



RISK★TEX

INTERAGENCY COMMUNICATION FROM THE STATE OFFICE of RISK MANAGEMENT ★ APRIL 2001



SAFETY TIPS

Electricity is a valuable source of power that must be treated with care and respect. Faulty tools can be responsible for serious and deadly accidents.

Reminders

- Check tools before use and report defective tools to your supervisor.
- Never stand on wet or damp surfaces.
- Never use tools with defective plugs.
- Never attempt to repair a tool when it is plugged in.
- Never use tools around flammable vapors or gases unless they are specifically designed for that purpose.
- Only use three-pronged plug extension cords.
- Use third-wire grounding or approved double-insulated tools.

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Government workers aren't exempt from

Workplace Violence

Employees never used to worry about their safety while on the job, but with more and more shooting rampages making the news, workplace violence has become a major concern.

About 2 million people a year are victims of violence at work, according to the Bureau of Justice Statistics (BJS), and government workers aren't exempt. While federal, state, and local government employees make up about 18 percent of the U.S. workforce, they account for 30 percent of the victims of workplace violence, according to an analysis of data gathered by the National Crime Victimization Survey of U.S. households.

Deadly statistic

Homicide is the #1 cause of death in the workplace for women and the #2 cause for men.

The result of workplace violence can be costly for employers. The BJS reports that about 500,000 victims of violent crimes in the workplace lose an estimated 1.8 million work-

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SORM watching legislation

By Gentry Woodard

The 77th Texas Legislative Session is more than halfway complete and is scheduled to end on May 28. Legislators are beginning to prepare and position themselves for the approaching redistricting process, now that official census numbers are available. SORM has been busy monitoring and testifying on legislative bills, as well as testifying on our



legislative appropriations request for the next biennium. SORM is closely monitoring legislation that directly affects the agency, as well as recommending some legislative changes of our own.

The following is a list of legislative initiatives that SORM believes

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Keeping an eye on legislation

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will have a positive, overall impact on the current workers' compensation system and risk management services to covered agencies:

House Bill 1192 (Rep. Kim Brimer): This bill creates a gateway doctor pilot program for the provision of medical benefits to certain state employees who sustain compensable injuries. The pilot program is anticipated to improve medical care quality, satisfaction with care, and improved return-to-work outcomes.

House Bill 1203 (Rep. Kim Brimer): This bill relates to insurance purchases by state agencies. It would allow SORM to provide full-service risk and insurance management services for state agencies and universities to purchase insurance coverage under any line of insurance other than health or life insurance. This bill would streamline the current system and produce savings through eliminating unnecessary policies, combining policies, and reducing costs through bulk purchas-

Dates of Interest

- Jan. 9** 77th Legislature convened
- March 9** Deadline for filing bills and joint resolutions that are not local and have not been declared an emergency by the governor
- May 28** Last day of 77th regular session
- June 17** Last day governor can sign or veto bills passed during 77th regular session
- Aug. 27** Date that bills without specific dates (that could not be effective immediately) become law

ing.

House Bill 2976 (Rep. Dawnna Dukes): This bill relates to the funding allocation of workers' compensation costs to covered agencies. The legislation would change the way that the State Legislature appropriates funds to cover the cost of workers' compensation claims incurred by state employees. The model would allow state agencies to improve risk management services, to receive larger baseline appropriations, and, if losses were reduced, to keep a percentage of the savings in the form of grants, allowing them to

Source: Texas Legislature Online

purchase safety equipment and develop programs to reduce injuries and losses.

House Bill 3151 (Rep. Joe Nixon): This bill would legislatively overrule the decision in *Downs v. Continental Cas. Co.*, 32 S.W.3d 260, 2000 Tex. App. LEXIS 5474 (Tex. App. San Antonio 2000) and establish that the failure to comply with Texas Labor Code §409.021 in a timely manner does not deprive a carrier of the right to contest the compensability of the injury, but would still be subject to an administrative violation and fine.

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VISIT OUR WEB SITE AT WWW.SORM.STATE.TX.US

Office defibrillators could save your life

The directors of state agencies generally owe their employees and the visiting public a duty of reasonable care under all circumstances. The duty of reasonable care extends to such issues as crime prevention, fire safety, and the provision of adequate rescue and resuscitation equipment. Increasing attention is being focused on victims of sudden cardiac arrest and what preventive measures should be taken to minimize the possibility of death should a person sustain a cardiac arrest on-site. One highly recommended method of doing this is by having an Automated External Defibrillator (AED) available to use.

A defibrillator is a medical device that monitors and displays in readable format the electrical activity of the heart. In persons with certain types of electrical disturbances, it is capable of providing an electrical shock that may enable the heart to return to a normal rhythm, thus preventing death.

AEDs are designed for easy use by minimally trained laypersons. AEDs use a computer program that reads and evaluates the victim's heart rhythm to determine whether or not it is the type of rhythm appropriate for a shock. The AED provides written and oral directions to the user and prompts the user in each step of the process.

SORM recommends that large state agencies, as well as those agencies that have employees located where emergency medical support is not readily available, consider the acquisition of AED units for their offices.

The law governing the use of AEDs is found in the Texas Health and Safety Code,

Title 9, Subtitle B, Chapter 779. The basic provisions of the act are as follows:

1) An agency that acquires an AED shall ensure that each user of the unit receives training given by, or approved by, the American Heart Association or other nationally recognized association. Training must include cardiopulmonary resuscitation and the use of the automated external defibrillator.

2) A licensed physician shall be involved in the training program to ensure compliance with the requirements set forth in the law.

3) An agency that owns or leases an AED shall maintain and test the unit according to the manufacturer's guidelines.

4) A person who provides emergency care to another person in cardiac arrest by using an AED shall contact the local EMS provider and notify the provider of the use of the AED.

5) When an agency acquires an AED, the agency shall notify the local EMS provider of the existence, location, and type of AEDs on-site.

6) The persons providing AED training and the person responsible for the AED unit are not liable for civil damages for an act performed unless the act is wilfully or wantonly negligent. The same is true for a person who, in good faith, administers emergency care using the AED unit at the scene of an emergency.

Agencies that acquire AEDs should also check with the Texas Department of Health for rules concerning training requirements. These rules may be found at www.tdh.state.tx.us/ems/emshome.htm.

SORM offers Basic First Aid & CPR Training, which covers the use of defibrillators. For more information about the class, go to www.sorm.state.tx.us or email Lorri.Hobson@oag.state.tx.us or call (512) 936-1572.



SORM offers workplace violence training

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days each year and more than \$55 million in lost wages, not including days covered by sick and annual leave.

The Texas Legislature is paying attention to the statistics. The House General Investigating Committee was charged with reviewing the security resources available to protect state employees and state buildings. SORM worked closely with the committee to determine what resources are available now and made recommendations to improve safety and reduce workplace violence. An amendment to the appropriations act (rider) was offered to the Appropriations Committee to request funding for additional training and data collection. The rider stated that SORM would work with the Texas Engineering Extension Service's National Emergency Response and Rescue Training Center to extend the scope of specialized training dealing specifically with workplace violence and threat management. As of press time, the appropriation recommendation is pending.

"Violence in the workplace is a significant public health problem but one that can be addressed by recognizing the factors that put employees at risk and taking appropriate preventative actions," said David Satcher, director of the Centers for Disease Control, which oversees the National Institute for Occupational Safety and Health (NIOSH).

Workplace violence isn't just a problem in the United States, according to a 1998 U.N. report. France, Argentina, Romania, and England reported the highest rates of assaults and sexual assaults at work. Researchers found that the individual, the work environment, the conditions of work, and the way in which co-workers interact may all

Signs of potentially violent employees

Characteristics common to people who commit workplace violence:

- White males, 30-40 years old;
- Negative changes in behavior;
- Lowered production and/or performance;
- Unkempt physical appearance;
- Feels people have done them wrong/out to get them;
- Feels their organization "owes them";
- Keeps distance from co-workers/a loner/socially isolated;
- Displays anger/hostility;
- Makes direct or indirect threats of violence;
- Fascination with incidents of workplace violence;
- Fascination with weapons;
- Boundary crossing;
- Chemical dependence;
- History of violence;
- Obsession with job;
- Depression.



** While these signs do come from trends followed by perpetrators, the presence of some or all of these signs do not by themselves indicate that a person will commit such violence.*

Source: SORM Workplace Violence Prevention and Bomb Threats course

contribute to the violent acts. The way customers or clients interact with workers and the interaction between managers and workers may also be a contributing factor.

In the United States, the Justice Department reports that one-sixth of all violent crimes occur in the workplace. Although California leads the nation in workplace violence, 536 Texas workers lost their lives in 1992 as a result of accidents and incidents that occurred at work. According to the FBI, workplace violence is the number one growing homicide in the United States.

"Because there is increasing awareness of incidents within the workplace where you see disgruntled employees come (to the workplace) and use violent means against fellow workers, most companies have adopted a zero-tolerance policy," Holly Calghorn, a labor and employment attorney in Austin, said in a recent edition of the Austin Business Journal.

State employees can receive

workplace violence training for free. SORM offers three courses: Workplace Violence Prevention for employees; a similar class for agency trainers; and a conflict resolution course for receptionists and customer service employees. The first two courses cover the causes and sources of workplace violence and offer a profile of people who commit workplace violence. Those classes also discuss bomb threats and what to do when a bomb threat is received. The Conflict Resolution for Point-of-Contact Staff course discusses how to decrease and defuse potential crisis situations.

The Workplace Violence Prevention Train-the-Trainer course is offered May 3-4 in Austin. The similar class for employees and the conflict resolution course are available to agencies upon request. For more information, call SORM's Agency Outreach & Training unit at (512) 936-1572 or log on www.sorm.state.tx.us.

Texas State Agencies Safety Awards



SORM recognizes agencies that have effectively reduced their number of injuries. The Gold Award recipients can compete for the Texas State Agency Safety Excellence Award. The FY 2000 Safety Award results are listed below.

Ten **Gold Awards** for reduction in injury frequency rate (IFR) of 50 percent or more when compared to the average of the previous five years.

Angelo State University • Court of Criminal Appeals • Department of Banking
Lamar State College – Port Arthur • Legislative Budget Board • North Texas State Hospital
Texas Education Agency • Texas Department of Mental Health and Mental Retardation – System
University of Houston – Victoria • University of Houston System



Thirteen **Silver Awards** for reduction in IFR of 30 percent to 50 percent when compared to the average of the previous five years.

Alcoholic Beverage Commission • Denton State School
Department of Protective and Regulatory Services • Employees Retirement System
Rio Grande State Center • Rusk State Hospital • State Auditor's Office
Sul Ross State University • Texas State Library and Archives Commission
Texas Department of Housing and Community Affairs
Texas Lottery Commission • Texas School for the Deaf • University of North Texas



Twenty-five **Bronze Awards** for reduction in IFR of 10 percent to 30 percent when compared to the average of the previous five years.

Adjutant General's Department • Corpus Christi State School
Department of Licensing and Regulation • General Services Commission • House of Representatives
Kerrville State Hospital • Lamar University – Beaumont • Lufkin State School
Mexia State School • Office of the State Comptroller • Office of the Attorney General
Office of the Secretary of State • Parks and Wildlife Department
Public Utilities Commission of Texas • Richmond State School • Sam Houston State University
San Antonio State School • School for the Blind and Visually Impaired
Southwest Texas State University • Texas Department of Health • Texas Commission for the Blind
Texas State Technical College System • Texas Rehabilitation Commission
University of Houston – Clear Lake • Waco Center for Youth



In addition, 36 agencies received the **Sustained Safety Performance Award** for small agencies that have no reported injuries for three or more years.

Address Correction Requested

GSC releases fleet management plan

The Office of Vehicle Fleet Management of the General Services Commission has developed and implemented a fleet management plan as required by HB 3125. This plan has risk management implications for state agencies.

The plan outlines specific requirements for, *inter alia*, record keeping and record submission, agency rule adoption, and identification of underused as well as surplus vehicles from agencies' fleets.

State agencies should review the GSC plan and adopt rules and procedures consistent with the master plan. The GSC plan may be found at the Office of Vehicle Fleet Management Website at www.gsc.state.tx.us/fleet/index.html.

Ergonomic rules repealed

It took the Occupational Safety and Health Administration (OSHA) 10 years to develop an ergonomics requirement for industry – and two days for Congress to repeal it.

The U.S. Senate (on March 6) and the House (on March 7) voted to repeal the rules. This overturns OSHA's ergonomics rules, which would have covered 102 million workers at 6.1 million work sites. The executive branch signed a repeal of the workplace safety rules on March 21.

SORM recommends that

state agencies continue to implement SORM's current ergonomics guideline. Reference: [Risk Management for Texas State Agencies](#) guidelines, Volume III, Section Two, Chapter 7.10.

If you have any questions, please contact Bob Clarke, manager of the Risk Assessment and Loss Prevention section, at (512) 936-1566 or email at Robert.Clarke@oag.state.tx.us or Lisa Bell, risk management specialist, at (512) 936-1570 or email at Lisa.Bell@oag.state.tx.us.

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