

IPRF ISSUES

Risk & Safety Tips from the ILLINOIS PUBLIC RISK FUND

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Gerald Grupe, Chairman • Paul Boecker, President • Tom English, Secretary • Arnold Andrews, Treasurer • Richard McGill, Vice President

Kids At Work...

Child Labor Laws put restrictions on any worker under 18.

With school out for the summer, a lot of businesses will be hiring temporary help from local high schools. Some businesses are searching desperately for the valuable employees they will need as part of their on-going effort to maintain a normal staff. Some teenagers will be exposed to opportunities they would not normally have until graduating, but employers may be putting themselves in jeopardy by offering these unique jobs.

Employers hiring teenagers should realize the extra responsibility and risk that comes with this class of worker. Nationally, the government does afford an extra measure of protection for them and plainly stipulates some basic jobs and processes they can and can't perform. They are outlined on page 2 of this newsletter in "A Guide to Illinois Child Labor Laws." Employers should be keenly aware of these limitations knowing that a serious injury suffered by a teenager while



performing one of these restricted tasks, could result in serious ramifications.

Remember, teenagers are still maturing and require special attention and training on the job. They are not "Little Adults". The same thought-process you experience as a seasoned worker may not be the same for them. Giving clear instructions with safety precautions is extremely important. Tell them what can go wrong if they don't follow instructions properly. Often, when things go awry, teenagers say they had no idea "that" could happen. Make sure your supervisors give teenagers extra attention

and help them to feel comfortable about asking questions.

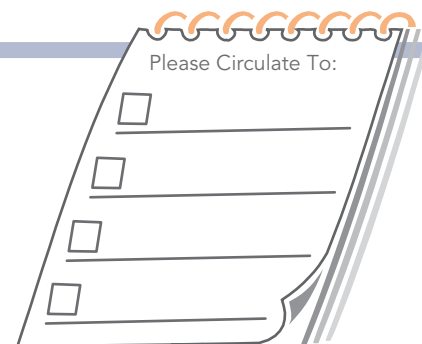
Teach them about emergencies common for your type of organization and how to handle them. Make sure they know what to do in the event of a fire or severe weather and who they should report injuries to. Where do they get first aid and when do they go to a clinic?

Working with young employees can be both rewarding and productive but it does take a little extra patience. Spending the appropriate time initially can save you a lot of aggravation later on.

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A GUIDE TO

Illinois Child Labor Laws

By William N. Krucks, Partner
Freeborn And Peters, Chicago, Illinois



All Illinois employers regardless of size need to be aware that the employment of anyone under the age of 18 is strictly regulated by state and federal law. In the State of Illinois, employment of minors under the age of 16 is controlled by the Illinois Child Labor Law (820 ILCS 205/1 et. seq.), the Illinois Street Trades Law (820 ILCS 215/1 et. seq.), and the regulations issued by the Illinois Department of Labor (IDOL). The Federal Fair Labor Standards Act (FLSA) (29 U.S.C. ss201 et. seq.) governs the employment of 16 and 17 year olds. In general, Illinois employers must be careful not to employ anyone 17 years of age or younger in any of the hazardous occupations specifically identified by the provisions of federal and state law. Those hazardous occupations are interpreted liberally. They include almost all jobs involving the operation of power-driven machinery and equipment, power tools, motor vehicles, and all forms of construction, excavation, and demolition work. According to the FLSA, the following jobs are off limits to 16 and 17 year-olds:

- Manufacturing and storing explosives;
- Mining;
- Logging and saw milling;
- Woodworking;
- Work involving exposure to radioactive substances;
- Work involving power-driven hoisting apparatus, including elevators, cranes, decks, highlift trucks, and forklifts;
- Meat packing and processing;
- Baking;
- Working around power-driven paper product machines;
- Manufacturing brick, tile, and ceramic products; and
- Work involving power saws and shears, wrecking and demolition, roofing, and excavation.

Illinois law prohibits minors from working in the same "hazardous occupations" prescribed by federal law with the following additions:

- Work in or around any garage or in connection with power-driven machinery, which, incidentally, could mean something as common as a power lawn mower;
- Working in or around establishments selling or serving alcoholic beverages (with the exception of park districts); and
- Working on an elevated surface with or without the use of equipment, including but not limited to, ladders and scaffolds.

Under the Illinois Child Labor Law restrictions are also imposed regarding hours of work, meal periods, posting of notices, time records, record keeping, and employment certificates. In the State of Illinois, excepting those occupations specifically exempted by law, no minor under the age of 16 can be employed to work unless the employer obtains and keeps on file an employment certificate. As a general rule, state law prohibits the employment of anyone under 14 years of age.

The Illinois Department of Labor (IDOL) is charged with enforcing the terms and provisions of the Illinois Child Labor Law, and penalties and fines may be imposed for violations. For example, IDOL's Fair Labor Standards Division handles violations of the Child Labor Laws. Each day a minor is employed illegally is treated as a separate and distinct violation (Class "C" misdemeanor) which subjects the employee to fines upwards to \$5,000. In addition, any minor found employed in violation of the law's requirements will be deemed an "illegally employed" minor under the Illinois Workers' Compensation Act and the Illinois Worker's Occupational Diseases Act. The Illinois Workers Compensation laws provide special remedies for illegally employed minors. In the event of an on-the-job injury or disability due to an occupational disease, the affected minor can elect to forego workers' compensation benefits within 6 months of the injury or exposure, and proceed against the employer in court for full civil damages under the common law, punitive damages, and other statutory remedies as the case may be. If the minor chooses to accept workers' compensation

benefits, then they are increased by a factor of 50% as a specific penalty. The maximum penalty under the Federal Child Labor Law is \$10,000 for each willful violation or second offense.

Based upon the restrictions concerning the types of employment endeavors in which a minor can be engaged either full or part-time, and the penalties and fines which can be imposed under both federal and state law, all Illinois Public Risk Fund (IPRF) members need to exercise extreme care and caution in the employment of anyone 17 years of age or younger. The "safe harbors" provided by law for 14 and 15 year-olds are extremely narrow, having to do with agriculture, family farms, golf course caddies, office work, and jobs under federally-funded (JTPA) programs. Recently, the Illinois Senate has urged IDOL to work with the General Assembly to permit the hiring of minors to officiate youth sports leagues and programs. Minors are certainly regarded as "covered employees" for purposes of the Illinois Workers' Compensation laws, and the IPRF will pay and provide the statutory workers' compensation benefits, including the payment of medical bills. But, if it is determined that a minor is employed illegally, such as in off-limits hazardous occupations or without a valid work certificate, then the IPRF will not pay any penalty or defend and indemnify the member in any resulting law suit.

In the event of additional questions regarding the legal requirements attending the employment of minors and student workers, please feel free to contact the Illinois Public Risk Fund's counsel, William N. Krucks of Freeborn and Peters at:

Freeborn and Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
(312) 360-6504
Email: bkrucks@freebornpeters.com

The Illinois State Chamber of Commerce, and the Illinois Department of Labor also are excellent sources of helpful information for employers.

Dated: June 1, 2002

MARK YOUR CALENDER!

2002 Seminar Schedule for Loss Control Procedures

September 26th, Fairview Heights
October 17th, Crestwood

This will be an excellent opportunity for Safety Managers and personnel responsible for Safety Programs within your organization to learn special instructing skills and information that can be shared with all employees.

The primary goal of this type of specialized training is to teach how to teach effective safety to others.

The instructors and seminar facilitators will be Jody Warner and Don Klinger of the IPRF Loss Control Program.

For more information call the coordinator of member services at 630-551-1668 or 888-532-6981 ext. 3633. or PHB3@aol.com.

THERE IS NO CHARGE TO ATTEND THESE SEMINARS!!

The Trouble Tree

I hired a carpenter to help me restore an old farmhouse, and after he had just finished a rough first day on the job, a flat tire made him lose an hour of work, his electric saw quit, and now his ancient pickup truck refused to start. While I Drove him home, he sat in stony silence.

On arriving, he invited me in to meet his family. As we walked toward the front door, he paused briefly at a small tree, touching the tips of the branches with both hands.

When opening the door, he underwent an amazing transformation. His tanned face was wreathed in smiles and he hugged his two small children and gave his wife a kiss.

Afterward he walked me to the car. We passed the tree and my curiosity got the better of me. I asked him about what I had seen him do earlier. "Oh, that's my trouble tree," he replied. "I know I can't help having troubles on the job, but one thing's for sure, troubles don't belong in the house with my wife and children. So, I just hang them up on the tree every night when I come home. Then in the morning, I pick them up again. Funny thing is," he smiled, "when I come out in the morning to pick 'em up, there aren't nearly as many as I remember having up the night before."



The Basics of Accident Analysis

By Norm Parsley, Loss Control Consultant

In any mishap, an analysis is done and studied to see if the next incident can be prevented or mitigated. The term analysis is used because the term 'investigate' has negative connotations for some. The primary responsibility is to get any injured employee prompt treatment. Once they are taken care of, begin the analysis. Analyze means to break down into separate elements, but be careful not to let the analysis turn into a witch hunt or be used as a 'gotcha' tool to get rid of problem employees. The purpose is to find the casual factors. A carefully and fairly done analysis may point out deficiencies in training procedures, hiring practices, equipment maintenance programs, work areas or job tasks. When doing the analysis, nothing is sacred-even the programs and procedures you are responsible for.

All incidents, A to Z, must be studied.

Also analyze close calls as they may be a glimpse of a future event. The analysis should begin as soon as possible because the longer you wait, the harder it is to get the facts and secure the scene. The initial findings are usually the most accurate. While the information may be emotionally charged, analyze the words and listen to what they are actually telling you. Listen for key words to determine the what, who, when, where, why and how. Don't stop at the 'what' or mechanism of injury. For example, if an employee is injured while operating a mower or moving hot food containers, the analysis may stop at the mower or by saying the containers are simply too heavy. The 'what' may have been determined, but there are five parameters to be determined.

When available, talk to the person directly involved. Witnesses can be interviewed while access to an injured employee is sought. During the interview, don't lay blame or discuss what we will do or should have done. Talk with them one on one and ask leading questions. Don't meet them at the scene of the incident. Put the person at ease by using a neutral site. Tell them you simply want to know what they think they saw. Don't interrupt and ask for their version while carefully taking notes. An optional approach may be used for multiple witnesses. Give them each a pad of writing paper and ask them to write their recollections of what occurred. Make sure they are not in the same room. You'll know that you're getting good information when the versions fit together. Ask them about corrective actions or changes to be made. Reassure them that their coworker is okay and is getting good treatment. When concluding, ask them if that is what they remember and be open to any revisions. End each session on a positive tone.

Carefully composed photographs are a useful tool to document the scene and equipment condition. A ruler may be used to show

scale or perspective, but don't move anything.

Video may also be used for documentation.

Examine any tools or implements in the area as they may have been involved. Examine the maintenance records of any equipment or vehicles involved. Review any training procedures and ask for documentation of the training. Once the data is assembled and analyzed, **follow-up is essential** as it shows credibility. Document each step taken and keep the senior staff briefed. **Effective analysis increases efficiency** by minimizing lost time and maintaining staffing levels. It also is a trademark of strong leadership and supervision.

Some pitfalls to avoid are being too vague or general, fixing blame and not using all sources, leads or all statements. Be careful not to let emotion cloud any conclusions. When briefing senior staff, be thorough and if discipline is indicated, make the recommendation and support it.

New IPRF Employees

Glenn Macey joined the IPRF Claims Unit having come from the Cambridge Integrated Services Group claims office in Chicago, where he held the position of a Senior Workers' Compensation Adjuster. Glenn has 16 years of professional claims technical experience inclusive of insurance companies, self-insured and third party administration, and working with the special needs of municipal and governmental entities.

Michele Gregg joined The IPRF Claims Unit with experience including seven years of handling all aspects of workers' compensation claims. She has multi-state experience of Illinois, Indiana, Iowa, Michigan and Wisconsin. Her history includes working for insurance companies ranked within the top ten in the country.

New Loss control consultant **John Farmer** comes to us from Safeco. He worked for Cigna and specialized in the municipal loss prevention. He has 15 years of pure loss prevention experience and six years with Cigna servicing manufacturers and municipalities. He holds the ARM, ALCM and CSGM designations as a loss control professional. He is based out of St. Charles, MO.

CO-SPONSOR OF THIS NEWSLETTER ISSUE

MMCS Medical Management Consulting Services, Inc.

Providing Professional Medical Case Management for the Illinois Public Risk Fund

Medical Management Consulting Services, Inc. (MMCS) was established in 1985. MMCS provides comprehensive **On-site Medical Case Management, Telephonic Case Management, Catastrophic Case Management, Vocational Services, Coordination of Independent Medical Examinations, and On-site Job Analysis** throughout the State of Illinois and surrounding states. MMCS specializes in public and private entities and are renowned throughout the industry for its team of Industrial Medical Management Consultants.

MMCS has partnered with the Illinois Public Risk Fund to offer a unique and comprehensive team approach to solving the worker's compensation dilemma faced by public sector employers. Our consultants have proven experience in significantly reducing worker's compensation costs within major corporations, organizations, and public entities. MMCS consultants have experience with multi-state employers, as well as knowledge of the most effective techniques in reducing medical costs. As a result of their practical firsthand experience, our consultants understand how to implement worker's compensation cost containment efforts in large and small organizations.

Successful medical case management goes beyond the boundaries of monitoring medical care. Our team of consultants takes this to a higher level. Each injury is analyzed and managed on an individual basis. Early identification of the issues and potential barriers with prompt resolution and accountability must be initiated. Experience has proven that, when these disciplines are applied in unison, the resulting best practice procedures create savings.

The consultant(s) assigned to your case will develop a protocol in response to your needs. MMCS will continue the partnership with the Illinois Public Risk Fund staff assisting in major decisions with respect to planning, implementing, and handling all important ongoing medical case management issues.

MMCS

Phone: 217-698-4870 or 800-926-3809

Fax: 217-698-4872

151 North Bruns Lane, Springfield, IL 62702

www.mmcshab.com

MMCS...We're On Your Case.

Shield Your Eyes From UV Radiation



Eyes can be sunburned! Exposure to an excess amount of (UV) radiation over even a short period of time may result in photokeratitis or sunburn of the eye. **Symptoms**

include: Red eyes; A sensation of having foreign body in the eyes; A gritty feeling in the eyes; Tearing sensitive to light

This condition is temporary and rarely causes permanent damage to the eyes. Just like the skin, the eyes get sunburned after excessive exposure. Long-term exposure to UV radiation, on the other hand, can lead to more serious conditions. Exposure to even the smallest amounts of UV over a period of many years can increase your chance of developing a cataract. Exposure to UV radiation over time can also damage the retina. This damage is usually not reversible.

The types of radiation that pose a threat to our eyes are UV-A and UV-B. They can both have damaging long and short term effects on the eyes.


To protect your eyes, whenever you are working outdoors or doing anything in the sun, wear quality sunglasses that offer good protection and a hat or cap with a wide brim. If you spend a lot of time outdoors in sunlight, wrap-around frames provide additional protection from harmful UV rays. Your sunglasses should:

- Block out 99% to 100% of both UV-A and UV-B radiation
- Screen out 75% to 90% of visible light
- Have lenses that are gray, green or brown in color

Did You Know This About The IPRF?

By Paul H. Boecker, President, IPRF

• This year's claims/loss control seminars were devoted to programs of preventing the claim from happening rather than how to handle a claim. The first two seminars were presented by our loss control personnel, as will the seminars at Fairview Heights and Crestwood this fall. Our claims people attended with our legal counsel and several Board Members and had the opportunity to meet with many IPRF Members. They will also attend the fall seminars.



For Additional Information about Illinois Public Risk Fund please contact:
 Paul H. Boecker, IPRF President
 624 Columbine Avenue
 Lisle, Illinois 60532
 Phone 1-630-271-0600

• "If you think OSHA is a small town in Wisconsin, better think again" - how many times have we heard that? The IPRF is working with the Illinois Department of Labor on a statewide program which works with your Safety Committee and our loss control consultants to reduce workplace accidents. It's available to you also. Please contact your loss control consultant or our Coordinator of Member Services for further information (630-551-1668 or PHB3@aol.com)

• The IPRF efforts of an aggressive subrogation program on your behalf continues to be beneficial. As of the end of a five month period from December of 2001 to April of 2002, over \$450,000 has been recovered. Your cooperation in sending in the additional information to our claims analyst on cases that were caused by or involving a third party, assist greatly in our program. When police officers or firefighters are injured by others while they are on duty, all information and prompt reporting assists our subro unit in getting this information to the States Attorneys for recovery efforts to be started immediately. Use our toll free fax (888-223-1638) or 24-hour toll free telephone (888-532-6981) to report these types of claims or any major or serious claims that may occur.

• It has been brought to our attention by the Chief of Police of one of our Members, that special handling may be necessary when working with a claim when a law enforcement officer is injured by another individual, other than in a vehicular accident. Call your claims analyst for further information if this occurs - toll free (888-532-6981).

OSHA's "New" Ergonomics Initiative?

On November 14, 2000, amid a storm of controversy, the Occupational Safety and Health Administration ("OSHA") issued its Ergonomics Program Standard. The Standard was short-lived. On March 7-8, 2001, pursuant to the Congressional Review Act, the Senate and House respectively voted to overturn the rule, and on March 20, 2001, President Bush signed S.J. Resolution 6 formally repealing the rule.

Since its repeal, the future of OSHA's ergonomics initiative has remained uncertain. Although Secretary of Labor Elaine Chao committed to developing a comprehensive approach to ergonomics, and OSHA continued to study the issue intensely, nothing formal emerged from OSHA to address ergonomic hazards...until now.

On April 4, 2002, OSHA unveiled what it describes as a four-pronged "comprehensive" approach to reducing musculoskeletal disorders ("MSDs") in the workplace. Its plan consists of: (1) guidelines; (2) enforcement; (3) outreach and assistance; and (4) research.

NEW! Illinois Public Risk Fund Distribution of Files

Using the first letter in member's name.
 For instance: (Member) East Mudflap - Area Code 708 (E)
 Cathy Balcerak - 708 (A-M Members)
Effective June 2002

Lost Time Claims - By Area Code of Member

Supervisor: Laura Reyes		EXT. #
<u>ANALYST</u>	<u>AREA CODE</u>	
Donna Tincher	618 (A-L members)	2133
	217 (J-Z members)	
Cindy Shatkowski	618 (M-Z members)	2225
	217 (A-I members)	
Glenn Macey	815 (A-La members)	2234
Sharon Barnes	309 & 815 (Lb-Z members)	2233
Supervisor: Chris Mendel		2226
Michele Gregg	847 (A-G members)	3635
	708 (N-Z members)	
Cathy Balcerak	708 (A-M members)	2229
Linda Talarico	847 (H-Z members)	2228
	630 & 773 & 312	
Barbara Keller	SUBROGATION	2231

Medical Only Claims - By Claimant's Last Name

Elaine Diaz	A-L	2138
Mari Curless	M-Z	2132

Other Important Telephone Numbers

Claims Manager:	Andrea Hjorth	630-434-2235
Claims Assistant:	Carla Newell	2130
Claims Assistant:	Michelle Dunavant	2134
Account Manager:	Wilma Holman	2239

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Toll Free Number to Fax 888-223-1638

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Tincher, Donna	Donna_Tincher@cisgi.com

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News We Can Use Your letters of news or comments are welcome.

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IPRF Issues

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