

Professional Underwriters

Safe Schools Agenda

Route to:

- Superintendent
- School Business Off.
- Athletic Director
- Supt. Bldgs/Grounds
- Site Administrators
- Transportation Dir.
- Lunch Director
- Classroom Teachers

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A monthly service provided to help you with your efforts to make your school safe for students, staff and the public

Court: Employer Has Duty to Accommodate Disability

In a case where an employee did not request an accommodation for his disability, a federal appeals court ruled that the employer (Wal-Mart) has a duty to reasonably accommodate an employee's disability where the disability is obvious.

In other words, the employer cannot hide behind a veil of ignorance. The Court said an employer must take action "if the employer knew or reasonably should have known that the employee was disabled."

The worker, who suffers from cerebral palsy, alleged that Wal-Mart personnel asked him prohibited questions before hiring him, and later discriminated against him and created a hostile work environment. The general rule has been that it is "generally" the responsibility of the employee to tell the employer that an accommodation is needed. The court said the following: "...the disability is obviously known to the employer, while the employee, because he does not consider himself disabled, is in no position to ask for an accommodation."

This is an exception to the general rule, and it expands employer responsibility. The court awarded \$1,554,000. *Brady v. Wal-Mart Stores Inc.*

From The Courts

Employer ordered to pay suspended comp benefits – An employer has been ordered by the Colorado Supreme Court to pay temporary total disability benefits it suspended after a Workers' Compensation claimant failed to appear for appointments with a physician. The Court held that a suspension of benefits, even if temporary, provides adequate incentive to assure the quick delivery of medical services *and that money held back should be paid after an employee complies by keeping scheduled physician appointments.*

From The Courts, Cont'd

NY Concrete Firm Pays \$211K in Workers' Comp Fraud Case. -- The head of a Long Island brick and concrete firm has pleaded guilty to attempted insurance fraud and his company ordered to pay \$211,000 in restitution to the New York State Insurance Fund (NYSIF) for concealing the number of workers employed by the company.

"NYSIF is vigilant about detecting premium fraud," said David P. Wehner, CEO of the NYSIF. "This type of fraud is ripe for all kinds of abuses, hurting not only other businesses and the Workers' Comp system as a whole, but potentially leaving workers unprotected."

Illegal Worker Ineligible for Comp Rehab – An undocumented worker is not entitled to certain benefits, the New York Court of Appeals has ruled. The printer had suffered four crushed fingers in a 1995 accident. He had received temporarily disability payments. When he applied for benefits for impairment of wage earning capacity, he was found to be ineligible because an undocumented alien cannot be legally employed in the United States. The court ruled that it could not have been the lawmakers' intent to restore previous capabilities to a worker who is not authorized to work.

Off-premises injury is compensable – A worker struck by a car while crossing a street to purchase cigarettes and snacks is entitled to medical and temporary disability Workers' Compensation benefits, according to a New Jersey Appeals Court. Despite a company policy that required employees to go directly to their place of employment, the judge ruled that "off-premises employees enjoy the same ability to deal with basic needs...as do on-premise employees."

**"THINK SAFETY" - THE NEW SCHOOL YEAR
IS RIGHT AROUND THE CORNER!**



Tips for Classroom Safety

General

- ✎ Know the internal arrangement of your classroom, including storage areas.
- ✎ Know the general layout of the school building, including stairways, hallways, and doorways.
- ✎ Know the school building evacuation route in the event of an emergency, and the location of escapes and exits.
- ✎ Know where all fire extinguishers, first aid kits, and fire alarm pull stations are located.
- ✎ Be on the lookout for tripping or slipping hazards in aisles and passageways; such things as carelessly dropped school books and materials, liquid spills, and forgotten electric cords.
- ✎ Watch for materials that have not been stored properly and that may fall and hurt someone.
- ✎ Never climb on a classroom chair to post classroom materials. Get a ladder or assistance.
- ✎ Be alert to the careless actions of students who can be involved in horseplay.
- ✎ Report all safety hazards or potential safety hazards to your school principal.
- ✎ Report all accidents and injuries to your principal immediately, even if the injuries do not require first aid, the attention of the school nurse or the services of a doctor.
- ✎ Report all defective furniture, fixtures or equipment on a daily basis.
- ✎ Report any damage to the classroom itself immediately. Broken windows, defective floors, and loose or torn carpeting or tile should be reported immediately.
- ✎ Report every fire immediately no matter how small or insignificant you think it may be.
- ✎ Keep your classroom doors locked when the room is not in use.

Fire Prevention

- ✎ Keep decorations for holidays, parties, and other events to a minimum.
- ✎ Do not use extension cords or octopus plugs.
- ✎ Consult the maintenance department before setting up aquariums, coffee pots, terrariums, etc. to be sure that the electric system can safely accommodate them without overloading.

Operating Audio Visual Equipment

- ✎ Do not operate audiovisual equipment unless you have been properly instructed.
- ✎ If equipment malfunctions, disconnect the electrical cord and notify the maintenance department.
- ✎ Do not change a burnt-out lamp bulb until the equipment has been cooled and been disconnected.
- ✎ Avoid positioning electrical cords across aisles or furniture.

Storing Materials

- ✎ Keep all file cabinet doors and storage cabinet drawers in the closed position.
- ✎ Restrict activity to one shelf or drawer at a time.
- ✎ File heavier materials in lower shelves or drawers. Do not store materials on top of cabinets.
- ✎ Be aware that heavily laden top drawers can tip over the entire cabinet when opened or left open.
- ✎ Do not store combustibles or flammable liquids in the classroom.

Lifting

- ✎ Avoid sudden twisting, jerking, reaching or bending movements during any state of the lifting process.
- ✎ Lift only what you can handle without a strain. If the materials to be lifted exceed your lifting capacity, request assistance.
- ✎ If the materials are lower than your waist, squat down with your knees bent and one foot alongside the materials, the other foot behind the materials.
- ✎ Keep your back as straight as possible, but not necessarily vertical.
- ✎ Grasp the materials securely; if they are heavy, grip with your palms, which are stronger than your fingers.
- ✎ Lift by pushing with your rear leg, keeping your back straight and your elbows tucked in.
- ✎ Lift and carry the materials as close to your body as possible. If you need to shift your grip, rest the materials on a desk or table and then make the adjustment.