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## New Jersey Schools Insurance Group

6000 Midlantic Drive Suite 300 North  
Mount Laurel, New Jersey 08054  
(609) 386-6060 • FAX (609) 386-8877  
[www.njsig.org](http://www.njsig.org)

### Board of Trustees Meeting of March 16, 2016 Loss Control Report

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#### March Safety Net

The safety theme for March is *Have Back Pain? You May Have Text Neck*. The article raised the issue of neck pain from prolonged use of electronic equipment such as cell phones and iPads. The Claims Department provided an article *Driving When Drowsy* which gave readers tips to identify when they are too sleepy to drive.

*Are Medical Marijuana Users an Emerging Protected Class?* is very relevant as New Jersey is one of several states which has legalized medical marijuana. The article provided tips to keep in mind while writing job descriptions to reduce liability.

The final article *Can't Sleep? Turn Off Your Electronics* provided facts about sleep deprivation and outlined its risks which include a weakened immune system, increased risk of obesity, and other health problems. The March Safety Net is included in this report.

#### Safety Grant Portal

Mike Ambrozaitis from the IT Department has completed construction of the safety grant portal. The portal will be active on or about March 15, 2016 and grant applications will be due back no later than June 30, 2016. Districts that provided a generic email address will have full access to the portal which will include automated responses and reminders to complete the grant process every two weeks.

Districts who have not supplied a generic email address will be able to submit their application online but will only receive manual responses from the Loss Control Department.

#### In-House Training

Ten NJSIG staff members completed the National Safety Council Defensive Driving Class (DDC) and received certificates granting them a 5% reduction on the liability portion of their automobile insurance. Teachers have not had the opportunity to attend this class often. Therefore, the Loss Control Department will be conducting the DDC class six times during the months of July and August. The class will be available to member district employees, their spouses and driving age children.

In addition, the Training Academy is presenting Claim Coordinator Training in March and Affirmative Action Officer Training in April at our office. Please see the attached flyers.

*Tony Jones*

Tony Jones, Loss Control Manager



# Safety Life

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New Jersey Schools Insurance Group



March 2016



## Claims Corner

## Driving When Drowsy



Drowsy driving makes a driver less attentive, slows reaction time and affects a driver's ability to make decisions. According to the National Sleep Foundation's 2015 "Sleep in America"<sup>™</sup> poll, 60% of Americans have driven while feeling sleepy and 37% admit to actually having fallen asleep at the wheel in the past year. Many people cannot tell if or when they are about to fall asleep. Sleepiness may be felt by a driver, though the driver may believe "I can handle this, I'll be fine", yet they're putting themselves and others in danger.

As being responsible for the safety of your student passengers, employees and other drivers on our roads, make your drivers aware of some signs that should indicate to a driver to stop and advise a dispatcher or other school personnel that there is an issue and if possible request back-up.

- Difficulty focusing, frequent blinking, or heavy eyelids
- Daydreaming; wandering/disconnected thoughts
- Trouble remembering the last few miles driven; missing exits or traffic signs
- Yawning repeatedly or rubbing your eyes
- Trouble keeping your head up
- Drifting from your lane, tailgating, or hitting a shoulder rumble strip
- Feeling restless and irritable

### Drivers should ask themselves:

- Do my eyelids feel droopy?
- Is my head starting to nod?
- Is my yawning becoming almost constant?
- Does my vision seem blurry?
- Do I have to blink hard to clear my vision?

- Do I have difficulty focusing my eyes?
- Am I starting to veer onto the shoulder of the roadway or even slightly toward oncoming traffic?
- Do I often have to quickly straighten the steering wheel?

Determining if a driver is fatigued is not only helpful to you as an employer directly, but also indirectly, as it is helpful if an accident occurs and a claim is made and or if a lawsuit is filed.\*\* Fatigue can be raised as a contributing factor showing a driver as being unfit to operate a vehicle safely. It can even be a basis for punitive damages in lawsuits. Showing a driver was fatigued while driving is a tactic used by plaintiff attorneys pointing out driver fatigue as a contributing factor to an accident leading to his client's injuries and to increase the value of the case. An important consideration will be as to whether or not the employer knew or should have known that a driver was driving while fatigued.

Touch base with your driver if possible before he or she gets behind the wheel. Try to determine his activities before he came to work as well as his customs and habits. Determining if your driver is fatigued is of utmost importance. Getting adequate sleep has numerous advantages and a direct correlation to wellness and safety. ♣

### References:

*\*National Sleep Foundation March 2, 2015 Sleep in America<sup>™</sup> Poll*

*\*\*Litigation Management Magazine Summer 2015*

*By Tony Ruggeri  
NJSIG Liability Claim Supervisor*

Daylight Savings Time Begins March 13th-  Don't forget to turn your clocks one hour ahead



## Are Medical Marijuana Users An Emerging Protected Class?

Legalization of marijuana, especially for medicinal purposes, is gaining ground, so employers would be wise to start considering their policies on marijuana use now.

Currently, medical marijuana is legal in Alaska, Arizona, California, Colorado, Connecticut, D.C., Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.

In these states, taking a negative employment action against an employee for using medical marijuana could be illegal under the Americans with Disabilities Act (ADA), even if the state does not have specific legislation prohibiting termination for medical marijuana use. If a physician has legally prescribed marijuana for the treatment of a disability—for example, a chronic condition such as cancer or depression—the employee may be protected.

The legal risk for an employer who terminates an employee for legal medical marijuana use would be proving that the drug use was negatively affecting the employee's performance. An employer who could show that an employee's reaction time had been reduced and that has caused a safety violation would have the best chance in court.

An employee who requests a reasonable accommodation for treating a disability with legally-prescribed medical marijuana must be treated like any other employee with a disability. Consider how being under the influence of marijuana might affect performance, and which tasks could be performed safely. Work with the employee and his or her physician to determine if marijuana use could be limited to times the employee is not at work.

An employer who is considering terminating an employee for medical marijuana use must first consult with legal counsel to make sure the termination is absolutely justified. The employer must be able to prove that the marijuana use makes it impossible for the employee to perform the essential duties of the job, and no reasonable accommodation is

possible.

In states where medical marijuana is legal, well-written job descriptions are even more important. If the position involves operating heavy machinery, performing surgery, or other tasks that would endanger the public if performed by an employee under the influence of marijuana, clearly state that the use of any drug that alters reaction times is prohibited as a matter of public safety.

Here are some tips to keep in mind when writing job descriptions to reduce your liability:

- For each position, write a job description that clearly and specifically outlines the essential duties necessary to perform the position;
- Include job classification, title, and essential functions, as well as salary and benefits, where applicable;
- The job description should also include the level of skill required, the amount of physical or mental exertion necessary, the degree of responsibility required, any hazards that may be experienced as part of the job, and the place where the work will be performed;
- Criteria should be objective and job specific;
- Make sure all job descriptions are up-to-date. If the required duties of a position change over time, update that information in the written job description;
- Provide all employees with a written copy of their current job description;
- Enforce your job descriptions—if a candidate cannot meet the essential functions of the position outlined in the job description, that person should not be hired for the job;
- Train managers on ADA requirements concerning reasonable accommodation, and seek the advice of legal counsel if you believe a candidate or employee cannot perform the requirements of a position because of the use of a prescribed medication for a disability, including medical marijuana.♣



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New Jersey Schools Insurance Group



March 2016

## Can't Sleep? Turn Off Your Electronics



"Light-emitting diode (LED) screens give off short-wavelength light, which has been shown to block a natural evening rise in the hormone melatonin that promotes sleepiness." When exposed to this blue light, your brain remains alert and "activated" when it should be winding down and shifting into sleep mode.

Overuse of electronic devices—television, computers, smartphones—before bed can make it difficult to fall asleep. The researchers recommend setting limits on screen time.

### **Commentary**

The Centers for Disease Control reports lack of sleep has become a U.S. public health epidemic. Approximately 50 to 70 million U.S. adults have sleep or wakefulness disorders.

Studies have shown reducing nighttime sleep by just 1.5 hours for just one night could reduce daytime alertness by as much as 32 percent.

When an individual lacks sleep, this may contribute "to a greater than twofold higher risk of sustaining an occupational injury."

Sleep deprivation is said to be the reason for at least 100,000 automobile crashes, 71,000 injuries, and 1,550 fatalities, according to the National Highway Traffic Safety Administration.

Sleep deprivation can impair memory and cognitive ability, creativity, problem solving, and decision-making.

Others risks of sleep deprivation include a weakened immune system, increased risk for obesity, diabetes, heart disease, and other health problems.♣

**NJSIGTrain.org**

## The Safety Grant Portal will be active in March

Your access code and instructions will be sent to the  
generic email address you provided.

Questions should be referred to [grants@njsig.org](mailto:grants@njsig.org)

Safety Grant Applications are due by June 30, 2016.

## Have Back Pain? You May Have "Text Neck"



A Pew Research Center study shows that nearly 8 out of 10 Americans use their cell phones for text messaging. Statistics from ctia.org, a wireless association, revealed approximately 1.91 trillion text messages were sent in the U.S. last year.

All this texting and computer usage, according to Dr. Dean Fishman, a chiropractic physician, happens in a posture many people use while texting that brings on what he calls "text neck".

**Text neck** is the term used to describe the **neck** pain and damage sustained from looking down at your cell phone, tablet, or other wireless devices too frequently and for too long. Children and teens are especially at risk for suffering symptoms of **text neck**.

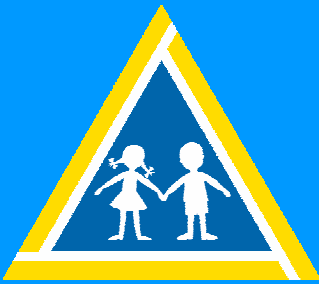
### *Commentary*

According to the American Chiropractic Association, "31 million Americans experience low-back pain at any given time," and in 2010, back pain was the single leading cause of disability worldwide.

Back pain is one of the most common reasons for absenteeism. In addition, Americans spend at least \$50 billion on back pain diagnosis, treatment, and medication each year.

According to the Occupational Safety and Health Administration (OSHA), almost 80 percent of people "will experience some type of back injury during their lifetime."

Reduce back pain with some Mayo Clinic suggestions: using proper lifting techniques; having ergonomic working conditions; recognizing and reporting hazards and injuries; periodic stretching, standing, back and core strengthening exercises; using of a stand-up desk; and taking breaks every hour to stretch. ♣



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# Train the Trainer

## Claims Coordinator

This class will provide a step by step instruction on how to properly handle a workers' compensation claim from its inception to its conclusion. Discussion topics will include proper claim reporting, accident investigation, employee follow-up, the duties of the claim coordinator, claimant, doctor, managed care company and insurance claim adjuster.

**Date:** Friday, March 18, 2016  
**Time:** 9:00 a.m. to noon  
**Location:** New Jersey Schools Insurance Group  
6000 Midlantic Drive, Suite 300 North  
Mt. Laurel, NJ 08054

## Affirmative Action Officer

For the District AA Officer - Civil rights and the law. How to respond to and document a complaint. The subtleties of sexual harassment, diversity and discrimination will be explored with the use of actual case studies. For AAO's and Administrators.

**Date:** Friday, April 15, 2016  
**Time:** 9:00 a.m. to noon  
**Location:** New Jersey Schools Insurance Group  
6000 Midlantic Drive, Suite 300 North  
Mt. Laurel, NJ 08054

### Reservations:

Please contact Sue Williams at 609-386-6060 extension 3005 or via email at [swilliams@njsig.org](mailto:swilliams@njsig.org).

Registration Fee: \$10.00 (*Registration fee to be returned upon attendance of the seminar.*)

Please make checks payable to New Jersey Schools Insurance Group (NJSIG) at the above address.



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**Keeping Dollars in NJ  
Classrooms**

New Jersey Schools Insurance Group (NJSIG)

# Defensive Driving Classes

New Jersey Schools Insurance Group is offering a Defensive Driving Class. The training is a six-hour class developed by the National Safety Council.

The participants in the class will receive a certificate, which they can present to their insurance carrier for a 5% reduction in their personal automobile insurance. In addition, if they have points against their license they may apply to the Department of Motor Vehicles for a two-point reduction.

***There is no charge for any employee who drives for their district in any capacity. However, there is a \$10.00 charge per person for employees who do not drive for the district, spouses and age appropriate children attending the training.***

## Dates:

- July 12, 2016
- July 20, 2016
- July 28, 2016
- August 9, 2016
- August 17, 2016
- August 25, 2016

## Location:

**New Jersey Schools Insurance Group  
6000 Midlantic Drive, Suite 300 North, Mt. Laurel, NJ 08054**

**Time: 9:00 am to 3:00 pm**

**Cost: Employees who drive for their district: No Charge  
All other employees, spouses and age appropriate children: \$10.00**

**\*\*Please bring your lunch to the class.\*\***

***You must be pre-registered to attend the Defensive Driving Class. Please call Sue Williams at 609-386-6060 extension 3005 or via email at [swilliams@njsig.org](mailto:swilliams@njsig.org). Please bring a check payable to New Jersey Schools Insurance Group.***

***Class size limited: 20 per class***

