

RisKeyNotes

Winter 2012
Volume 22, Issue 4

Mission Statement: Serve Oregon by managing and minimizing the cost of risk.

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Why Risk It?

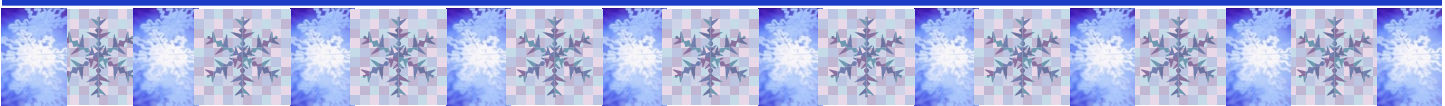
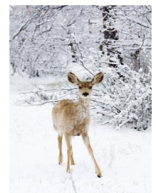
SLIP SLIDING AWAY... WINTER DRIVING REMINDERS

Aaaahhhh, winter! Time to curl up with a good book and a cup of tea and hibernate! IF ONLY! Life doesn't stop just because the weather gets winter-y. Over the last four years, winter driving claims from hitting animals or sliding on icy or snowy roads cost the state \$720,000. Let's make this winter safer. Risk Management has some pointers for winter trips.

Check these items before you travel.

- The road and weather conditions. [Tripcheck](#) is a great tool.
- The car. If you are using a DAS Fleet car, they do most of the checking for you.
- Safety equipment. Know how to use it.
- Is your trip necessary? Can your trip wait for a better weather day? Can you use technology to avoid driving?
- Give yourself extra time to get where you are going.
- Clear your windows before you move the car. Keep them clear. Know how to use the heater, defroster and wipers.
- Wear your seat belt - Every trip, Every time, Everyone!
- Drive ahead – give yourself room for action. Watch the conditions ahead of and behind your vehicle. Leave plenty of room between vehicles.
- Slow down and drive the correct speed for the conditions.
- Dusk and dawn are times when animals are more active. Slow down and watch for them along the road.
- Avoid distractions. Drive the car! Refrain from eating, drinking, reading, fiddling with the radio, or using your cell phone.
- Use your low beams in rain, fog, snow, at dusk or on two lane country roads.
- When driving on snow and ice or in the mountains, watch for snowplows and sanders. Don't pass them when they are operating.
- Don't stop or slow down suddenly in front of anyone.
- Don't use cruise control on curvy or slippery roads. The vehicle can accelerate when you least expect it. Be cautious on bridges. Avoid sudden lane changes or speed changes. Turn off cruise control when approaching bridges. They can be extra icy.
- If you start to skid, take your foot off the accelerator and don't smash the brakes. Steer into the direction of the skid.

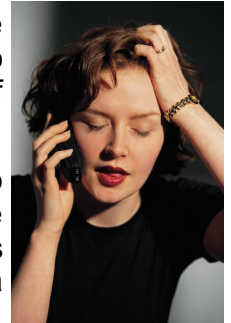
Let's make this winter a safe one!



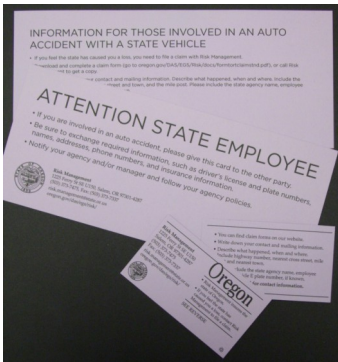
“Who You Gonna Call?” Cards Give Guidance

You are involved in a crash with a state vehicle... who do you call? Do you know if you have insurance? How do you prove it? Who insures the state and what is their number? What do you tell the driver of the other vehicle? Who do they call? If you have been in this type of situation, Risk Management (RM) has a “tool” for you!

RM developed tools to aid you if you find yourself in need of guidance. The tools are two lavender cards with directions for employees and claimants. The first is a business size card. The front of the card has RM’s contact information. The back of the business card has information for filing a claim with Risk Management. This card is the perfect size to carry in a purse, wallet, business card holder, planner or briefcase.



The second card is a larger card that RM developed for vehicle crashes. We suggest agencies place this card in the glove box of all state vehicles. This card has information on both sides; one side for the state employee and the other is information for the claimant.



RM has a limited amount of cards available for agencies to try out. Please contact Marie Hansen-Wargnier (503-378-5515) or Kim Scott (503-378-5468) for card samples.

Once RM has distributed the initial cards, agencies can order both cards through DAS Publishing & Distribution by using the online ordering system: http://www.oregon.gov/DAS/EGS/PD/Pages/services/online_order.aspx or call (503) 373-1700 for assistance.

TO STUD OR NOT TO STUD? THAT IS THE 11 MILLION DOLLAR QUESTION



Oregon state law allows studded tire use from November 1 through March 31. The Fleet Management Advisory Council (FMAC) recently updated the statewide vehicle management policy phasing out studded tire use in state fleets. Effective July 1, 2012, FMAC has prohibited the purchase of studded tires for state vehicles. All new tires purchased and installed on state owned vehicles must be studless.



FMAC considered several sources of data and research before deciding to eliminate studded tire use on state vehicles. Oregon Department of Transportation (ODOT) has not used studded tires on their vehicles for the last decade. Research at the University of Washington in 2002 showed studded tires are more effective on icy roads but less effective on most other conditions as they may reduce traction between the road and tire. Studless tire designs give better traction on wet and dry pavement. ODOT estimates studded tires cause \$11 million of road damage per year.

The updated policy allows agencies currently using studded tires to continue using them through November 30, 2015. As they wear or need to be replaced, they should be replaced with a studless tire. Oregon State Police is the only exception to the policy. AND keep in mind, even with the studless tire, you will still need to chain up as road conditions require. DAS Fleet provides training on chain installation if you need to brush up. If you have questions, call State Fleet at 503-378-4377.



Check out these links for more information:

- [FMAC Moratorium of Studded tires](#)
- [Oregon Department of Transportation’s Winter Driving tips](#)

Wellness Bit

WHEN IT COMES TO YOUR EYES, HAVE A CLEAR VISION

Contributed by Courtney Slabaugh,
Senior Safety Management Consultant, SAIF Corporation

Look around: Computers, tablets, televisions, and phones are everywhere. While these devices have improved our lives, they can be challenging for our vision. Eye strain can lead to fatigue, headaches and decreased productivity.

A recent report by The Vision Council notes that almost 70% of U.S. adults experience some form of digital eyestrain while using their electronic devices. If this statistic has you seeing red, don't despair: You can take steps to prevent strain and maintain proper eye health.



Assess your workstation

- **Check for glare.** Glare from windows, lights, and shiny surfaces such as file cabinets can unnecessarily strain your vision. The best way to check for glare on your screen is to turn off the monitor. The glare can't hide against the backdrop of a darkened monitor. You'll easily be able to tell if light is reflecting into your eyes.



- **Adjust your equipment.** If the monitor is too far away or too close, your eyes will have to work hard to adjust. You should be able to view the screen without squinting, leaning forward, or craning your neck. (Hint for those wearing bifocals, trifocals, or transition lenses: Lower your monitor since you read from the lower part of your lenses.)
- **Check your lighting.** As we age, we naturally tend to need more lighting. Task lighting is a great way to add additional lighting or warmer lighting to your work area.

Monitor display

- **Adjust the text size and contrast.** You can adjust the default text size and contrast in the computer's control panel. The font size used in the internet browser can also be adjusted.
- **Check the brightness.** If you feel like the screen is too bright or too dark, adjust the brightness setting in the control panel.
- Ask your co-workers if you need help finding these settings.



Breaks

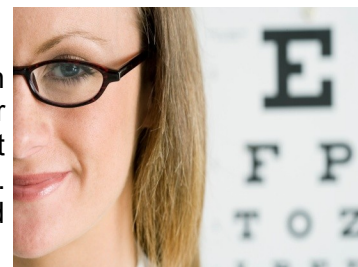
- **Take them** — both long breaks and short breaks.
- **Remember the 20-20-20 rule:** Every 20 minutes take 20 seconds to look 20 feet away. Try to focus on something in the distance that is three-dimensional.



- When possible, use your eyes differently. In addition to getting away from the computer during breaks and lunch, think about how you spend your time away from the office. All too often, we leave at the end of the day and trade in our work computer for our home computer or TV screen. That's a lot of screen time.

Eye exams

- Regular eye exams are one of the most effective ways to protect your vision and health. You should have an annual eye exam and see the eye doctor whenever you notice a change in your vision. Our vision changes as we get older and the doctor can make sure eyeglass prescriptions are up-to-date. Even if you don't wear corrective lenses, an annual eye exam sets a solid baseline for you to gauge changes.





Legislative Lookout

THE SESSION IS COMING! THE SESSION IS COMING!

The Legislative session convenes annually in February in Salem. In odd numbered years, the session may not exceed 160 days. Since 2013 is an odd numbered year, there will be a flurry of activity on the second Monday in January to prepare for the upcoming session. It includes:

- Introducing bills
- Swearing in newly elected officials
- Electing leaders
- Adopting rules and
- Organizing and appointing committees.



It promises to be an interesting session. Stay tuned in for updates from Risk Management on pertinent rules, laws and changes.

Ask Risk Management Fireside Chat

Introducing the “Ask Risk Management” Fireside Chat

Helping state agencies is a DAS core function. DAS Risk Management supports agencies in completing their agency mission while managing the risks associated with public service.

One of our goals is to educate you about loss. We give the facts, analysis and tools which help you manage all your agency’s risks.

One of our commitments to you is to answer your risk and insurance questions thoroughly and completely. To do this, we need your questions!

Many agencies have the same general questions. We are introducing the *Ask Risk Management* Fireside Chat column. This column will be a regular feature of RisKey Notes and will answer general risk management questions that do not need an immediate response.

There is no question too simple or complex for the risk management team geek squad! This

squad loves to analyze, research and communicate.

Send your questions to risk.management@state.or.us with “Ask Risk Management” in the subject line. We look forward to hearing from you!

Your Risk Management Team



Claims Connection

A REAL EMPLOYMENT CLAIM CASE STUDY

This employment claim study is a real case that Risk Management (RM) handled for the state.

HISTORY: An employee filed a tort claim, then a lawsuit stating he was removed from trial service in retaliation for using Family and Medical Leave Act time off (FMLA) and because he is disabled.

After investigating the claim, the facts indicated the trial service removal was due to work performance issues. The trial service removal decision was made long before the FMLA request was submitted.



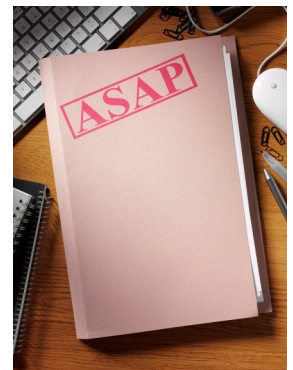
RM, along with Department of Justice (DOJ), chose to defend this lawsuit. We prepared to file counter claims to recoup the State's defense costs. The trial was set for March 2008.

In January 2008, the agency discovered a document on the immediate supervisor's computer. This document was not included in any of the materials given to RM or DOJ during the discovery phase of the case. Discovery is the pre-trial phase in a lawsuit where each party can obtain evidence from the opposing party in the lawsuit.

Because this document was not produced during discovery, the state could face sanctions at the trial. Sanctions are penalties used as a means of enforcing the rules of law. Sanctions can include negative jury instructions, involuntary dismissal of the case, significant monetary fines and prohibition from putting on a defense of the case.

OUTCOME: This was a defensible case where the state had a possibility of recovering defense costs. Suddenly, the discovery of a single document put the state in a position of having to settle the case. This case cost \$125,000 to settle it and in addition, \$73,251 in defense costs.

LESSON LEARNED: When RM and DOJ ask for **ALL** the documents pertaining to a case, we mean **ALL** the documents. Last minute finds, as in this case, severely compromise the state's ability to try, defend or settle cases. RM and DOJ felt strongly we could have won the case. Because the agency did not provide **ALL** relevant information, it instead cost the state \$198,251.

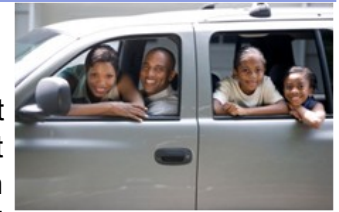


KEEP YOUR EYES OUT FOR PEDESTRIANS.
Especially at night!

Share the Road. The Way to Go. Transportation Safety – ODOT

CITIZEN REPORTS? It's more than you think.

While on a trip with your family, you observe an E-plated vehicle swerve into the fast lane in front of you on the freeway without signaling. You are going 69mph and that car seems to be going MUCH faster. Curious, you catch up to it and notice children in car seats in the back seat. The front seat passengers appear to be a man and woman. "What", you wonder, "are they doing? It looks like a family. I wonder where they are going and why they are doing it in a state car?"



Every day, Oregon citizens call Risk Management to report concerns with E-plate driver's behavior or state vehicle misuse. Risk Management investigates each report. Most concerns fall into the broad categories of driving behaviors and vehicle use. Driving behaviors include speeding, failing to properly use signals, following too closely, or not yielding the right of way. Vehicle use reports include child passengers, traveling on weekends, E-plated vehicles at shopping centers or garage sales, or parking at a private residence. Each of these reports is a public relations opportunity. Many citizens are not aware of the scope and variety of the work we do.

These reports are serious. ORS 283.395 prohibits any personal use of state vehicles. OAR 125-155 requires that all vehicles used for state business shall be used legally, courteously and safely. Most people report they are "good" drivers but many of us have developed poor habits over time. These poor driving habits can lead to crashes. These reports give us a snapshot of how others perceive our driving. It can be eye opening!



In the last three years, citizen reports to RM have increased 69% from 270 in 2009 to 457 in 2012. The table below shows the top five citizen complaints. These five causes account for 84% of the total reports.

CITIZEN COMPLAINT CLAIMS TOP 5 CAUSES FY 2009-2012	Speeding	552
	Inappropriate Vehicle Use	129
	Unsafe Use of Communication Device	82
	Unsafe Lane Change	78
	Inappropriate Behavior	71
	Total	912

When your agency gets one of these reports, you have a great opportunity to investigate the situation and develop strategies to reduce the number of reports your agency gets. Consider the strategies below.

1. Develop and periodically review your agency driving policy with employees, agents and volunteers. Does your policy clearly explain your agency's driving expectations, conform to your agency culture, further your agency's mission and comply with the State Vehicle Use and Access rules, OAR 125-155?
2. Complete a DMV driver license check on all employees, agents and volunteers who are driving as an essential function of their job. Consider conducting a license check prior to job offers for employees, agents and volunteers.
3. Determine actions and set clear incremental goals for improvement when needed. Focus on benchmarks that measure behaviors.
 4. Require an incident analysis on all accidents and incidents. Make sure to analyze all system failures including management, environment, equipment and driver. Consider all other contributing factors during your analysis.



Most of the reports of misuse are unfounded. The agency and RM investigate and report back to the citizen, if requested. Use these reports as a snapshot to inform your agency, staff and the citizens of your vehicle use. Let's reduce the citizen report numbers!

Agencies can request a report from RM listing information about their citizen reports. Fill out this [form](#) from our website and submit it to RM. We will send you your information.

State Property becomes Tobacco Free in 2013

State property is going tobacco free!

Governor Kitzhaber’s executive order proclaims state buildings and adjacent properties are to be tobacco free by 2014. The order creates a phased in single policy for state government and starts on January 1, 2013.

Oregon already has an all employer smoke-free workplace law. This new policy requires **state property**

be tobacco-free, not just smoke free.

Oregon Health Authority has a toolkit to help agencies make a smooth transition to being tobacco free. There’s help for employees who want to quit using tobacco. The Public Employee Benefit Board (PEBB) provides benefits that give no-cost comprehensive support to “Quit for Life”. Be prepared for the change!



WHAT’S REALLY GOING ON? Real Citizen Reports to RM

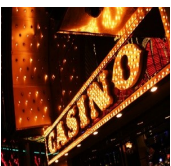
Risk Management (RM) receives and responds to the public’s concerns related to state employee driving and appropriate vehicle use. We receive reports in writing, via email or over the phone. We also receive copies of citations issued to state vehicles. These reports and citations trigger a formal review of the complaint and provide an opportunity to educate citizens about the work of state agencies. Below are actual citizen reports and RM’s findings.



Misuse? A state citizen reported that a state vehicle was parked overnight at a campground. Our investigation discovered the state driver was working and performed inspections during the day (and only used the state vehicle during the day and parked the vehicle at night). They stayed with their family in their camper at night instead of staying at a hotel. Staying in the campground saved the state the per diem rate of a hotel.



Unsafe? A state vehicle was seen on the highway with the driver talking on her cell phone. The employee admits she was using a cell phone. She believed her position was exempt from using a hands free device.



Misuse? A citizen could not understand how a state vehicle he saw parked at the Chinook Winds Casino could be on state authorized business. The investigation revealed the employee was in travel status and stopped for a meal break.

Misuse/Unsafe? A state employee received a citation for speeding. State drivers are responsible for citations they receive when operating a state vehicle. They may receive disciplinary action for violating their agency’s vehicle policy.



When using state vehicles, be aware of your actions. Citizens and other state employees observe the actions of the yellow E-plated vehicles carefully and form perceptions. Before driving a state vehicle make sure you are aware of your agency’s policy for appropriate vehicle use and follow the policy.

DAS Leadership Changes and Risk Management Additions

Times... they are a-changing! Not only does DAS Enterprise Goods and Services (EGS) have a change in leadership, Risk Management welcomes three new people to our world.

DAS EGS Administrator Change!

Jan Dean, DAS EGS administrator for the past 5 years, became the Deputy Director of Business Services for Oregon Youth Authority in November 2012. We are sorry to see her go. We are excited to have a new administrator at the head of DAS EGS.

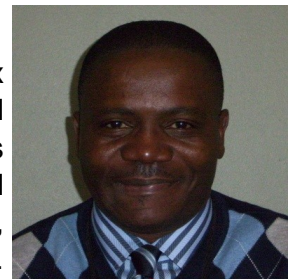


Bret West

Our new administrator is Bret West. Bret comes to EGS from DAS Business Services. He has done many jobs during his time with the state from working in the mail room to payroll processing, accounting, budgeting, HR and procurement and was the interim Commissioner of Community Colleges. The recent reorganization at DAS fits with Bret's desire to help government be effective and efficient. Although a risk "newbie", Bret is looking forward to learning more about workers compensation claims. Bret says the most interesting thing to him about his transition to EGS is how much differently he reads the newspaper. He finds he is more focused on the news stories which could become an issue for the Risk Team. He is really looking forward to learning about Risk and EGS and cheering on the Seattle Seahawks. WELCOME BRET!

Risk Program Additions

Onyemaechi Odoemelam, formerly with the Department of Revenue Property Tax Division joined RM as our Fiscal Analyst on December 10, 2012. Onyema graduated from Portland State University with two degrees in Economics and Finance. His professional interests include Econometric and Statistical analysis, budgeting and Financial Statement Analysis. He is looking forward to learning about RM's program, claims, and mastering the risk charge, risk finance and risk control methodologies. Onyema, originally from Nigeria, currently lives in Salem. He enjoys working outside in his yard with his three boys and his wife. He is excited to be part of RM! Onyema's number is 503-378-1855.



Onyema
Odoemelam



Marlena Standley

Marlena Standley, a seasoned risk management veteran, joined RM as a Risk Control Analyst on December 10, 2012. Marlena began her risk and insurance career as a claims examiner at Safeco Insurance Company. She held leadership roles at both Safeco and Holiday Retirement. Most recently she served the state of Oregon at Oregon Government Ethics Commission. Marlena graduated from the University of Oregon (GO DUCKS!!) with a degree in Rhetoric and Communications. She also has two professional designations as a Certified Insurance Counselor (CIC) and Certified Risk Manager (CRM). She lives in Keizer and volunteers for local community organizations. She spends her free time at the gym, cooking and attempting to play golf. She also enjoys being taken for a walk by her two dogs. Contact Marlena at 503-378-5469.

Insurance Brief

WHAT IS INSURANCE UNDERWRITING AND WHY SHOULD YOU CARE?



To underwrite something means to assume financial responsibility. In the case of insurance, that means to assume liability of certain losses. The summer issue of Risky Notes contained an article about the State Agency Risk Report. This report is RM's method of gathering underwriting information from agencies.

Insurance companies get to choose who they will and will not insure. The state's underwriting process is very basic because we do not choose who we insure. We insure all state agencies and other public bodies as required by statute. Accurate underwriting reporting is very important to make sure the state's assets are properly insured against loss or damage.

Because most people own a vehicle and are legally required to purchase vehicle liability insurance, we will use auto insurance as an example to explain the underwriting process. Insurance companies ask potential customers to complete an application. The application asks for information such as the make, model and year of the vehicle, vehicle identification number, driving history, typical use of the vehicle, and sometimes credit information. The company's underwriter analyzes the information. They use company guidelines and their experience to determine eligibility and the cost of the policy. The main purpose of this analysis is to determine how much risk you bring to the company and if it is acceptable to the insurance company.

When the analysis is complete, the underwriter has three options:

- Accept the applicant as an insured.
- Reject the applicant.
- Accept the applicant but offer conditions such as lower limits or higher deductibles.



After all, insurance companies are in the business to make a profit! Underwriting guidelines help the company properly price the policy. If you've had accidents, license suspensions, or DUI's; the insurance company assumes this pattern will continue. If you have a poor driving record, you will pay higher insurance premiums.

Accuracy and completeness of the data is essential to ensure the state is properly insured. Underreporting agency information means that the self insurance fund could be in financial jeopardy. RM determines the level of funding necessary to cover state assets based on agency's responses. And, because the state insurance fund is a pool, inaccurate reporting could impact all participating state and public agencies. Agencies providing RM with underwriting data should keep records of the personnel and property assets they report.



Whether you are a commercial insurance company or participating in a public entity insurance pool, current, accurate underwriting data is key to providing sufficient insurance and asset protection.

New No Call, No Texting Law for Commercial Motor Vehicle Drivers

The U.S. Department of Transportation Federal Motor Carrier Safety Administration (USDOT FMCSA) published rules prohibiting interstate truck drivers, bus drivers and placarded hazardous materials drivers from texting or using hand-held mobile phones when operating their vehicles.

This rule tries to end distracted driving. Drivers caught using hand held mobile phones can face penalties up to \$2,750 and possible disqualification.

USDOT FMCSA says it's very easy to comply with the rules: No REACHING, No HOLDING, No DIALING, No TEXTING, No READING! Check out the [USDOT's website](#) for more info on this rule change.



We're on the Web!

<http://www.oregon.gov/DAS/EGS/Risk>

RISK MANAGEMENT DIRECTORY OF SERVICES

Information 503-373-7475
FAX 503-373-7337
Email risk.management@state.or.us

SAIF Emergency Report 1-800-285-8525
SAIF 801 FAX 1-800-475-7785

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Eric Janssen 503-378-4589

DAS SERVICE PLEDGE

To improve our service, we commit to a "Service Pledge" to be
**KNOWLEDGEABLE,
RESPECTFUL AND
RESPONSIVE**
in our business and interactions.

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When Change Happens

Risk Management maintains several mailing list databases. We do our best to keep the information current. If you have a change in your agency's point of contact, please let us know. Send the updated information via email to:

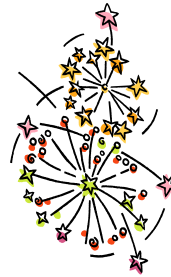
Risk.management@das.state.or.us

Distribution: State Executive Service, Management Service, and other interested employees or persons

Upcoming Training

It's a new year!

Would you like to learn a new skill? Develop a new talent? Do you have a resolution to further your work related learning this year?



There are several options for training available to state employees.

SAIF provides monthly training as well as specialized training such as ergonomic assessor training. Check out their [website](#) for more information.

OR-OSHA offers online training as well as some class sessions. Check out their training [website](#) for locations and times.

[iLearn](#) has training opportunities available online and in the classroom. Some are free! Check out the statewide course catalog for options.



Stay tuned for RM's 2013 training schedule!