

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES**



BUREAU OF LOSS PREVENTION

STATE LOSS PREVENTION STANDARDS

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**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF RISK MANAGEMENT
BUREAU OF LOSS PREVENTION
STATE LOSS PREVENTION STANDARDS**

PART I: AUTHORITY, METHODOLOGY AND IMPLEMENTATION
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Introduction and Authority

Pursuant to Chapter 284, Florida Statutes (F.S.), the Division of Risk Management (Division or DRM) is responsible for the administration and payment of workers' compensation, federal civil rights, equal employment opportunity, property, general liability and automobile liability claims from the Florida Risk Management Trust Fund. Forty-eight state agencies, including eleven universities, are insured by the Division.

Section 284.50(1), F.S., provides that the head of each department (agency) of state government, except the Legislature, shall designate a safety coordinator. Such safety coordinator must be an employee of the department and must hold a position which has responsibilities comparable to those of an employee in the Senior Management System. Each safety coordinator shall, at the direction of his or her department head, develop and implement the loss prevention program, a comprehensive departmental safety program which shall include a statement of safety policy and responsibility; provide for regular and periodic facility and equipment inspections; investigate job-related employee accidents of his or her department; and establish a program to promote increased safety awareness among employees.

Section 284.50(4), F.S., provides that the Department of Financial Services, Division of Risk Management shall evaluate each agency's risk management programs, including, but not limited to, return-to-work, safety, and loss prevention programs, at least once every 5 years. To fully implement the Division's responsibilities regarding agency program review and evaluation and to better assist the safety coordinators with effective performance of their duties, the Division has established standards to provide a framework for development and implementation of an effective loss prevention program. The Division will use these standards in its evaluation process as an assessment tool to promote program effectiveness throughout all agencies. The Division will provide support and assistance to agencies needing to take corrective actions or further develop their programs.

Generally, the standards indicate that effective loss prevention will include a comprehensive and coordinated approach to identifying and better managing risk exposures through:

1. active agency head and agency top management support,
2. identification and implementation of best practices,
3. coordinated, regular, and strategic interaction between key stakeholders in all major risk categories, including safety, workers' compensation, legal, and property management,
4. active and engaged safety committees with on-going responsibility for monitoring accident scenes and sharing information for improvements,
5. an agency-wide employee awareness effort,
6. regular safety inspections and immediate corrective actions,
7. quality assurance monitoring of both loss prevention and loss control activities, and
8. data collection, analysis, and trending.

Methodology

The Division conducted planning and research activities for approximately one year to identify best practices and develop the standards. Division personnel scanned the Internet to review state programs in Texas and Washington, private sector programs at Publix Supermarkets and Rosen Hotels, the federal Occupational Safety and Health Administration (OSHA) standards, original studies from the Centers for Disease Control and Prevention (National Institute for Occupational Safety and Health – NIOSH), various articles related to occupational safety, and other relevant information. Division personnel contacted officials from websites for clarification and additional information. Division personnel met with Florida agency and private sector officials to discuss their efforts.

After an exhaustive research effort, the Division drafted the standards based upon best practices for the effective development and implementation of a loss prevention program. The Division then conducted a review process to refine the standards and ensure the relevance of the standards to the Division's 48 insured agencies. Division managers and staff with decades of experience and expertise reviewed the standards, which were then revised to reflect management and staff input. The Division conducted a series of three focus groups for agency input. The Division extended invitations to all 48 agency safety coordinators, workers'

compensation coordinators, and general counsels. Of approximately 150 individuals who were invited, a total of 22 agency representatives confirmed and attended. Focus group sessions were held October 22nd and 23rd, 2009. Focus group participants were provided a copy of the standards and asked to comment on how the standards would impact their agencies, and when agencies could be evaluated against the standards.

The Division conducted an online survey of all safety coordinators, workers' compensation coordinators, and agency general counsels who did not confirm to attend a focus group. This survey went to approximately 128 individuals. All surveyed individuals were provided a copy of the standards and asked to comment on the standards.

The last step in obtaining agency feedback was an Interagency Advisory Council Executive Committee review of the standards. The Executive Committee met December 15th and 22nd, 2009, to review and provide feedback on the standards. The Division further revised the standards to reflect agency input from the focus groups, the survey, and the Executive Committee.

Background

The State of Florida employs approximately 200,000 full time equivalent employees, volunteers and "statutory" employees in 48 participating state agencies. Based upon the summary results of actuarial estimates of accrued liabilities, the state's total undiscounted amount for selected estimates for all casualty claims incurred through June 30, 2009 is \$1,129,901,000. Workers' compensation claims represent the greatest liability at \$932,675,000, followed by federal civil rights and employment action claims at \$132,717,000. These two types of claims generate the great majority of costs to the Florida Risk Management Trust Fund.

This past year, the Division surveyed all agencies on two separate occasions to gain a better understanding of the nature and quality of agency risk management programs. Risk management programs vary greatly by agency depending on the agency's size, risk exposures, claims frequency and claims cost. Safety training varies in subject matter and frequency, depending on the agency, as does the level of upper management involvement.

The Division is implementing enhancements to its risk management program. They include placing greater focus on loss prevention and loss control; working directly with agency heads to raise prevention and loss control awareness, including providing semi-annual agency trend analysis; and providing greater assistance to top management in their loss prevention and loss control efforts. The Division also has implemented a claims management program for state workers' compensation claims with greater emphasis on expediently addressing worker injuries and placing greater focus on alternate duty work assignments.

These standards are an extension of the Division's enhancements to its risk management program. The standards will provide insured agencies consistent guidance and a framework to support development of agency loss prevention programs.

Implementation

The Division intends to use the standards as part of its evaluation of insured agency loss prevention programs. The evaluation process will involve site-based reviews of agency programs, which will begin in 2011. The Division anticipates conducting five to ten reviews per year, and plans to review all insured agencies in a three to five year cycle.

The first reviews will serve as benchmarks to provide agencies with specific information about their programs and the need for program development or enhancement. Agencies will then have an opportunity to take corrective actions as needed in preparation for the next review cycle.

The Division will conduct reviews of agency and university loss prevention programs every three to five years. Initial reviews will be based upon agency readiness. Some agencies will be reviewed earlier during the review period and others will be reviewed later during the review period. During the focus groups, agency representatives indicated their readiness to be reviewed.

The evaluation of agency loss prevention programs is a very important undertaking and is central to helping agencies better manage their risk exposures. The process is intended to help agencies reduce their claims frequency, claims costs, and loss time claims. Review reports will be provided to the agency head and the Chief Financial Officer. The Division will submit review reports to the Auditor General and/or the Office of Program Policy and Government Accountability for agencies that do not implement their corrective actions in a timely manner.

The Division understands that all agencies are not the same administratively or organizationally. The standards will serve as a baseline and will be applicable in different agency structures. The Division does not anticipate the standards will have a fiscal impact. The Division does not expect agencies to require new positions and additional administrative units to implement the standards. The Division believes agencies will be able to assign existing staff all responsibilities covered in the standards, including the designation of a senior management executive who has direct access to the agency head to serve as risk management officer. The agency safety coordinator will be responsible for the day to day operation of the loss prevention program. All insured agencies currently have a safety coordinator, as required by Section 284.50, Florida Statutes.

Organizational and administrative differences also will be considered in the Division's evaluation process. If an agency currently has a senior official responsible for agency-wide risk management and that official has effectively implemented a loss prevention program that reflects the major risk exposures covered in the standards, the agency will be given credit for this arrangement. Agencies with low claims experience may not need to hold interdisciplinary meetings as often as agencies with high claims experience. Again, the Division will reflect this in the review. Agencies that, in fact, demonstrate best practices and reduce their claims experience through their efforts will be given credit for doing so. The Division's approach to the evaluation process will be outcome oriented and agencies will have to show exceptions to or departures from the standards are producing positive results.

PART II: STANDARDS

Loss Prevention Program Administrative Standards

These standards help agencies develop an administrative framework for establishing a loss prevention program, including administrative placement, resource allocation, planning, scope of responsibility, employee training and coordination of services. The best practice is to have a senior manager who has direct access to the agency head serving as the Risk Management Officer, developing an agency plan for loss prevention, and coordinating all aspects of the comprehensive loss prevention program. Placement of this individual is strategic and would not involve day to day responsibility for loss prevention, which should be the responsibility of the Safety Coordinator. The Risk Management Officer role could be assigned to an existing senior manager.

1. Each agency head will designate within the agency head's office a senior management employee, an assistant or deputy agency head level employee, or a division director to serve as Risk Management Officer to provide overall leadership and guidance to all facets of an effective loss prevention program throughout the agency. The Risk Management Officer will work with the Safety Coordinator to accomplish the requirements of law and rule.
2. The agency head will work with the Risk Management Officer to establish a mission for the loss prevention program, actively support the full implementation of the program and promote the program to all employees of the agency.
3. The agency head will allocate sufficient resources and assure sufficient authority to fully and effectively implement the loss prevention program.

4. The loss prevention program will consist of a comprehensive Safety Program, as required by Section 284.50, F.S., and will coordinate with the agency's Workers' Compensation Office (WCO), Employee Dispute Resolution (EDR) or Human Resources Office, Property Office or Unit (PO) and Office of the General Counsel. The WCO and EDR will be located within the agency's headquarters or central human resources office. The PO will be in the General Services Office, Finance and Accounting Office, or other administrative placement as currently determined by the agency.
5. The Risk Management Officer, with the assistance of the Safety Coordinator, will develop a loss prevention plan for the agency, and establish goals and measurable objectives to reduce the frequency and severity of employee accidents and injuries, and to prevent and reduce losses in workers' compensation claims, civil rights and employment actions, property and casualty claims and general and automobile liability claims.
6. The Risk Management Officer will require progress reports every two months from the Safety Coordinator, the Workers' Compensation Coordinator (WCC), the Property Coordinator (PC), the Employee Dispute Resolution/Human Resources Coordinator (EDRC), and the designated risk management attorney in the Office of General Counsel on the implementation of the loss prevention program. The Risk Management Officer will report program progress, any problems, and any corrective actions to the agency head on at least a quarterly basis, and more often if needed.
7. The Risk Management Officer will meet at least every two months with the Safety Coordinator, and more often if needed, to receive updates and discuss the progress of loss prevention program implementation throughout the agency.
8. The Risk Management Officer will meet at least quarterly with the Safety Coordinator, the WCC, the EDRC, the PC and the designated risk management attorney to discuss issues relating to loss prevention and determine what, if any, corrective actions need to be taken.
9. The Risk Management Officer or the Safety Coordinator will ensure timely and accurate responses to the Division of Risk Management annual Safety Program Evaluation, and initiate complete corrective actions for any problems identified. The Risk Management Officer will keep the agency head informed of evaluation results and the progress of any related corrective actions.
10. The Risk Management Officer and the Safety Coordinator will work collaboratively with the Division of Risk Management to promote effective loss prevention program outcomes through data sharing, ongoing research, identification and implementation of best practices, interagency activities, training, policy development and program recognition.

11. Agency senior management will establish and provide the necessary support for a recognition program for the agency that, at a minimum, recognizes offices and programs for proactive measures to reduce employee accidents as evidenced by a reduction in workers' compensation claims and/or costs, and for proactive measures to return employees to work as evidenced by a reduction in loss time claims and indemnity payments.

Safety Program Standards

The safety standards provide agencies with an effective structure to develop, implement, monitor, evaluate and improve a comprehensive safety program. The best practices are agency head promotion of safety throughout the agency; encouragement of all employees to take personal responsibility for their own safety; keeping employees informed of safety measures and currents in safety-related information; conducting safety inspections and taking immediate corrective actions as needed based upon the inspections; holding frequent interdisciplinary meetings to review incident information and determine possible systemic or environmental changes needed to better manage exposures; and compiling data and conducting trend analysis of incident information and claims to continuously update planning efforts.

1. Each agency head shall designate a Safety Coordinator who has comparable responsibilities to a Senior Management System employee, and select an alternate Safety Coordinator in accordance with Section 284.50, Florida Statutes.
2. The Safety Coordinator will be responsible for operating the loss prevention program on a day to day basis under the general guidance of the Risk Management Officer, and will assist with planning, developing, promoting, implementing, monitoring, and improving the loss prevention program throughout the agency.
3. Each Safety Coordinator shall develop and implement the loss prevention program, a comprehensive departmental safety program which shall include a statement of safety policy and responsibility; provide for regular and periodic facility and equipment inspections; investigate job-related employee accidents; and promote increased safety awareness among all agency employees (Section 284.50(1), F.S.). The program will effectively address the agency's exposures to employee accidents, injuries and other potential hazards and diseases.
4. Senior agency management will implement a process for the Safety Coordinator and the Workers' Compensation Coordinator to review all completed First Report of Injury forms and to use this information to strategically promote loss prevention activities. According to a document

from the United States Department of Health and Human Services, Office of Civil Rights (OCR), dated December 3, 2002 and revised April 3, 2003, and entitled "Disclosures For Workers' Compensation Purposes," the Privacy Rule permits covered entities to disclose protected health information to workers' compensation insurers, State administrators, employers, and other persons or entities involved in workers' compensation systems, without the individual's authorization as authorized by and to the extent necessary to comply with laws relating to workers' compensation or similar programs established by law that provide benefits for work-related injuries or illness without regard to fault. The benefit derived in the instant of this standard is injury reduction through loss prevention activities as required in Section 284.50, F.S. The Division shall communicate OCR provisions to all insured agencies.

5. The Safety Coordinator will identify areas in the agency that experience a high frequency of claims or claims with high costs, and provide this information to the Risk Management Officer for review and targeted action.
6. Each agency will establish and maintain an active Safety Committee that consists of the Safety Coordinator, all unit safety representatives within the agency, and the WC Coordinator. The Safety Committee will meet quarterly, and more often if the Safety Coordinator deems more meetings are necessary. The Safety Coordinator will chair the Safety Committee and will be responsible to designate a member or staff person to record and distribute minutes of every meeting. If the agency elects to expand the membership of the Safety Committee to include other risk management disciplines, such as property and casualty and general and civil liability, one agency committee will be considered sufficient to cover loss prevention and loss control issues.
7. The Safety Coordinator, with input from the Risk Management Officer, will set the agenda for Safety Committee meetings and, at a minimum, will allow meeting time for unit safety representatives to provide updates on their program efforts and to ask questions regarding program concerns. The Safety Committee membership will have time at each meeting to review and discuss each workers' compensation first report of injury, with a focus on causation factors. Injuries to backs, necks and knees require added focus as costs are concentrated with these types of injury.
8. The Safety Coordinator will provide or coordinate targeted safety training for employees in high loss areas within the agency.
9. The Safety Coordinator, in collaboration with the agency training officer, will develop general safety training courses for all employees conducted during new employee orientation, basic supervisory training, and at other times as the Safety Coordinator deems necessary.

10. All employees will take a refresher basic safety training course at least every two years. Agencies that have high risk exposures, such as law enforcement, corrections, hazardous materials handling, blood borne pathogen handling and similar high risks, will provide refresher training to address such risks at least once per year. Annual refresher courses may be in person or online.
11. Each agency will keep a log of all attendees to every safety event or training.
12. Each agency will ensure that employees are given instruction and training on how to perform their jobs in a proper and safe manner in accordance with agency policies and procedures, and that supervisors monitor employees to ensure employees are performing their jobs properly and safely.
13. Each agency will perform a job safety analysis or conduct process safety management on new, complex, or high risk tasks and provide training on these new tasks.
14. Agency unit safety representatives will conduct quarterly safety inspections or more frequent safety inspections as determined by the Safety Coordinator of all employee workplace locations or sites, and on all agency grounds and premises with public access. The unit safety representatives will use a standardized written form to identify workplace hazards and exposures regarding grounds and premises with public access, and will submit all completed inspections to the appropriate supervisor and program or section manager. Each unit safety representative will provide the Safety Coordinator with a monthly report of all safety inspections summarizing findings, corrective actions initiated, and disposition of corrective actions.
15. Each agency will maintain readily accessible first aid kits with an adequate and continually stocked supply of bandages and antiseptic at all work sites.
16. When workplace hazards are identified, the responsible supervisor will document the hazards and implement appropriate remedies and report in writing any corrective actions to the unit safety representative and the Safety Coordinator. The unit safety representative will conduct a follow-up inspection within 30 days of notification of corrective actions. The results of the follow-up inspection will be submitted to the appropriate manager and the Safety Coordinator. If hazardous conditions still exist after the follow-up inspection, the Safety Coordinator will report the situation to the Risk Management Officer or other senior management official, who will advise the agency head. All follow-up activities will be documented.
17. When hazards on state grounds or premises with public access are identified, the unit safety representative will take appropriate corrective actions to protect the public and will report actions taken to the Safety Coordinator. Until problems are corrected, agencies will conspicuously post warnings and

notices in areas where hazardous and/or unsafe conditions exist and will remove harmful products from public access

18. Each agency will establish an incident reporting system and will require employees to report all adverse incidents and “close calls” to the Safety Coordinator. The incident reporting system will identify all known causation factors.
19. The Safety Coordinator will develop procedures to be used when investigating and reporting all work-related incident(s). Where liability claims may ensue, the Safety Coordinator will notify the agency’s General Counsel and the Division of Risk Management within 10 working days of the occurrence.
20. Each agency will use a standard accident and investigation reporting form agency-wide. All involved employees will be required to participate in the accident/investigation process.
21. Each agency will have an employee communication system that regularly distributes accident prevention goals and objectives to all employees.
22. Each agency Inspector General or Chief Audit Official will conduct a limited scope performance audit of the loss prevention program at least every five years, and more often if the agency head or Risk Management Officer deems an audit necessary.
23. The agency head will submit a timely report to the Governor on or before January 15th of each calendar year.
24. The agency head or designee will promote awareness of relevant policy by providing written yearly guidance to agency management disallowing the use of agency staff for physical duties that are not within the employee’s everyday physical duties, such as moving heavy furniture and equipment or other duties requiring substantially greater physical exertion than required by the employee’s regular duties.

Workers’ Compensation Standards

The Workers’ Compensation (WC) standards emphasize efficient and effective handling of employee claims, coordination with and adherence to the medical case management model, tracking and analysis of employee injuries and accidents, and active participation in returning injured employees to work and keeping employees at work. Best practices are real time and accurate reporting of employee injuries; engaged workers’ compensation coordinator or human resources representative and supervisor of injured employee; coordination with contractor representative; development and implementation of effective return to

work and stay at work programs; coordination with Division adjuster regarding returning employee; regular interdisciplinary meetings to review loss time claims and to take appropriate actions to reduce claims; and compilation and trend analysis of claims data for planning purposes.

1. Each agency will have a central Workers' Compensation Coordinator and, as needed based upon the size of the agency, additional unit workers' compensation or human resources representatives responsible for processing and tracking employee injury claims.
2. The central Workers' Compensation Coordinator will collaborate with the contractor representative to ensure that the case management claims administration and reporting processes are fully and effectively implemented, and that other agency personnel who handle workers' compensation claims are adhering to the case management model. The Division will provide summary details of the current case management model to all Safety Coordinators and Alternates. This information should also be available from the Workers' Compensation Coordinator's Office.
3. The Workers' Compensation Coordinator, the injured employee's supervisor, and all other agency personnel who handle claims will report all work place accidents or injuries to the contractor representative in real time (immediately after the occurrence). On non-emergency cases, the Workers' Compensation Coordinator or the supervisor will report the claim to the contractor representative with the injured employee present. On emergency cases, the employee or responsible party will contact 911. After the employee is under the care of emergency personnel, a responsible party will immediately report the claim to the contractor representative.
4. The Workers' Compensation Coordinator will ensure that all field office human resources personnel who handle claims are adequately trained and that a monitoring mechanism is in place to ensure accurate and timely notification of worker injuries to the workers' compensation contractor.
5. The Workers' Compensation Coordinator will actively promote and implement return to work and stay at work processes by ensuring that supervisors return injured employees to work immediately after the clinician provides the injured worker's functional restrictions and limitations to the agency. Agency management will collaborate with the Workers' Compensation Coordinator to develop meaningful alternate and modified duty tasks for injured workers to accommodate clinician determined restrictions or limitations.
6. Agencies with law enforcement or correctional officer staff will implement loss control strategies to address "presumption claims" filed under the authority of Section 112.18, F.S.

7. The Workers' Compensation Coordinator will provide training directly or work with the workers' compensation contractor to provide training to all supervisors regarding their responsibilities, the clinicians' responsibilities and the contractor representative's responsibilities.
8. The Workers' Compensation Coordinator and unit WC representatives shall monitor supervisors, and ensure supervisors are timely reporting injuries, following through with returning employees to work, and assigning employees meaningful alternative or modified duties as needed.
9. An interdisciplinary committee will review each lost time claim monthly to determine the appropriateness and the necessary action to return the given employee to work, and to consider other issues related to lost time claims. The committee will include the Risk Management Officer, Human Resources Chief or Administrator, the WC Coordinator, the injured employee's supervisor, if available, and the Safety Coordinator. If field or facility-based reviews are necessitated due to the size of the agency or the higher level and decentralized nature of exposures, a field or facility-based interdisciplinary committee may perform this review function. The field or facility-based committee must be comprised of equivalent or counterpart members as represented on the central office committee. If the committee needs additional information about the claim from the Division, the WC Coordinator or unit workers' compensation representative will contact the Division adjuster.
10. The Workers' Compensation Coordinator will compile and conduct trend analyses of claims data for planning purposes.
11. The Division will send weekly a Temporary Total Disability/Temporary Partial Disability report to the agency WC Coordinator as designated on the agency contact list that shows by employee the loss time claim amount and the period for which the claim is being paid. This report is sent every Monday for the preceding week. The WC Coordinator will review this information for the given month with the committee and assess if the employee can return to work.

Employee Civil Liability Standards for Civil Rights and Employment Discrimination

These standards recognize that better managing agency exposure to employee civil liability actions means preventing employee civil liability filings. The standards focus on early reporting of Florida Commission on Human Relations and Equal Employment Opportunity Commission actions to the Division; creating a mechanism for employees to report suspected discrimination or harassment without fear of retaliation and with an expectation that concerns will be fairly reviewed and acted upon; creating a program that provides employees with

independent and neutral dispute resolution that is voluntary; and promoting a culture of respect, tolerance and acceptance. The best practices are to have documented policies and procedures prohibiting discrimination and harassment in any form; ensuring that all employees are aware of these policies and procedures; having a zero-tolerance for discrimination and harassment in any form; robustly enforcing these policies and procedures; providing employees neutral and objective dispute resolution options; and, once the agency is notified of a possible or real claim, communicate filings to the Division as early in the process as possible.

1. Each agency will have written personnel policies that apply to all employees to prohibit harassment, discrimination, violence in the workplace, threatening behavior, intimidating behavior, or any inappropriate action that would pose a risk to the health or safety of other employees. These policies will apply to employee interactions with co-workers, clients and customers.
2. Each agency will have a neutral, independent mechanism for employees to report actions or processes they feel are discriminatory or harassment. Agencies will robustly enforce non-retaliation policies when employees report such actions or processes.
3. Each agency will develop an employee dispute resolution program that is administratively housed in the agency headquarter human resources office and that provides dispute resolution options to every employee involved in conflicts that could potentially result in civil action.
4. The manager of human resources will designate a supervisory level employee to serve as EDRC.
5. The dispute resolution program will, at a minimum, offer independent facilitators to promote resolution of employee conflicts when appropriate. These facilitators may be existing employees who have completed basic training in conflict resolution. The program may include other forms of conflict resolution based upon best practices and research-based strategies.
6. Each agency will develop and maintain written policies and procedures for the employee dispute resolution program.
7. Each agency will monitor implementation of the employee dispute resolution program and develop measures to assess the program's success. At a minimum, measures will include number of employee disputes filed, number successfully resolved, number of disputes unresolved or dismissed, and number of civil actions filed.
8. Each agency involved in an Equal Employment Opportunity (EEO) case before the Florida Commission on Human Rights (FCHR) or a federal Equal

Employment Opportunity Commission (EEOC) case will notify the Division when the agency files its official response to the charge of discrimination. The agency will send the charge of discrimination and its response to the Division.

9. Each agency will fully investigate the circumstances surrounding any inquiries of the agency by the FCHR or the EEOC pertaining to EEO complaints filed with those agencies. Such investigation shall include, but not be limited to, completely and accurately answering any and all questions posed by the inquiring agency.
10. Each agency will report all written notices of intent to sue or filed suits for Federal Civil Rights (FCR) claims to the Division of Risk Management within 5 business days of receipt of notice or in time for the Division to assure a timely response is filed. Lawsuits where an answer or response is due must be faxed or sent by e-mail immediately to the Division.
11. Each agency will provide documentation of its sexual harassment, cultural diversity, and other policies relating to harassment and discrimination to every new employee. A record of employee receipt of policies will be placed in the official employee personnel file.
12. Each agency will conduct training at new employee orientation and basic supervisory training, and annual update training regarding FCR and Employment Discrimination (ED) to improve employee awareness of discrimination and harassment. Annual update training could be computer-based with an assessment component. The agency must maintain a record of training participation.
13. Each agency will have a written ethics policy statement, a code of ethics and/or written standards of conduct for its employees. The Code of Ethics Policy will be addressed in new employee orientation and basic supervisory training.
14. Each agency will maintain a record of employees completing FCR and ED training and updates.
15. Human Resources personnel and the agency attorney assigned to Human Resources will review all significant employment actions and disciplinary actions to ensure compliance with current law.
16. Each agency having a higher than average exposure to the risk of civil rights violation claims because they have custody of persons as part of their operational duties, such as agencies responsible for foster children, disabled persons, prison inmates and juvenile delinquents, will provide training to its

staff regarding the risk of violating the civil rights of those persons in their custody and how to best prevent claims alleging the violation of civil rights.

General and Automobile Liability Standards

These standards cover identification of exposures, correction of any safety problems, public warnings and notices of unsafe conditions, proper maintenance of premises and equipment, driver safety, reporting of claims and tracking of incidents. Best practices are to be well-informed about exposures through surveys or other methods; take immediate corrective actions when incidents occur; working closely with legal staff on contracting and other issues; timely reporting of adverse incidents to the Safety Coordinator and the Division; vigorously promote employee awareness through training; visible display of state workers' compensation emergency contact information when driving; and compiling and developing trend analyses of incidents and injuries related to general liability and automobile accidents.

1. The Office of General Counsel of each agency will assess any contractual liability that may be assumed when entering into contracts with vendors and, where necessary, will require the program office to acquire Certificates of Insurance from the contractor as proof of adequate coverage to protect against loss. Legal Counsel or designee will monitor program office handling of assessment of contractual liability to ensure insurance is purchased and maintained, and that contracts do not provide for an agreement for the state to indemnify or hold harmless another party due to the negligence of that party or other parties involved in the operations contemplated in the contract.
2. Employees will report to the agency's Safety Coordinator adverse incidents involving serious bodily injury as soon as possible, and no later than 10 working days, after occurrence of incidents that involve clients, patients, individuals in state residential custody, and any individual over which the state has legal custody, control, or responsibility. The Safety Coordinator will immediately report the adverse incident to the Division. These incidents include, but are not limited to, death; brain or spinal damage; permanent disfigurement; fracture or dislocation of bones or joints or injuries requiring hospitalization; a reasonable conclusion of gross neglect or abuse of an agency's client or a person in the agency's custody; and an unexpected complication not related to a current medical condition.
3. Each agency will monitor the automobile liability loss prevention policy and procedure program annually for changes in exposures and risk factors and assure compliance with the policy components.
4. Each agency will conduct general liability and automobile safety training, and address agency specific trends during the training. Automobile safety training

needs to be conducted annually for any employee who routinely uses state fleet vehicles and/or Avis rental vehicles for state business.

5. Each agency will implement a policy prohibiting employees from engaging in any distracted behavior of a reckless or careless nature while operating a motor vehicle, including, but not limited to cellular phone texting.
6. Each agency will implement an annual process to monitor employee driver licenses if employee is authorized to drive state owned vehicles or routinely uses Avis rentals for state business.
7. Employees will be required to have workers' compensation emergency contact information visibly displayed on a visor or similar card in their agency's state owned or Avis rental vehicle during business travel to include, but not be limited to, workers' compensation contractor telephone number.
8. Each agency will maintain premises and equipment in a safe condition and implement a scheduled maintenance program.
9. Each agency will utilize a universal accident/investigation form for vehicle accidents as developed and distributed by the Division.
10. Agencies will track and develop a trend analysis of incidents and injuries related to general liability and automobile accidents. Findings will be reported annually to the agency head.
11. Each agency will comply with Division Policy and Procedure for reporting vehicular accident-related automobile damage and injuries. The Division will provide this information to the agencies.