compensation unit. She brought with her over 25 years experience in the insurance industry and was a terrific addition to our staff. She displayed a dedication and concern for our members' interests on a daily basis. The success of the workers' compensation program is due in very large part to her time with VACo, and her presence will be missed. We all wish Becky much happiness as she and her husband Pete embark on the next chapter of their lives together.

## Parking Lot Exposures

Each year county, school, and other member employees are injured while walking across slick parking lots and sidewalks. Unfortunately, tailored with the potential temporary loss of an employee, employers often feel the sting of paying for these injuries under workers' compensation. This is often true when the employer owns the lot or is responsible for its maintenance through a lease agreement. In order to help combat falls during the upcoming fall and winter seasons, there are several steps that employers can take. One, frequently remove fallen leaves and debris from parking lots – wet leaves can be extremely slick. Two, ensure snow clearing procedures are clear for staff or contractors – express high expectations. Three, spread appropriate materials on lots and sidewalks to promote melting and increase traction, especially on north facing and sun blocked locations. Four, encourage employees to wear appropriate footwear such as athletic shoes or boots with good traction. Safe arrival is everyone's responsibility, but an employer's exposure is such that it should pay special attention to the condition of its employee parking areas. Risk Control has a reference sheet that addresses the above and cold weather safety; an electronic copy of this document is available to all members.



## Risk Management Tips, Insights, and Pleas

### EMS Equipment

Each county has its own unique arrangement when it comes to EMS programs for its citizens. Some rely fully on volunteer programs; others have a mixture of paid and volunteer staff. Equipment, too, is handled differently in each area. Some vehicles and equipment are owned by the county and some by the volunteer program. Commonly, counties that own an ambulance or rescue vehicle do not own the equipment inside. This equipment is often owned by the volunteer program. If the county does own the internal equipment, however, it must be listed on the inland marine schedule. Notifying VACoRP of any items owned by the county will enable the Pool to apply appropriate coverage.



### Flood Zones

How many buildings belonging to your school system, county, or county-related program are located in a flood plane and therefore exposed to significant risk of loss through flood? Though VACoRP explicitly excludes flood damage to properties located in a flood plane, Member Services can help VACoRP members identify whether certain properties are located in a flood plane and assist in getting a quote for any structures that are. VACoRP will send any requesting member a Selective Flood Operations questionnaire. This one-sheet survey can be returned to VACoRP and will be forwarded to Selective. Through this process, members will receive detailed information on their flood exposure and direct quotes for flood coverage from Selective. Please contact Member Services for a copy of this survey if you are unsure of your buildings' flood exposures.

## Legal View of Claims, Part 2: Coverage v. Liability

In our previous newsletter we discussed incidents turned in as claims and how the payment or non-payment of those claims affects both the members and the Pools. When talking about claim payment, it has already been determined that there is coverage and liability for the loss. So, what does it mean to have coverage, and how does liability impact the member? In this issue we will investigate the important difference between the elements of coverage and those of liability. Members who understand that difference are in a better position both to understand the actions of the Pool and to protect themselves from future exposures.



### COVERAGE

In brief, coverage is an agreement between the Pool and the member. When it issues a contract, the Pool agrees to pay the member for losses or claims that fall within the terms of the member contract. In order to determine if a claim is covered under the contract, the facts of each case must be compared to the contract. In short, the contract issued to members sets forth what is and what is not covered.

An example simply illustrates the element of coverage: a claim is presented that alleges someone was injured on county property on June 10, 2005. For this example, let's assume the Pool's contract with the member began July 1, 2005. In this instance, there would be no coverage under the Pool's contract for the loss, as it is outside the policy period (more specifically, occurring before the contract began): the Pool does not defend or pay this claim.

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## Legal View of Claims, Part 2: Coverage v. Liability *Continues...*

Such timing as with the circumstance above and all other coverage details are included in each contract issued between the Pool and member; all members are strongly encouraged to review the contract provisions. Members who have exposures not covered under their existing contract can contact VACoRP for insight into additional contracts that could apply.



In determining coverage, the merits of the case are not considered. It is not until a coverage determination has been made that the merits of the claim are addressed. This first step, coverage determination, defines whether VACoRP or VACoGSIA can legally act for the member.

### LIABILITY

Once it is determined that there is coverage, claims specialists must determine whether or not the member has liability for the loss. Liability involves the member's legal responsibility to the claimant for the loss. Liability is separate from coverage and one does not have an effect on the other.

It is often thought that all claims presented from a third party require a payout from the member or its coverage provider. This is not the case. While there are some exceptions, only claims for which the member is legally liable and for which there is coverage are paid by the Pool. Where no legal liability exists, neither the member nor the Pool owes any fiscal reward to the third party claimant. Under certain circumstances, there might be legal defenses available for governmental entities. These defenses are in place so that counties and county-related agencies can provide certain services, such as law enforcement, to citizens without becoming an open target. Future articles will address some of these specific defenses and explain their purposes.



A liability example is as follows: a citizen falls down in the county administrative offices. The investigation reveals that the claimant just tripped over her own feet. There is no visible reason for the fall. In this case, there is no liability on the part of the county and the claimant would not be entitled to any monetary compensation. The validity of this claim and all others, whether under general liability or auto liability, is dependent upon the specific facts of that incident. VACoRP's specialists thoroughly investigate each claim to ensure that a proper decision is made regarding payment or non-payment.

In a nutshell, coverage is based solely on the contract between the county and the Pool. The contract sets forth those losses that the Pool has agreed to be responsible for on behalf of the member and does not address the merits on an underlying claim. Liability, on the other hand, involves the merit of the claim regardless of coverage. It addresses the responsibility of the member for the claimant's loss. Assuming there is coverage for the loss, the Pool responds on behalf of the member. Any member who has questions on the application of coverage or the presence of liability is encouraged to contact Member Services. At that time, representatives will happily discuss operational exposures present.

## Cafeteria Safety, Part 1 of 2

Each day, school systems across Virginia serve thousands of meals to students. What cafeteria staffs serve, under the pressures which they serve, and the balance of timing needed for successful delivery to thousands of hungry students is a testament to their dedication. Unfortunately, kitchens and cafeteria areas can be one of the most hazardous work environments found in any school. The combination of material handling, wet work, food splatter, and hectic activity all contribute to the increased chance for slips, falls, strains, and other incidents. Providing a safe work environment for these employees takes a mix of well-organized work areas and effective procedures linked with ongoing and updated training.



### Walking and Working Surfaces

By far, the most important element in kitchen safety is the flooring over which cafeteria staffs travel. Condensation in front of coolers, grease splatter below cooking surfaces, water in dish rooms, and dropped food at the serving line affect how slick walking surfaces will be in various areas of the kitchen. The materials used for floors and surface finishes deeply impact the potential for slips and falls.

- **Flooring Materials** – Vinyl tile and quarry tile make up the greatest majority of surfaces used in cafeterias and kitchens. These flooring materials often wear well, come in countless colors, and require relatively easy care. More recently, epoxy floors have become popular due to their application technique, long wear, and slip resistance capacities.
- **Grout Lines** – Typically associated with quarry tile in kitchens, grout is used between tiles for both aesthetic and functional purposes. Larger grout lines have the potential for greater collection of foreign materials such as water and food products just below the normal walking surface; this larger materials collection creates the potential for more slips over floors with a smaller grout line. Some grout requires sealing; when such grout is not sealed properly, grease and materials can embed below the surface and prevent cleaners from being effective.
- **Textured Surfaces** – Especially with epoxy floors, installers usually incorporate some sort of texture to the finished product. Initially, this texture adds to slip resistance. Over time, however, the floor can become worn, reducing a texture's effectiveness. In addition to this, the texture itself increases the challenge of proper cleaning; this could ultimately lead to a floor with more slips than that of a smoother finish.
- **Workstation Mats** – Areas where wet work, cooking, and serving are accomplished should contain grease-proof workstation mats. These mats often have holes for draining and retain a significant level of traction when wet or coated with grease splatter. Their construction further reduces fatigue for employees, increasing productivity. Careful placement is essential to avoid creating a greater tripping hazard through the mats' installation.



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## **Cafeteria Safety, Part 1 of 2** *Continues from Previous Page...*

### **Maintenance and Cleaning**



Every floor surface requires its own type of care. Equipment and products used on one material will not necessarily be effective on another of similar type. Schools should specifically discuss cleaners and procedures with the floors' installers; they are the best source of information on what will be appropriate. For schools that no longer have a relationship with their floors' installers, discussing concerns with their cleaning products supplier could yield suggestions and safer floors.

OSHA and the ADA have weighed in on floor slipperiness. OSHA recommends that floor surfaces have a static coefficient of friction (SCOF) of .5 or greater. The ADA ups this level to .6 for level areas and .8 for ramps. Floors with coefficients of friction less than these are considered to be more hazardous. In many cases, floors that are glossy and have a high sheen have a lower coefficient of friction. So, while a shiny floor might look great and gives a good first impression, it likely sacrifices safety for that appearance. Cleaning products, especially in cafeterias and kitchens, should strike a balance between sheen and slip resistance.

Unfortunately, floor mopping is, appropriately, commonly the final step completed before staff leaves for the day. By this time, employees are ready to go and have personal tasks on their minds. This combination can equate to a quick "once-over" that really doesn't adequately clean the floors. Over time, such "cleanings" will actually spread grease and foreign material to the entire floor, creating a hazardous surface for all staff. VACoRP recommends for all cafeteria employees to be explicitly trained by supervisors and even product manufacturers on the proper procedures for floor cleaning. These procedures should be posted in the supply closet and given to staff in writing. Without such instruction, employees could unintentionally create a more hazardous environment in which they work.



Floors do not last forever. While some manufacturers and installers offer a "lifetime" warranty, this does not mean that the floors can be installed and forgotten. Each school should regularly inspect cafeteria and kitchen floors to check for cracks, coating problems, loose tiles, and overall surface condition. In addition to this, speaking with employees about their concerns and asking questions can also help identify problems and potential hazards. These staff members are there every day; they are the best source for information for what is going on in that environment.

Part 2 of this article will address footwear, storage, access, and material handling. Please feel free to contact Risk Control for any questions that might be pertinent to the safety of school cafeteria staffs. Representatives from VACoRP would be happy to review kitchen safety with any of our members.

## Prevent Dryer Fires

Fires in dryers present a significant property exposure for many members. This is true since washers and dryers are common equipment in school gyms, social services buildings, and group homes and activity centers for Community Services Boards. They can also be found in Sheriff's Offices, Parks and Recreation facilities, etc. While dryer fires are not a normal occurrence, our members have experienced a few dryer fires over the years. The overall exposure increases when the dryer is located in a residential setting where life safety is more of a concern since both residents and staff sleep in these locations. Fire potential is also impacted by combustible material stored or left in the laundry area, ignition sources (pilot light for gas powered dryers, faulty electrical outlets), and poor housekeeping. To help prevent fires:



- Use rigid or corrugated semi-rigid exhaust duct. Replace any flexible plastic or foil exhaust duct since this type of piping increases the risk of lint being trapped.
- Clean the dryer vent and exhaust periodically. Always check the exhaust outside the building as lint has a tendency to get trapped at the exhaust and can completely block the vent. It will also prevent the flap from sealing properly, allowing insects or unconditioned air to enter the building.
- Clean the lint filter after each use. Clothes that suddenly aren't drying properly could be a warning sign that the vent is not adequate.
- Clean the laundry room well on a periodic basis. Lint will tend to settle in areas that are not easily cleaned. Pull the dryer away from the wall and clean behind and to each side to remove lint that could easily help a fire get started.
- Have a qualified person clean the inside compartment area of the dryer.
- Store combustible material in other areas when possible. Keep at least a one foot clearance between the dryer and combustible material.
- Place a smoke detector in or near the laundry room. This is especially important for residential settings. Installation of a carbon monoxide detector would be recommended for any gas fired dryer.
- Be aware that washing and drying clothes that have been subjected to volatile chemicals pose additional risk. An extra wash cycle, hanging clothes out to dry or using a lower temperature setting may be needed. Remove these clothes from the dryer promptly.
- Establish a time line to complete periodic cleaning tasks as you would any other maintenance item. The use, type of equipment, and normal housekeeping effectiveness will determine how often extensive cleaning is needed.



Overall, neatness counts. Areas with a greater collection of dust, lint, and hair are more susceptible to fires in general since these items provide fuel for ignition. Even more so, dryers are their own sources for creating that which will easily burn. Employees who work with these devices are in the greatest position to help prevent property damage from dryers. Does your program own any dryers? If so, what have you done to protect people and property?



## OSHA Spotlight

### Trenching

The placement of water lines, sewer lines, and other utilities now more often requires PSA's and counties to employ trenching procedures. Entities that both complete this work themselves and hire out the work must be aware of the risks and precautions involved with trenching. Though there are many items to take into account with trenching, major concerns include the following:

- Collapse
- Flood
- Access/Egress
- Personal Protective Equipment
- Environmental Factors/Air Quality

A few relatively high profile trench collapses have occurred in Virginia over the last couple of years. One municipality suffered the loss of two employees in one incident, and a private

contractor sent two employees to the hospital with injuries in another. Both collapses have highlighted the dangers of trench work as well as increased the oversight that VOSH (Virginia OSHA) focuses on trenching worksites.

For basic reference, OSHA has published a *Quick Card* that lists the basics of trenching operations, for example: 5 foot maximum depth for non-protected trenches; protection systems used for deep trenches; on-site competent person requirements; and general safety tips. This publication can be viewed and downloaded from OSHA at [http://www.osha.gov/Publications/quickcard/trenching\\_en.pdf](http://www.osha.gov/Publications/quickcard/trenching_en.pdf). All of OSHA's trenching requirements can be found at <http://www.osha.gov/SLTC/trenchingexcavation/index.html>.



### Refuse Trucks

Many Pool members operate rear-loading packer refuse trucks as part of their solid waste or public works departments. These vehicles, which do both curbside pickup and large dumpster collection, are traditionally crewed by one driver and at least one loader; often the rider stands on a mounted platform between stops. Platforms are located either on the rear corners or across the back. It is with these platforms and the riders wherein the greatest risks reside. Both backing and dumpster hazards have the potential to cause serious injury or death for those on the ground and/or operating packer controls.

To protect property and employees, loaders should act as spotters whenever backing takes place; standardized signals between the driver and loader are strongly recommended. Spotters should be cognizant of their locations and avoid being between the truck and any fixed object. If the spotter disappears from

the driver's sight at any time, procedures should require the driver to stop until he or she has relocated the spotter either with mirrors or by direct line of sight. At no time should any rider stand on the platforms whenever the vehicle is moving in reverse.

In addition to the backing concerns above, OSHA has issued a Safety and Health Information Bulletin—Crushing Hazards with Dumpsters and Rear-loading Trash Trucks. This document highlights the potential for injury and damage that could come from improper procedures. Pictures and suggested action are included in the bulletin. It can be downloaded at <http://www.osha.gov/dts/shib/shib120903.html>. VACoRP recommends that all members with rear-loading trash trucks require supervisors to review this bulletin and make any necessary changes to procedures or equipment as noted by OSHA. Members can also contact Risk Control Services for a copy of this bulletin.





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