

# IPRF ISSUES

Risk & Safety Tips from the ILLINOIS PUBLIC RISK FUND

Vol. 3 No. 4 • Quarterly Issue • October 2004

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

## ILLINOIS PUBLIC RISK FUND

# Law Enforcement Safety Steering Committee Formed

By Thomas Spencer, Loss Control



In its ongoing effort to improve on-the-job safety for law enforcement personnel, the Illinois Public Risk Fund sponsored the creation of a Law Enforcement Safety Steering Committee. Volunteering their time to attend a 1 1/2 day meeting were Nick Galius, Lieutenant Fairview Heights Police Dept., Patrick McDonald, Deputy Chief, Alsip Police Dept., and Steve Springer, Retired Chief, Fairview Heights Police Dept., Also, volunteering for the committee but unable to attend the initial meeting was Dave Bradford, Chief, Glen-Carbon Police Dept.

The objectives of the committee were to analyze and address injury causes that are unique to law enforcement personnel and to reduce workers' compensation losses amongst IPRF member Law Enforcement Departments.

The steering committee meeting was facilitated by IPRF Loss Control Department staff members Mick DeMarco, Tom Spencer, and Bob Kujawa,

IPRF Consultant, Des Plaines Police Dept. After a brief discussion of the meeting agenda, the group went to work. An analysis of law enforcement injuries that occurred in the last two years and resulted in over \$10,000 in incurred costs was presented by Loss Control. The incidents were analyzed and some surprising issues were identified. Of the 236 injuries:

- 88 involved officers in arrest situations for over \$5.3 million in losses. Subduing or chasing offenders was a significant factor in most of these losses.
- 18 involved injuries that occurred during training for almost \$800 thousand in losses.
- 31 were incurred during motor vehicle accidents for over \$2 million in losses.
- 33 were caused by slip/trip/or falls, not related to arrest activities, for over \$2.8 million in losses.

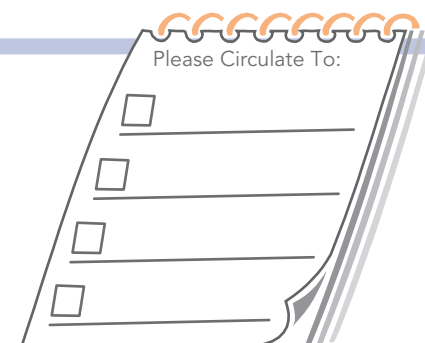
Using the knowledge and experience of these Law Enforcement Personnel, the committee tackled each one of these issues. Recommendations were

then developed aimed at eliminating or reducing the injury causing activity. Solutions included best practices, changes in training methods, equipment improvements, and safety program enhancements. Detailed results of the committee meeting will be communicated in the near future. The committee was pleased with the progress made and plans to continue this process. They agreed to meet quarterly to focus on reducing law enforcement personnel injuries and worker's compensation losses.

The Illinois Public Risk Fund also has a Fire Services Steering Committee and is planning steering committees for other departments including parks and recreation, public works, and school districts. If you have an interest in joining one of these committees, please contact Tom Spencer @ Thomas.Spencer.IPRF@iprf-losscontrol.com, or telephone (847) 710-5374.

## Inside this issue...

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Illinois Public Risk Fund  
Cost Control Through Cooperation Since 1985



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## TRAGEDY UNDERSCORES THE IMPORTANCE OF LOSS-PREVENTION PROGRAMS

By Robert Cizmadia, CPP, Corporate Director of Security, Gage-Babcock & Associates

In the new world of the 21st century, effective loss prevention has become interwoven with the need for a well-planned, cost-effective security program.

Today's security management and loss-prevention professionals must operate as visionary strategists, keeping pace with dynamic, competitive and ever-changing business environments. They must be able to establish an agenda in advance of and to guide day-to-day responsibilities. The agenda must:

- Effectively provide cost-benefit solutions
- Promote security and insurance industry benchmark standard
- Use personnel and budgetary resources more efficiently
- Bring the overall organization closer to accomplishing its mission

A fundamental change in the security/loss-prevention manager's role is required to elevate it above the mere execution of tasks. To be successful, he or she must create an identity that is linked to overall long-term business plan goals and expectations.

### Establishing a Master Plan

The development and implementation of a written security master plan, or road map, is a viable management tool for ensuring loss prevention. It is a tool that is frequently overlooked because of required time commitments to develop the document and a lack of understanding of the value associated with pursuing such an exercise.

Consistent with "best management" practices, the plan defines where an organization's security program is going, why it's going in a particular direction, and how it plans to get there. The plan should also let others know when the mission has been completed. A security master plan outlines strategic direction and vision; addresses operational, administrative, program and quality performance issues; and focuses on both short- and long-term security management and loss-prevention objectives.

The planning process could include the upgrading and/or designing of a new integrated security access control and closed-circuit television system, resulting from a company consolidation of leased facilities, assets and operations. These changes have associated costs, resource allocation issues and operational implications. They also provide the opportunity for improving both security efficiency and management posture within the organization.

### Five Keys To Success

To be effective, the security master plan should **first** examine existing security conditions and analyze future needs based on a review of potential security threats, vulnerabilities and other risk variables. **Second**, the overall organizational infrastructure should be evaluated according to its impact on security policies, procedures, operations, systems, resources and budgets. **Third**, the nature of any constraints or limitations should be identified. This may be related to unavailable data, code requirements, impact on day-to-day operations, building architectural design features, etc. **Fourth**, findings and recommendations should be presented in a priority format to include follow-up options, action plans and related cost estimates for management consideration. This portion of the plan can be presented in a phased format over a three- to five-year period and can serve as a blueprint to support short- and long-term security management and loss-prevention goals and objectives. **Finally**, the security master plan, in order to maintain its vitality and purpose, should be periodically reviewed and updated. The security master plan is just another tool in the effective implementation of an overall loss-prevention program. As is always the case, effective planning and vision are keys to success.

FROM THE IPRF CLAIMS ADJUSTER'S DESK...

# WORKERS COMPENSATION Trick or Treat!

The best way to keep workers compensation claims costs down to a minimum is to identify and correct any situations that might cause a safety hazard in your workplace. But you can't plan for every contingency. Sooner or later a lost time-work related accident will come knocking at your door.

In a previous article we addressed what to do when a new work accident is first brought to your attention (Investigate to Mitigate, IPRF Issues, Vol.3, No.3), now let's focus on why your actions "after" an employee reports a work-related injury are so important – especially when you consider that employee opportunistic motives involving their claim, may be at play.

Allow the IPRF Claims Adjuster to interview the employee's coworkers. Many questionable cases come to light when other employees blow the whistle.

Give the IPRF Claims Adjuster all the relevant documentation you have. This could include job descriptions, attendance records, and performance evaluations. When you consider that employees with good to excellent performance are generally less likely to take advantage of their Workers Compensation claim, and that some employees have been known to report on-the-job accidents on days when they were out sick, you can see where proper documentation can help you spot signs of irregularity.

As for job descriptions, they can help us better determine if the activity that allegedly caused the injury is related to the person's job. If it isn't, find out why the employee was engaged in the activity. Some employees who are injured in off-the-job activities may try to cover it up with a job-related claim.

Be aware of inconsistent medical documentation. Compare the initial injury report to the employee's description of what happened in later reports.

Be wary of injuries that take an inordinate amount of time to heal. If the prognosis says 10 days, and the employee is still out after 15, find out why.

Once an employee is authorized off work due to a work related injury, don't fall prey to "out of sight, out of mind." Managers should follow up with phone calls to see how the employee is doing. If the employee cannot be reached during normal business hours, you may want to check the possibility that he/she may have another agenda, besides recovering from their disability.

Injuries claimed under unusual circumstances, or those with subjective diagnoses such as headache, strain, spasm, or whiplash, are always examined closely by IPRF Claims professionals to insure the employee is receiving productive treatment and progressing toward a full duty return to work status in a timely manor.

Remember, the vast majority of workers compensation claims filed do not involve questionable or opportunistic employees, so we must approach every claim with the utmost degree of trust and respect for the injured worker. However, we cannot deny that some claims present us with circumstances that can elevate our level of concern. These few cases are the reason why we must be aware of the potential for opportunistic behavior by an injured employee who is absent from the workplace.

The assigned IPRF Claims professional always looks for these and other signs that a disability may be prolonged by non-work related factors. As the employer, you may be aware of something involving an employee who is losing time from work before the assigned IPRF claims adjuster would be. If so, contact your IPRF claims adjuster and let them know as soon as you do.

Working as a team, we can't make lost time claims a 'treat,' but we can save money by not allowing them to be a 'trick,' thus mitigating the costs to your organization.

Glenn Macey – IPRF Claims Administration.



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[www.iprf.com](http://www.iprf.com)

# From the Desk of Paul H. Boecker, IPRF President

Dear IPRF Member:

The Board of Directors of the Illinois Public Risk Fund are very interested in how various programs offered by the Fund are accepted by its participation of members. Critique sheets completed by the attendees are reviewed by Board members who were pleased with the results discussed by the Board at its September meeting and I wanted to share them with the reader. Note Level Training sessions for next year in this issue of our newsletter and plan now to attend.

## 2004 IPRF SUPERVISOR TRAINING REVIEWS

### CARBONDALE

- Very far exceeded my expectations and much improved over the old training system.
- Very good!
- This was a very enlightening class.
- Instructors kept the seminar interesting and were open to questions and comments.
- This was more informative than any other session I have been to. It was great! A great training session.

### TINLEY PARK

- Good course!
- Very informative.
- I was pleased with this seminar even though it's a repetition of what we do and/or what I know. I am really interested in specific topics in 2 and 3, but had to take this before I could take the rest. I think this would be good for our first line supervisor.

### FAIRVIEW HEIGHTS

- Your presentations are always excellent.
- Great job focused on attendee for lesson plan.

### BUFFALO GROVE

- Excellent courses for safety training.
- Very good course and series.
- Great course - looking forward to Level II.
- Fire Departments are trained to work as a team. They watch out for each other regularly.
- Excellent.

## 2005 IPRF SUPERVISOR TRAINING SCHEDULE MARK YOUR CALENDAR!

<b>LEVEL II</b>	Buffalo Grove	1/26/05
	Tinley Park	1/27/05
<b>LEVEL III</b>	Urbana/Champaign	1/19/05
	Carbondale	1/20/05

### Fairview Heights Police Department

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September 15, 2004

Paul H. Boecker  
President  
Illinois Public Risk Fund  
624 Columbine  
Lisle, IL 60532

Dear Mr. Boecker,

Recently, I was fortunate to work with Tom Spencer and others on worker's compensation and safety issues that were specific to law enforcement. I wanted to take a moment to thank you for the experience and compliment your organization on the proactive approach being taken to help those of us in the industry to develop ideas and techniques to reduce our risks.

I went to this meeting with curiosity about what would or could be accomplished with such a group. I left the meeting very excited and energized about the potential that this working group has to help other organizations that face the same problems regarding workplace injuries as we do at the Fairview Heights Police Department.

Finally, I cannot say enough good things about the professionalism and courtesy that Tom and Mick showed all of us involved in this work group. They were exceptional at keeping the work focused. But, they did not suppress or dismiss any ideas that were discussed during the meeting. I was amazed at how quickly the participants in this group developed a level of camaraderie and respect for each other's ideas.

This was a thoroughly insightful and enjoyable experience. Thank you and your organization for affording me the opportunity to participate in such a worthwhile endeavor. I look forward to the opportunity to develop ideas further with your organization and those who were part of this group.

Sincerely,

Nicholas J. Gailius  
Executive Lieutenant.

## Average & Maximum Weekly

# DISABILITY BENEFITS

The maximum TTD benefit can be no more than 133-1/3% of the statewide average weekly wage on the date of the injury or last exposure.



	STATE AVERAGE WEEKLY WAGE	MAXIMUM TTD BENEFIT
January 15, 2003 to July 14, 2003	\$753.31	\$1,004.41
July 15, 2003 to January 14, 2004	\$759.01	\$1,012.01
January 15, 2004 to July 14, 2004	\$764.80	\$1,019.73
July 15, 2004 to January 14, 2005	\$775.92	\$1,034.56

By Thomas Spencer, Loss Control

The Illinois Police Training Institute (PTI) undertook a project to review issues related to Tasers as a less-lethal weapon available to law enforcement officers. The PTI did not take a position of advocacy with regard to the incorporation of Tasers as an option available to officers. PTI attempted to examine relevant literature and law to determine its placement on PTI's Use of Force Scale. For the full text of the article go to <http://www.pti.uiuc.edu/pdf/taser.pdf>.

As a result of their examination, PTI stated that "Tasers are a viable option for use as a less-lethal device." They indicated that the likelihood of serious injury resulting from a Taser's employment was no greater than from other less-lethal options currently in use. However, PTI qualified its statement by indicating that it does not mean that serious injury to a suspect is impossible in an incident involving Taser use.

Further, they indicate that their literature review indicated that the level of electrical output or shock is very unlikely to cause permanent injury. Also, they reported that almost instantaneous recovery occurs with Taser shock, as opposed to longer term recovery or decontamination from the use of other less-lethal options. Their research also indicated that Tasers may be effective as a deterrent to resistance simply by being deployed; i.e., displayed with the intent to use.

PTI reported that their review of law enforcement policies indicates that in regards to Tasers, that use of force policies be carefully constructed to assure that Tasers are only used when justified, and only used in a manner that officer safety is enhanced and not jeopardized. PTI indicates that their research provided a level of confidence such that Taser certification is now offered as an option to agencies using PTI for their Basic Law Enforcement training.



# The Industrial Commission of Illinois

Personnel, 2004 Practice and Procedure

The Illinois Workers' Compensation Act was initially codified in 1911. Over the next 60 years very few changes in the statute were made. However, in 1975, the Act was drastically revised to favor employees and benefit levels were significantly increased. Additional rights were given to employees that had never existed before. Some of those rights were limited or reduced in subsequent statutory amendments in 1980, 1984 and 1989. The most recent amendments of 1989, however, were primarily procedural. Despite intensive negotiations between business groups and labor groups as to substantive matters, no agreement could be reached to make any significant changes in 1989.

In 1994, the face of the legislature changed drastically. For the first time in 20 years, Republicans gained control of both the Illinois House and Senate and the Governor's mansion. In 1995, the legislature approved and the Governor signed a major bill involving tort reform. Some changes in the Workers' Compensation Act were included in that bill, but those changes related to the employer's civil liability, not its workers' compensation liability. It was expected that workers' compensation reform would soon follow. In the spring of 1995, a major reform bill was crafted by Senate Republicans and passed in the Senate. However, the bill stalled in the House and was never even called for a vote. Consequently, the Senate bill died.

In the fall of 1995, the House Speaker tried to resurrect workers' compensation reform and his office drafted a bill which was much more limited in scope than the prior Senate bill. It contained four major provisions, only one of which was helpful to employers. The employer community rejected the bill as did Senate Republicans. The measure died in committee.

Since 1996 was an election year, it was not expected that the legislature would again try to tackle workers' compensation until the spring of 1997. However, the spring session came and passed without any significant legislation. By that time the Republicans had lost control of the House. School financing was the topic of interest. Workers' compensation was not. One minor piece of legislation was passed involving WC insurance for construction projects, but no major initiatives made it out of committee. 1998 was an election year, and therefore a poor time for new initiatives, especially in the field of workers' compensation. Workers' compensation was not an issue and a new Governor, George Ryan, was elected. Workers' compensation was not a priority for him. His tenure was clouded by scandals which occurred during the time he was Secretary of State. He did not seek re-election and the scandal doomed Republican candidates in the 2002 elections.

In 1999, Section 3, subsection 17(b) was amended to allow the corporate officers of any corporation, not just small businesses, to elect to withdraw from coverage under the Workers' Compensation Act.

Two minor pieces of legislation were passed in 2000 and became effective January 1, 2001. An amendment to Section 4(a) (1) allowed employers to provide worker's compensation coverage for their employees by joining a group workers' compensation pool. However, joining the pool does not allow the employer to avoid liability if the pool goes bankrupt.

A new section, Section 10.1, was added. It provides that the parties by agreement in a settlement contract can agree that the settlement proceeds represent a long term proration of benefits at a rate lower than the rate previously paid in the case. The rate set forth in the contract becomes controlling in the case. (This provision was intended to avoid claims by the Social Security Administration for a credit against the compensation paid in an effort to reduce the social security disability benefits to which a claimant might be entitled.)

In 2002, another legislative change increased the penalties which could be imposed on an employer who failed to purchase WC insurance or get approved as a self-insured. The penalty remained at \$500.00 a day with a minimum penalty set at \$10,000.00.

For additional information regarding The Industrial Commission of Illinois Personnel, 2004 Practice and Procedures See the website of: Rusin Maciorowski & Friedman, 10 South Riverside Plaza, #1530 Chicago, Illinois 60606, (312) 454-5110, www.rusinlaw.com

## Meet Your Claims Analyst

**Jodi Lam** has been working as a Claims Adjuster for the Illinois Public Risk Fund since April of this year. The areas that she services are area codes (618) members A-M and (217) members J-Z. One of the things Jodi enjoys most about her position is speaking with the members she comes in daily contact with.



Jodi has worked as a Claims Adjuster for four years now, including her previously held position with Liberty Mutual. She also holds a Bachelor's degree in Sociology. Prior to working for the IPRF, Jodi was a stay at home mom for nine years.

Aside from her professional career, Jodi is married and has four kids. In her spare time she enjoys running marathons. She has completed six marathons in the past five years, one of which was the Boston Marathon.

## Need More Newsletters?

If you would like IPRF Issues newsletter mailed to additional department heads, please contact:

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#### Lost Time Claims - By Area Code of Member

		EXT. #
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<u>ANALYST</u>	<u>AREA CODE</u>	
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Cindy Shatkowski	618 (M-Z members) 217 (A-I members)	2225
Glenn Macey	815 (A-La members)	2234
Sharon Barnes	309 & 815 (Lb-Z members)	2233
Christine Dapper	847 (A-G members) 708 (N-Z members)	3635
To be announced	708 (A-M members)	2229
Linda Talarico	847 (H-Z members) 630 & 773 & 312	2228
Barbara Keller	SUBROGATION	2231

#### Medical Only Claims - By Claimant's Last Name

Carla Newell	A-L	2138
Mari Curless	M-Z	2132

#### Other Important Telephone Numbers

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Claims Assistant:	Kim Slowik	3639
Claims Assistant:	Michelle Dunavant	2134
Claims Analyst Assistant:	Elaine Serafino	2726
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Pat Andrews, *Editor*  
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