



RISK★TEX

INTERAGENCY COMMUNICATION FROM THE STATE OFFICE of RISK MANAGEMENT ★ JULY 2011



SORM-200 DEADLINE

The SORM-200 is the sole source for collecting statewide information from state agencies regarding their expenditures regarding their risk management activities. Section 412.053 of the Texas Labor Code mandates that SORM captures costs associated with agency risk management programs and compiles the administrative costs of risk management. These associated costs are included in SORM's Biennial Report to the Legislature.

Agencies may begin filling out the SORM-200 in September. The final report is due **60 days** after the close of the fiscal year (Oct. 30). Pursuant to SB 5, 82nd RS, universities are exempt from this requirement.

For more information, go to www.sorm.state.tx.us/Risk_Management/SORM200/overview.php. If you have any questions about entering or analyzing your data, contact your agency's risk specialist for a consultation.

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Slips, trips, and falls are the No. 1 workers' compensation injury for state employees. For several issues of Risk-Tex, SORM is focusing many articles on ways to avoid these types of injuries.

Slips common for state workers

Navigating stairs can be tricky

By Joe Deering

Being injured in an accident is never a pleasant experience. From the associated injuries to the lengthy recovery, accidents cause inconvenience and hardship. This can certainly be the case with accidents related to slips, trips, and falls. Fall-related injuries are the leading cause of nonfatal, unintentional injuries treated in hospital emergency rooms. Deficiencies in design, lighting, visibility, and attention are usually the culprits in stairway slips, trips, and falls.

Research studies found that during stairway use, people view only the first and last three steps, with the rest of the stairway negotiated without looking. Therefore, design of the top three and bottom three steps is very important. All

(See "Poor maintenance," page 9)

Spills can create slippery floors

By Lisa Bell

How do some people slip, fall, and injure themselves during a seemingly safe activity like walking across the floor? Did they slip and fall because they were not paying attention or rushing, or was it because they are accident prone or clumsy?

Sometime this is true, but SORM data shows that unsafe conditions, specifically from liquids and/or grease, account for 11 percent of all accepted slip/trip/fall workers' compensation claims and 12 percent of the total cost of all slip/trip/fall claims from FY '05-FY '10.

There are many sources of liquid or grease hazards in the
(See "Clean up," page 2)

Slips/falls account for about 1/4 of state injuries

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Clean up spills before someone falls

(Continued from page 1)

workplace. Some common sources of slippery and/or greasy floors in the workplace include:

- water overspray or run-off from sinks in break rooms or restrooms;
- areas near drinking fountains, ice machines or coffee pots;
- rainwater on sidewalks, floors or building entrances;
- freshly mopped or waxed floors;
- leaking equipment or pipes and oil/grease spills in maintenance or machine shops, parking lots, and kitchens; and
- accidental spills from open containers holding liquids and/or grease.

The good news is falls due to liquids can be prevented or reduced. The following are some practical measures that can be taken to prevent or reduce the ever-present risks of liquid and/or grease slips and falls

in the workplace.

Slow Down and Watch Your Step

A fall occurs when your feet meets the floor and does not grip, losing your balance and footing. In short, your center of gravity is displaced and there's nowhere to go but down. Risky, unsafe behavior – like not paying attention, being in a rush, abrupt starts and stops, or quick directional sharp turns – can cause falls on liquids or grease. So always keep an eye on the floor when you are walking. Adjusting your gait (step length) and body posture by pointing your feet slightly outward, slowing down, and taking short steps are all necessary to prevent/reduce falls on liquids or grease.

Clean Up Spills Immediately

Good housekeeping is a must. Instruct employees to pay attention to their surrounding and keep work areas clean. If you spill something or

notice something spilled on the floor, immediately clean up the mess or at least block, mark, section, or rope off the area with safety cones, barriers, or some kind of visual warning sign until you can contact someone who can appropriately correct the hazard. Make it clear that all employees are personally responsible for maintaining a clean work area and for taking care of the unsafe situations. The last thing needed in this situation is two employees arguing over who is going to clean up the mess.

Clean Floor Properly

Liquids, oil, and grease affect the slip resistance of floors. Floors can become more slippery because of the way they are cleaned, or not cleaned. For example, slop mopping a floor with plain, cold water tends to move emulsified grease around instead of removing it. Whether it is tile, linoleum, or terrazzo, each type of

(See “Don’t ignore,” page 8)

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WWW.SORM.STATE.TX.US/ABOUT_US/CONTACT_US.PHP

Coverage while travelling?

By Gordon Leff

Many state agencies require employees to travel as part of their ongoing work activities. Sometimes the travel is incidental, such as attending a conference. However, for some workers, travel is a regular duty, such as driving a delivery truck or patrol vehicle. Because work-related travel can lead to an accident, any resulting injuries could be covered by workers' compensation, even when the injury doesn't occur on the employer's property.

A compensable injury is "an injury that arises out of and in the course and scope of employment for which compensation is payable." For travel to be in the "course and scope of employment" it must have to do with and originate in the work, business, trade, or profession of the employer, and it must be performed by an employee while engaged in the furtherance of the affairs or business of the employer.

If only it were that simple. When workers' compensation adjusters investigate claims involving travel, they must be familiar with certain doctrines and concepts, and know how to apply them.

Coming and Going Rule

Generally, the "Coming and Going Rule" provides that an injury occurring during use of public streets or highways while going to or returning from the place of employment is not compensable. The rationale for this is that, in most instances, such an injury is a consequence of risks and hazards to which all of us – the traveling public – are exposed, rather than risks and hazards having to do with and originating in the work or business of the employer. Coverage is not triggered by the statement that, "The only reason I was on the highway was because I had to go to work."

Section 401.011(12)(A) of the Workers' Compensation Act provides that an injury occurring during transportation to and from the place of employment is not compensable unless:

- The transportation is furnished as a part of the employment contract or is paid for by the employer;
- The means of transportation is under the control of the employer; or
- The injured worker is directed in the conduct of his or her employment to proceed from one specific place to another.

For an injury to be compensable under this exception, it is not enough that the employer has furnished or paid for the transportation. The mere furnishing of transportation by an employer does not automatically bring the injured worker within the protection of the Act. The law requires a direct connection between the actual activities of employment and the transportation; if not, every accident in a company vehicle, even those operated for purely personal reasons, would be compensable. In other words, even if one of the exceptions to the "Coming and Going Rule" applies, the injured worker must be in the furtherance of the employer's business at the time of the accident or there is no coverage.

Dual Purpose Doctrine

An injury occurring while the employee is traveling in the furtherance of the affairs or business of the employer and also for the purpose of personal or private matters is not compensable unless:

- The segment of travel during which the accident occurred would have been made even had there been no personal or private matters involved; and
- The travel would not have been made had there been no affairs or business of the employer to be furthered.

This is commonly referred to as the "Dual Purpose Doctrine." The injured employee has the burden to prove both elements of the test in order to establish compensability. Whether an injury is compensable under the "Dual Purpose Doctrine" presents a question of fact for a hearing officer with the Department of Workers' Compensation or a judge to resolve.

Access Doctrine

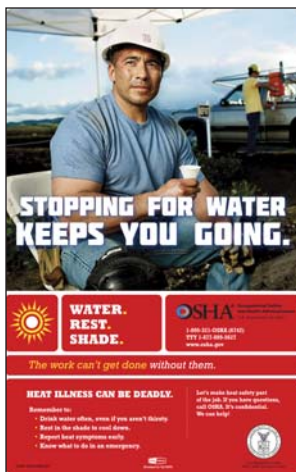
The "Access Doctrine" is an exception to the "Coming and Going Rule" in which some injuries occurring while going to or coming from the place of employment are compensable. The test to determine whether the "Access Doctrine" applies, like the "Dual Purpose Rule," is two-pronged.

- Did the employer evidence an intention that the particular route or area be used by the employee in going to and from work?
- Whether such access route or area is so closely related to the employer's premises as to be fairly treated as a part of the premises. Think of parking

(See "Travel documentation," page 10)

It's **SUMMERTIME** in Texas, which means it's **HOT** ... sometimes **EXTREMELY HOT**

Some people say the combination of high temperatures and humidity make the outdoors feel like the inside of an oven. Even in the midst of triple digits on the thermometer, the work day continues. If not careful, employees working in hot environments can suffer from a heat-related illness. No two people will react in the same manner, but supervisors and employees who are exposed to heat should recognize the symptoms of a heat-related illness and its complications.



SORM's Risk Management for Texas State Agencies (RMTSA) guidelines include a section about heat stress at www.sorm.state.tx.us/RMTSA_Guidelines/Volume_Three/2Chapter7/32714.php.

Bodily Reactions to Heat

Under normal conditions, the brain causes alterations in the rate and amount of blood circulating through the skin when the body's temperature rises above 98.6 degrees. When this happens, the heart begins to pump harder, blood vessels expand to handle the extra flow, and tiny capillaries in the skin fill with blood. When the blood circulates closer to the surface of the skin, the extra heat is transferred away from the body. If the body temperature continues to rise, the body's sweat glands begin to work. Cooling takes place when sweat evaporates from the skin's surface.

Employees are affected by heat stress when the body no longer can release enough heat to maintain normal body temperature. This is caused by a combination of heat generated in the body and the heat from the environment. When air temperatures become as warm or warmer than the skin, sweat does not evaporate efficiently and the body begins to store heat. With much of the blood going to the body's external surface, the muscles, brain, and other internal organs may not get enough oxygen. When this happens, employees may begin to feel ill or may experience anxiety, irritability, or a reduction in mental capacity. An employee who is exerting a great deal of physical strength to perform a task generates more internal heat

than an employee who is not; the harder the physical labor, the less the body is able to tolerate heat. Outdoor operations conducted in hot weather, especially those requiring semi-permeable or impermeable protective clothing to be worn, are also likely to cause heat stress among exposed employees.

Contributing Factors

Heat stress is not simply a response to environmental conditions; it is also determined by several individual factors. These individual factors include general physical condition, age, gender, weight, medical condition, and degree of acclimatization (the process of adapting to a hot environment). There are also four basic environmental factors that affect heat stress – temperature, humidity, radiant heat (such as from the sun or a furnace), and air velocity. When combined, these factors can lead to heat-induced illness. Other components that may lead to heat stress include: consuming alcohol or caffeine; use of certain prescription drugs; fatigue; strenuous physical work; and certain medical conditions such as heart disease.

Heat-induced illnesses are avoidable since the body can adapt to heat exposure to a certain extent. Under normal circumstances, acclimatization takes about a week and involves subjecting employees to short exposures followed by longer periods of work in a hot environment. Although acclimatization can greatly reduce heat stress, it is lost more rapidly than it is gained. Time away from a hot environment means that employees must be reacclima-



tized when they return to the hot environment.

Clothing is an important consideration when attempting to prevent heat stress. If employees are required to wear heavy protective clothing, their tolerance to heat will be greatly reduced. Sweat evaporation also can be affected by the type and amount of clothing worn. If an employee must wear thick or heavy clothing, or personal protective equipment that inhibits the body's cooling process, breaks may be necessary more often to cool down.

High (air) temperatures and humidity also can lead to accidents. These environmental factors can cause employees to become mentally confused, tired, and irritable. An overheated employee is more likely to faint, fall, or develop poor judgment, causing him or her to abandon regular safety practices. Humidity may cause safety goggles to fog. A sweaty palm may be unable to properly grasp a tool or cutting device. Overheated metals may come into contact with the skin and cause serious burns. Also, employees may feel it is too hot to wear personal protective equipment and decide to work without it, which may result in a potentially harmful or lethal exposure to chemicals.

Heat stress can be deadly if not recognized and treated immediately. If heat stress goes untreated, it can lead to a variety of problems, including heat stroke, heat exhaustion, heat cramps, fainting, heat rash, and reduced mental performance. Heat stress may go unreported since employees sometimes have difficulty identifying the symptoms. Therefore, supervisors need to watch for signs of heat-induced illness, and employees should be made aware of the symptoms and methods to prevent adverse health reactions.

Associated Health Risks and Treatment

HEAT RASH

Heat rash (also known as prickly heat) may occur in hot and humid environments where sweat is not easily removed from the surface of the skin by evaporation. When it is extensive or complicated by infection, heat rash can be so uncomfortable that it inhibits sleep and impairs an employee's performance. It can even result in temporary disability.

Treatment – Heat rash can be relieved by resting in a cool place and allowing the skin to dry.

FAINTING

Fainting may be a problem for an employee who is not acclimated to a hot environment and is performing a job that requires standing in one position. Have the employee move around, rather than standing still. This usually reduces the possibility of fainting.

Treatment – Should the victim faint, have him/her sit or lie down for a brief period. This enables the victim to recover more quickly. Fainting can be a sign of a more serious condition. Medical help should be summoned.

HEAT CRAMPS

Heat cramps are often the first signs that the body is having (See "Stay cool," page 6)

Sunglasses Safety

Sunglasses aren't just fashion accessories. They are a necessary protection for the eyes. Most consumers know about the danger of sun exposure to the skin, but many are unaware that the sun's rays can damage the eyes. To correctly shield the eyes, the right type of sunglasses must be worn, especially since wearing the wrong type can cause more damage than not wearing glasses at all.

Sunglasses Safety FactSheet
Sunglasses aren't just fashion accessories. They are a necessary protection for the eyes. Most consumers know about the danger of sun exposure to the skin, but many are unaware that the sun's rays can damage the eyes. To correctly shield the eyes, the right type of sunglasses must be worn, especially since wearing the wrong type can cause more damage than not wearing glasses at all.

Read more at www.tdi.state.tx.us/pubs/videoresource/fssunglasses.pdf.

Take 5 for Safety: Sun Safety

People who spend a lot of time outdoors run the risk of suffering from more than just heat exhaustion or heat stress. Repeated exposure to ultraviolet radiation places them at risk for various forms of skin cancer and eye diseases, such as cataracts. The number of skin cancer cases in the United States continues to increase each year.

Take 5 for Safety: Sun Safety
There are several essential steps you must take to avoid sunburn and skin cancer. 1. Use sunscreen. 2. Wear protective clothing. 3. Avoid sunbathing. 4. Avoid tanning beds. 5. Avoid sunburn.

Go to www.tdi.state.tx.us/pubs/videoresource/t5sun.pdf for more information.

Stay cool during the Texas heat

(Continued from page 5)

trouble regulating its response to heat. The legs and abdomen muscles are most commonly affected. Heat cramps are painful spasms of muscles caused when employees drink large quantities of water but fail to replace salt. Tired muscles (those used for performing the work) are most susceptible to cramps that may occur during or after working hours.

Treatment – Generally, rest and replacement of fluids is sufficient treatment for heat cramps. Give cool water or a commercial sports drink, about 4 ounces every 15 minutes. Also, lightly stretching and gently massaging the affected muscles can be useful in relieving discomfort.

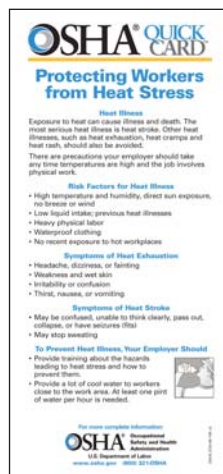
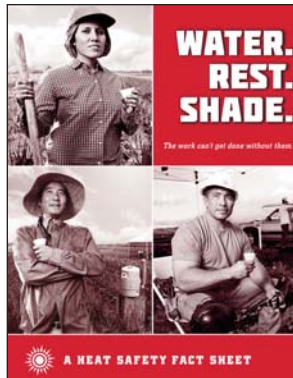
HEAT EXHAUSTION

Heat exhaustion develops as a result of the loss of fluid through sweating, combined with an employee's failure to drink enough fluids. An employee suffering from heat exhaustion still sweats but experiences extreme weakness or fatigue, giddiness, nausea, or headache. The skin is clammy and moist, the complexion pale or flushed, and the body temperature normal or slightly higher.

Treatment – Once the signals of heat exhaustion begin to appear, the victim can get worse quickly. Immediate treatment is necessary. The victim should rest in a cool place and drink plenty of water. A severe case involving a victim who vomits or loses consciousness may require longer treatment under medical supervision. Salt tablets should NOT be taken. These tablets contain the wrong type of salt, and the concentration is too high for a person to take all at once.

HEAT STROKE

Heat stroke is the most serious health problem for employees in hot environments. Heat stroke is caused by the failure of the body's internal mechanisms to regulate



Sun and Heat Exposure

Many people like to spend time outside in the sun for fun or work. But overexposure to the sun can damage the skin and could cause skin cancer. Heat stroke, heat exhaustion, heat cramps, and heat rash are possible when you become overexerted in the heat. Put your health first in order to enjoy the summer.

- Wear a wide-brimmed hat to keep your head and face cool. This will also provide added protection from damaging sun exposure. Baseball caps provide little protection except to the face. A hat should protect the neck, face, and ears.
- Wear a long-sleeved shirt at all times. It should be light colored and loose fitting except when working around machinery.
- Carry a source of water with you. Take drinks frequently – every 15 minutes.
- Take frequent breaks in the shade or in a cool environment during the hottest times of the day.
- Adjust gradually to working in the heat over a period of days.
- Someone suffering from heat exhaustion or heat stroke should be moved to a cool environment, offered sips of water, if conscious, and provided with attention from emergency medical personnel.
- Wear sunscreen that has an SPF of at least 15. Make sure children are also adequately protected.

Find out more at www.nsc.org/news_resources/Resources/Documents/Sun_and_Heat_Exposure.pdf.

the body's core temperature. Sweating stops and the body can no longer rid itself of excess heat. Signs include mental confusion, delirium, loss of consciousness, convulsions, or coma; a body temperature of 106 degrees or higher; rapid, weak pulse; rapid, shallow breathing; and hot, dry skin that may be red, mottled, or bluish. In cases where victims have been wearing impermeable protective clothing, the skin will more likely be very wet rather than dry.

Victims of heat stroke can die unless treated promptly.

Treatment – When an employee appears to be suffering from heat stroke, medical help must be called immediately. Prompt first aid can prevent permanent

(See "Stay alert," page 7)



Spotlight on Safety: Heat-Related Illness

Summer is here and the Lone Star State is heating up. But did you know that just standing in the sun can make you sick? SORM's "Heat-Related Illness" video takes a look at the different types of heat-related illnesses and their symptoms. Stay vigilant with prevention by staying cool and drinking plenty of fluids, and know what to do if you see someone suffering from a heat-related illness. Whether at work or at play, take the proper precautions to ensure you're safe outside in the summer Texas heat.

The video can be accessed directly at www.sorm.state.tx.us/Media/SpotlightOnSafety/HeatIllness/heatIllness.php.

Resources

SORM's RMTSA Vol. III, Section Two, Chapter 7, Subchapter 7.14 – www.sorm.state.tx.us/RMTSA_Guidelines/volumes.php

SORM's Heat-Related Illness video – www.sorm.state.tx.us/Media/multimedia.php

TDI's Preventing Heat and Sun Related Illnesses – www.tdi.state.tx.us/wc/safety/prevntheatills.html

OSHA's Campaign to Prevent Heat Illness in Outdoor Workers – www.osha.gov/SLTC/heatillness/index.html

NOAA's Heat Wave: A Major Summer Killer – www.noaa.gov/themes/heat.php

NIOSH's Workplace Safety and Health Topics – www.cdc.gov/niosh/topics/heatstress/

Stay alert for signs of heat illnesses

(Continued from page 6)

injury to the brain and other vital organs. Remove the victim immediately from the heat to a cool place and cool them down by applying towels soaked in water and fanning vigorously to increase cooling. Wet towels should be applied to the wrists, ankles, arm pits, groin, and neck to cool the large veins. If the victim is fully conscious, fluids should be replaced as soon as possible. Do not let the victim drink too much too quickly. Give about 4 ounces of water every 15 minutes.

Guidelines for Loss Prevention and Control

Preventing serious, heat-induced illness depends on early recognition and the following corrective actions.

- Monitor workplaces to determine areas that could pose a heat stress hazard.
- Breaks may be necessary to rest and cool down.
- Encourage employees to drink large amounts of water regularly to avoid dehydration. The current fluid intake recommendation for people who work in hot or humid environments is at least 4 to 8 ounces every 15 to 20 minutes.
- Allow employees time to acclimatize to heat.
- Encourage general physical fitness and wellness among employees. Being physically fit reduces the chances of being affected by heat stress. Employees who are overweight or in poor health are more susceptible to heat illness; when it is hot, they become tired sooner than employees who are in good physical condition.
- In addition to basic precautions (e.g., engineering controls, longer breaks, protective clothing), management should consider adjusting the work schedule to minimize employee exposure.

Employees who are exposed to the heat should be trained to recognize the hazards as well as the signs of heat stress. They also should be familiar with personal practices that can reduce individual risk. Employee education is vital so that employees are aware of the need to replace fluids and salt lost through sweat and are able to recognize dehydration, exhaustion, fainting, heat cramps, heat exhaustion, and heat stroke as heat-induced illnesses.

Don't ignore wet flooring

(Continued from page 2)

floor may need a different cleaning solution and/or cleaning method. Check with the floor manufacturer to learn the best way to clean the floor. Then write detailed instructions in your agency's floor cleaning procedures. The floor cleaning procedures should include both daily routine and periodic deep cleaning. The procedures should describe materials, equipment, methods, and training for those who conduct housekeeping. This may include limiting the number of people in the area and posting wet floor warning signs where cleaning is taking place.

Protect Floors

When floors wear down, they become uneven and more slippery. Regularly inspect floors and repair/replace worn surfaces. Prevent leaks on floor surfaces by properly maintaining equipment, pipelines, hoses, and other sources of leaks. If you can't prevent a leak, use absorbent materials or pans to reduce what drains onto the floor or apply slip-resistant coating, treatment, or strips to the floor.

Select Correct Flooring

Choose a surface that will reduce the risk of liquid/grease falls and install slip-resistant floors in high risk areas like entrances, kitchens, etc. Ask the floor manufacturer for the "slip index" or the static coefficient of friction (COF) value used to measure the floor's slipperiness. The higher the COF, the more slip resistant the floor surface will be. According to the American Standards of Testing and Measurement, floors and walkways should have a slip index of 0.5 or greater under normal working conditions.

Floor Mats and Runners

Mats and runners can reduce slips and falls, especially in high-traffic areas like building entrances or areas where spills are likely. Wipe your feet on the mat when coming into a building from outside when it is raining. Regularly clean mats and runners that get dirty, and replace when they are worn or uneven.

Wear Correct Footwear

Wear the appropriate shoes for the job according to your agency's footwear policy. Well-designed, slip-resistant footwear can greatly reduce the risk of slips and falls on liquids and grease. When choosing footwear, employ-

Accepted Slips, Trips, Falls Claims By Cause FY '05-FY '10	
Other Fall, Slip, Trip	3,779
From Different Level (Elevation)	1,077
From Ladder/Scaffolding	119
From Liquid/Grease Spills	1,188
Into Openings	227
On Ice/Snow	231
On Same Level	2,995
On Stairs	883
Slipped, Did Not Fall	445
Grand Total	10,944

Total Slips, Trips, Falls Claims Costs By Cause FY '05-FY '10	
Other Fall, Slip, Trip	\$33,809,806
From Different Level (Elevation)	\$11,110,996
From Ladder/Scaffolding	\$1,309,760
From Liquid/Grease Spills	\$10,854,852
Into Openings	\$1,240,855
On Ice/Snow	\$1,463,829
On Same Level	\$19,387,918
On Stairs	\$7,016,451
Slipped, Did Not Fall	\$3,505,967
Grand Total	\$89,700,434

ees should wear shoes with non-slip soles and treads designed appropriately for the work environment. Check your footwear periodically to ensure the treads are clean and not worn. Worn-out, slick, and dirty shoe soles can increase the risk of slips and falls on liquids and grease.

So the next time you notice a liquid/grease spill on the floor, don't just ignore it. Stop! Don't take another step. Instead of just walking past it, think about what you can do to correct the situation. Your actions may not only protect yourself, but also your co-workers, clients, and visitors.

References: OSHA 29 CFR 1910.22, American National Standards Institute A1264.2, NIOSH, National Floor Safety Institute, American Standards of Testing and Measurement (ASTM) F1637 (Practice for Safe Walking Surfaces); RMSTA Guidelines, Volume III, Section Two, Chapter 6.8.

Lisa Bell is a risk management specialist in the Risk Assessment and Loss Prevention division.

Poor maintenance can lead to slips

(Continued from page 1)

tread and riser dimensions should be uniform throughout the entire stairway. Most building codes require risers not to vary more than 3/8 of an inch between the tallest and the shortest riser within a given flight of stairs; riser heights should be 4 inches minimum and 7 inches maximum. Minimum tread depth should be 11 inches, and stairways with more than 12 steps should have an intermediate landing.

More serious upper and/or lower extremity injuries can occur when traveling down a stairway than when traveling up a stairway. In stairway descent, the tread depth or horizontal surface must be adequate for the ball of the foot to land on the tread without extending over the step below. If not, an over-step or misstep can occur, causing a fall forward. Trips and falls occurring during stairway ascent are often attributed to a variation in riser, or vertical surface, height.

As people descend a stairway, the floor below and the treads are in their line of sight, but the risers are not. Poor visibility of both risers and treads can lead to misreading the stair edge, which can cause faulty foot placement and an accident.

Did you know?



Last year, SORM paid out \$15,318.75 on state agencies' slips, trips, and falls injuries.

Adequate lighting should be installed to highlight the stairway and the floor approaching it on both levels. Make sure the edge of each tread is properly illuminated, and aim the lighting so that shadows are not cast on the stairway and glare does not disrupt the vision of those approaching the stairway. Ensure stairways are lit at all times. Back-up power is especially critical for stairway lighting.

A significant number of "air step" falls – stepping off the top of a stairway into air – due to a lack of attention occur on low stairways consisting of one, two, or three steps. In effect, people step off into thin air, not having seen the stair or stairs at all. "Air step" falls commonly occur because people fail to perceive the modest change in floor level and are usually the most serious accidents on low stairways. Contrasting the stairways and the landings with anti-skid strips and/or a variation in color will

help reduce "air step" falls.

Accidents related primarily to slipping can happen for a number of reasons. This is especially true in the workplace. To avoid being the victim of a slip, trip, or fall accident:

- Use caution on slippery surfaces – any surface with water or moisture holds the potential to be highly hazardous;
- Use handrails when making use of stairs; and
- Do not carry heavy or large objects while using the stairs.

Many stairway accidents occur due to poor maintenance. Keep stair treads clean and in good condition. There should be no excessive wear, missing treads, or loose treads. Carpeted stairs should be in good condition with no noticeable deterioration. Never use stairs for storing objects. Do not carry items in the hands on stairs, and do not rush up or down stairs.

By knowing the steps to remain out of harm's way, employees will be better able to avoid falling victim to slip, trip and fall accidents on stairways.

Joe Deering is a risk management specialist in the Risk Assessment and Loss Prevention division.

SORM's Bonds and Insurance Section



Has this thought crossed your mind? An employee driving a state vehicle in the course of employment wanders over the center line while looking for the location of the next inspection. All of a sudden, crash! The state vehicle has sideswiped an oncoming vehicle, causing bodily injury and property damage. The resulting damages are over \$100,000. How will your agency pay for those damages?

How might the risk manager reduce the cost and finance the loss? If you have thought about these scenarios and you don't have a solution, check out the Bonds and Insurance section of SORM's website to view the lines of insurance considered for state agencies.
www.sorm.state.tx.us/Risk_Management/Bonds_and_Insurance/insurance.php

Travel documentation is critical

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lots and sidewalks.

Entering into and exiting from work fall within the “Access Doctrine” if the employer makes it clear that the employee must use a particular access route or area as a special mode of access. Moreover, the employee’s right to use the access route or area must be derived from employment rather than the general public’s right of use. The “Access Doctrine” only covers an employee who, because of employment, is injured by a hazard encountered while entering or exiting the place of employment. Whether the “Access Doctrine” applies is a question of fact for a hearing officer or judge to resolve.

In order to properly investigate an injury occurring away from the employing agency’s work site, the adjuster must understand these doctrines as well as others, such as “Special Mission,” “Continuous Coverage,” and “Deviation.”

The term “Special Mission” eludes precise definition but, in essence, is shorthand for trips made by an employee under the direction and for the benefit of the employer. “Special Mission” travel, like travel made with an employer-provided vehicle, is among the judicially cre-

ated exceptions to the “Coming and Going Rule.”

“Deviation” is also a judicial term and is usually used around the words “normal route” or “regular and customary route.” Employees are generally within the course and scope of their employment when the employer’s business requires them to travel away from the employer’s premises. Relying on what is known as the “Continuous Coverage” rule, courts hold that the course and scope of employment in cases of overnight travel is broad, extending even beyond the actual act of travel itself to include injuries sustained during “down time.” Employees whose work entails travel away from the employer’s premises are held in the majority of jurisdictions to be within the course of their employment continuously during the trip, except

when a distinct departure on a personal errand is shown (deviation).

Recently, several significant court decisions regarding compensability of travel involved all of these issues. While there are a few firm rules upon which to rely, every claim is so individual and nuanced that similar cases may be handled quite differently. *Agencies should be prepared to answer many questions from SORM adjusters. Documentation is critical.* Written instructions by a supervisor, agency travel policy, time sheets, witness statements, and police reports are often requested. As stated above, the final outcome of a travel claim is often determined by evidence presented to a hearing officer or judge.

Gordon Leff is the director of the Claims Operations division.



Did you know?



It is not safe to touch an individual who has been electrocuted. If you do, you may also receive a shock.

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The first fatal airplane accident occurred Sept. 17, 1908. The plane was piloted by Orville Wright.



What are your training needs?

SORM offers a variety of workers’ compensation, risk management, and safety training courses. Some of our most popular courses are Training for Claims Coordinators, Additional Duty Safety Officer (ADSO) Orientation, and Driving Safety. View our course list and training calendar online at www.sorm.state.tx.us.