

Marshall & Sterling

HUMAN SERVICES & SCHOOLS
SPECIALTY INSURANCE PROGRAM



The Human Services & Schools Specialty Insurance Program from Marshall & Sterling provides a risk management path for you to follow including resources on safety, operations and regulatory compliance. The articles enclosed are packed with information to use in your everyday operations. Contact me with any questions!

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DOL New Overtime Payment Rules Series: Impact on Employers, Enforcement and Compliance

Given the significant increase in the salary level requirement, employers will need to increase employee salaries, or re-classify certain employees as either exempt or non-exempt, solely based on their salary level. The DOL estimates that this final rule extends overtime protections to approximately 4.2 million workers who are currently exempt under the white collar rules and clarifies overtime compensation eligibility for another 5.7 million white collar workers and 3.2 million salaried blue collar workers whose entitlement to overtime pay will no longer rely on the application of the duties test.

In addition, because of the short implementation deadline, employers should not delay becoming familiar with the new requirements and implementing any necessary changes into their timekeeping and payroll systems. Employers should also determine whether additional training on modifications is necessary for their managers and supervisors.

Finally, employers should also consider communicating with employees to inform them of how their wages, hours of work and timekeeping practices will be affected.

Just Press Play!

View our Risk Management video collection from Marshall & Sterling



**Transporting Children:
Perception vs. Reality**

**Child Welfare Specialty
Insurance Program**

**Marshall
& Sterling
INSURANCE**

When transporting children, or any population really, there are many things your drivers should be concerned about. Are you aware of the perceptions your drivers have that may be affecting their driving? Watch this short video and have a conversation with your drivers to discuss the perceptions and realities of driving clients. [Click to watch!](#)



Enforcement and Compliance

Employers that fail to comply with the final rule may be subject to a variety of overtime wage payment enforcement mechanisms, including the ones listed below.

- ✓ Private employee lawsuits: These lawsuits can be initiated by employees either individually or through collective action to recover back pay, interest, attorneys' fees and court costs.
- ✓ Administrative injunctions: These injunctions may include a prohibition on the shipment of goods in interstate commerce if the goods were produced in violation of the FLSA (including overtime wage payment provisions).
- ✓ Civil fines for willful and repeated violations (up to \$1,100 per violation).
- ✓ Criminal charges for willful violations (up to \$10,000 in fines, imprisonment for up to six months or both).

More Information

Please contact Marshall & Sterling, Inc. for more information on the FLSA and other wage and hour laws.

Many chemical cleaning products are hazardous to your health and can cause illness and injury if they are not handled correctly.



Learning About Toxic Chemicals

Many chemical cleaning products—including bleaches, metal cleaners, graffiti removers, hard surface cleaners and toilet cleaners—are hazardous to your health. While that sounds dangerous, avoiding illness and injury in our facility is simple if you know a product's potential hazards, how to best protect yourself and what to do if something goes wrong.

General Safety Precautions

The manufacturer's label and Safety Data Sheets (SDS) for each chemical you handle provide important information regarding hazards, the use of personal protective equipment (PPE), proper handling, transport, storage and disposal of chemicals. Each time you use a chemical, read this information and take the appropriate precautions. In addition, the following recommendations apply.

- Wear the appropriate PPE when handling chemicals. The two most common ways that chemicals enter the body are through the skin and through inhalation. PPE such as coveralls and respirators are designed to protect you.
- Use the least hazardous chemical option for the task at hand and prepare only the amount that is absolutely necessary for completing the job.
- Never eat, drink, smoke or apply cosmetics while working with chemicals.
- Make sure that the equipment used to apply chemicals is in good working order and does not have any leaks.



- Ensure proper ventilation in the area where you will be using the chemical.
- Do not store chemicals in unlabeled containers, or those that previously held food, drink or other chemicals. Unexpected chemical reactions that release potentially toxic fumes can result.
- Wash thoroughly after using chemicals and before eating, drinking, smoking or using the restroom.

Exposure

Exposure to cleaning products usually occurs from breathing in vapors or mists, or by skin or eye contact with the chemicals. The most common effect is irritation—pain and inflammation—of the skin, eyes or respiratory tract.

The severity of the irritation depends on:

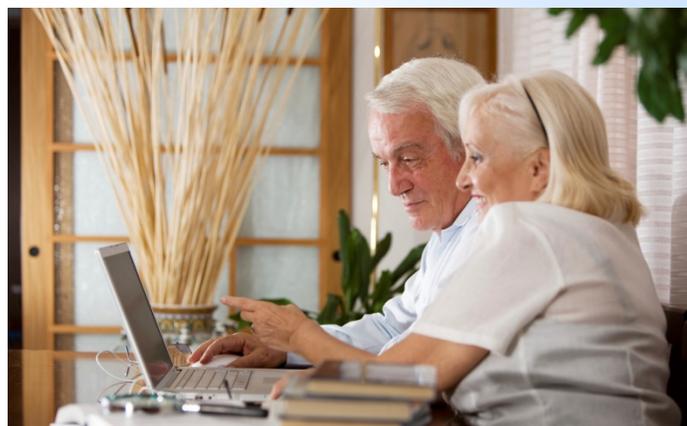
- The type of chemical used
- How the chemical was being used
- How the chemical came in contact with the body

If a co-worker or student is exposed to a toxic chemical, consult the SDS and the product label before taking action. The correct response to exposure is as important as immediate action. The best first aid for skin or eye contact is to wash the affected area with water for at least 10 minutes. For inhalation exposures, the person should be moved to an area of fresh air and medical attention should be sought if symptoms persist.

When to Call for Help

If the injured or ill person is having trouble breathing, is having convulsions or is unconscious, provide the necessary first aid and call 911.

If the injured or ill person does not have any of the symptoms listed above, contact the Poison Control Center at 1-800-222-1222. When calling, keep the chemical container handy to accurately instruct the operator about the type of exposure the person has experienced. He or she will then be able to give you correct instructions.



Promoting Safety in an Aging Workforce

The makeup of the working population is changing. This shift in worker demographic is largely due to the lack of early retirement by the baby boom generation. Whether these workers are coming out of retirement seeking full- or part-time work or simply staying in the workforce longer, there is a great need to manage and maintain this population safely and effectively.

This starts with understanding the safety implications associated with this age group as well as preventative measures to keep them healthy, which can lead to a safer and more effective workplace for employees of all ages.

Who is an aging worker?

There is no set age that represents an older worker. An aging worker can be defined by a variety of parameters. They are full-time and part-time workers; temporary and permanent; and can be found in almost any occupation. Older workers can be 45, 65 or even in their 70s.

As 76 million baby boomers continue to grow older, they are predicted to stay in or return to the workforce. According to the U.S. Bureau of Labor Statistics (BLS), the number of workers ages 55 and older will increase to 73 percent by 2020, while the number of younger workers will only grow 5 percent. Not only that, the BLS also reports that between 1977 and 2007, the employment of workers 65 and older increased 101 percent while total employment only increased 59 percent. For men over 65, the increase was 75 percent and for women it was as high as 147 percent.



The BLS expects this growth in aging workers to continue through the next decade with workers over the age of 75 predicted to rise more than 80 percent.

Age Discrimination in Employment Act

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. This applies to both employees and job applicants. Under ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition or privilege of employment. This includes the processes of hiring, firing, promotion, layoff, compensation, benefits, job assignments and training.

Benefits that come with experience

Many employers are wary about hiring or even maintaining a primarily aging workforce at their organization. But there are many possible benefits. Employers must consider the full range of economic implications of an aging workforce including both cost and productivity factors. There are financial implications that suggest that aging workers can reduce costs and increase productivity at the workplace:

- Older workers are somewhat less likely to be disengaged and slightly more likely to be moderately or highly engaged at work than younger groups, according to a Towers Perrin Talent Report.
- Hiring or retaining older workers means enhanced skills such as experience, maturity and engagement stay in, or are added, to your organization.
- Due to turnover costs being as much as 50 percent of an annual salary for many positions, the benefits of maintaining a stable workforce and avoiding turnover often exceed the increased compensation and benefits costs of aging workers.
- Of course average pay tends to increase with service and age, but it can also result from movement up the career ladder in an organization. Therefore, older workers are not necessarily more expensive in terms of pay.
- Even though cognitive declines can occur with age, knowledge and experience in a field can offset this. Communication and decision-making skills acquired with experience at an organization can make up for a decline in manual dexterity.

- Although health care claims costs do tend to increase with age, and are on average higher for workers nearing retirement age, costs can also vary due to many underlying factors. A study conducted by the University of Michigan Health Management Center found that age may be less of an influence in increased health care costs than factors such as individual health risk and health-care utilization.
- Older workers are not more likely to get injured or sick than other workers. They also have fewer avoidable absences, a lower turnover rate and fewer work-related accidents than younger workers. But in the event that they have an accident on the job, they are much more likely to have a serious injury.

Addressing safety concerns

Despite older workers having a lower injury rate, the fact that their work-related injuries tend to be much more serious than those incurred by their younger co-workers is a major safety concern.

Age-related changes and declines can include:

- Shorter memory
- Slower reaction time
- Decline in vision and hearing
- Poor sense of balance
- Denial of decreasing abilities

These limitations can lead to many injury types for older workers:

- Falls caused by poor balance, decline in vision, slowed reaction time or other outside distractions.
- Sprains and strains from loss of strength, endurance, flexibility and balance.
- Cardiopulmonary overexertion from extreme heat or cold, heights or confined spaces.
- Injuries incurred from repeating the same task for years. For example, truck drivers who experience a loss of hearing from road noise and driving with the windows open.



There are signs to look out for suggesting that aging workers might need some accommodations to continue to be successful on the job:

- Physical signs such as fatigue, tripping or noticeable loss of balance.
- Feedback from other employees that the worker has been declining in performance.
- Psychological or emotional signs such as irritability or loss of patience with repetitive or new tasks.
- History of minor work-related injuries or “near misses” with machinery or during other tasks. As well as pattern and number of sick days.

Strategies for managing aging workers

There are many ways to help keep your aging workers safe in the workplace. By taking a proactive approach and making some workplace modifications, you’re a step toward ensuring the safety of all your workers. Consider addressing the challenges associated with aging workers by doing the following:

- Encourage all employees to participate in an exercise program. This could potentially reduce the risk of experiencing an injury on the job.
- Rotate work assignments so that aging employees have less exposure to repetitive motion risks. Rotating routines periodically can also improve employee morale by avoiding boredom.

- If possible, eliminate heavy lifts, long reaches and elevated work from ladders.
- Facility maintenance helps ensure a safe work environment. Poorly guarded machinery or other office equipment with makeshift repairs can result in injuries, especially for aging employees.
- A job safety analysis and an ergonomic assessment can be used to identify possibly improvements to a work environment. These tools can identify potential hazards and determine the safest way to perform a job.
- Falls alone are responsible for more than one-third of all injuries incurred by workers 65 and older. Because of this, prioritizing slip and fall prevention at the workplace is very important. Installing skid resistant material for flooring and stairs is a great step.
- Design work floors and platforms with smooth and solid decking that still allows for some cushioning.
- Utilize telephone equipment with the capability to adjust the volume.
- There is a connection between increased healing time and age, so in the event that one of your aging workers does get injured, remember that it may take the employee longer to heal than a younger worker with a similar injury.
- Improve lighting and color contrast around the workplace as vision is typically compromised with age.
- Ultimately, make safety a priority. Senior management must be visible in the safety effort and must support improvement.