SoundAdvice



Workers' Compensation Trust Unemployment Pool



Clairmonte Cappelle, Executive Director, Workers' Compensation Trust, Unemployment Pool & Technology Services

IN THIS ISSUE

State of the Workers'
Compensation Trust $\dots \dots 1$
Claims
Client Relations 2
Technology
Finance 2
Looking Forward2
FY 2023-24 Workers' Compensation Rate Update/Packets Distributed 3
$\label{lem:member Services Program Update . 4} \\$
PSWCT Nurse Integration 4
Program Spotlight: Physical Ability Evaluation (PAE) 4
Return to Work Incentive Program (RTWIP)5
Safety Incentive Program 5
Safety Committee Dashboard Analytics 6
Work-Related COVID Presumption Update9
Contact Us 9
Outdoor Heat Exposure Rule 10 $$
Training Opportunities11
PSWCTUP Annual Trustees Meeting Photo Gallery

QUARTERLY NEWSLETTER | SPRING 2023 | PSWCTUP.ORG

FROM THE EXECUTIVE DIRECTOR

State of the Workers' Compensation Trust

Each year, around early Spring, I share with our school district members, the state of the Puget Sound Workers' Compensation Trust (PSWCT). This occurred on March 30th at the 2023 Annual Meeting of PSWCT, the first inperson meeting in 3 years where it was indeed a pleasure to see so many faces in person. We did something different this year. In the past, we invited Trustees only to our annual meeting as it is a Trustees meeting. This year, we opened the meeting up to include claims, safety and risk, as well as fiscal contacts. The idea is to connect, network, and learn for each other in the same space. Some of you are executing on some innovative claims and risk initiatives and I am sure vour colleagues would love to hear about them. This was an opportunity designed to make that happen. For those of you who were unable to join us, I am hopeful for your in-person presence next year

when we will be celebrating the 40th anniversary of our Trust's existence. As we approach that momentous milestone, the State of YOUR Trust continues to be strong, as it has been throughout the past 4 decades, being responsive to the individual and collective needs of our membership. Stay tuned over the next several months as we reach out to you in celebrating this remarkable milestone throughout the next fiscal year.

As I reflect on our successes this past year, the journey has been long with many winding turns. Yet, our staff showed amazing perseverance, character, and dedication as we withstood some difficult challenges, and made some tough decisions to position us favorably as a Trust to continue to meet the claims and risk management needs of our members for another 40 years and beyond.

continued on page 2



Ms. Knowrasa T. Patrick, Program Manager, Self-Insurance, WA State Department of Labor and Industries at the PSWCT Annual Meeting on March 30th.

CLAIMS

Last fiscal year, we experienced the highest claims frequency in our existence, more than double the highest previously reported number of indemnity claims in our history. COVID claims accounted for nearly half (46%) of our indemnity claims reported last year. This development placed stressors on our staff as we struggled to find talent, in a challenging and dwindling insurance talent market, to build the capacity to meet our claim handling needs and maintain our reasonable caseload standard for high-quality claims handling. Nonetheless, our staff, particularly our Claims Consultants and Claims Coordinators, demonstrated remarkable resilience to ensure we consistently maintain the highest level of service and professionalism you have come to know, expect, and enjoy over the years.

As communicated to you in late
January, we have re-organized and
re-aligned our claims services to meet
the aforementioned challenges. We
continue to innovate the way we manage
claims to humanize the injured worker
experience at the onset of injury by
delivering culturally responsive services.
We have:

- Consolidated our Leadership Structure to further strengthen ownership of and accountability for our internal functions.
- Assembled all Claim-Related Functions under a single umbrella, with a single point of accountability and leadership.
- Remodeled our claim management services to provide our members with a Single Point of Contact for all their claims.

CLIENT RELATIONS

We continue to develop new programs, such as our Safety Incentive Program, which launches next fiscal year, and refine and strengthen existing programs such as the Return-to-Work Incentive Program, the Physical Ability
Evaluation Program, and the PSWCT Nurse Triage Program – all designed to mitigate your workers' compensation exposure and improve your underwriting profile and rates while providing for a humanizing and culturally responsive claims experience for your well and injured staff.

TECHNOLOGY

We continue to leverage technology to streamline our processes, improve the injured worker experience, support data-informed claims and risk-related decision-making internally and externally, benchmark our performance against standards, and provide our school district members with ondemand, actionable analytics to monitor and manage their respective workers' compensation programs. Please contact Member Services at memberservices@pswctup.org for more information

FINANCE

Our group self-insurance status is a privilege afforded to us to manage our own claims and the associated costs. We are an alternative risk financing program for workers' compensation with emphasis on financing. We take our self-insurance status very seriously, along with the responsible stewardship of resources entrusted to us by you. our members, to finance that risk. Our average base rate change over the past 10 years have been less than a 2% increase while our fund balance has more than doubled during that time period, even with the funding of our risk mitigating programs. This

is a testament to the claims handling excellence by our Claims Consultants, and our Risk Consultants' engaged collaboration with our members to support their cultivation of a best-practice workplace and learning culture. We do so by financially incentivizing these efforts. Some risk pools return dividends when actual claims costs are lower than actuarially projected. Instead, we put that favorable outcome to our bottom-line and fund balance to finance future long-tailed exposures and reward our members for implementing best claims and risk management practices.

LOOKING FORWARD

I shared with the annual meeting audience how we can strengthen our risk financing approach without undue burden to our members – a change from our historical practice of choosing a rate from multiple options presented to a default annual increase, or another, informed by actuarial analysis. Because our historical average annual base rate increase is about 2% over the past 10 years, the Executive Advisory Board voted to change our rating philosophy to that historical average annual increase of 2%, AFTER we have aligned our rates with our costs which has surged over the past year. Rest assured that your Trust remains strong financially and operationally, with visible leadership within the self-insurance and K-12 communities, not to mention nationally, with the Trust presenting its expertise at national, state, and local venues. That development has led to interest from a few school districts to join the Trust. We will exercise underwriting discipline towards that end to ensure that your Trust continues to be the best economical alternative workers' compensation risk financing approach available to schools in the region.

FY 2023-24 Workers' Compensation Rate Update

At our March 30th Annual Trustees Meeting, I shared the recommendation of and adoption by the Executive Advisory Board of an actuarially informed 5% base rate increase for the upcoming fiscal year. This increase, which does not reflect school district members' individual claims experience, is necessary for the Trust to keep pace with claims costs. Our claim frequency and severity has been significantly impacted by medical inflation and the highest time-loss claim counts in our 40-year history. A contributing factor to our claims frequency is COVID claims which accounted for 46% of our timeloss claims last year. The actual base rate increase needed for the Trust to be in step with our claims costs is an actuarially informed 10.4%. However, the Board's wise decision-making, informed by other factors, including financial stressors our school district members are or will be facing, led to the increase being distributed over the next 2 years, provided our claims costs remain at current levels. Our best practice claims management is a factor that can support mitigation of this increase by effecting a shortened time frame for our rates to align with our claims costs.

The necessary base rate increase comes after two consecutive years of no increase (0%) to the base rate. Our historical average base rate increase is around 2%. Had we continued with our historical average for the last two years, the increase for the upcoming fiscal year would have been around 3%. I also shared with the Board how we can strengthen our risk financing approach without undue burden to our members — a change from our historical practice of choosing a rate from multiple options presented to a default annual base rate

increase that reflects our historical average, or another, informed by actuarial analysis. Because our historical average base rate increase is about 2% over the past 10 years, the Board voted to change our rating philosophy to that historical average annual increase of 2% AFTER we have aligned our rates with our costs. While as a practice, we have traditionally sought trustees' vote on rates, in addition to the Board vote, it comes to mind that this exercise may be redundant as the Board represents constituent school district members. This matter will be discussed at our June 8th Board meeting to determine whether this tradition should continue. Your input on this matter to your **Board** representative is highly encouraged and appreciated.

These are unprecedented times we are facing in the workers' compensation space. Claims are costlier, driven by medical inflation and cost of living adjustments on wage loss payments. The good news is that we have built a healthy fund balance over the past 10 years to withstand an unfavorable year or two. We were proactive in implementing innovative claim cost mitigation approaches and programs that led to our current robust financial strength, a body of work we must continue to keep our Trust financially sustainable over the next 40 years and beyond. We look forward our continued longstanding partnership with our school district members to keep staff safe and healthy and provide the best possible care and management possible should an injury occur.

FY 2023-24 WORKERS' COMPENSATION RATE PACKETS DISTRIBUTED

To provide our school district members with timely information to support their budgeting for workers' compensation risk coverage, FY 2023-24 rate packets were distributed to trustees and fiscal contacts the last week of April. Rate packets included:

The Rate Notification Letter which provides background information regarding events and developments that informed the Board's adoption of the FY 2023-24 base rate.

The Rate Worksheet which outlines expected and actual losses for risk classes, and which in turn informs the experience modification factor and school district individual rate compared to the base rate. An experience modification of 1.33 indicates that an individual school district losses are 33% more than the base rate or average for the Trust as a whole. Conversely, an experience modification of 0.75 indicates that an individual school district losses are 25% lower than the average school district losses.

The Benchmarking Summary Report which compares each school district's performance to category peers and the Trust average in select claims loss drivers.

The Premium Rate Worksheet and Transmittal Form which shows an individual school district's premium rates and how they were calculated using PSWCT base rates and the district's experience modification factor, as well as the Department of Labor & Industries' current assessment rates.

Please contact your Member Services Consultant should you have questions regarding your FY 2023-24 rate packets.

Member Services Program Update



PSWCT NURSE INTEGRATION

Since the launch of **PSWCT Nurse** in 2020, we have transformed the way we manage pre-claim services by empowering injured workers to access an industry-wide, best practice approach to reporting injuries. The most

appropriate level of care is facilitated immediately, in 250 languages, through medical professionals, generally a nurse, who provides injured workers and member districts with peace of mind, while ensuring high-quality medical management support at the

onset of injury. This culturally responsive approach humanizes the injured worker experience and the way we treat our most valuable asset – school district staff we serve.

As a value-added service to membership, all school districts have committed to this reporting method and are well on their way to using it solely. PSWCT Nurse has improved our claim reporting lag time. Industry data has demonstrated the link between early reporting of injuries and claims cost where our injured workers can receive prompt, appropriate care.

PSWCT Nurse will be the only method available to report injuries starting September 1, 2023. Member districts who need additional support with training of personnel to fully adopt and operationalize this program within their environment can contact Member Services at memberservices@pswctup.org.

PROGRAM SPOTLIGHT: PHYSICAL ABILITY EVALUATION (PAE)

Our Physical Ability Evaluation (PAE) program was launched in 2020 as another value-added service to support member districts in strengthening their hiring practices by identifying whether a selected candidate can physically and safely perform the essential functions of an offered position, with or without accommodations.

We established a partnership with Concentra Occupational Health to provide Human Performance Evaluations (HPE) which involved utilizing our existing repository of job analyses integrated with testing practices from existing district programs to establish job testing protocols for the highest injury

classifications based on severity of claims (both medical and indemnity costs).

- Custodian
- Food Service
- Maintenance (All Trades, Facilities, Grounds)
- Special Education (Paraeducators, Teachers)
- Transportation (Bus Driver, Bus Mechanics, Mobility Assistants)

This evaluation by a third-party professional and expertise prioritizes the safety of the selected candidate in job performance, prevents workplace injuries, and reducing workers' compensation costs. Hiring your next

workers' compensation claim can be avoided through this program.

Currently, 26% of membership is participating in this Trust-sponsored program and we have covered over \$40k towards the performance of HPEs on our school district members' behalf since program inception. We encourage member districts to take advantage of this program which comes at no additional cost to your Trust membership. Transitioning to this program can be completed in just a few easy steps. Please contact your Risk Consultant with questions at WCTRiskStaff@psesd.org.

Return to Work Incentive Program (RTWIP)

The longer an employee is away from work, the less likely they will return. A Return-to-Work (RTW) program is a proactive method to empower injured employees return to the workplace as soon as they are medically able, consequently maintaining their connection with their peers, and boosting morale. This approach reduces the impact of work-related injuries to the district by retaining employees who are experienced and avoiding turn over, thus improving employee relations and lowering workers' compensation costs overall.

In 2018, we encouraged member districts to implement a RTW program to proactively support their injured staff's return to their jobs sooner, reducing the number of time loss days. Collaboration with our district partners has resulted in their adoption of return-to-work best practices and has contributed to supporting their staffing stability by lowering their disability duration days. We have experienced a steady increase in school district participation and utilization over the past few years, mainly attributed to our Return-to-Work Manager, Ms. Aliza Hauser, who shepherded the program, and was

joined in that effort last summer by Mr. Christian Porter.

To support our member districts with improving injured worker health outcomes and reducing overall claims costs, our Return-to-Work Incentive Program was launched in 2019 with \$1.8m allocated towards this initiative. Member districts who adopted and implemented RTW best practices, received a reimbursement for 50% of an injured worker's salary for Temporary Light Duty assignments (up to \$10k or for 90 days of work, whichever comes first). Yearly allocation is specific to each member.

Currently, 58% of our membership is enrolled the program. Of those member districts enrolled in the program, 65% are utilizing the program in its entirety by requesting reimbursements. We have paid out over \$750k in reimbursements since program inception with an average of \$2,600 per claim reimbursement.

We encourage member districts who have not enrolled in the program to do so, and for those who are enrolled, but not submitting applications for reimbursement, to do the same. To learn more, please contact our RTW Managers at WCTRTW@pswctup.org.





SAFETY INCENTIVE PROGRAM

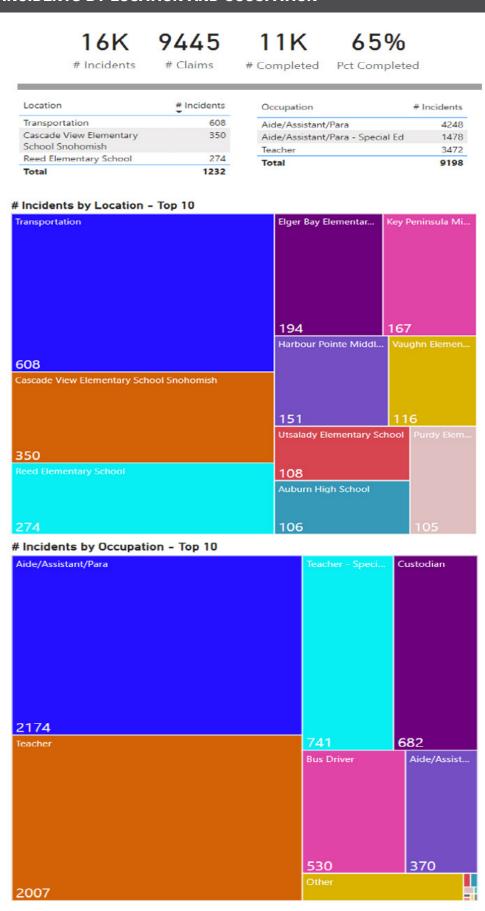
Our Safety Incentive Program was recently developed for qualifying member school districts to fund projects designed to reduce the risk of workplace injury and illness resulting in a safer and healthier work environment. We have allocated \$50k for the first year to provide up to \$10k/each to school districts whose initiatives have been chosen pursuant to evaluation criteria.

Evaluation criteria is based on various elements including active participation in our **Risk Reduction Program Audit Reviews** which are focused on assessing how opportunity areas can be managed effectively together, essentially reducing members' overall exposure to risk, minimizing on-the-job injuries, adhering to compliance elements, and adopting industry best practice standards. Approximately 25 member districts are currently participating in 5 or more risk-reduction programs (74%).

As this is a workers' compensation incentive, it would focus primarily on workplace and staff safety, supporting injury prevention and risk reduction efforts. Our framework for this incentive program will consider school district budget cycles. At this time, our risk management team is reviewing the various phases of the program and will be ready to share with our Executive Advisory Board at the June 8th 2023 meeting for their input and feedback. Stay tuned for more information!

Safety Committee Dashboard Analytics

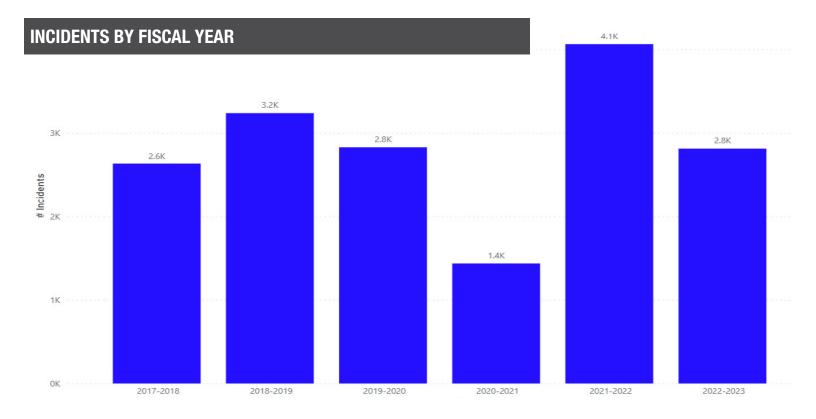
INCIDENTS BY LOCATION AND OCCUPATION



The purpose of our Safety Committee dashboards is to provide visualization on various metrics related to your district's safety practices. This datainformed approach to risk management enables us to better understand how effective certain safety initiatives are and determine actionable steps to prevent future trending of injuries for employees by mitigating hazards and/or changing employee behaviors. Safety committees are tasked with reviewing injury reports and identifying trends in their district to ensure that hazards are addressed. and corrective actions are appropriate to "close the loop" on the incident. Having visual information in the form of charts and graphs can provide a better perspective on what is happening in your district. The safety dashboard website was developed to encompass the most injurious exposures in your district and provide guidance on what to focus on for preventative measures. The following is an explanation of the components of the safety committee dashboard and how it can help your district highlight trends, make decisions on proactive preventative measures, and mitigate hazards.

INCIDENTS BY LOCATION AND OCCUPATION

The first page of your safety committee dashboard provides data on incidents by location and incidents by occupation. Visualizing the "number of incidents by location" can target trends and potential areas of concern that need to be communicated to site principals and administrators. "Incidents by occupation" can also highlight trends in work groups that might need to be addressed and communicated to department directors and supervisors.



INCIDENTS BY FISCAL YEAR

Incidents by fiscal year is a historical view of the number of injuries your district has accumulated over the years. Having this visualization is important to understand the past and how effective your safety initiatives are moving forward. Obviously having an upward trend in this graph is not favorable but finding ways to turn it around can be a good goal for the committee to focus on.

AVERAGE INCURRED AND NUMBER OF CLAIMS BY DEPARTMENT/OCCUPATION

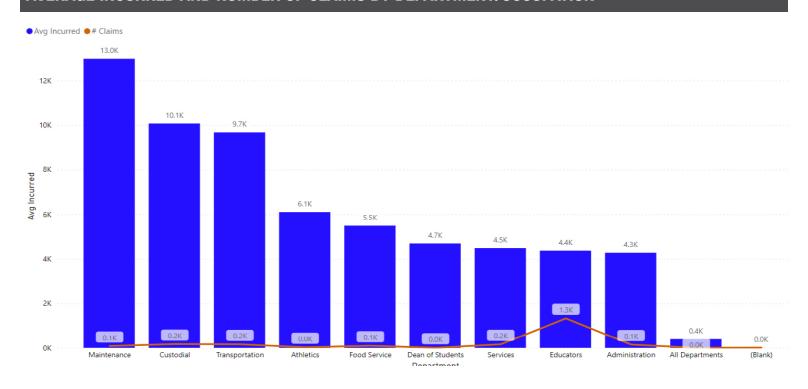
These are perhaps the most telling graphs because they exhibit the severity of injury claims by illustrating the cost of the claims by department and occupation. The committee can see where they should focus their prevention efforts to help reduce injuries. In this case the committee would inform the supervisor/director that they have noticed this trend and ask that they provide feedback on how to reduce injuries in their department.

NUMBER OF CLAIMS BY CAUSE

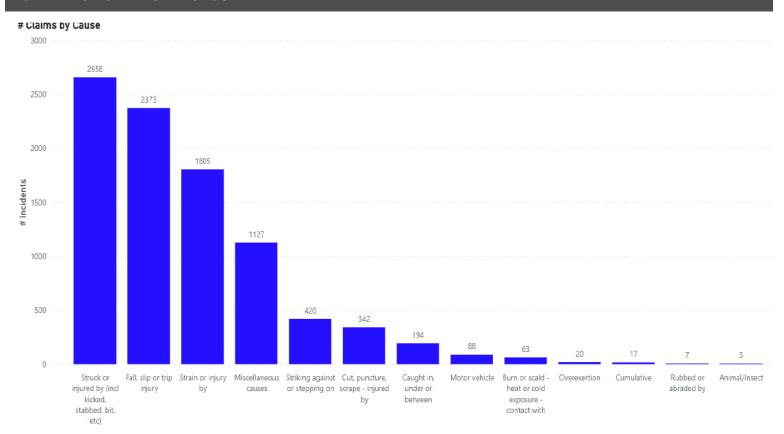
Sometimes the cause of the injury graph can be the most telling visual realization for all district injuries. Safety committees can focus on the top three causes and provide the district with informational material such as posters, email communications, training requests, and seasonal correspondence to help inform employees of the hazards before they become injuries. For most district's "slip, trip, and fall" injuries are the most prevalent and the graph can really highlight how frequent these injuries occur.

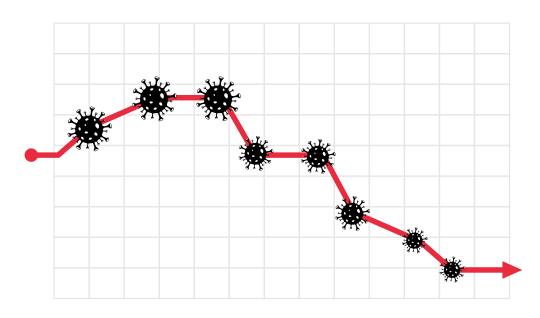
Lastly, our safety committees never had access to injury data on this scale to help them make informed decisions, mitigate hazards, and reduce exposure to injuries. Incorporating this injury data into the committee's meeting minutes can add depth and purpose to the committee by helping them achieve their safety goals and provide purpose to an otherwise uninteresting compliance document.

AVERAGE INCURRED AND NUMBER OF CLAIMS BY DEPARTMENT/OCCUPATION



NUMBER OF CLAIMS BY CAUSE





Work-Related COVID Presumption Update

On May 11, 2021, Washington enacted the Health Emergency Labor Standards Act, also referred to as HELSA or SB5115. There are many important provisions in this act, but the one most germane to our space is the rebuttable presumption of work relatedness for any infectious disease that is the subject of a public health emergency.

The specific text of this section reads that "... [f]or frontline employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases that are transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces and are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency."

The presumption of work relatedness is only "active" for the types of infection listed during a "public health emergency." This is met when either the governor of Washington has declared a state of emergency under RCW 43.06.010(12) in every county in the state, or when the president of the United States has declared a national or

regional emergency that covers every county in Washington. Either alone is sufficient.

From May 2021 until recently, COVID-19 was presumed to be occupationally related for most educational staff. Governor Jay Inslee rescinded the state declaration of emergency in 2022. Recently, President Joe Biden rescinded the national emergency declaration on May 11, 2023. As the requirements under HELSA for a "public health emergency" no longer exist, any claim for COVID-19 filed for a date of exposure on or after May 12, 2023, will no longer have a presumption of being related to the worker's employment. It is important to note that this is for the date of exposure, not the date a claim was filed.

PSWCT and its staff take great care to ensure all claims that are filed, including COVID claims, are properly investigated and adjudicated. If you have any questions about this new development, please reach out to Brad Jones, Claims Attorney at (425) 917-7663.

Additional Information from the Department of Labor and Industries on this can be found **here**.



PSWCTUP Quick Links

- Accident Prevention Program
- Return-to-Work Incentive Program
- Physical AbilityEvaluation Program
- PSWCT Nurse Triage Program
- Claims ManagementSingle Point of Contact

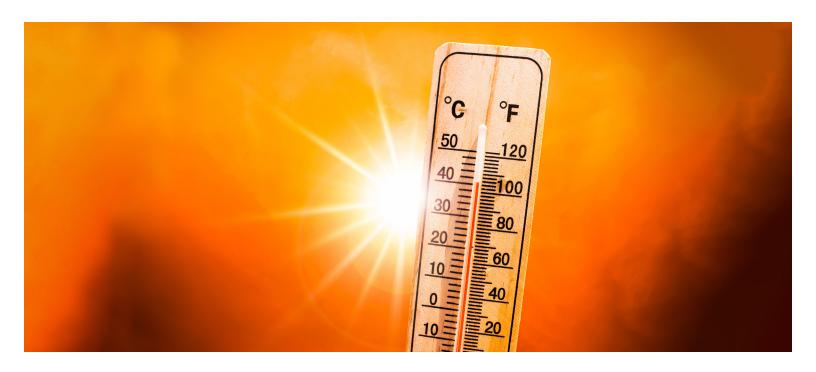
Online Resources

- L&I HELSA Update
- OSHA: Water. Rest. Shade.



Contact Us

- Member Services memberservices@pswctup.org
- Return to Work Managers WCTRTW@psesd.org
- Risk Consultants
 WCTRiskStaff@psesd.org



Outdoor Heat Exposure Rule (May 1 – September 30)

While we haven't seen much sunshine and warm temperatures yet this year, it is important to remember that working outdoors in hot weather is a health hazard.

Beginning May 1 and continuing through September 30, Washington State requires that all employers with employees exposed to outdoor temperatures above applicable levels implement a heat stress program. An Outdoor Heat Exposure Prevention Plan should be part of your district's Accident Prevention Plan.

REQUIREMENTS

The general requirements for employers are to:

- Annual Training: Provide annual training to employees and supervisors on symptoms of outdoor heat exposure and policies in place to prevent heat-related illness.
- Respond: Have the ability to appropriately respond to any employee with symptoms of heatrelated illness.

- Water: Increase the amount of water available to employees and provide more opportunity for workers to drink it on days when temperatures require preventive measures. The water you provide must be "suitably cool" in temperature.
- Shade: Provide adequate shade that can block direct sunlight. Shade isn't adequate when heat in the shaded area defeats the purpose of allowing the body to cool, such as when a car is sitting in the sun without air conditioning.
- Cool-Down Rest Periods: Ensure that all employees take preventative cool-down rest periods of at least 10 minutes every two hours. These rest periods may coincide with regular meal and rest periods and must be paid unless they're taken during a meal period.

Warmer temperatures, physically demanding work, heavy clothing, and dehydration can put even the healthiest workers at risk for debilitating heat

exhaustion and life-threatening heat stroke.

Impairment caused by heat exhaustion can also make workers more susceptible to falls, equipment-related injuries, and other on-the-job safety hazards.

Prevention is the best approach to protect workers. Follow safety requirements in applicable rules and use the resources below to plan, prepare, and train for prevention.

IMPORTANT RESOURCES

- OSHA: Water. Rest. Shade.
- L&I: Outdoor Heat Exposure Resources
- Vector Solutions Online Training: Heat Illness Prevention
- L&I Updates: Proposed Changes to Outdoor Heat Exposure (CR-102)



FIVE-PART SERIES BEGINS MAY 25

Key Milestones of the Workers' Compensation Claim Lifecycle

- ATTEND ONE OR MULTIPLE SESSIONS
- VIRTUAL OPTION AVAILABLE; LIMITED IN-PERSON SEATING

Please join us this year for a comprehensive examination of the workers' compensation claim lifecycle presented by Tim Reeve of Reeve Law Firm.

Each session in this 5-part series will build on the previous sessions for maximum retention and cohesion across the entire series. Participants can expect to not only learn the basics of workers' compensation claims but also develop new skills and strengthen existing competencies to be successful in their respective roles.

Participants will have the opportunity to take with them for their entire career proficiencies such as deception detection, recognizing complicated claims, negotiation theory and practice, and loads of terminology. Both entry level and experienced professionals in their roles (risk management, claims management, return-to-work management, financial management, etc.) will find value in this series. So please join us, for what is set to be a memorable educational and engaging time.

PRESENTED BY

Tim Reeve

OWNER AND FOUNDER, REEVE LAW FIRM, PLLC

In addition to Claims 101 basics, you'll learn career-spanning skills including how to:

- Detect deception
- Recognize complicated claims
- Negotiate, in theory and practice
- Use and understand industry terminology

SESSION 1

Initial Claim Evaluation, Investigation, and Filing

Thursday, May 25 10:00 am – noon

REGISTER NOW

SESSION 2

Claim Management and Recognizing Complications

Tuesday, June 27 10:00 am – noon

REGISTER NOW

SESSION 3

When and How to Close a Claim

Thursday, July 20 10:00 am - noon

REGISTER NOW

SESSION 4:

The World of Litigation and Board Appeals

Thursday, September 14 10:00 am – noon

REGISTER NOW

SESSION 5

Knock, Knock, Look Who's Back

Thursday, October 26 10:00 am – noon

REGISTER NOW

Save the Date! Upcoming Trainings You Won't Want to Miss

Risk Management 101: Top 5 Emerging Safety Trends in Schools

Thursday, June 22 10:00 am - noon

Slips, Trips, Falls, Hearing Conservation, Lighting Regulations and Assessments, Chemical Hazard Communication & Fall Protection Review

REGISTER NOW

Chemical Hygiene Officer (CHO) Training

Thursday, June 8 10:00 am - noon

An overview of the legal requirements and general roles, responsibilities and duties of CHOs.

REGISTER NOW

PSWCTUP Annual Trustees Meeting Photo Gallery







Member Services Consultant, Nancy Nichols and Bethel's Kathy Kemp



Unemployment Consultant, Leigh Ann Stalker exchanging ideas with Peninsula's Joe Kresse.







A delicious lunch was enjoyed by PSWCT's membership representatives.